

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 645  
Judiciary

(Delegate Arentz)

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**Criminal Law - Disruption of Highway Usage - Prohibition**

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This bill prohibits a person from knowingly and without lawful purpose obstructing, hindering, impeding, or blocking the use of a “highway,” as defined under § 8-101 of the Transportation Article. Violators are guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a maximum fine of \$2,500. The bill makes conforming changes by removing references to a similar prohibition under the offense of disturbing the peace under § 10-201 of the Criminal Law Article but retains the application of that prohibition to obstruction or hindrance of access to a public sidewalk.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions.

**Local Effect:** Potential minimal increase in local revenues and expenditures due to the bill’s penalty provisions.

**Small Business Effect:** None.

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**Analysis**

**Current Law:**

*Definition of a Highway – § 8-101 of the Transportation Article*

Section 8-101 of the Transportation Article defines a “highway” as including (1) rights-of-way, roadway surfaces, roadway subgrades, shoulders, median dividers,

drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths and (2) any other property acquired for the construction, operation, or use of the highway.

*Disturbing the Peace – § 10-201 of the Criminal Law Article*

Section 10-201 of the Criminal Law Article contains a variety of prohibitions that constitute disturbing the peace, as described below.

Section 10-201 defines a “public place” as including, among other locations, a public street, sidewalk, or right-of-way. “Public conveyance” means a conveyance to which the public or a portion of the public has access to and a right to use for transportation, including specified modes of transportation. For purposes of a prosecution, a public conveyance or a public place need not be devoted solely to public use.

A person may not (1) willfully and without lawful purpose obstruct or hinder the free passage of another in a public place or on a public conveyance; (2) willfully act in a disorderly manner that disturbs the public peace; or (3) willfully fail to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.

A person who enters the land or premises of another or a beach, as specified, may not willfully act in a disorderly manner or disturb the peace of persons on the land, premises, or beach by making an unreasonably loud noise. Additionally, a person from any location may not, by making an unreasonably loud noise, willfully disturb the peace of another on the other’s land or premises, in a public place, or on a public conveyance. Finally, a person may not build a bonfire or allow a bonfire to burn in Worcester County between 1:00 a.m. and 5:00 a.m.

Violators are guilty of a misdemeanor, punishable by imprisonment for up to 60 days and/or a maximum fine of \$500.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Anne Arundel, Baltimore, Charles, Frederick, and Montgomery counties; City of Havre de Grace; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2021  
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