

# HOUSE BILL 98

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CF SB 156

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By: ~~Delegate B. Wilson~~ **Delegates B. Wilson, Sydnor, Barron, and Moon**

Introduced and read first time: January 18, 2016

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2016

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

1 AN ACT concerning

2 **Criminal Law – Participation in Court Proceedings – Retaliation**

3 FOR the purpose of prohibiting a person from retaliating against a juror or an officer of the  
4 court for any reason relating to the performance of official duties in a certain case in  
5 a court of the State or the United States; prohibiting a person from soliciting another  
6 to retaliate against a juror or an officer of the court for any reason relating to the  
7 performance of official duties in a certain case in a court of the State or the United  
8 States; applying certain penalties for an offense under this Act; and generally  
9 relating to retaliation for participation in court proceedings.

10 BY repealing and reenacting, with amendments,  
11 Article – Criminal Law  
12 Section 9–303  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2015 Supplement)

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

17 **Article – Criminal Law**

18 9–303.

19 (a) A person may not intentionally harm another, threaten to harm another, or  
20 damage or destroy property with the intent of retaliating against:

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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.



1 (1) a victim or witness for:

2 [(1)] (I) giving testimony in an official proceeding; or

3 [(2)] (II) reporting a crime or delinquent act;

4 (2) A JUROR FOR ANY REASON RELATING TO THE PERFORMANCE OF  
5 THE JUROR'S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE IN A COURT OF  
6 THE STATE OR THE UNITED STATES; OR

7 (3) AN OFFICER OF THE COURT OF THE STATE OR THE UNITED  
8 STATES FOR ANY REASON RELATING TO THE PERFORMANCE OF THE OFFICER'S  
9 OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE.

10 (b) A person may not solicit another person to intentionally harm another,  
11 threaten to harm another, or damage or destroy property with the intent of retaliating  
12 against:

13 (1) a victim or witness for:

14 [(1)] (I) giving testimony in an official proceeding; or

15 [(2)] (II) reporting a crime or delinquent act;

16 (2) A JUROR FOR ANY REASON RELATING TO THE PERFORMANCE OF  
17 THE JUROR'S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE IN A COURT OF  
18 THE STATE OR THE UNITED STATES; OR

19 (3) AN OFFICER OF THE COURT OF THE STATE OR THE UNITED  
20 STATES FOR ANY REASON RELATING TO THE PERFORMANCE OF THE OFFICER'S  
21 OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE.

22 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
23 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment  
24 not exceeding 5 years or a fine not exceeding \$5,000 or both.

25 (2) If the official proceeding or report described in subsection (a) of this  
26 section relates to a felonious violation of Title 5 of this article or the commission of a crime  
27 of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to commit  
28 such a crime, a person who violates this section is guilty of a felony and on conviction is  
29 subject to imprisonment not exceeding 20 years.

1 (d) A sentence imposed under this section may be separate from and consecutive  
2 to or concurrent with a sentence for any crime based on the act establishing the violation  
3 of this section.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.