
By: **Delegates Brown, Conroy, Griffith, Hubbard, Krysiak, and Proctor**
Introduced and read first time: January 26, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Threats to Take a Life, Kidnap, or Cause Physical Injury**

3 FOR the purpose of expanding a certain crime of knowingly and willfully threatening
4 to take the life of, kidnap, or cause physical injury to a State or local official to
5 make it apply to threats to any other person; making it a felony to knowingly
6 and willfully threaten to take the life of, kidnap, or cause serious physical injury
7 to another; making it a misdemeanor to knowingly and willfully threaten to
8 cause physical injury to another; establishing certain penalties; and generally
9 relating to the crimes of threatening to take a life, kidnap, or cause physical
10 injury.

11 BY repealing and reenacting, with amendments,
12 Article - Criminal Law
13 Section 3-708
14 Annotated Code of Maryland
15 (2002 Volume and 2003 Supplement)

16 BY adding to
17 Article - Criminal Law
18 Section 3-709
19 Annotated Code of Maryland
20 (2002 Volume and 2003 Supplement)

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

23 **Article - Criminal Law**

24 3-708.

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

26 (2) "Local official" means an individual serving in a publicly elected
27 office of a local government unit, as defined in § 10-101 of the State Government
28 Article.

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

3 (ii) "State official" includes the Governor, Governor-elect,
4 Lieutenant Governor, and Lieutenant Governor-elect.

5 (4) "Threat"] IN THIS SECTION, "THREAT" includes:

6 [(i)] (1) an oral threat; or

7 [(ii)] (2) a threat in any written form, whether or not the writing is
8 signed, or if the writing is signed, whether or not it is signed with a fictitious name or
9 any other mark.

10 (b) A person may not knowingly and willfully make a threat to take the life of,
11 kidnap, or cause SERIOUS physical injury to [a State official or local official]
12 ANOTHER.

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

16 (d) A person who violates this section is guilty of a [misdemeanor] FELONY
17 and on conviction is subject to imprisonment not exceeding [3] 10 years or a fine not
18 exceeding [\$2,500] \$5,000 or both.

19 3-709.

20 (A) IN THIS SECTION, "THREAT" INCLUDES:

21 (1) AN ORAL THREAT; OR

22 (2) A THREAT IN ANY WRITTEN FORM, WHETHER OR NOT THE WRITING
23 IS SIGNED, OR IF THE WRITING IS SIGNED, WHETHER OR NOT IT IS SIGNED WITH A
24 FICTITIOUS NAME OR ANY OTHER MARK.

25 (B) A PERSON MAY NOT KNOWINGLY AND WILLFULLY MAKE A THREAT TO
26 CAUSE PHYSICAL INJURY TO ANOTHER.

27 (C) A PERSON MAY NOT KNOWINGLY SEND, DELIVER, PART WITH, OR MAKE
28 FOR THE PURPOSE OF SENDING OR DELIVERING A THREAT PROHIBITED UNDER
29 SUBSECTION (B) OF THIS SECTION.

30 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
31 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A
32 FINE NOT EXCEEDING \$2,500 OR BOTH.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2004.