

Chapter 533

(House Bill 98)

AN ACT concerning

Criminal Law – Participation in Court Proceedings – Retaliation

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

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

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

Article – Criminal Law

9–303.

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

(1) a victim or witness for:

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

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

(2) A JUROR FOR ANY REASON RELATING TO THE PERFORMANCE OF THE JUROR’S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE IN A COURT OF THE STATE OR THE UNITED STATES; OR

(3) AN OFFICER OF THE COURT OF THE STATE OR THE UNITED STATES FOR ANY REASON RELATING TO THE PERFORMANCE OF THE OFFICER’S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE.

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

(1) a victim or witness for:

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

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

(2) **A JUROR FOR ANY REASON RELATING TO THE PERFORMANCE OF THE JUROR'S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE IN A COURT OF THE STATE OR THE UNITED STATES; OR**

(3) **AN OFFICER OF THE COURT OF THE STATE OR THE UNITED STATES FOR ANY REASON RELATING TO THE PERFORMANCE OF THE OFFICER'S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE.**

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

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

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

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

Approved by the Governor, May 19, 2016.