

HOUSE BILL 128

E1

4lr0412

(PRE-FILED)

By: **Delegates Rosenberg and Kipke**

Requested: July 3, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2024

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Interfering With a Legislative Proceeding**

3 FOR the purpose of prohibiting a person from intentionally taking certain actions, or
4 intentionally soliciting another person to take certain actions, against a witness to
5 affect testimony offered to a legislative body in a legislative proceeding; and
6 generally relating to a prohibition against interfering with a legislative proceeding.

7 BY adding to

8 Article – Criminal Law

9 Section 9–901 through 9–903 to be under the new subtitle “Subtitle 9. Interfering
10 With a Legislative Proceeding”

11 Annotated Code of Maryland

12 (2021 Replacement Volume and 2023 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Criminal Law**

16 **SUBTITLE 9. INTERFERING WITH A LEGISLATIVE PROCEEDING.**

17 **9–901.**

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 THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "LEGISLATIVE BODY" MEANS:

4 (1) A COMMITTEE, AS DESCRIBED IN SUBTITLES 4 THROUGH 10, 10A,
5 AND 11 OF THE STATE GOVERNMENT ARTICLE; AND

6 (2) A TASK FORCE OR WORKGROUP ESTABLISHED BY STATUTE TO
7 STUDY AN ISSUE AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY.

8 (C) "LEGISLATIVE PROCEEDING" MEANS A MEETING OF A LEGISLATIVE
9 BODY, REGARDLESS OF WHETHER:

10 (1) THE MEETING IS A HEARING OR PRESENTATION;

11 (2) A QUORUM OF THE LEGISLATIVE BODY IS PRESENT; OR

12 (3) THE GENERAL ASSEMBLY IS IN SESSION.

13 (D) "TESTIMONY" INCLUDES:

14 (1) WRITTEN TESTIMONY SUBMITTED TO A LEGISLATIVE BODY; AND

15 (2) PRESENTATION MATERIAL OFFERED DURING A LEGISLATIVE
16 PROCEEDING.

17 (E) "WITNESS" MEANS A PERSON WHO TESTIFIES IN A LEGISLATIVE
18 PROCEEDING.

19 **9-902.**

20 (A) A PERSON MAY NOT PHYSICALLY HARM ANOTHER, OR THREATEN TO
21 PHYSICALLY HARM ANOTHER, ~~OR DAMAGE OR DESTROY PROPERTY~~ WITH THE
22 INTENT TO:

23 (1) INFLUENCE A WITNESS TO OFFER FALSE TESTIMONY TO, OR
24 WITHHOLD TESTIMONY FROM, A LEGISLATIVE BODY; OR

25 (2) INDUCE A WITNESS TO BE ABSENT FROM A LEGISLATIVE
26 PROCEEDING.

27 (B) A PERSON MAY NOT SOLICIT ANOTHER PERSON TO PHYSICALLY HARM
28 ANOTHER, OR THREATEN TO PHYSICALLY HARM ANOTHER, ~~OR DAMAGE OR~~
29 ~~DESTROY PROPERTY~~ WITH THE INTENT TO:

1 (1) INFLUENCE A WITNESS TO OFFER FALSE TESTIMONY TO, OR
2 WITHHOLD TESTIMONY FROM, A LEGISLATIVE BODY; OR

3 (2) INDUCE A WITNESS TO BE ABSENT FROM A LEGISLATIVE
4 PROCEEDING.

5 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
6 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~10~~ 3 YEARS
7 OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

8 (D) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM
9 AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED
10 ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.

11 **9-903.**

12 (A) A PERSON MAY NOT INTENTIONALLY PHYSICALLY HARM ANOTHER, OR
13 THREATEN TO PHYSICALLY HARM ANOTHER, ~~OR DAMAGE OR DESTROY PROPERTY~~
14 WITH THE INTENT OF RETALIATING AGAINST A WITNESS FOR GIVING TESTIMONY IN
15 A LEGISLATIVE PROCEEDING.

16 (B) A PERSON MAY NOT SOLICIT ANOTHER PERSON TO INTENTIONALLY
17 PHYSICALLY HARM ANOTHER, OR THREATEN TO PHYSICALLY HARM ANOTHER, ~~OR~~
18 ~~DAMAGE OR DESTROY PROPERTY~~ WITH THE INTENT OF RETALIATING AGAINST A
19 WITNESS FOR OFFERING TESTIMONY IN A LEGISLATIVE PROCEEDING.

20 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
21 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~10~~ 3 YEARS
22 OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

23 (D) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM
24 AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED
25 ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2024.