
By: **Senators Pinsky and Green**
Introduced and read first time: February 1, 2002
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Threat Against a State or Local Official - Local Appointed Official**

3 FOR the purpose of altering a provision that prohibits making a threat against a
4 State or local official; expanding the definition of "local official" to include a
5 certain appointed official; defining a certain term; and generally relating to a
6 threat against a State or local official.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Law
9 Section 3-708
10 Annotated Code of Maryland
11 (As enacted by Chapter ___ (H.B. 11) of the Acts of the General Assembly of 2002)

12 BY repealing and reenacting, without amendments,
13 Article - State Government
14 Section 10-101(d) and 15-102(II)
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2001 Supplement)

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

19 **Article - Criminal Law**

20 3-708.

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

22 (2) "Local official" means:

23 (I) an individual serving in a publicly elected office of a local
24 government unit, as defined in § 10-101 of the State Government Article; OR

25 (II) AN INDIVIDUAL SERVING IN AN APPOINTED CAPACITY IN A
26 COUNTY OR MUNICIPAL CORPORATION WHO IS:

1 1. A COUNTY OR MUNICIPAL CODE ENFORCEMENT OFFICER
2 OR CODE COMPLIANCE OFFICER; OR

3 2. NOMINATED TO THE POSITION BY THE MAYOR OR
4 EXECUTIVE BODY OF THE COUNTY OR MUNICIPAL CORPORATION AND CONFIRMED
5 WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE BODY OF THE COUNTY OR
6 MUNICIPAL CORPORATION.

7 (3) (i) "State official" has the meaning stated in § 15-102 of the State
8 Government Article.

9 (ii) "State official" includes the Governor, Governor-elect,
10 Lieutenant Governor, and Lieutenant Governor-elect.

11 (4) "Threat" includes:

12 (i) an oral threat; or

13 (ii) a threat in any written form, whether or not the writing is
14 signed, or if the writing is signed, whether or not it is signed with a fictitious name or
15 any other mark.

16 (b) A person may not knowingly and willfully make a threat to take the life of,
17 kidnap, or cause physical injury to a State official or local official.

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

21 (d) A person who violates this section is guilty of a misdemeanor and on
22 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
23 \$2,500 or both.

24 **Article - State Government**

25 10-101.

26 (d) "Local government unit" means:

27 (1) a county;

28 (2) a municipal corporation;

29 (3) a special district that is established by State law and that operates
30 within a single county;

31 (4) a special district that is established by a county pursuant to public
32 general law; or

1 (5) an office, board, or department that is established in each county
2 under State law and that is funded, pursuant to State law, at least in part by the
3 county governing body.

4 15-102.

5 (II) "State official" means:

6 (1) a constitutional officer or officer-elect in an executive unit;

7 (2) a member or member-elect of the General Assembly;

8 (3) a judge or judge-elect of a court under Article IV, § 1 of the
9 Constitution;

10 (4) a judicial appointee as defined in Maryland Rule 16-814;

11 (5) a State's Attorney;

12 (6) a clerk of the circuit court;

13 (7) a register of wills; or

14 (8) a sheriff.

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