

SENATE BILL 156

E1

6lr1018
CF HB 98

By: **Senator Cassilly**

Introduced and read first time: January 15, 2016

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 9, 2016

CHAPTER _____

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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