

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 128
Judiciary

(Delegates Rosenberg and Kipke)

Judicial Proceedings

Crimes - Interfering With a Legislative Proceeding

This bill prohibits a person from taking specified actions, or soliciting another person to take specified actions, against a witness to affect testimony offered to a “legislative body” in a “legislative proceeding.”

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances.

Local Effect: The bill is not expected to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary:

Prohibited Acts

A person may not physically harm another or threaten to physically harm another with the intent to (1) influence a witness to offer false testimony to, or withhold testimony from, a legislative body or (2) induce a witness to be absent from a legislative proceeding. A person is also prohibited from soliciting another person to engage in these acts.

A person may not intentionally physically harm another or threaten to physically harm another with the intent of retaliating against a witness for giving testimony in a legislative

proceeding. A person is also prohibited from soliciting another person to commit these acts.

Violators of the bill's prohibitions are guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a \$5,000 maximum fine. A sentence imposed for a violation may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation.

Definitions

A "legislative body" is a committee, as described in specified provisions of the State Government Article, and a task force or workgroup established by statute to study an issue and make recommendations to the General Assembly.

A "legislative proceeding" means a meeting of a legislative body, regardless of whether the meeting is a hearing or presentation, a quorum of the legislative body is present, or the General Assembly is in session.

Current Law: Title 9, Subtitle 3 of the Criminal Law Article contains several provisions that are similar to the provisions of the bill but apply to court proceedings and functions.

Inducing False Testimony or Avoidance of a Subpoena – § 9-302 of the Criminal Law Article

A person may not harm another, threaten to harm another, or damage or destroy property with the intent to (1) influence a victim or witness to testify falsely or withhold testimony or (2) induce a victim or witness to avoid the service of a subpoena or summons to testify, be absent from an official proceeding to which the victim or witness has been subpoenaed or summoned, or not to report the existence of facts relating to a crime or delinquent act. A person is also prohibited from soliciting another person to commit these acts.

Retaliation for Testimony – § 9-303 of the Criminal Law Article

A person may not intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against (1) a victim or witness for giving testimony in an official proceeding or reporting a crime or delinquent act; (2) a juror for any reason relating to the performance of the juror's official duties in a pending or completed case in a federal or State court; or (3) a federal or State officer of the court for any reason relating to the performance of the officer's official duties in a pending or completed case. A person is also prohibited from soliciting another person to commit these acts.

Intimidating, Impeding, or Corrupting a Witness, Juror, or Officer of the Court – § 9-305 of the Criminal Law Article

A person may not, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror, a witness, or an officer of a State or federal court in the performance of the person's official duties. A person is also prohibited from soliciting another person to commit these acts.

Penalties for Violations of §§ 9-302, 9-303, and 9-305 of the Criminal Law Article

In general, violators of the prohibitions listed above are guilty of a misdemeanor, punishable by imprisonment for up to 10 years and/or a \$5,000 maximum fine. However, if, as specified in statute, the violation is connected to a felony offense under Title 5 of the Criminal Law Article (controlled dangerous substances offenses) or the commission of a crime of violence (as defined under § 14-101 of the Criminal Law Article), or a conspiracy or solicitation to commit one of those crimes, a violator is guilty of a felony, punishable by imprisonment for up to 20 years. A sentence imposed for a violation may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation.

Obstruction of Justice – § 9-306 of the Criminal Law Article

A person is prohibited from obstructing, impeding, or trying to obstruct or impede the administration of justice in a court of the State by threat, force, or corrupt means. Violators are guilty of a misdemeanor, punishable by imprisonment for up to five years and/or a \$10,000 maximum fine.

Prohibitions Against Disrupting Legislative Proceedings

While there are no statutory provisions that specifically address the acts prohibited under the bill, § 2-1702 of the State Government Article contains a variety of prohibitions against disrupting or interfering with proceedings of the General Assembly, the Senate, or the House or any of their committees, including by disruptive noise, abusive language, obscene gestures, violent or threatening behavior, or refusing to comply with a lawful police order to disperse. Additional provisions apply to preventing members, officers, or employees of the legislature from performing their duties; picketing in a legislative building; destroying or defacing property of the legislature; or bringing a firearm into a legislative building. Violators are guilty of a misdemeanor, punishable by imprisonment for up to one year and/or a \$1,000 maximum fine.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): 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; Legislative Services; Department of Legislative Services

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Analysis by: Amanda L. Douglas

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