

HOUSE BILL 98

E1

6lr0929
CF SB 156

By: **Delegate B. Wilson**

Introduced and read first time: January 18, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Participation in Court Proceedings – Retaliation**

3 FOR the purpose of prohibiting a person from retaliating against a juror or an officer of the
4 court for the performance of official duties in a court of the State or the United States;
5 prohibiting a person from soliciting another to retaliate against a juror or an officer
6 of the court for the performance of official duties in a court of the State or the United
7 States; applying certain penalties for an offense under this Act; and generally
8 relating to retaliation for participation in court proceedings.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 9–303
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2015 Supplement)

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

16 **Article – Criminal Law**

17 9–303.

18 (a) A person may not intentionally harm another, threaten to harm another, or
19 damage or destroy property with the intent of retaliating against:

20 (1) a victim or witness for:

21 [(1)] (I) giving testimony in an official proceeding; or

22 [(2)] (II) reporting a crime or delinquent act;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) A JUROR FOR THE PERFORMANCE OF THE JUROR'S OFFICIAL**
2 **DUTIES IN A COURT OF THE STATE OR THE UNITED STATES; OR**

3 **(3) AN OFFICER OF THE COURT OF THE STATE OR THE UNITED**
4 **STATES FOR THE PERFORMANCE OF THE OFFICER'S OFFICIAL DUTIES.**

5 (b) A person may not solicit another person to intentionally harm another,
6 threaten to harm another, or damage or destroy property with the intent of retaliating
7 against:

8 **(1)** a victim or witness for:

9 **[(1)] (I)** giving testimony in an official proceeding; or

10 **[(2)] (II)** reporting a crime or delinquent act;

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14 **STATES FOR THE PERFORMANCE OF THE OFFICER'S OFFICIAL DUTIES.**

15 (c) (1) Except as provided in paragraph (2) of this subsection, a person who
16 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment
17 not exceeding 5 years or a fine not exceeding \$5,000 or both.

18 (2) If the official proceeding or report described in subsection (a) of this
19 section relates to a felonious violation of Title 5 of this article or the commission of a crime
20 of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to commit
21 such a crime, a person who violates this section is guilty of a felony and on conviction is
22 subject to imprisonment not exceeding 20 years.

23 (d) A sentence imposed under this section may be separate from and consecutive
24 to or concurrent with a sentence for any crime based on the act establishing the violation
25 of this section.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2016.