

SENATE BILL 218

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SB 10/99 - JPR

2000 Regular Session
0lr0826

By: **Senator Green**

Introduced and read first time: January 25, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Threats Against Local Officials and Law Enforcement Officers**

3 FOR the purpose of altering a provision that prohibits threats against certain local
4 officials; expanding the definition of "local official" to include certain appointed
5 officials; prohibiting a person from knowingly and willfully making certain
6 threats against a law enforcement officer; providing that certain prohibitions
7 against making a certain threat against a certain appointed official apply only
8 to certain threats made during the performance of certain official duties under
9 certain circumstances; defining certain terms; and generally relating to threats
10 against certain officials and law enforcement officers.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 561A
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - State Government
18 Section 10-101(d)
19 Annotated Code of Maryland
20 (1999 Replacement Volume)

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

23 **Article 27 - Crimes and Punishments**

24 561A.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) (I) "APPOINTED OFFICIAL" MEANS AN INDIVIDUAL SELECTED OR
27 DESIGNATED BY THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION

1 OR IN ACCORDANCE WITH THE PROVISIONS FOR APPOINTMENTS IN THE COUNTY OR
2 MUNICIPAL CORPORATION.

3 (II) "APPOINTED OFFICIAL" INCLUDES A COUNTY OR MUNICIPAL
4 CODE ENFORCEMENT OFFICER OR CODE COMPLIANCE OFFICER.

5 (3) "LAW ENFORCEMENT OFFICER" MEANS A LAW ENFORCEMENT
6 OFFICER OF A COUNTY OR MUNICIPAL CORPORATION WHO, IN AN OFFICIAL
7 CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS.

8 [(2)] (4) "Local official" means an individual serving [in a] AS AN
9 APPOINTED OFFICIAL, OR IN A publicly elected office of a local government unit, as
10 defined in § 10-101(d) of the State Government Article.

11 [(3)] (5) (i) "State official" means a State official as defined in §
12 15-102 of the State Government Article.

13 (ii) "State official" includes the Governor, Governor-elect,
14 Lieutenant Governor, and Lieutenant Governor-elect.

15 [(4)] (6) "Threat" includes:

16 (i) A verbal threat; or

17 (ii) A threat in any written form, whether or not the writing is
18 signed, or if it is signed whether or not the writing is signed with a fictitious name or
19 any other mark.

20 (b) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A person may
21 not knowingly and willfully make a threat to take the life of, kidnap, or inflict bodily
22 harm upon a State or local official OR A LAW ENFORCEMENT OFFICER.

23 (2) FOR AN APPOINTED OFFICIAL, THE PROVISIONS OF PARAGRAPH (1)
24 OF THIS SUBSECTION APPLY ONLY TO A THREAT MADE DURING THE PERFORMANCE
25 OF THE OFFICIAL DUTIES OF THE APPOINTED OFFICIAL.

26 (c) A person may not knowingly send, deliver, part with the possession of, or
27 make for the purpose of sending or delivering a threat prohibited under subsection (b)
28 of this section.

29 (d) A person who violates any provision of this section is guilty of a
30 misdemeanor and upon conviction is subject to imprisonment not exceeding 3 years or
31 a fine not exceeding \$2,500 or both.

32 **Article - State Government**

33 10-101.

34 (d) "Local government unit" means:

- 1 (1) a county;
- 2 (2) a municipal corporation;
- 3 (3) a special district that is established by State law and that operates
4 within a single county;
- 5 (4) a special district that is established by a county pursuant to public
6 general law; or
- 7 (5) an office, board, or department that is established in each county
8 under State law and that is funded, pursuant to State law, at least in part by the
9 county governing body.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2000.