

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1250
Judiciary

(Delegate Valderrama, *et al.*)

Judicial Proceedings

Crimes - Threat of Mass Violence

This bill prohibits a person from knowingly threatening to commit a crime of violence, or causing such a crime to be committed, that would place others at a substantial risk of death or serious physical injury if the natural and probable consequences of the threat, regardless of whether the consequence occurs, is that five or more people are (1) placed in reasonable fear that the crime will be committed; (2) evacuated from a dwelling, storehouse, or public place; (3) moved to a designated area within a dwelling, storehouse, or public place; or (4) required to remain in a designated safe area within a dwelling, storehouse, or public place. The prohibition applies to a threat made by oral or written communication or electronic mail.

Violators are guilty of a misdemeanor, punishable by imprisonment for up to 10 years and/or a maximum fine of \$10,000. In addition to these penalties, a court must order a person convicted of this offense to reimburse the appropriate unit of government or other person for expenses and losses incurred in responding to the unlawful threat unless the court states on the record why reimbursement would be inappropriate. Violators may be indicted, prosecuted, tried, and convicted in any county where (1) the threat was received; (2) the threat was made; or (3) the consequences of the threat occurred.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from fines imposed in the District Court. Potential minimal increase in general fund expenditures due to the bill's incarceration penalties, partially offset by reimbursements for law enforcement expenses from convicted individuals.

Local Effect: Potential minimal increase in local revenues from fines imposed in circuit court cases. Potential minimal decrease in local expenditures due to reimbursements from convicted persons for local law enforcement expenses.

Small Business Effect: None.

Analysis

Current Law: The following offenses are crimes of violence under § 14-101 of the Criminal Law Article:

- abduction;
- arson in the first degree;
- kidnapping;
- manslaughter, other than involuntary manslaughter;
- mayhem;
- maiming;
- murder;
- rape;
- robbery;
- carjacking;
- armed carjacking;
- sexual offense in the first or second degree;
- use of a handgun in the commission of a felony or other crime of violence;
- child abuse in the first degree;
- specified instances of sexual abuse of a minor;
- an attempt to commit any of the crimes listed above;
- continuing course of conduct with a child;
- assault in the first degree;
- assault with intent to murder;
- assault with intent to rape;
- assault with intent to rob; and
- assault with intent to commit a sexual offense in the first or second degree.

A person is prohibited from circulating or transmitting to another, with intent that it be acted on, a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic

material. A violator is guilty of a felony, punishable by imprisonment for up to 10 years and/or a \$10,000 maximum fine. Violators may also be required to pay restitution. If the offense was committed by a minor, the minor's driving privileges may be suspended.

The prohibition does not apply to a statement made or rumor circulated by an officer, employee, or agent of a bona fide civilian defense organization or unit, if made in the regular course of the person's duties. If the crime was committed through the use of a telephone or other electronic means, the crime may be prosecuted in the county where the communication originated or the county in which the communication was received.

Local Expenditures: Baltimore, Dorchester, Garrett, Howard, and Montgomery counties advise that the bill has minimal or no fiscal impact on their jurisdictions.

Additional Information

Prior Introductions: None.

Cross File: SB 988 (Senator Muse) - Judicial Proceedings.

Information Source(s): Baltimore, Dorchester, Garrett, Howard, and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Office of the Public Defender; State's Attorneys' Association; Department of Health and Mental Hygiene; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2013
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Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510