

SENATE BILL 461

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2002 Regular Session
2r1877
CF 2r1878

By: **Senators Stone and Hughes (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: January 31, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Residential Picketing - Scope of Prohibition**

3 FOR the purpose of prohibiting a person from engaging in picketing before or about
4 the residence or dwelling place of an individual; repealing a prohibition against
5 intentionally assembling with another in a manner that disrupts a person's
6 right to tranquility in the person's home; repealing certain exceptions from a
7 certain prohibition; clarifying injunctive relief authority of the circuit court
8 under certain circumstances; and generally relating to prohibiting residential
9 picketing under certain circumstances.

10 BY repealing and reenacting, with amendments,
11 Article - Criminal Law
12 Section 3-904
13 Annotated Code of Maryland
14 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
15 2002)

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

18 **Article - Criminal Law**

19 3-904.

20 (a) The General Assembly declares that:

21 (1) the protection and preservation of the home is the keystone of
22 democratic government;

23 (2) the public health and welfare and the good order of the community
24 require that members of the community enjoy in their homes a feeling of well-being,
25 tranquility, and privacy and, when absent from their homes, carry with them the
26 sense of security inherent in the assurance that they may return to the enjoyment of
27 their homes;

1 (3) the practice of picketing before or about [residences and dwelling
2 places] A RESIDENCE OR DWELLING PLACE causes emotional disturbance and
3 distress to the occupants;

4 (4) the purpose of this practice is to harass the occupants of the
5 [residences and dwelling places] RESIDENCE OR DWELLING PLACE;

6 (5) without resort to this practice, full opportunity exists, and under the
7 provisions of this article will continue to exist, for the exercise of freedom of speech
8 and other constitutional rights; and

9 (6) the provisions of this section are necessary in the public interest to
10 avoid the detrimental results described in this subsection.

11 [(b) This section does not prohibit:

12 (1) picketing or assembly in connection with a labor dispute, as defined
13 in § 4-301 of the Labor and Employment Article;

14 (2) picketing in a lawful manner of a person's home when it is also the
15 person's sole place of business; or

16 (3) holding a meeting or assembly on any premises commonly used for
17 the discussion of subjects of general public interest.

18 (c) A person may not intentionally assemble with another in a manner that
19 disrupts a person's right to tranquility in the person's home.]

20 (B) A PERSON MAY NOT ENGAGE IN PICKETING BEFORE OR ABOUT THE
21 RESIDENCE OR DWELLING PLACE OF AN INDIVIDUAL.

22 [(d)] (C) (1) A person who violates this section is guilty of a misdemeanor
23 and on conviction is subject to imprisonment not exceeding 90 days or a fine not
24 exceeding \$100 or both.

25 (2) Each day on which a violation of this section occurs is a separate
26 violation.

27 [(e) In addition to the penalty provided in subsection (d) of this section, a
28 circuit court:

29 (1) may enjoin conduct proscribed by this section; and

30 (2) in the proceeding for injunctive relief, may award damages, including
31 punitive damages, against any person found guilty of violating this section.]

32 (D) (1) IN ADDITION TO THE PENALTY PROVIDED IN SUBSECTION (C) OF
33 THIS SECTION, A PROCEEDING FOR INJUNCTIVE RELIEF MAY BE INITIATED IN THE
34 CIRCUIT COURT AGAINST ANY PERSON FOUND TO HAVE VIOLATED THIS SECTION.

1 (2) IN ADDITION TO ENJOINING CONDUCT PROSCRIBED UNDER THIS
2 SECTION, THE CIRCUIT COURT MAY AWARD DAMAGES, INCLUDING PUNITIVE
3 DAMAGES, AGAINST ANY PERSON FOUND TO HAVE VIOLATED THIS SECTION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2002.