

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 311

(Senators Stone and Giannetti)  
(Committee to Revise Article 27 – Crimes and Punishments)

Judicial Proceedings

Judiciary

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

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This bill expands the category of persons considered to be public employees for application of provisions prohibiting bribery and establishes a definition for the term “political subdivision.” “Political subdivision” is defined to include a county, a municipal corporation, a bicounty or multicounty agency, a county board of education, a public authority, or special taxing district that is not a homeowner’s association. The definition of “public employee” is expanded to mean an officer or employee of a political subdivision of the State and to also include a member, officer, or executive officer of a political subdivision.

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**Fiscal Summary**

**State Effect:** The bill’s requirements could be met with existing resources.

**Local Effect:** The bill’s requirements could be met with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A public employee means an officer or employee of the State or a county, municipal corporation, bicounty or multicounty agency, or other political subdivision of the State. Public employee includes an executive officer, judge, or judicial officer of the State, a member or officer of the General Assembly, a member of the police

force of Baltimore City or the Department of State Police, and a member, officer, or executive officer of a municipal corporation.

A person may not bribe or attempt to bribe a public employee to influence the public employee in the performance of an official duty. A public employee may not demand or receive a bribe, fee, reward, or testimonial to influence the performance of official duties or to neglect or fail to perform official duties. A person who violates this provision is guilty of the misdemeanor of bribery and is subject to imprisonment for at least 2 years, but not more than 12 years and/or a fine of least \$100, but not more than \$5,000. A person convicted of this crime may not vote or hold an office of trust or profit in the State. Notwithstanding any other provision of law, the State may institute a prosecution for this misdemeanor at any time. For purposes of the Maryland Constitution, a person convicted of this offense is deemed to have committed a misdemeanor whose punishment is confinement in the penitentiary and may reserve a point or question for *in banc* review as provided under the Maryland Constitution.

A person who commits this offense is a competent witness and may be compelled to testify against any person who may have committed this offense. A person who is compelled to testify under these circumstances is immune from prosecution for a crime about which the person was compelled to testify.

**Background:** This bill incorporates recommendations from the Committee to Revise Article 27 of the Annotated Code of Maryland – Crimes and Punishments and includes recommendations from the former Criminal Law Article Review Committee.

The former Criminal Law Article Review Committee, which was charged with the nonsubstantive revision of the State’s criminal law, identified various provisions that appeared to require substantive changes to the existing law. Based on these provisions of the article review committee identified by “flags” or questions to the General Assembly, the Article 27 committee recommends a series of substantive, yet largely clarifying changes to definitions in provisions dealing with bribery of public officials, as well as identity fraud, and extortion by government officers and employees.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 382 (Delegate Vallario) (Committee to Revise Article 27 – Crimes and Punishments) – Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2006  
ncs/jr Revised - Senate Third Reader - March 22, 2006  
Revised - Enrolled Bill - April 20, 2006

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