

SENATE BILL 223

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SB 988/13 – JPR

4lr1099

By: **Senator Muse**
Introduced and read first time: January 16, 2014
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Crimes – Threat of Mass Violence

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

BY adding to

Article – Criminal Law

Section 3–1001 to be under the new subtitle “Subtitle 10. Threat of Mass Violence”

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

SUBTITLE 10. THREAT OF MASS VIOLENCE.

3–1001.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

(C) A PERSON MAY NOT KNOWINGLY THREATEN TO COMMIT, OR CAUSE TO BE COMMITTED, A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THIS ARTICLE, THAT WOULD PLACE OTHERS AT SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY, AS DEFINED IN § 3-201 OF THIS TITLE, IF THE NATURAL AND PROBABLE CONSEQUENCE 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; OR

(2) EVACUATED FROM A DWELLING, STOREHOUSE, OR PUBLIC PLACE.

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

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

(E) A PERSON WHO VIOLATES THIS SECTION 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.**

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