

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 697
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 threatening to cause such a crime to be committed, that would place others at a substantial risk of death or serious physical injury if as a result of the threat, regardless of whether the threat is carried out, 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) required to move 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: Minimal increase in general fund revenues from fines imposed in the District Court. Minimal increase in general fund expenditures due to the bill's incarceration penalties, which may be partially offset by reimbursements for law enforcement expenses from convicted individuals.

Local Effect: Minimal increase in local revenues from fines imposed in circuit court cases. 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.

A person may not use telephone facilities or equipment to make (1) an anonymous call that is reasonably expected to annoy, abuse, torment, harass, or embarrass another; (2) repeated calls with the intent to annoy, abuse, torment, harass, or embarrass another; or (3) a comment, request, suggestion, or proposal that is obscene, lewd, lascivious, filthy, or indecent. A violator is guilty of a misdemeanor and subject to maximum penalties of three years imprisonment and/or a \$500 fine.

Background: In June 2013, a judge dismissed criminal charges against a Crofton man who threatened to blow up his colleagues at the Prince George's County business where he worked. Authorities seized legally owned firearms and ammunition from his home, and he was eventually charged with a single count of telephone misuse and placed under psychiatric evaluation.

In March 2012, a University of Maryland, College Park student made threats in an online chat room that he was going to go on a campus shooting spree. Law enforcement authorities located the student and raided his dormitory room and his family's home after receiving alerts from chat room participants. The student eventually pleaded guilty to telephone misuse and disturbing activities at school and received three years of supervised probation.

In both of these cases, prosecutors expressed concerns that more serious charges and penalties were not available for the crimes alleged to have been committed.

State Revenues: General fund revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalty due to more people being committed to State correctional facilities and people being committed to State correctional facilities for longer periods of time. The number of people convicted of this proposed crime is expected to be minimal. These expenditures may be partially offset by reimbursements for law enforcement expenses from convicted individuals.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$3,100 per month. This bill alone, however, should not create the need for additional

beds, personnel, or facilities. Excluding overhead, the average cost of housing a new State inmate (including variable health care costs) is about \$735 per month. Excluding all health care, the average variable costs total \$185 per month.

Additional Information

Prior Introductions: HB 1250 of 2013, a similar bill, passed the House as amended, received a favorable with amendments report from the Senate Judicial Proceedings Committee, and passed second reading as amended in the Senate. No further action was taken. Its cross file, SB 988, passed the Senate as amended and was heard in the House Judiciary Committee, but no further action was taken.

Cross File: Although not designated as a cross file, SB 223 (Senator Muse – Judicial Proceedings) is identical.

Information Source(s): Caroline, Howard, Montgomery, and Prince George’s counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of State Police; Office of the Public Defender; Department of Public Safety and Correctional Services; State’s Attorneys’ Association; *The Baltimore Sun*; *The Washington Times*; Department of Legislative Services

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