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By: **Senators Stone and Giannetti (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: January 26, 2006

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of expanding the category of persons considered to be public  
4 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;

20 (II) MUNICIPAL CORPORATION;

21 (III) BI-COUNTY OR MULTICOUNTY AGENCY;

22 (IV) COUNTY BOARD OF EDUCATION;

23 (V) PUBLIC AUTHORITY; OR

1 (VI) SPECIAL TAXING DISTRICT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (1) is subject to imprisonment for not less than 2 years and not exceeding  
26 12 years or a fine not less than \$100 and not exceeding \$5,000 or both;

27 (2) may not vote; and

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

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

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

2 (i) is a competent witness; and

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

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

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