

HOUSE BILL 198

E1

1lr1448

(PRE-FILED)

By: **Delegate Wilson**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Disturbing the Peace – Prohibited Actions**

3 FOR the purpose of altering the prohibited actions for the crime of disturbing the peace;
4 repealing certain definitions; making certain conforming changes; and generally
5 relating to disturbing the peace.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 10–201
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2020 Supplement)

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

13 **Article – Criminal Law**

14 10–201.

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

16 (2) (i) “Public conveyance” means a conveyance to which the public or a
17 portion of the public has access to and a right to use for transportation.

18 (ii) “Public conveyance” includes an airplane, vessel, bus, railway
19 car, school vehicle, and subway car.

20 (3) (i) “Public place” means a place to which the public or a portion of
21 the public has access and a right to resort for business, dwelling, entertainment, or other

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 lawful purpose.

2 (ii) "Public place" includes:

- 3 1. a restaurant, shop, shopping center, store, tavern, or other
4 place of business;
- 5 2. a public building;
- 6 3. a public parking lot;
- 7 4. a public street, sidewalk, or right-of-way;
- 8 5. a public park or other public grounds;
- 9 6. the common areas of a building containing four or more
10 separate dwelling units, including a corridor, elevator, lobby, and stairwell;
- 11 7. a hotel or motel;
- 12 8. a place used for public resort or amusement, including an
13 amusement park, golf course, race track, sports arena, swimming pool, and theater;
- 14 9. an institution of elementary, secondary, or higher
15 education;
- 16 10. a place of public worship;
- 17 11. a place or building used for entering or exiting a public
18 conveyance, including an airport terminal, bus station, dock, railway station, subway
19 station, and wharf; and
- 20 12. the parking areas, sidewalks, and other grounds and
21 structures that are part of a public place.

22 (b) For purposes of a prosecution under this section, a public conveyance or a
23 public place need not be devoted solely to public use.

24 (c) (1) A person may not [willfully and without lawful purpose obstruct or
25 hinder the free passage of another in a public place or on a public conveyance.

26 (2) A person may not willfully act in a disorderly manner that disturbs the
27 public peace.

28 (3) A person may not willfully fail to obey a reasonable and lawful order
29 that a law enforcement officer makes to prevent a disturbance to the public peace.

1 (4) A person who enters the land or premises of another, whether an owner
2 or lessee, or a beach adjacent to residential riparian property, may not willfully:

3 (i) disturb the peace of persons on the land, premises, or beach by
4 making an unreasonably loud noise; or

5 (ii) act in a disorderly manner.

6 (5) A person from any location may not, by making an unreasonably loud
7 noise, willfully disturb the peace of another:

8 (i) on the other's land or premises;

9 (ii) in a public place; or

10 (iii) on a public conveyance] **INTEND TO CAUSE PUBLIC**
11 **INCONVENIENCE, ANNOYANCE, OR ALARM, OR RECKLESSLY CREATE A RISK OF**
12 **PUBLIC INCONVENIENCE, ANNOYANCE, OR ALARM, BY:**

13 **(I) ENGAGING IN FIGHTING OR IN VIOLENT, TUMULTUOUS, OR**
14 **THREATENING BEHAVIOR;**

15 **(II) MAKING UNREASONABLE NOISE;**

16 **(III) DISTURBING ANY LAWFUL ASSEMBLY OF PERSONS WITHOUT**
17 **LAWFUL AUTHORITY;**

18 **(IV) OBSTRUCTING VEHICULAR OR PEDESTRIAN TRAFFIC ON A**
19 **PUBLIC WAY;**

20 **(V) INITIATING OR CIRCULATING A REPORT, KNOWING IT TO BE**
21 **FALSE, CONCERNING AN ALLEGED OR IMPENDING FIRE, EXPLOSION, CRIME,**
22 **CATASTROPHE, OR OTHER EMERGENCY; OR**

23 **(VI) CREATING A HAZARDOUS OR PHYSICALLY OFFENSIVE**
24 **CONDITION BY AN ACT WHICH THE PERSON IS NOT LICENSED OR PRIVILEGED TO DO.**

25 **[(6)] (2)** In Worcester County, a person may not build a bonfire or allow a
26 bonfire to burn on a beach or other property between 1 a.m. and 5 a.m.

27 **[(d)] (B)** A person who violates this section is guilty of a misdemeanor and on
28 conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$500 or
29 both.

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

1 October 1, 2021.