

HOUSE BILL 762

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CF SB 298

By: **Delegates Kipke, Rice, and Waldstreicher**

Introduced and read first time: February 5, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Harassment – Prohibitions and Penalties**

3 FOR the purpose of expanding the prohibition against a person engaging in conduct
4 that alarms or seriously annoys another to include conduct with the intent to
5 abuse, torment, or embarrass the other; expanding the prohibition against
6 telephone harassment to include anonymous and repeated calls that are
7 reasonably expected to or are intended to alarm another; providing that the
8 prohibition against telephone harassment does not apply to a peaceable activity
9 intended to express a political view or provide information to others; altering
10 the scope of the existing prohibition against using electronic mail with the
11 intent to harass to include the intent to alarm, annoy, abuse, torment, or
12 embarrass; prohibiting the making of an Internet transmission or posting with
13 the intent to harass, alarm, annoy, abuse, torment, or embarrass under certain
14 circumstances; increasing certain penalties; and generally relating to
15 harassment prohibitions and penalties.

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Law
18 Section 3–803, 3–804, and 3–805
19 Annotated Code of Maryland
20 (2002 Volume and 2009 Supplement)

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

23 **Article – Criminal Law**

24 3–803.

25 (a) A person may not follow another in or about a public place or maliciously
26 engage in a course of conduct that alarms or seriously annoys the other:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) with the intent to harass, alarm, **ABUSE, TORMENT, EMBARRASS,**
2 or annoy the other;

3 (2) after receiving a reasonable warning or request to stop by or on
4 behalf of the other; and

5 (3) without a legal purpose.

6 (b) This section does not apply to a peaceable activity intended to express a
7 political view or provide information to others.

8 (c) A person who violates this section is guilty of a misdemeanor and on
9 conviction is subject to imprisonment not exceeding [90 days] **3 YEARS** or a fine not
10 exceeding \$500 or both.

11 3-804.

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, **ALARM,** or embarrass another;

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

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

19 (b) **THIS SECTION DOES NOT APPLY TO A PEACEABLE ACTIVITY**
20 **INTENDED TO EXPRESS A POLITICAL VIEW OR PROVIDE INFORMATION TO**
21 **OTHERS.**

22 (c) A person who violates this section is guilty of a misdemeanor and on
23 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
24 \$500 or both.

25 3-805.

26 (a) In this section, "electronic mail" means the transmission of information or
27 a communication by the use of a computer or other electronic means that is sent to a
28 person identified by a unique address and that is received by the person.

29 (b) A person may not use electronic mail **OR MAKE AN INTERNET**
30 **TRANSMISSION OR POSTING** with the intent to harass[:

31 (1) one or more persons; or

1 (2) by sending lewd, lascivious, or obscene material], **ALARM, ANNOY,**
2 **ABUSE, TORMENT, OR EMBARRASS ONE OR MORE PERSONS.**

3 (c) It is not a violation of this section for any of the following persons to
4 provide information, facilities, or technical assistance to another who is authorized by
5 federal or State law to intercept or provide electronic mail or to conduct surveillance of
6 electronic mail, if a court order directs the person to provide the information, facilities,
7 or technical assistance:

8 (1) a provider of electronic mail;

9 (2) an officer, employee, agent, landlord, or custodian of a provider of
10 electronic mail; or

11 (3) a person specified in a court order directing the provision of
12 information, facilities, or technical assistance to another who is authorized by federal
13 or State law to intercept or provide electronic mail or to conduct surveillance of
14 electronic mail.

15 (d) This section does not apply to a peaceable activity intended to express a
16 political view or provide information to others.

17 (e) A person who violates this section is guilty of a misdemeanor and on
18 conviction is subject to imprisonment not exceeding [1 year] **3 YEARS** or a fine not
19 exceeding \$500 or both.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2010.