

HOUSE BILL 8

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(PRE-FILED)

2lr0413
CF SB 175

By: **Delegate Washington**

Requested: August 2, 2011

Introduced and read first time: January 11, 2012

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 21, 2012

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Electronic Communication – Harassment**

3 FOR the purpose of altering the prohibition against using electronic mail with the
4 intent to harass to prohibit ~~engaging in electronic communication with the~~
5 ~~intent to harass~~ maliciously engaging in a course of conduct, through the use of
6 electronic communication, that alarms or seriously annoys another under
7 certain circumstances; altering a certain definition; ~~establishing penalties for a~~
8 ~~second or subsequent violation of this Act~~; and generally relating to prohibitions
9 of harassment.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 3–805
13 Annotated Code of Maryland
14 (2002 Volume and 2011 Supplement)

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

17 **Article – Criminal Law**

18 3–805.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) In this section, “electronic [mail] COMMUNICATION” means the
 2 transmission of information, DATA, or a communication by the use of a computer or
 3 ANY other electronic means that is sent to a person [identified by a unique address]
 4 and that is received by the person.

5 (b) A person may not [use] MALICIOUSLY ENGAGE IN A COURSE OF
 6 CONDUCT, THROUGH THE USE OF electronic [mail] COMMUNICATION ~~with the~~
 7 ~~intent to harass~~, THAT ALARMS OR SERIOUSLY ANNOYS ANOTHER:

8 (1) WITH THE INTENT TO HARASS, ALARM, OR ANNOY THE OTHER;

9 (2) AFTER RECEIVING A REASONABLE WARNING OR REQUEST TO
 10 STOP BY OR ON BEHALF OF THE OTHER; AND

11 (3) WITHOUT A LEGAL PURPOSE.

12 ~~(1) one or more persons; or~~

13 ~~(2) by sending lewd, lascivious, or obscene material.~~

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

19 (1) a provider of electronic [mail] COMMUNICATION;

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

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

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

28 (e) A person who violates this section is guilty of a misdemeanor and on
 29 conviction is subject to:

30 ~~(1) FOR A FIRST OFFENSE,~~ imprisonment not exceeding 1 year or a
 31 fine not exceeding \$500 or both; ~~OR~~

1 ~~(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT~~
2 ~~NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.~~

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.