

SENATE BILL 39

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SB 218/00 - JPR

2001 Regular Session  
11r0218

(PRE-FILED)

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By: **Senators Green and Munson**  
Requested: June 21, 2000  
Introduced and read first time: January 10, 2001  
Assigned to: Judicial Proceedings

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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 2000 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 and 2000 Supplement)

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, 2001.