

HOUSE BILL 960

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CF SB 635

By: **Delegates Shetty, Arikan, Bartlett, Carr, D.M. Davis, W. Fisher, Grammer, Griffith, Kipke, Lehman, Lopez, Solomon, and Williams**

Introduced and read first time: February 5, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – False Statements – Emergency or Commission of Crime**

3 FOR the purpose of prohibiting a person from making or causing to be made a certain
4 statement, report, or complaint to a certain governmental emergency report
5 recipient with reckless disregard of a certain matter; prohibiting a person from
6 violating a certain provision of law in certain manners; establishing penalties for a
7 violation of this Act; providing for the venue for a prosecution for a violation of this
8 Act; providing that a person who violates this Act is civilly liable to a certain
9 individual; defining certain terms; making the provisions of this Act severable; and
10 generally relating to crimes involving the making of false statements.

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 3–8A–19(d)(3)(i)
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2019 Supplement)

16 BY adding to
17 Article – Criminal Law
18 Section 9–501.1
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2019 Supplement)

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

23 **Article – Courts and Judicial Proceedings**

24 3–8A–19.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(d) (3) (i) Except as provided in subparagraph (ii) or (iii) of this paragraph, a child may not be committed to the Department of Juvenile Services for out-of-home placement if the most serious offense is:

1. Possession of marijuana under § 5-601(c)(2)(ii) of the Criminal Law Article;

2. Possession or purchase of a noncontrolled substance under § 5-618 of the Criminal Law Article;

3. Disturbing the peace or disorderly conduct under § 10-201 of the Criminal Law Article;

4. Malicious destruction of property under § 6-301 of the Criminal Law Article;

5. An offense involving inhalants under § 5-708 of the Criminal Law Article;

6. An offense involving prostitution under § 11-303, § 11-306, or § 11-307 of the Criminal Law Article;

7. Theft under § 7-104(g)(2) or (3) of the Criminal Law Article; [or]

8. Trespass under § 6-402(b)(1) or § 6-403(c)(1) of the Criminal Law Article; OR

9. A FIRST-TIME VIOLATION FOR MAKING A FALSE STATEMENT, REPORT, OR COMPLAINT OF AN EMERGENCY OR CRIME UNDER § 9-501.1 OF THE CRIMINAL LAW ARTICLE.

Article – Criminal Law

9-501.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “EMERGENCY” MEANS A CONDITION THAT:

(I) RESULTS IN, OR IS LIKELY TO RESULT IN, THE RESPONSE OF A PUBLIC OFFICIAL; OR

(II) 1. JEOPARDIZES, OR IS LIKELY TO JEOPARDIZE, PUBLIC SAFETY; AND

1 2. RESULTS IN, OR IS LIKELY TO RESULT IN, THE
2 EVACUATION OF AN AREA, A BUILDING, A STRUCTURE, A VEHICLE, OR ANY OTHER
3 PLACE.

4 (3) “GOVERNMENTAL EMERGENCY REPORT RECIPIENT” MEANS:

5 (I) A PEACE OFFICER;

6 (II) A POLICE AGENCY OF THE STATE OR A UNIT OF LOCAL
7 GOVERNMENT;

8 (III) A PERSON INVOLVED IN THE OPERATION OF A PUBLIC
9 SAFETY ANSWERING POINT, AS DEFINED IN § 1-301 OF THE PUBLIC SAFETY
10 ARTICLE; OR

11 (IV) ANY OTHER GOVERNMENT EMPLOYEE OR CONTRACTOR
12 WHO IS AUTHORIZED TO RECEIVE REPORTS OF A CRIME OR AN EMERGENCY.

13 (B) (1) A PERSON MAY NOT MAKE, OR CAUSE TO BE MADE, A STATEMENT,
14 REPORT, OR COMPLAINT OF AN EMERGENCY OR ALLEGING THE COMMISSION OF A
15 CRIME THAT THE PERSON KNOWS TO BE FALSE AS A WHOLE OR IN MATERIAL PART
16 TO A GOVERNMENTAL EMERGENCY REPORT RECIPIENT WITH RECKLESS DISREGARD
17 OF CAUSING BODILY HARM TO AN INDIVIDUAL AS A DIRECT RESULT OF A RESPONSE
18 TO THE STATEMENT, REPORT, OR COMPLAINT.

