

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 489
Judiciary

(Delegate Mitchell, *et al.*)

Judicial Proceedings

Criminal Law - Threat Against State or Local Official - Expansion

This bill prohibits a person from knowingly and willfully making a threat to take the life of, kidnap, or cause physical injury to a deputy State's Attorney, an assistant State's Attorney, or an assistant Public Defender. A violator is guilty of a misdemeanor and subject to maximum penalties of a fine of \$2,500 and/or imprisonment for three years.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's expanded application of existing penalty provisions.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person may not knowingly and willfully make a threat to take the life of, kidnap, or cause physical injury to a State or local official. A person may not knowingly send, deliver, part with, or make for the purpose of sending or delivering a prohibited threat. A violator is guilty of a misdemeanor and subject to maximum penalties of a \$2,500 fine and/or three years imprisonment.

“Threat” includes (1) an oral threat or (2) a threat in any written form, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark.

Local official means an individual serving in a publicly elected office of a local government unit. State official means a:

- constitutional officer or officer-elect in an executive unit;
- member or member-elect of the General Assembly;
- judge or judge-elect;
- judicial appointee;
- State's Attorney;
- clerk of the circuit court;
- register of wills; or
- sheriff.

Background: According to the Maryland State Commission on Criminal Sentencing Policy, there have been six convictions for threatening a State or local official since fiscal 2008. None of the individuals convicted of this crime were sentenced during fiscal 2012.

Additional Information

Prior Introductions: Similar bills have been introduced during previous legislative sessions. HB 1507 of 2010 received an unfavorable report from the House Judiciary Committee. HB 778 of 2009 received a hearing in the House Judiciary Committee. No further action was taken.

Cross File: SB 504 (Senator Zirkin) - Judicial Proceedings.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy, Office of the Public Defender, Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2013
ncs/kdm Revised - House Third Reader - March 27, 2013
Revised - Correction - March 29, 2013

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