

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Stone and Giannetti (Committee to Revise Article 27 - Crimes and Punishments)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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:

1

Article - Criminal Law

2 9-201.

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

5 (2) "POLITICAL SUBDIVISION" INCLUDES A:

6 (I) COUNTY;

7 (II) MUNICIPAL CORPORATION;

8 (III) BI-COUNTY OR MULTICOUNTY AGENCY;

9 (IV) COUNTY BOARD OF EDUCATION;

10 (V) PUBLIC AUTHORITY; OR

11 (VI) SPECIAL TAXING DISTRICT THAT IS NOT A HOMEOWNER'S
12 ASSOCIATION.

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

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

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

16 [(ii)] 2. a [county, municipal corporation, bicounty or multicounty
17 agency, or other] political subdivision of the State[: and].

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

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

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

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

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

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

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

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

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

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

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

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

6 (1) is subject to imprisonment for not less than 2 years and not exceeding
7 12 years or a fine not less than \$100 and not exceeding \$5,000 or both;

8 (2) may not vote; and

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

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

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

13 (i) is a competent witness; and

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

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

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