

SENATE BILL 461

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2002 Regular Session  
2r1877  
CF 2r1878

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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

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 6, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

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

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

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

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

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

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

18 [(b) This section does not prohibit:

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

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

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

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

27 (B) A PERSON MAY NOT ENGAGE IN PICKETING DIRECTED AT AN INDIVIDUAL  
28 BEFORE OR ABOUT THE RESIDENCE OR DWELLING PLACE OF AN THE INDIVIDUAL.

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

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

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

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

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

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

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

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