

# HOUSE BILL 509

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9lr1127

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By: **Delegates Kipke, Ali, Barkley, Beidle, Benson, Boteler, Carr, Carter, Costa, DeBoy, Eckardt, Elliott, Elmore, Frush, George, Haddaway, Howard, Hubbard, King, Krebs, Kullen, Love, McComas, Montgomery, Norman, Pena-Melnyk, Reznik, Rice, Riley, Robinson, Schuh, Schuler, Shank, Shewell, Stocksdales, Waldstreicher, and Weldon**

Introduced and read first time: February 4, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Harassment – Electronic Communications**

3 FOR the purpose of altering an existing prohibition against using electronic mail with  
4 the intent to harass; prohibiting a person from making an electronic  
5 communication with the intent to harass a person or the person’s immediate  
6 family; defining certain terms; making certain conforming changes; and  
7 generally relating to harassment through electronic communications.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Law  
10 Section 3–805  
11 Annotated Code of Maryland  
12 (2002 Volume and 2008 Supplement)

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

15 **Article – Criminal Law**

16 3–805.

17 (a) (1) In this section[, “electronic mail”] **THE FOLLOWING WORDS HAVE**  
18 **THE MEANINGS INDICATED.**

19 (2) **“ELECTRONIC COMMUNICATION”** means [the] **A POSTING OR**  
20 transmission of information or a communication by the use of a computer or other

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 electronic means [that is sent to a person identified by a unique address and that is  
2 received by the person].

3 (3) **“HARASS” MEANS TO:**

4 (I) **PLACE A PERSON IN REASONABLE APPREHENSION OF**  
5 **IMMEDIATE OR FUTURE BODILY HARM, SEXUAL ASSAULT, CONFINEMENT, OR**  
6 **RESTRAINT; OR**

7 (II) **FRIGHTEN, INTIMIDATE, OR CAUSE EMOTIONAL**  
8 **DISTRESS.**

9 (b) A person may not [use] **MAKE AN** electronic [mail] **COMMUNICATION**  
10 with the intent to harass[:] **A PERSON OR THE PERSON’S IMMEDIATE FAMILY**

11 [(1) one or more persons; or

12 (2) by sending lewd, lascivious, or obscene material].

13 (c) It is not a violation of this section for any of the following persons to  
14 provide information, facilities, or technical assistance to another who is authorized by  
15 federal or State law to intercept or provide electronic [mail] **COMMUNICATIONS** or to  
16 conduct surveillance of electronic [mail] **COMMUNICATIONS**, if a court order directs  
17 the person to provide the information, facilities, or technical assistance:

18 (1) a provider of electronic [mail] **COMMUNICATION SERVICES;**

19 (2) an officer, employee, agent, landlord, or custodian of a provider of  
20 electronic [mail] **COMMUNICATION SERVICES;** or

21 (3) a person specified in a court order directing the provision of  
22 information, facilities, or technical assistance to another who is authorized by federal  
23 or State law to intercept or provide electronic [mail] **COMMUNICATIONS** or to  
24 conduct surveillance of electronic [mail] **COMMUNICATIONS.**

25 (d) This section does not apply to a peaceable activity intended to express a  
26 political view or provide information to others.

27 (e) A person who violates this section is guilty of a misdemeanor and on  
28 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500  
29 or both.

30 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
31 **October 1, 2009.**