

HOUSE BILL 298

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2003 Regular Session  
3r0691  
CF 3r0692

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By: **Delegate Doory (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: January 31, 2003

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Misconduct in Office - Penalty**

3 FOR the purpose of establishing a maximum penalty for the common law crime of  
4 misconduct in office; and generally relating to misconduct in office.

5 BY adding to

6 Article - Criminal Law

7 Section 9-206

8 Annotated Code of Maryland

9 (2002 Volume)

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

12 **Article - Criminal Law**

13 9-206.

14 A PERSON CONVICTED OF MISCONDUCT IN OFFICE IS GUILTY OF A  
15 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
16 EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

17 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): A 10-year  
18 maximum sentence is recommended for the common law crime of misconduct in office  
19 because the crime is similar in nature to the crimes of bribery of a public employee  
20 under § 9-201 of the Criminal Law Article which carries a maximum penalty of 12  
21 years imprisonment, and false reports by election officials under § 16-601 of the  
22 Election Law Article which carry a maximum penalty of 10 years imprisonment. Also  
23 the sentence is recommended because the Commission on Criminal Sentencing Policy  
24 has classified misconduct in office as a Seriousness Category V offense and a number  
25 of similar offenses in this category carry maximum penalties of 10 years  
26 imprisonment.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Note  
2 contained in this Act is not law.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2003.