

Department of Legislative Services  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 1250

(Senator Lee)

Judicial Proceedings

Judiciary

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**Criminal Law – Threat of Mass Violence**

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This bill alters the existing statutory prohibition on knowingly threatening to commit or threatening to cause to be committed a crime of violence, as defined in § 14-101 of the Criminal Law Article, by prohibiting a person from making such a threat that would place five or more people at substantial risk of death or serious physical injury, as defined under § 3-201 of the Criminal Law Article, if the threat were carried out. Violators are guilty of a misdemeanor, punishable by the existing statutory penalties of imprisonment for up to 10 years and/or a \$10,000 maximum fine.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to expanded application of existing penalties.

**Local Effect:** Potential minimal increase in local revenues and expenditures due to the expanded application of existing penalties.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person may not knowingly threaten to commit a crime of violence or threaten to cause such a crime to be committed, that would place others at a substantial risk of death or serious physical injury if as a result of the threat, regardless of whether the threat is carried out, five or more people are (1) placed in reasonable fear that the crime will be committed; (2) evacuated from a dwelling, storehouse, or public place; (3) required to move to a designated area within a dwelling, storehouse, or public place; or (4) required

to remain in a designated safe area within a dwelling, storehouse, or public place. The prohibition applies to a threat made by oral or written communication or electronic mail.

Violators are guilty of a misdemeanor, punishable by imprisonment for up to 10 years and/or a maximum fine of \$10,000. In addition to these penalties, a court must order a person convicted of this offense to reimburse the appropriate unit of government or other person for expenses and losses incurred in responding to the unlawful threat unless the court states on the record why reimbursement would be inappropriate. Violators may be indicted, prosecuted, tried, and convicted in any county where (1) the threat was received; (2) the threat was made; or (3) the consequences of the threat occurred.

**Background:** According to the Judiciary, during fiscal 2017, 21 violations were filed in the District Court and 17 violations were filed in the circuit courts for making a threat of mass violence. According to the Maryland State Sentencing Guidelines Database, no individuals were sentenced in the State's circuit courts during fiscal 2017 for making a threat of mass violence. The Department of Public Safety and Correctional Services advises that during fiscal 2017, no inmates were assigned to a State correctional facility for making a threat of mass violence. According to the Division of Parole and Probation, the division did not conduct any intakes during fiscal 2017 for a person sentenced to probation for making a threat of mass violence.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** HB 1807 (Delegates Sydnor and Carozza) - Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Maryland State Commission on Criminal Sentencing Policy; Department of State Police; Office of the Public Defender; Maryland State's Attorneys' Association; City of Frederick; Frederick County; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 13, 2018  
md/kdm Third Reader - April 4, 2018  
Revised - Amendment(s) - April 4, 2018  
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Analysis by: Amy A. Devadas

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510