SENATE BILL 546

E2, L6 3lr0544 SB 285/12 - JPR By: Senators Frosh, Brinkley, Brochin, Conway, Dyson, Getty, Glassman, Kittleman, Madaleno, Middleton, Miller, Robey, and Stone Introduced and read first time: February 1, 2013 Assigned to: Judicial Proceedings Committee Report: Favorable Senate action: Adopted Read second time: March 19, 2013 CHAPTER AN ACT concerning Immunity of Local Government Officials - Prosecutions for Bribery FOR the purpose of providing an exception to certain immunity for certain government officials for words spoken at certain meetings; and generally relating to immunity of local government officials. BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 5–501 Annotated Code of Maryland (2006 Replacement Volume and 2012 Supplement) BY repealing and reenacting, without amendments, Article - Criminal Law Section 9-201 Annotated Code of Maryland (2012 Replacement Volume and 2012 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND. That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

19 5-501.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 2 3 4 5	[A] EXCEPT FOR A PROSECUTION UNDER § 9–201 OF THE CRIMINAL LAW ARTICLE, A civil or criminal action may not be brought against a city or town councilman, county commissioner, county councilman, or similar official by whatever name known, for words spoken at a meeting of the council or board of commissioners or at a meeting of a committee or subcommittee thereof.					
6					Article - Criminal Law	
7	9–201.					
8	(a)	(1)	In th	is sect	tion the following words have the meanings indicated.	
9		(2)	"Political subdivision" includes a:			
10			(i)	cour	aty;	
1			(ii)	mun	nicipal corporation;	
12			(iii)	bi–c	ounty or multicounty agency;	
13			(iv)	cour	aty board of education;	
14			(v)	publ	ic authority; or	
15			(vi)	spec	ial taxing district that is not a homeowner's association.	
16		(3)	(i)	"Puł	olic employee" means an officer or employee of:	
17				1.	the State; or	
18				2.	a political subdivision of the State.	
19			(ii)	"Puł	olic employee" includes:	
20				1.	an executive officer of the State;	
21				2.	a judge of the State;	
22				3.	a judicial officer of the State;	
23				4.	a member or officer of the General Assembly;	
24 25	Departmen	nt of St	ate Pol	5. ice: ar	a member of the police force of Baltimore City or the	

1 2	subdivision.	6. a member, officer, or executive officer of a political						
3 4	` '	(b) A person may not bribe or attempt to bribe a public employee to influence ablic employee in the performance of an official duty of the public employee.						
5 6	(c) A testimonial to:	A public employee may not demand or receive a bribe, fee, reward, or to:						
7 8	employee; or) influence the performance of the official duties of the public						
9	(2	neglect or fail to perform the official duties of the public employee.						
10 11	(d) A person who violates this section is guilty of the misdemeanor of bribery and on conviction:							
12 13	(1 exceeding 12 ye) is subject to imprisonment for not less than 2 years and not ears or a fine not less than \$100 and not exceeding \$5,000 or both;						
4	(2) may not vote; and						
15	(3) may not hold an office of trust or profit in the State.						
16 17	(e) A Article.	A person who violates this section is subject to § 5–106(b) of the Courts						
18	(f) (1) A person who violates this section:						
19		(i) is a competent witness; and						
20 21	to testify again	(ii) subject to paragraph (2) of this subsection, may be compelled ast any person who may have violated this section.						
22 23 24	this subsection compelled to te	is immune from prosecution for a crime about which the person was						
25 26	SECTIO	N 2. AND BE IT FURTHER ENACTED, That this Act shall take effect						