

# SENATE BILL 285

L6, E2

2lr0944

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By: **Senators Frosh, Brinkley, Brochin, Conway, Dyson, Garagiola, Getty, Glassman, Kasemeyer, Kittleman, Madaleno, Middleton, Miller, Robey, and Stone**

Introduced and read first time: January 26, 2012

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Immunity of Local Government Officials – Prosecutions for Bribery**

3 FOR the purpose of providing an exception to certain immunity for certain  
4 government officials for words spoken at certain meetings; and generally  
5 relating to immunity of local government officials.

6 BY repealing and reenacting, with amendments,  
7 Article – Courts and Judicial Proceedings  
8 Section 5–501  
9 Annotated Code of Maryland  
10 (2006 Replacement Volume and 2011 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article – Criminal Law  
13 Section 9–201  
14 Annotated Code of Maryland  
15 (2002 Volume and 2011 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 5–501.

20 **[A] EXCEPT FOR A PROSECUTION UNDER § 9–201 OF THE CRIMINAL LAW**  
21 **ARTICLE**, A civil or criminal action may not be brought against a city or town  
22 councilman, county commissioner, county councilman, or similar official by whatever

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 name known, for words spoken at a meeting of the council or board of commissioners  
2 or at a meeting of a committee or subcommittee thereof.

3 **Article – Criminal Law**

4 9–201.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Political subdivision” includes a:

7 (i) county;

8 (ii) municipal corporation;

9 (iii) bi–county or multicounty agency;

10 (iv) county board of education;

11 (v) public authority; or

12 (vi) special taxing district that is not a homeowner’s association.

13 (3) (i) “Public employee” means an officer or employee of:

14 1. the State; or

15 2. a political subdivision of the State.

16 (ii) “Public employee” includes:

17 1. an executive officer of the State;

18 2. a judge of the State;

19 3. a judicial officer of the State;

20 4. a member or officer of the General Assembly;

21 5. a member of the police force of Baltimore City or the  
22 Department of State Police; and

23 6. a member, officer, or executive officer of a political  
24 subdivision.

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

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

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

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

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

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

10                  (2)   may not vote; and

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

12           (e)    A person who violates this section is subject to § 5–106(b) of the Courts  
13 Article.

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

15                           (i)   is a competent witness; and

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

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

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