19 (2) A PERSON MAY NOT VIOLATE PARAGRAPH (1) OF THIS
20 SUBSECTION BY MAKING A FALSE STATEMENT, REPORT, OR COMPLAINT ALLEGING
21 THE COMMISSION OF A FELONY.

22 (3) A PERSON MAY NOT VIOLATE PARAGRAPH (1) OF THIS
23 SUBSECTION IF THE RESULT OF THE STATEMENT, REPORT, OR COMPLAINT IS A
24 RESPONSE FROM LAW ENFORCEMENT AND PHYSICAL INJURY TO A PERSON AS A
25 PROXIMATE RESULT OF LAWFUL CONDUCT ARISING OUT OF THAT RESPONSE.

26 (4) A PERSON MAY NOT VIOLATE PARAGRAPH (1) OF THIS
27 SUBSECTION IF THE RESULT OF THE STATEMENT, REPORT, OR COMPLAINT IS THE
28 DEATH OF OR SERIOUS BODILY INJURY TO A PERSON AS A PROXIMATE RESULT OF
29 LAWFUL CONDUCT ARISING OUT OF THAT RESPONSE.

30 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, A
31 PERSON WHO VIOLATES SUBSECTION (B)(1) OF THIS SECTION IS GUILTY OF A
32 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT

1 EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

2 (2) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, A
3 PERSON WHO VIOLATES SUBSECTION (B)(2) OF THIS SECTION IS GUILTY OF A
4 FELONY AND CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS
5 OR A FINE NOT EXCEEDING \$10,000.

6 (3) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, A
7 PERSON WHO VIOLATES SUBSECTION (B)(3) OF THIS SECTION IS GUILTY OF A
8 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10
9 YEARS OR A FINE NOT EXCEEDING \$20,000.

10 (4) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, A
11 PERSON WHO VIOLATES SUBSECTION (B)(4) OF THIS SECTION IS GUILTY OF A
12 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20
13 YEARS OR A FINE NOT EXCEEDING \$40,000.

14 (5) A PERSON UNDER THE AGE OF 18 YEARS WHO VIOLATES THIS
15 SECTION FOR THE FIRST TIME IS GUILTY OF A CIVIL OFFENSE AND IS SUBJECT TO
16 THE PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE
17 COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

18 (6) IN ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS
19 SECTION, A COURT, IN IMPOSING A SENTENCE ON A PERSON CONVICTED OF
20 VIOLATING THIS SECTION, MAY ORDER THE PERSON TO REIMBURSE ANY LAW
21 ENFORCEMENT ENTITY THAT INCURS EXPENSES IN RESPONDING TO THE FALSE
22 STATEMENT, REPORT, OR COMPLAINT OR ANY INDIVIDUAL WHO INCURS DAMAGES
23 AS A PROXIMATE RESULT OF LAWFUL CONDUCT ARISING OUT OF THE RESPONSE TO
24 THE STATEMENT, REPORT, OR COMPLAINT.

25 (D) A PERSON WHO VIOLATES THIS SECTION MAY BE PROSECUTED,
26 INDICTED, TRIED, AND CONVICTED IN:

27 (1) THE COUNTY WHERE THE DEFENDANT MADE THE FALSE
28 STATEMENT, REPORT, OR COMPLAINT;

29 (2) THE COUNTY IN WHICH THE STATEMENT, REPORT, OR
30 COMPLAINT WAS RECEIVED BY A GOVERNMENTAL EMERGENCY REPORT RECIPIENT;
31 OR

32 (3) THE COUNTY IN WHICH A GOVERNMENTAL EMERGENCY REPORT
33 RECIPIENT RESPONDED TO THE STATEMENT, REPORT, OR COMPLAINT.

1 **(E) IN ADDITION TO ANY PENALTIES UNDER SUBSECTION (C) OF THIS**
2 **SECTION, A PERSON WHO VIOLATES THIS SECTION IS CIVILLY LIABLE TO ANY**
3 **INDIVIDUAL WHO IS INJURED AS A RESULT OF THE VIOLATION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
5 the application thereof to any person or circumstance is held invalid for any reason in a
6 court of competent jurisdiction, the invalidity does not affect other provisions or any other
7 application of this Act that can be given effect without the invalid provision or application,
8 and for this purpose the provisions of this Act are declared severable.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2020.