

Chapter 164

(House Bill 315)

AN ACT concerning

~~Public Ethics – Executive Branch – Lobbying by Former Secretaries of Principal Departments (Shut the Revolving Door Act of 2020)~~
Public Ethics Violations and Crimes – Prohibitions and Penalties

FOR the purpose of increasing certain penalties for bribery relating to a public employee; prohibiting, subject to a certain exception, a former secretary of a principal department of the Executive Branch from assisting or representing another party for compensation, for a certain period of time, in a certain matter that is the subject of legislative action; and generally relating to public ethics and former public officials of the Executive Branch prohibitions and penalties related to certain public ethics violations and crimes.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 9–201
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–504(d)
Annotated Code of Maryland
(2019 Replacement Volume)

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

Article – Criminal Law

9–201.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Political subdivision” includes a:
 - (i) county;
 - (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.

(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~~ \$5,000 and not exceeding ~~[\$10,000]~~ ~~\$100,000~~ \$25,000 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.

(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.

Article – General Provisions

5–504.

(d) (1) Except for a former member of the General Assembly, who shall be subject to the restrictions provided under paragraph (2) of this subsection, a former official or employee may not assist or represent a party, other than the State, in a case, a contract, or any other specific matter for compensation if:

(i) the matter involves State government; and

(ii) the former official or employee participated significantly in the matter as an official or employee.

(2) (i) In this paragraph, “legislative action” does not include testimony or other advocacy in an official capacity as a member of the General Assembly before a unit of State or local government.

(ii) Except as provided in subparagraph (iii) of this paragraph:

1. a former member of the General Assembly may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year from the date the member leaves office; and

2. a former Governor, Lieutenant Governor, Attorney General, Comptroller, [or] State Treasurer, **OR SECRETARY OF A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH** may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year from the date the official leaves State office.

(iii) The limitation under subparagraph (ii) of this paragraph on representation by a former member of the General Assembly [or by a former], Governor, Lieutenant Governor, Attorney General, Comptroller, [or] State Treasurer, **OR SECRETARY OF A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH** does not apply to representation of a municipal corporation, county, or State governmental entity.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.