

Testimony of Delegate Samuel Rosenberg
Before the House Judiciary Committee
In support of

House Bill 128

Crimes – Interfering With a Legislative Proceeding

Mister Chairman and Members of the Committee:

No one in any government setting should be intimidated for speaking their minds – whether in a courtroom or in a hearing room in Annapolis.

Witnesses in a judicial setting are already protected by state law. However, there are no statutory provisions that specifically address the acts prohibited under this bill with respect to witnesses at a legislative hearing. These witnesses are not protected from intimidation or harassment when they appear before us. This point is made in the fiscal note.

After a bill hearing last session, I learned from Delegate Kipke about a health care provider who testified in our committee – Health and Government Operations – about a billing or reimbursement issue several years ago. That night, this provider received an email from the insurance company with which he contracts to pay the bills for the services the provider furnishes to patients. That email stated something along the lines of: Contracts can be terminated at any time.

Any threat to any person as a result of that individual’s statements in a legislative hearing should result in criminal penalties, to deter such threats in the future. In keeping with the Supreme Court’s recent opinion in *Counterman*, I am offering sponsor amendments to comport with that opinion’s requirement of a “true threat”.

House Bill 128 reflects current law protecting witnesses in judicial settings by adding that protection to the legislative setting. *See* Criminal Law, Sections 9-301-303. In addition, several other states have enacted legislation imposing consequences for interference of various kinds with the legislative process. We should do so in Maryland as well.

The most important voice in our democracy is that of the Marylanders we serve, the residents of our communities. We depend upon them to share their experiences with us to enable us to create better policy to serve and protect them.

They spend their time and resources to inform us about their concerns and offer solutions to those problems. When they do so, they should feel safe. HB128 provides the protection they need when participating in the legislative process.

For the health of the democratic process, I request a FAVORABLE report for HB128.

January 23, 2024