

---

By: **Senator Green**

Introduced and read first time: January 14, 2005

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Intimidation of Witnesses**

3 FOR the purpose of prohibiting a person from causing another person to induce false  
4 testimony or avoidance of subpoena under certain circumstances; making it a  
5 felony to induce false testimony or avoidance of subpoena; increasing the  
6 maximum penalty of imprisonment for inducing false testimony or avoidance of  
7 subpoena; making it a felony to retaliate against a victim or witness under  
8 certain circumstances; increasing the maximum penalty of imprisonment for  
9 retaliating against a victim or witness; making it a felony to intimidate or  
10 corrupt a juror under certain circumstances; increasing the maximum penalty of  
11 imprisonment for intimidating or corrupting a juror; altering the jurisdiction of  
12 the juvenile court to exclude a child who is a certain maximum age and who is  
13 alleged to have committed the crime of inducing false testimony or avoidance of  
14 subpoena, retaliating against a victim or witness, or intimidating or corrupting  
15 a juror; and generally relating to intimidation of witnesses.

16 BY repealing and reenacting, with amendments,  
17 Article - Courts and Judicial Proceedings  
18 Section 3-8A-03  
19 Annotated Code of Maryland  
20 (2002 Replacement Volume and 2004 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Criminal Law  
23 Section 9-302, 9-303, and 9-305  
24 Annotated Code of Maryland  
25 (2002 Volume and 2004 Supplement)

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

1

**Article - Courts and Judicial Proceedings**

2 3-8A-03.

3 (a) In addition to the jurisdiction specified in Subtitle 8 of this title, the court  
4 has exclusive original jurisdiction over:

5 (1) A child who is alleged to be delinquent or in need of supervision or  
6 who has received a citation for a violation;

7 (2) Except as provided in subsection (d)(6) of this section, a peace order  
8 proceeding in which the respondent is a child; and

9 (3) Proceedings arising under the Interstate Compact on Juveniles.

10 (b) The court has concurrent jurisdiction over proceedings against an adult for  
11 the violation of § 3-8A-30 of this subtitle. However, the court may waive its  
12 jurisdiction under this subsection upon its own motion or upon the motion of any  
13 party to the proceeding, if charges against the adult arising from the same incident  
14 are pending in the criminal court. Upon motion by either the State's Attorney or the  
15 adult charged under § 3-8A-30 of this subtitle, the court shall waive its jurisdiction,  
16 and the adult shall be tried in the criminal court according to the usual criminal  
17 procedure.

18 (c) The jurisdiction of the court is concurrent with that of the District Court in  
19 any criminal case arising under the compulsory public school attendance laws of this  
20 State.

21 (d) The court does not have jurisdiction over:

22 (1) A child at least 14 years old alleged to have done an act which, if  
23 committed by an adult, would be a crime punishable by death or life imprisonment, as  
24 well as all other charges against the child arising out of the same incident, unless an  
25 order removing the proceeding to the court has been filed under § 4-202 of the  
26 Criminal Procedure Article;

27 (2) A child at least 16 years old alleged to have done an act in violation of  
28 any provision of the Transportation Article or other traffic law or ordinance, except an  
29 act that prescribes a penalty of incarceration;

30 (3) A child at least 16 years old alleged to have done an act in violation of  
31 any provision of law, rule, or regulation governing the use or operation of a boat,  
32 except an act that prescribes a penalty of incarceration;

33 (4) A child at least 16 years old alleged to have committed any of the  
34 following crimes, as well as all other charges against the child arising out of the same  
35 incident, unless an order removing the proceeding to the court has been filed under §  
36 4-202 of the Criminal Procedure Article:

37 (i) Abduction;

- 1 (ii) Kidnapping;
- 2 (iii) Second degree murder;
- 3 (iv) Manslaughter, except involuntary manslaughter;
- 4 (v) Second degree rape;
- 5 (vi) Robbery under § 3-403 of the Criminal Law Article;
- 6 (vii) Second degree sexual offense under § 3-306(a)(1) of the  
7 Criminal Law Article;
- 8 (viii) Third degree sexual offense under § 3-307(a)(1) of the Criminal  
9 Law Article;
- 10 (ix) A crime in violation of § 5-133, § 5-134, § 5-138, or § 5-203 of  
11 the Public Safety Article;
- 12 (x) Using, wearing, carrying, or transporting a firearm during and  
13 in relation to a drug trafficking crime under § 5-621 of the Criminal Law Article;
- 14 (xi) Use of a firearm under § 5-622 of the Criminal Law Article;
- 15 (xii) Carjacking or armed carjacking under § 3-405 of the Criminal  
16 Law Article;
- 17 (xiii) Assault in the first degree under § 3-202 of the Criminal Law  
18 Article;
- 19 (xiv) Attempted murder in the second degree under § 2-206 of the  
20 Criminal Law Article;
- 21 (xv) Attempted rape in the second degree under § 3-310 of the  
22 Criminal Law Article or attempted sexual offense in the second degree under § 3-312  
23 of the Criminal Law Article;
- 24 (xvi) Attempted robbery under § 3-403 of the Criminal Law Article;  
25 [or]
- 26 (xvii) A violation of § 4-203, § 4-204, § 4-404, or § 4-405 of the  
27 Criminal Law Article; OR
- 28 (XVIII) A VIOLATION OF § 9-302, § 9-303, OR § 9-305 OF THE CRIMINAL  
29 LAW ARTICLE;
- 30 (5) A child who previously has been convicted as an adult of a felony and  
31 is subsequently alleged to have committed an act that would be a felony if committed  
32 by an adult, unless an order removing the proceeding to the court has been filed  
33 under § 4-202 of the Criminal Procedure Article; or

1 (6) A peace order proceeding in which the victim, as defined in §  
2 3-8A-01(w)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4-501  
3 of the Family Law Article.

4 (e) If the child is charged with two or more violations of the Maryland Vehicle  
5 Law, another traffic law or ordinance, or the State Boat Act, allegedly arising out of  
6 the same incident and which would result in the child being brought before both the  
7 court and a court exercising criminal jurisdiction, the court has exclusive jurisdiction  
8 over all of the charges.

9 **Article - Criminal Law**

10 9-302.

11 (a) A person may not, OR CAUSE ANOTHER PERSON TO, harm another,  
12 threaten to harm another, or damage or destroy property with the intent to:

13 (1) influence a victim or witness to testify falsely or withhold testimony;  
14 or

15 (2) induce a victim or witness:

16 (i) to avoid the service of a subpoena or summons to testify; or

17 (ii) to be absent from an official proceeding to which the victim or  
18 witness has been subpoenaed or summoned.

19 (b) A person who violates this section is guilty of a [misdemeanor] FELONY  
20 and on conviction is subject to imprisonment not exceeding [5] 20 years.

21 9-303.

22 (a) A person may not intentionally harm another or damage or destroy  
23 property with the intent of retaliating against a victim or witness for:

24 (1) giving testimony in an official proceeding; or

25 (2) reporting a crime or delinquent act.

26 (b) A person who violates this section is guilty of a [misdemeanor] FELONY  
27 and on conviction is subject to imprisonment not exceeding [5] 20 years.

28 9-305.

29 (a) A person may not, by threat, force, or corrupt means, try to influence,  
30 intimidate, or impede a juror, a witness, or an officer of a court of the State in the  
31 performance of the person's official duties.

32 (b) A person who violates this section is guilty of a [misdemeanor] FELONY  
33 and on conviction is subject to imprisonment not exceeding [5] 20 years or a fine not  
34 exceeding \$10,000 or both.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2005.