

SENATE BILL 139

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SB 1250/18 – JPR

EMERGENCY BILL

9lr0629

By: **Senators Lee, Augustine, Elfreth, Ellis, Feldman, Griffith, Hayes, Hough, Kelley, King, Lam, Nathan–Pulliam, Patterson, Pinsky, Rosapepe, Smith, Waldstreicher, and Zirkin**

Introduced and read first time: January 21, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Threat of Mass Violence**

3 FOR the purpose of altering a certain prohibition relating to threatening to commit a
4 certain crime of violence in order to prohibit a person from knowingly threatening to
5 commit or threatening to cause to be committed a certain crime of violence that
6 would place a certain number of people at substantial risk of death or serious
7 physical injury if the threat were carried out; repealing certain defined terms;
8 making this Act an emergency measure; and generally relating to threats of mass
9 violence.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 3–1001
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2018 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 3–1001.

19 (a) [(1) In this section the following words have the meanings indicated.

20 (2) “Dwelling” has the meaning stated in § 6–201 of this article.

21 (3) “Public place” has the meaning stated in § 10–201 of this article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) "Storehouse" has the meaning stated in § 6–201 of this article.

2 (b) This section applies to a threat made by oral or written communication or
3 electronic mail, as defined in § 3–805(a) of this title.

4 [(c) (B) A person may not knowingly threaten to commit or threaten to cause to
5 be committed a crime of violence, as defined in § 14–101 of this article, that would place
6 [others] **FIVE OR MORE PEOPLE** at substantial risk of death or serious physical injury, as
7 defined in § 3–201 of this title, [if as a result of the threat, regardless of whether the threat
8 is carried out, five or more people are:

9 (1) placed in reasonable fear that the crime will be committed;

10 (2) evacuated from a dwelling, storehouse, or public place;

11 (3) required to move to a designated area within a dwelling, storehouse, or
12 public place; or

13 (4) required to remain in a designated safe area within a dwelling,
14 storehouse, or public place] **IF THE THREAT WERE CARRIED OUT.**

15 [(d) (C) (1) A person who violates this section is guilty of the misdemeanor
16 of making a threat of mass violence and on conviction is subject to imprisonment not
17 exceeding 10 years or a fine not exceeding \$10,000 or both.

18 (2) In addition to the penalties provided in paragraph (1) of this subsection,
19 a court shall order a person convicted under this section to reimburse the appropriate unit
20 of federal, State, or local government or other person for **ANY** expenses and losses incurred
21 in responding to the unlawful threat unless the court states on the record the reasons why
22 reimbursement would be inappropriate.

23 [(e) (D) A person who violates this section may be indicted, prosecuted, tried,
24 and convicted in any county where:

25 (1) the threat was received;

26 (2) the threat was made; or

27 (3) the consequences of the threat occurred.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
29 measure, is necessary for the immediate preservation of the public health or safety, has
30 been passed by a ye and nay vote supported by three–fifths of all the members elected to
31 each of the two Houses of the General Assembly, and shall take effect from the date it is
32 enacted.