

# HOUSE BILL 480

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7lr1564

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By: **Delegates Rosenberg and Anderson**

Introduced and read first time: January 27, 2017

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Harassment – Misuse of Interactive Computer Service**

3 FOR the purpose of prohibiting a person from using an interactive computer service to  
4 maliciously engage in a certain course of conduct that places another in reasonable  
5 fear of death or serious bodily injury under certain circumstances; and generally  
6 relating to misuse of an interactive computer service.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Law

9 Section 3–805

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2016 Supplement)

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

14 **Article – Criminal Law**

15 3–805.

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

17 (2) “Electronic communication” means the transmission of information,  
18 data, or a communication by the use of a computer or any other electronic means that is  
19 sent to a person and that is received by the person.

20 (3) “Interactive computer service” means an information service, system,  
21 or access software provider that provides or enables computer access by multiple users to  
22 a computer server, including a system that provides access to the Internet and cellular  
23 phones.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) A person may not maliciously engage in a course of conduct, through  
2 the use of electronic communication, that alarms or seriously annoys another:

3 (i) with the intent to harass, alarm, or annoy the other;

4 (ii) after receiving a reasonable warning or request to stop by or on  
5 behalf of the other; and

6 (iii) without a legal purpose.

7 (2) A person may not use an interactive computer service to maliciously  
8 engage in a course of conduct that inflicts serious emotional distress on a minor or places a  
9 minor in reasonable fear of death or serious bodily injury with the intent:

10 (i) to kill, injure, harass, or cause serious emotional distress to the  
11 minor; or

12 (ii) to place the minor in reasonable fear of death or serious bodily  
13 injury.

14 **(3) A PERSON, ACTING EITHER INDIVIDUALLY OR AS PART OF A**  
15 **GROUP, MAY NOT USE AN INTERACTIVE COMPUTER SERVICE TO MALICIOUSLY**  
16 **ENGAGE IN A COURSE OF CONDUCT THAT PLACES ANOTHER IN REASONABLE FEAR**  
17 **OF DEATH OR SERIOUS BODILY INJURY WITH THE INTENT:**

18 **(I) TO KILL, INJURE, OR HARASS THE OTHER; OR**

19 **(II) TO PLACE THE OTHER IN REASONABLE FEAR OF DEATH OR**  
20 **SERIOUS BODILY INJURY.**

21 (c) It is not a violation of this section for any of the following persons to provide  
22 information, facilities, or technical assistance to another who is authorized by federal or  
23 State law to intercept or provide electronic communication or to conduct surveillance of  
24 electronic communication, if a court order directs the person to provide the information,  
25 facilities, or technical assistance:

26 (1) a provider of electronic communication;

27 (2) an officer, employee, agent, landlord, or custodian of a provider of  
28 electronic communication; or

29 (3) a person specified in a court order directing the provision of  
30 information, facilities, or technical assistance to another who is authorized by federal or  
31 State law to intercept or provide electronic communication or to conduct surveillance of  
32 electronic communication.

1 (d) Subsection (b)(1) of this section does not apply to a peaceable activity intended  
2 to express a political view or provide information to others.

3 (e) A person who violates this section is guilty of a misdemeanor and on conviction  
4 is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2017.