

CF SB 595

By: Frederick County Delegation

Introduced and read first time: February 5, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Aggravated Harassment by Inmates**

3 FOR the purpose of making it a felony for an inmate to throw or expel certain body fluids
4 with the intent to harass, annoy, threaten, or alarm a person employed at the
5 Frederick County Adult Detention Center or by the Sheriff's Office of Frederick
6 County; specifying a certain maximum and a certain minimum term of
7 imprisonment; prohibiting an inmate who is convicted of a certain offense from
8 being eligible for certain programs that are alternatives to incarceration; requiring
9 that a penalty imposed under this Act run consecutively to certain other sentences;
10 defining certain terms; and generally relating to the felony of aggravated
11 harassment of detention center employees in Frederick County.

12 BY adding to

13 Article 27 - Crimes and Punishments
14 Section 12A-8
15 Annotated Code of Maryland
16 (1996 Replacement Volume)

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

19 **Article 27 - Crimes and Punishments**

20 12A-8.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (2) "BODY FLUID" MEANS A FLUID THAT CONTAINS FECES, NASAL
24 SECRETIONS, SALIVA, SEMEN, SPUTUM, URINE, VAGINAL SECRETIONS, VISIBLE
25 BLOOD, OR VOMITUS.

26 (3) "DETENTION EMPLOYEE" MEANS A PERSON WHO IS EMPLOYED AT
27 THE FREDERICK COUNTY ADULT DETENTION CENTER OR THE SHERIFF'S OFFICE OF
28 FREDERICK COUNTY.

29 (B) AN INMATE WHO THROWS OR EXPELS A BODY FLUID AT OR NEAR A
30 DETENTION EMPLOYEE WITH INTENT TO HARASS, ANNOY, THREATEN, OR ALARM

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1 THE DETENTION EMPLOYEE IS GUILTY OF THE FELONY OF AGGRAVATED
2 HARASSMENT AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS
3 THAN 3 YEARS AND NOT MORE THAN 5 YEARS.

4 (C) IT IS MANDATORY UPON THE COURT TO IMPOSE AT LEAST THE MINIMUM
5 SENTENCE OF 3 YEARS UNDER SUBSECTION (B) OF THIS SECTION.

6 (D) A PERSON WHO IS CONVICTED UNDER THIS SECTION MAY NOT BE
7 ELIGIBLE TO PARTICIPATE IN A COMMUNITY SERVICE PROGRAM, WORK RELEASE
8 PROGRAM, OR HOME DETENTION PROGRAM.

9 (E) A SENTENCE IMPOSED UNDER THIS SECTION SHALL RUN
10 CONSECUTIVELY TO ANY SENTENCE:

11 (1) THAT WAS BEING SERVED AT THE TIME OF THE AGGRAVATED
12 HARASSMENT; OR

13 (2) IF THE INMATE WAS BEING DETAINED BEFORE TRIAL AT THE TIME
14 OF THE AGGRAVATED HARASSMENT, THAT WAS IMPOSED FROM THE OFFENSE FOR
15 WHICH THE INMATE WAS AWAITING TRIAL.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1997.