

HOUSE BILL 437

E1

2lr1404
CF SB 57

By: **Delegates Hill and Krebs**

Introduced and read first time: January 20, 2022

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2022

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – ~~Public Safety – Communications With False Statements~~ – Public**
3 **Safety Answering Points and Penalty**

4 FOR the purpose of prohibiting a person from ~~making communications that are reasonably~~
5 ~~expected to impair the functioning of a public safety answering point or intended to~~
6 ~~disrupt an emergency response; prohibiting a person from~~ making a false statement,
7 report, or complaint to a public safety answering point ~~or law enforcement officer~~
8 ~~that results in a certain response; and generally relating to prohibitions on~~
9 ~~communications~~ with a certain intent; altering the penalty for making a false
10 statement to a certain law enforcement officer; and generally relating to the making
11 of false statements to public safety answering points.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section ~~3–801, 3–804, and 9–501~~
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2021 Supplement)

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

19 **Article – Criminal Law**

20 ~~3–801.~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~(A) In this subtitle[, “course”] THE FOLLOWING WORDS HAVE THE MEANINGS~~
 2 ~~INDICATED.~~

3 ~~(B) “COURSE of conduct” means a persistent pattern of conduct, composed of a~~
 4 ~~series of acts over time, that shows a continuity of purpose.~~

5 ~~(C) “DATA” MEANS INFORMATION TRANSMITTED THROUGH EQUIPMENT,~~
 6 ~~INCLUDING TEXT MESSAGES, IMAGES, AND VIDEO.~~

7 ~~(D) “EQUIPMENT” MEANS ANY DEVICE THAT IS CAPABLE OF CONTACTING A~~
 8 ~~PUBLIC SAFETY ANSWERING POINT.~~

9 ~~(E) “PUBLIC SAFETY ANSWERING POINT” HAS THE MEANING STATED IN §~~
 10 ~~1-301 OF THE PUBLIC SAFETY ARTICLE.~~

11 ~~§ 804.~~

12 ~~(a) A person may not use telephone facilities or equipment to make:~~

13 ~~(1) an anonymous call that is reasonably expected to annoy, abuse,~~
 14 ~~torment, harass, or embarrass another;~~

15 ~~(2) repeated calls with the intent to annoy, abuse, torment, harass, or~~
 16 ~~embarrass another; or~~

17 ~~(3) a comment, request, suggestion, or proposal that is obscene, lewd,~~
 18 ~~lascivious, filthy, or indecent.~~

19 ~~(B) A PERSON MAY NOT USE TELEPHONE FACILITIES, DATA FILES, OR~~
 20 ~~EQUIPMENT TO MAKE A CALL OR SEND DATA:~~

21 ~~(1) TO A PUBLIC SAFETY ANSWERING POINT, IF THE CALL OR~~
 22 ~~TRANSMISSION OF DATA IS REASONABLY EXPECTED TO IMPAIR THE FUNCTIONING~~
 23 ~~OF THE PUBLIC SAFETY ANSWERING POINT; OR~~

24 ~~(2) TO A PUBLIC SAFETY ANSWERING POINT OR A PUBLIC SAFETY~~
 25 ~~AGENCY, WITH THE INTENT TO DISRUPT AN EMERGENCY RESPONSE.~~

26 ~~[(b)](C) A person who violates SUBSECTION (A) OF this section is guilty of a~~
 27 ~~misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine~~
 28 ~~not exceeding \$500 or both.~~

29 ~~(D) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY~~
 30 ~~OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING~~
 31 ~~5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.~~

1 9-501.

2 (a) ~~(1)~~ A person may not make, or cause to be made, a statement, report, or
3 complaint that the person knows to be false as a whole or in material part, to A PUBLIC
4 SAFETY ANSWERING POINT, AS DEFINED IN § 1-301 OF THE PUBLIC SAFETY
5 ARTICLE, OR a law enforcement officer of the State, of a county, municipal corporation, or
6 other political subdivision of the State, or of the Maryland-National Capital Park and
7 Planning Police with intent to deceive and to cause an investigation or other action to be
8 taken as a result of the statement, report, or complaint.

9 ~~(2) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1) OF
10 THIS SUBSECTION THAT RESULTS IN LAW ENFORCEMENT PERSONNEL BEING
11 DISPATCHED TO RESPOND TO THE STATEMENT, REPORT, OR COMPLAINT.~~

12 ~~(3) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1) OF
13 THIS SUBSECTION THAT RESULTS IN SERIOUS BODILY INJURY TO ANY PERSON.~~

14 (b) ~~(1)~~ A person who violates ~~SUBSECTION (A)(1) OF~~ this section is guilty of
15 a misdemeanor and on conviction is subject to imprisonment not exceeding ~~6 months~~ 3
16 YEARS or a fine not exceeding \$500 or both.

17 ~~(2) A PERSON WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION IS
18 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
19 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.~~

20 ~~(3) A PERSON WHO VIOLATES SUBSECTION (A)(3) OF THIS SECTION IS
21 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
22 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.~~

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.