

By: **Delegates Vallario, Anderson, Carter, Dumais, Dwyer, Gutierrez,
Haynes, Kelley, Lee, Menes, Petzold, Proctor, Quinter, Rosenberg,
Simmons, Smigiel, and Zirkin**

Introduced and read first time: February 9, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Intimidation of Witnesses**

3 FOR the purpose of prohibiting a person from causing another person to induce false
4 testimony or avoidance of subpoena under certain circumstances; making it a
5 felony to induce false testimony or avoidance of subpoena under certain
6 circumstances; increasing the maximum penalty of imprisonment for inducing
7 false testimony or avoidance of subpoena under certain circumstances; making
8 it a felony to retaliate against a victim or witness under certain circumstances;
9 increasing the maximum penalty of imprisonment for retaliating against a
10 victim or witness under certain circumstances; making it a felony to intimidate
11 or corrupt a juror under certain circumstances; increasing the maximum
12 penalty of imprisonment for intimidating or corrupting a juror under certain
13 circumstances; and generally relating to intimidation of witnesses.

14 BY repealing and reenacting, with amendments,
15 Article - Criminal Law
16 Section 9-302, 9-303, and 9-305
17 Annotated Code of Maryland
18 (2002 Volume and 2004 Supplement)

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

21 **Article - Criminal Law**

22 9-302.

23 (a) A person may not, OR CAUSE ANOTHER PERSON TO, harm another,
24 threaten to harm another, or damage or destroy property with the intent to:

25 (1) influence a victim or witness to testify falsely or withhold testimony;

26 or

1 (2) induce a victim or witness:

2 (i) to avoid the service of a subpoena or summons to testify; or

3 (ii) to be absent from an official proceeding to which the victim or
4 witness has been subpoenaed or summoned.

5 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
6 A person who violates this section is guilty of a misdemeanor and on conviction is
7 subject to imprisonment not exceeding 5 years.

8 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
9 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS IF
10 THE VIOLATION IS COMMITTED IN CONNECTION WITH A CASE IN WHICH A
11 DEFENDANT IS CHARGED WITH:

12 (I) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THIS
13 ARTICLE;

14 (II) A SECOND OR SUBSEQUENT OFFENSE UNDER § 5-602, § 5-603, §
15 5-604, § 5-605, OR § 5-606 OF THIS ARTICLE; OR

16 (III) A VIOLATION OF § 5-612 OR § 5-613 OF THIS ARTICLE.

17 9-303.

18 (a) A person may not intentionally harm another or damage or destroy
19 property with the intent of retaliating against a victim or witness for:

20 (1) giving testimony in an official proceeding; or

21 (2) reporting a crime or delinquent act.

22 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
23 A person who violates this section is guilty of a misdemeanor and on conviction is
24 subject to imprisonment not exceeding 5 years.

25 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
26 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS IF
27 THE VIOLATION IS COMMITTED IN CONNECTION WITH A CASE IN WHICH A
28 DEFENDANT IS CHARGED WITH:

29 (I) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THIS
30 ARTICLE;

31 (II) A SECOND OR SUBSEQUENT OFFENSE UNDER § 5-602, § 5-603, §
32 5-604, § 5-605, OR § 5-606 OF THIS ARTICLE; OR

33 (III) A VIOLATION OF § 5-612 OR § 5-613 OF THIS ARTICLE.

1 9-305.

2 (a) A person may not, by threat, force, or corrupt means, try to influence,
3 intimidate, or impede a juror, a witness, or an officer of a court of the State in the
4 performance of the person's official duties.

5 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
6 A person who violates this section is guilty of a misdemeanor and on conviction is
7 subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

8 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
9 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS IF
10 THE VIOLATION IS COMMITTED IN CONNECTION WITH A CASE IN WHICH A
11 DEFENDANT IS CHARGED WITH:

12 (I) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THIS
13 ARTICLE;

14 (II) A SECOND OR SUBSEQUENT OFFENSE UNDER § 5-602, § 5-603, §
15 5-604, § 5-605, OR § 5-606 OF THIS ARTICLE; OR

16 (III) A VIOLATION OF § 5-612 OR § 5-613 OF THIS ARTICLE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2005.