

# SENATE BILL 101

E1  
SB 837/20 – JPR

(PRE-FILED)

11r0331  
CF 11r0332

---

By: **Senators Kagan and Reilly**

Requested: August 4, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Public Safety – Interference With Agencies and Services –**  
3 **Prohibitions**

4 FOR the purpose of prohibiting a person from using telephone facilities, data files, or  
5 equipment to take certain actions directed at certain agencies and services;  
6 prohibiting a person from using telephone facilities, data files, or equipment to make  
7 calls or send data to certain agencies or services with a certain intent; prohibiting a  
8 person from taking certain actions with the intent to interrupt or impair the  
9 functioning of a certain service; prohibiting a person from taking certain actions that  
10 interrupt the functioning of a certain service; prohibiting a person from making  
11 certain false statements to a certain service that result in certain actions;  
12 establishing certain penalties for violations of this Act; defining certain terms; and  
13 generally relating to prohibitions on actions interfering with public safety agencies  
14 or answering points.

15 BY repealing and reenacting, with amendments,  
16 Article – Criminal Law  
17 Section 3–801, 3–804, 7–302(c) and (d), and 9–501  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2020 Supplement)

20 BY adding to  
21 Article – Criminal Law  
22 Section 3–804.1  
23 Annotated Code of Maryland  
24 (2012 Replacement Volume and 2020 Supplement)

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Criminal Law

1  
2 3–801.

3 (A) In this subtitle[, “course] **THE FOLLOWING WORDS HAVE THE MEANINGS**  
4 **INDICATED.**

5 (B) **“COURSE of conduct”** means a persistent pattern of conduct, composed of a  
6 series of acts over time, that shows a continuity of purpose.

7 (C) **“DATA” MEANS INFORMATION TRANSMITTED THROUGH A TELEPHONE,**  
8 **INCLUDING TEXT MESSAGES, IMAGES, AND VIDEO.**

9 (D) **“EQUIPMENT” MEANS ANY DEVICE THAT IS CAPABLE OF CONTACTING A**  
10 **PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN § 1–301 OF THE PUBLIC SAFETY**  
11 **ARTICLE.**

12 3–804.

13 (a) A person may not use telephone facilities, **DATA FILES**, or equipment to make:

14 (1) an anonymous call **OR SEND DATA** that is reasonably expected to  
15 annoy, abuse, torment, harass, or embarrass another;

16 (2) repeated calls **OR SEND DATA** with the intent to annoy, abuse, torment,  
17 harass, or embarrass another; or

18 (3) a comment, request, suggestion, or proposal that is obscene, lewd,  
19 lascivious, filthy, or indecent.

20 (B) **A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION BY**  
21 **TARGETING A PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN § 1–301 OF THE**  
22 **PUBLIC SAFETY ARTICLE, OR A PUBLIC SAFETY AGENCY, AS DEFINED IN § 1–301 OF**  
23 **THE PUBLIC SAFETY ARTICLE.**

24 [(b)] (C) A person who violates **SUBSECTION (A) OF** this section is guilty of a  
25 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine  
26 not exceeding \$500 or both.

27 (D) **A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY**  
28 **OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**  
29 **5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.**

30 **3–804.1.**

1           **(A) A PERSON MAY NOT USE TELEPHONE FACILITIES, DATA FILES, OR**  
2 **EQUIPMENT TO MAKE CALLS OR SEND DATA TO A PUBLIC SAFETY ANSWERING**  
3 **POINT, AS DEFINED IN § 1-301 OF THE PUBLIC SAFETY ARTICLE, OR A PUBLIC**  
4 **SAFETY AGENCY, AS DEFINED IN § 1-301 OF THE PUBLIC SAFETY ARTICLE, WITH**  
5 **THE INTENT TO:**

6           **(1) TRIGGER, AFFECT, OR DISRUPT AN EMERGENCY RESPONSE; OR**

7           **(2) IMPAIR THE FUNCTIONING OF THE PUBLIC SAFETY ANSWERING**  
8 **POINT OR PUBLIC SAFETY AGENCY.**

9           **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND**  
10 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE**  
11 **NOT EXCEEDING \$25,000 OR BOTH.**

12 7-302.

13           (c) (1) A person may not intentionally, willfully, and without authorization:

14                   (i) access, attempt to access, cause to be accessed, or exceed the  
15 person's authorized access to all or part of a computer network, computer control language,  
16 computer, computer software, computer system, computer service, or computer database;  
17 or

18                   (ii) copy, attempt to copy, possess, or attempt to possess the contents  
19 of all or part of a computer database accessed in violation of item (i) of this paragraph.

