

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 139

(Senator Lee, *et al.*)

Judicial Proceedings

Judiciary

Criminal Law - Threat of Mass Violence

This emergency 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.

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.

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 2018, 33 violations were filed in the District Court and 11 violations were filed in the circuit courts for making a threat of mass violence. Out of these violations, there was one guilty disposition recorded in the District Court and three guilty dispositions recorded in the circuit courts.

According to the Maryland State Sentencing Guidelines Database, two individuals were sentenced in the State's circuit courts during fiscal 2018 for making a threat of mass violence.

According to the Division of Parole and Probation, the division did not conduct any intakes during fiscal 2018 for a person sentenced to probation for making a threat of mass violence.

Additional Information

Prior Introductions: SB 1250 of 2018, as amended, passed the Senate and received a hearing in the House Judiciary Committee. No further action was taken on the bill. Its cross file, HB 1807, received a hearing in the House Judiciary Committee. No further action was taken on the bill.

Cross File: HB 420 (Delegate Sydnor) - Judiciary.

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

Fiscal Note History: First Reader - February 5, 2019
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Analysis by: Amy A. Devadas

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