

HB0315/650015/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 315
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 through 4, inclusive, and substitute “Public Ethics Violations and Crimes – Prohibitions and Penalties”; in line 5, after the first “of” insert “increasing certain penalties for bribery relating to a public employee”; strike beginning with the first “public” in line 8 down through “Branch” in line 9 and substitute “prohibitions and penalties related to certain public ethics violations and crimes”; and after line 9, insert:

“BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 9-201

Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“Article – Criminal Law

9–201.

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

(2) “Political subdivision” includes a:

(i) county;

(Over)

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- (ii) municipal corporation;
- (iii) bi-county or multicounty agency;
- (iv) county board of education;
- (v) public authority; or
- (vi) special taxing district that is not a homeowner's association.

(3) (i) “Public employee” means an officer or employee of:

- 1. the State; or
- 2. a political subdivision of the State.

(ii) “Public employee” includes:

- 1. an executive officer of the State;
- 2. a judge of the State;
- 3. a judicial officer of the State;
- 4. a member or officer of the General Assembly;
- 5. a member of the police force of Baltimore City or the Department of State Police; and
- 6. a member, officer, or executive officer of a political subdivision.

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(b) A person may not bribe or attempt to bribe a public employee to influence the public employee in the performance of an official duty of the public employee.

(c) A public employee may not demand or receive a bribe, fee, reward, or testimonial to:

(1) influence the performance of the official duties of the public employee; or

(2) neglect or fail to perform the official duties of the public employee.

(d) A person who violates this section is guilty of the misdemeanor of bribery and on conviction:

(1) is subject to imprisonment for not less than 2 years and not exceeding 12 years or a fine not less than [~~\$1,000~~] **\$10,000** and not exceeding [~~\$10,000~~] **\$100,000** or both;

(2) may not vote; and

(3) may not hold an office of trust or profit in the State.

(e) A person who violates this section is subject to § 5–106(b) of the Courts Article.

(f) (1) A person who violates this section:

(i) is a competent witness; and

(ii) subject to paragraph (2) of this subsection, may be compelled to testify against any person who may have violated this section.

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(2) A person compelled to testify for the State under paragraph (1) of this subsection is immune from prosecution for a crime about which the person was compelled to testify.”