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

Introduced and read first time: January 26, 2006

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 8, 2006

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - Bribery of a Public Official - Public Employees**

3 FOR the purpose of ~~expanding~~ clarifying the category of persons considered to be
4 public employees for purposes of certain prohibitions against bribery; defining a
5 certain term; altering a certain definition; and generally relating to bribery of a
6 public official.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Law
9 Section 9-201
10 Annotated Code of Maryland
11 (2002 Volume and 2005 Supplement)

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

14 **Article - Criminal Law**

15 9-201.

16 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (2) "POLITICAL SUBDIVISION" INCLUDES A:

19 (I) COUNTY;

- 1 (II) MUNICIPAL CORPORATION;
- 2 (III) BI-COUNTY OR MULTICOUNTY AGENCY;
- 3 (IV) COUNTY BOARD OF EDUCATION;
- 4 (V) PUBLIC AUTHORITY; OR
- 5 (VI) SPECIAL TAXING DISTRICT THAT IS NOT A HOMEOWNER'S
- 6 ASSOCIATION.

7 (3) (I) ["public] "PUBLIC employee"[:

8 (1)] means an officer or employee of:

9 [(i)] 1. the State; or

10 [(ii)] 2. a [county, municipal corporation, bicounty or multicounty
11 agency, or other] political subdivision of the State[; and].

12 [(2)] (II) "PUBLIC EMPLOYEE" includes:

13 [(i)] 1. an executive officer of the State;

14 [(ii)] 2. a judge of the State;

15 [(iii)] 3. a judicial officer of the State;

16 [(iv)] 4. a member or officer of the General Assembly;

17 [(v)] 5. a member of the police force of Baltimore City or the
18 Department of State Police; and

19 [(vi)] 6. a member, officer, or executive officer of a [municipal
20 corporation] POLITICAL SUBDIVISION.

21 (b) A person may not bribe or attempt to bribe a public employee to influence
22 the public employee in the performance of an official duty of the public employee.

23 (c) A public employee may not demand or receive a bribe, fee, reward, or
24 testimonial to:

25 (1) influence the performance of the official duties of the public
26 employee; or

27 (2) neglect or fail to perform the official duties of the public employee.

28 (d) A person who violates this section is guilty of the misdemeanor of bribery
29 and on conviction:

1 (1) is subject to imprisonment for not less than 2 years and not exceeding
2 12 years or a fine not less than \$100 and not exceeding \$5,000 or both;

3 (2) may not vote; and

4 (3) may not hold an office of trust or profit in the State.

5 (e) A person who violates this section is subject to § 5-106(b) of the Courts
6 Article.

7 (f) (1) A person who violates this section:

8 (i) is a competent witness; and

9 (ii) subject to paragraph (2) of this subsection, may be compelled to
10 testify against any person who may have violated this section.

11 (2) A person compelled to testify for the State under paragraph (1) of this
12 subsection is immune from prosecution for a crime about which the person was
13 compelled to testify.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2006.