

# HOUSE BILL 17

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4lr0504

(PRE-FILED)

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By: **Delegate Cardin**

Requested: September 16, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

### 2 **Criminal Law – Misuse of Interactive Computer Service**

3 FOR the purpose of expanding the prohibition against using an interactive computer  
4 service to maliciously engage in a certain course of conduct that inflicts serious  
5 emotional distress on a minor or places a minor in reasonable fear of death or  
6 serious bodily injury with a certain intent so as to prohibit this conduct against  
7 any person regardless of age; providing penalties for a violation of this Act; and  
8 generally relating to misuse of interactive computer services.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Law  
11 Section 3–805  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2013 Supplement)

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

### 16 **Article – Criminal Law**

17 3–805.

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

19 (2) “Electronic communication” means the transmission of  
20 information, data, or a communication by the use of a computer or any other electronic  
21 means that is sent to a person and that is received by the person.

22 (3) “Interactive computer service” means an information service,  
23 system, or access software provider that provides or enables computer access by

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 multiple users to a computer server, including a system that provides access to the  
2 Internet and cellular phones.

3 (b) (1) A person may not maliciously engage in a course of conduct,  
4 through the use of electronic communication, that alarms or seriously annoys another:

5 (i) with the intent to harass, alarm, or annoy the other;

6 (ii) after receiving a reasonable warning or request to stop by or  
7 on behalf of the other; and

8 (iii) without a legal purpose.

9 (2) A person may not use an interactive computer service to  
10 maliciously engage in a course of conduct that inflicts serious emotional distress on [a  
11 minor] **ANOTHER PERSON** or places [a minor] **ANOTHER PERSON** in reasonable fear  
12 of death or serious bodily injury with the intent:

13 (i) to kill, injure, harass, or cause serious emotional distress to  
14 the [minor] **OTHER PERSON**; or

15 (ii) to place the [minor] **OTHER PERSON** in reasonable fear of  
16 death or serious bodily injury.

17 (c) It is not a violation of this section for any of the following persons to  
18 provide information, facilities, or technical assistance to another who is authorized by  
19 federal or State law to intercept or provide electronic communication or to conduct  
20 surveillance of electronic communication, if a court order directs the person to provide  
21 the information, facilities, or technical assistance:

22 (1) a provider of electronic communication;

23 (2) an officer, employee, agent, landlord, or custodian of a provider of  
24 electronic communication; or

25 (3) a person specified in a court order directing the provision of  
26 information, facilities, or technical assistance to another who is authorized by federal  
27 or State law to intercept or provide electronic communication or to conduct  
28 surveillance of electronic communication.

29 (d) Subsection (b)(1) of this section does not apply to a peaceable activity  
30 intended to express a political view or provide information to others.

31 (e) A person who violates this section is guilty of a misdemeanor and on  
32 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500  
33 or both.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2014.