
By: **Delegates Turner and Montague**
Introduced and read first time: February 5, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Lawyers - Solicitation of Clients - Limited Prohibition on Targeted**
3 **Communications**

4 FOR the purpose of prohibiting a lawyer from sending certain forms of
5 communication concerning an action for personal injury or wrongful death,
6 directly or through an agent, to certain prospective clients during a specified
7 period of time; providing for certain penalties; repealing a provision prohibiting
8 a lawyer from sending a certain communication concerning a criminal
9 prosecution or the prosecution of certain traffic offenses, directly or through an
10 agent, to certain prospective clients during a specified period of time; and
11 making provisions of this Act severable.

12 BY repealing and reenacting, with amendments,
13 Article - Business Occupations and Professions
14 Section 10-605.1
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1997 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Business Occupations and Professions
19 Section 10-606(c)
20 Annotated Code of Maryland
21 (1995 Replacement Volume and 1997 Supplement)

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

24 **Article - Business Occupations and Professions**

25 10-605.1.

26 (a) THIS SECTION APPLIES ONLY TO THE FOLLOWING FORMS OF
27 COMMUNICATION:

28 (1) AN AUDIO RECORDING;

- 1 (2) A COMPUTER ON-LINE TRANSMISSION;
- 2 (3) A FACSIMILE TRANSMISSION;
- 3 (4) A LETTER OR OTHER FORM OF WRITTEN COMMUNICATION;
- 4 (5) A TELEGRAPHIC TRANSMISSION;
- 5 (6) A TELEPHONIC TRANSMISSION; AND
- 6 (7) A VIDEO RECORDING.

7 (B) A lawyer may not send a [written] communication, directly or through an
8 agent, to a prospective client for the purpose of obtaining professional employment if
9 the communication concerns[:

10 (1)] an action for personal injury or wrongful death, or otherwise relates
11 to an accident or disaster involving the person to whom the communication is
12 [addressed] SENT or the person's relative, unless the accident or disaster occurred
13 more than 30 days before the date the communication is [mailed; or

14 (2) a criminal prosecution, or a prosecution of a traffic offense that
15 carries a period of incarceration, involving the person to whom the communication is
16 addressed or the person's relative, unless the charging document was filed more than
17 30 days before the date the communication is mailed] SENT.

18 (b) This section does not apply to a [written] communication sent by a lawyer
19 to a prospective client at the request of the prospective client.

20 10-606.

21 (c) Except as provided in subsections (a) and (b) of this section, a person who
22 violates any provision of this title is guilty of a misdemeanor and on conviction is
23 subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

24 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
25 Act or the application thereof to any person or circumstance is held invalid for any
26 reason in a court of competent jurisdiction, the invalidity does not affect other
27 provisions or any other application of this Act which can be given effect without the
28 invalid provision or application, and for this purpose the provisions of this Act are
29 declared severable.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1998.