

# SENATE BILL 223

E1

(4lr1099)

## ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senator Muse**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

#### 2 **Crimes – Threat of Mass Violence**

3 FOR the purpose of prohibiting a person from threatening to commit, or ~~causing~~  
4 threatening to cause to be committed, a certain crime of violence that would  
5 place others at substantial risk of death or serious physical injury if there ~~are~~  
6 ~~certain probable consequences~~ is a certain result of the threat; establishing that  
7 this Act applies to a threat made by oral or written communication or electronic  
8 mail; establishing that a person who violates this Act is guilty of the  
9 misdemeanor of making a threat of mass violence; establishing a penalty for a  
10 violation of this Act; requiring a court to order a person convicted under this Act  
11 to reimburse certain persons; providing for the venue for a prosecution under  
12 this Act; defining certain terms; and generally relating to the misdemeanor of  
13 making a threat of mass violence.

14 BY adding to

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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.

*Italics* indicate opposite chamber/conference committee amendments.



1 Article – Criminal Law  
 2 Section 3–1001 to be under the new subtitle “Subtitle 10. Threat of Mass  
 3 Violence”  
 4 Annotated Code of Maryland  
 5 (2012 Replacement Volume and 2013 Supplement)

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

8 **Article – Criminal Law**

9 **SUBTITLE 10. THREAT OF MASS VIOLENCE.**

10 **3–1001.**

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
 12 MEANINGS INDICATED.

13 (2) “DWELLING” HAS THE MEANING STATED IN § 6–201 OF THIS  
 14 ARTICLE.

15 (3) “PUBLIC PLACE” HAS THE MEANING STATED IN § 10–201 OF  
 16 THIS ARTICLE.

17 (4) “STOREHOUSE” HAS THE MEANING STATED IN § 6–201 OF  
 18 THIS ARTICLE.

19 (B) THIS SECTION APPLIES TO A THREAT MADE BY ORAL OR WRITTEN  
 20 COMMUNICATION OR ELECTRONIC MAIL, AS DEFINED IN § 3–805(A) OF THIS  
 21 TITLE.

22 (C) A PERSON MAY NOT KNOWINGLY THREATEN TO COMMIT, OR  
 23 THREATEN TO CAUSE TO BE COMMITTED, A CRIME OF VIOLENCE, AS DEFINED IN  
 24 § 14–101 OF THIS ARTICLE, THAT WOULD PLACE OTHERS AT SUBSTANTIAL RISK  
 25 OF DEATH OR SERIOUS PHYSICAL INJURY, AS DEFINED IN § 3–201 OF THIS  
 26 TITLE, IF ~~THE NATURAL AND PROBABLE CONSEQUENCE AS A RESULT OF THE~~  
 27 ~~THREAT, REGARDLESS OF WHETHER THE CONSEQUENCE OCCURS, IS THAT~~  
 28 THREAT IS CARRIED OUT, FIVE OR MORE PEOPLE ARE:

29 (1) PLACED IN REASONABLE FEAR THAT THE CRIME WILL BE  
 30 COMMITTED; ~~OR~~

31 (2) EVACUATED FROM A DWELLING, STOREHOUSE, OR PUBLIC  
 32 PLACE;

1           **(3) REQUIRED TO MOVE TO A DESIGNATED AREA WITHIN A**  
2 **DWELLING, STOREHOUSE, OR PUBLIC PLACE; OR**

3           **(4) REQUIRED TO REMAIN IN A DESIGNATED SAFE AREA WITHIN A**  
4 **DWELLING, STOREHOUSE, OR PUBLIC PLACE.**

5           **(D) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE**  
6 **MISDEMEANOR OF MAKING A THREAT OF MASS VIOLENCE AND ON CONVICTION**  
7 **IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT**  
8 **EXCEEDING \$10,000 OR BOTH.**

9           **(2) IN ADDITION TO THE PENALTIES PROVIDED IN PARAGRAPH**  
10 **(1) OF THIS SUBSECTION, A COURT SHALL ORDER A PERSON CONVICTED UNDER**  
11 **THIS SECTION TO REIMBURSE THE APPROPRIATE UNIT OF FEDERAL, STATE, OR**  
12 **LOCAL GOVERNMENT OR OTHER PERSON FOR EXPENSES AND LOSSES**  
13 **INCURRED IN RESPONDING TO THE UNLAWFUL THREAT UNLESS THE COURT**  
14 **STATES ON THE RECORD THE REASONS WHY REIMBURSEMENT WOULD BE**  
15 **INAPPROPRIATE.**

16           **(E) A PERSON WHO VIOLATES THIS SECTION MAY BE INDICTED,**  
17 **PROSECUTED, TRIED, AND CONVICTED IN ANY COUNTY WHERE:**

18                   **(1) THE THREAT WAS RECEIVED;**

19                   **(2) THE THREAT WAS MADE; OR**

20                   **(3) THE CONSEQUENCES OF THE THREAT OCCURRED.**

21           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22           October 1, 2014.

Approved:

\_\_\_\_\_ Governor.

\_\_\_\_\_ President of the Senate.

\_\_\_\_\_ Speaker of the House of Delegates.