

HOUSE BILL 1601

E1
HB 1054/15 – JUD

6lr3530

By: **Delegates Cluster and Folden**

Introduced and read first time: February 25, 2016

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Threat Against State or Local Official – Law Enforcement**
3 **Officer**

4 FOR the purpose of making it a misdemeanor to knowingly and willfully make a threat to
5 take the life of, kidnap, or cause physical injury to a law enforcement officer;
6 imposing certain penalties; defining a certain term; altering a certain definition; and
7 generally relating to the making of a threat against a law enforcement officer.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 3–708
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2015 Supplement)

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

15 **Article – Criminal Law**

16 3–708.

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

18 (2) **“LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN §**
19 **3–101 OF THE PUBLIC SAFETY ARTICLE.**

20 (3) **“Local official” means an individual serving in a publicly elected office**
21 **of a local government unit, as defined in § 10–101 of the State Government Article.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ~~[(3)] (4)~~ (i) “State official” has the meaning stated in § 5–101 of the
2 General Provisions Article.

3 (ii) “State official” includes the Governor, Governor–elect,
4 Lieutenant Governor, and Lieutenant Governor–elect.

5 ~~[(4)] (5)~~ “Threat” includes:

6 (i) an oral threat, **INCLUDING A THREAT RECORDED BY A**
7 **TELEPHONE MONITORING PROGRAM AT A CORRECTIONAL FACILITY OR DETENTION**
8 **CENTER; or**

9 (ii) a threat in any written form, whether or not the writing is signed,
10 or if the writing is signed, whether or not it is signed with a fictitious name or any other
11 mark, **INCLUDING A THREAT POSTED ON THE INTERNET OR SENT AS AN E–MAIL OR**
12 **A FACSIMILE.**

13 (b) A person may not knowingly and willfully make a threat, **OR CONSPIRE TO**
14 **MAKE A THREAT**, to take the life of, kidnap, or cause physical injury to:

15 **(1)** a State official[.];

16 **(2)** a local official[.];

17 **(3)** a deputy State’s Attorney[.];

18 **(4)** an assistant State’s Attorney[, or];

19 **(5)** an assistant Public Defender; **OR**

20 **(6)** **A LAW ENFORCEMENT OFFICER.**

21 (c) A person may not knowingly send, deliver, part with, or make for the purpose
22 of sending or delivering a threat prohibited under subsection (b) of this section.

23 (d) A person who violates this section is guilty of a misdemeanor and on conviction
24 is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

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