20           (2) A person may not commit an act prohibited by paragraph (1) of this  
21 subsection with the intent to:

22                   (i) cause the malfunction or interrupt the operation of all or any part  
23 of a computer, computer network, computer control language, computer software, computer  
24 system, computer service, or computer data; or

25                   (ii) alter, damage, or destroy all or any part of data or a computer  
26 program stored, maintained, or produced by a computer, computer network, computer  
27 software, computer system, computer service, or computer database.

28           (3) A person may not intentionally, willfully, and without authorization:

29                   (i) possess, identify, or attempt to identify a valid access code; or

30                   (ii) publicize or distribute a valid access code to an unauthorized  
31 person.

32           (4) A person may not commit an act prohibited under this subsection with

1 the intent to interrupt or impair the functioning of:

2 (i) the State government;

3 (ii) a service, device, or system related to the production,  
4 transmission, delivery, or storage of electricity or natural gas in the State that is owned,  
5 operated, or controlled by a person other than a public service company, as defined in §  
6 1–101 of the Public Utilities Article; or

7 (iii) a service provided in the State by a public service company, as  
8 defined in § 1–101 of the Public Utilities Article.

9 **(5) A PERSON MAY NOT COMMIT AN ACT PROHIBITED UNDER THIS**  
10 **SUBSECTION WITH THE INTENT TO INTERRUPT OR IMPAIR THE FUNCTIONING OF A**  
11 **PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN § 1–301 OF THE PUBLIC SAFETY**  
12 **ARTICLE.**

13 **(6) A PERSON MAY NOT COMMIT AN ACT PROHIBITED UNDER THIS**  
14 **SUBSECTION THAT INTERRUPTS THE FUNCTIONING OF A PUBLIC SAFETY**  
15 **ANSWERING POINT, AS DEFINED IN § 1–301 OF THE PUBLIC SAFETY ARTICLE.**

16 (d) (1) A person who violates subsection (c)(1) of this section is guilty of a  
17 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine  
18 not exceeding \$1,000 or both.

19 (2) A person who violates subsection (c)(2) or (3) of this section:

20 (i) if the aggregate amount of the loss is \$10,000 or more, is guilty  
21 of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not  
22 exceeding \$10,000 or both; or

23 (ii) if the aggregate amount of the loss is less than \$10,000, is guilty  
24 of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a  
25 fine not exceeding \$5,000 or both.

26 (3) A person who violates subsection (c)(4) of this section:

27 (i) if the aggregate amount of the loss is \$50,000 or more, is guilty  
28 of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not  
29 exceeding \$25,000 or both; or

30 (ii) if the aggregate amount of the loss is less than \$50,000, is guilty  
31 of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a  
32 fine not exceeding \$25,000 or both.

33 **(4) A PERSON WHO VIOLATES SUBSECTION (C)(5) OF THIS SECTION IS**

1 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
2 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

3 (5) A PERSON WHO VIOLATES SUBSECTION (C)(6) OF THIS SECTION IS  
4 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
5 EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.

6 9-501.

7 (a) (1) A person may not make, or cause to be made, a statement, report, or  
8 complaint that the person knows to be false as a whole or in material part, to A PUBLIC  
9 SAFETY ANSWERING POINT, AS DEFINED IN § 1-301 OF THE PUBLIC SAFETY  
10 ARTICLE, OR a law enforcement officer of the State, of a county, municipal corporation, or  
11 other political subdivision of the State, or of the Maryland-National Capital Park and  
12 Planning Police with intent to deceive and to cause an investigation or other action to be  
13 taken as a result of the statement, report, or complaint.

14 (2) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1) OF  
15 THIS SUBSECTION THAT RESULTS IN LAW ENFORCEMENT PERSONNEL BEING  
16 DISPATCHED TO RESPOND TO THE STATEMENT, REPORT, OR COMPLAINT.

17 (3) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1) OF  
18 THIS SUBSECTION THAT RESULTS IN SERIOUS BODILY INJURY TO ANY PERSON.

19 (b) (1) A person who violates SUBSECTION (A)(1) OF this section is guilty of  
20 a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a  
21 fine not exceeding \$500 or both.

22 (2) A PERSON WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION IS  
23 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
24 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

25 (3) A PERSON WHO VIOLATES SUBSECTION (A)(3) OF THIS SECTION IS  
26 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
27 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2021.