

SENATE BILL 10

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1999 Regular Session
9lr0236

(PRE-FILED)

By: **Senator Green**
Requested: July 29, 1998
Introduced and read first time: January 13, 1999
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 9, 1999

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Threats Against Local Officials and Law Enforcement Officers**

3 FOR the purpose of altering a provision that prohibits threats against certain local
4 officials; expanding the definition of "local official" to include certain appointed
5 officials; prohibiting a person from knowingly and willfully making certain
6 threats against a law enforcement officer; providing that certain prohibitions
7 against making a certain threat against a certain appointed official apply only
8 to certain threats made during the performance of certain official duties under
9 certain circumstances; defining certain terms; and generally relating to threats
10 against certain officials and law enforcement officers.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 561A
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1998 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - State Government
18 Section 10-101(d)
19 Annotated Code of Maryland
20 (1995 Replacement Volume and 1998 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

1

Article 27 - Crimes and Punishments

2 561A.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) (I) "APPOINTED OFFICIAL" MEANS AN INDIVIDUAL SELECTED OR
 5 DESIGNATED BY THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION
 6 OR IN ACCORDANCE WITH THE PROVISIONS FOR APPOINTMENTS IN THE COUNTY OR
 7 MUNICIPAL CORPORATION.

8 (II) "APPOINTED OFFICIAL" INCLUDES A COUNTY OR MUNICIPAL
 9 CODE ENFORCEMENT OFFICER OR CODE COMPLIANCE OFFICER.

10 (3) "LAW ENFORCEMENT OFFICER" MEANS A LAW ENFORCEMENT
 11 OFFICER OF A COUNTY OR MUNICIPAL CORPORATION WHO, IN AN OFFICIAL
 12 CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS.

13 ~~(2)~~ (4) "Local official" means an individual serving ~~in~~ AS [a] AN
 14 APPOINTED ~~OR OFFICIAL OR IN A~~ publicly elected office of a local government unit, as
 15 defined in § 10-101(d) of the State Government Article.

16 ~~(3)~~ (5) (i) "State official" means a State official as defined in §
 17 15-102 of the State Government Article.

18 (ii) "State official" includes the Governor, Governor-elect,
 19 Lieutenant Governor, and Lieutenant Governor-elect.

20 ~~(4)~~ (6) "Threat" includes:

21 (i) A verbal threat; or

22 (ii) A threat in any written form, whether or not the writing is
 23 signed, or if it is signed whether or not the writing is signed with a fictitious name or
 24 any other mark.

25 (b) (1) ~~A- SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A~~ person may
 26 not knowingly and willfully make a threat to take the life of, kidnap, or inflict bodily
 27 harm upon a State or local official OR A LAW ENFORCEMENT OFFICER.

28 (2) FOR AN APPOINTED OFFICIAL, THE PROVISIONS OF PARAGRAPH (1)
 29 OF THIS SUBSECTION APPLY ONLY TO A THREAT MADE DURING THE PERFORMANCE
 30 OF THE OFFICIAL DUTIES OF THE APPOINTED OFFICIAL.

31 (c) A person may not knowingly send, deliver, part with the possession of, or
 32 make for the purpose of sending or delivering a threat prohibited under subsection (b)
 33 of this section.

34 (d) A person who violates any provision of this section is guilty of a
 35 misdemeanor and upon conviction is subject to imprisonment not exceeding 3 years or
 36 a fine not exceeding \$2,500 or both.

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Article - State Government

2 10-101.

3 (d) "Local government unit" means:

4 (1) a county;

5 (2) a municipal corporation;

6 (3) a special district that is established by State law and that operates
7 within a single county;8 (4) a special district that is established by a county pursuant to public
9 general law; or10 (5) an office, board, or department that is established in each county
11 under State law and that is funded, pursuant to State law, at least in part by the
12 county governing body.13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 1999.