

# SENATE BILL 122

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By: **Senator Zirkin**

Introduced and read first time: January 11, 2018

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Obstructing Justice – Penalties**

3 FOR the purpose of altering maximum penalties for crimes relating to inducing false  
4 testimony or avoidance of a subpoena, retaliation for testimony, and intimidating or  
5 corrupting a juror; and generally relating to obstructing justice.

6 BY repealing and reenacting, with amendments,  
7 Article – Criminal Law  
8 Section 9–302, 9–303, and 9–305  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume and 2017 Supplement)

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

13 **Article – Criminal Law**

14 9–302.

15 (a) A person may not harm another, threaten to harm another, or damage or  
16 destroy property with the intent to:

17 (1) influence a victim or witness to testify falsely or withhold testimony; or

18 (2) induce a victim or witness:

19 (i) to avoid the service of a subpoena or summons to testify;

20 (ii) to be absent from an official proceeding to which the victim or  
21 witness has been subpoenaed or summoned; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) not to report the existence of facts relating to a crime or  
2 delinquent act.

3 (b) A person may not solicit another person to harm another, threaten to harm  
4 another, or damage or destroy property with the intent to:

5 (1) influence a victim or witness to testify falsely or withhold testimony; or

6 (2) induce a victim or witness:

7 (i) to avoid the service of a subpoena or summons to testify;

8 (ii) to be absent from an official proceeding to which the victim or  
9 witness has been subpoenaed or summoned; or

10 (iii) not to report the existence of facts relating to a crime or  
11 delinquent act.

12 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
13 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment  
14 not exceeding [5] **10** years or a fine not exceeding [\$5,000] **\$10,000** or both.

15 (2) If the testimony, subpoena, official proceeding, or report involving the  
16 victim or witness relates to a felonious violation of Title 5 of this article or the commission  
17 of a crime of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to  
18 commit such a crime, a person who violates this section is guilty of a felony and on  
19 conviction is subject to imprisonment not exceeding [20] **30** years.

20 (d) A sentence imposed under this section may be separate from and consecutive  
21 to or concurrent with a sentence for any crime based on the act establishing the violation  
22 of this section.

23 9–303.

24 (a) A person may not intentionally harm another, threaten to harm another, or  
25 damage or destroy property with the intent of retaliating against:

26 (1) a victim or witness for:

27 (i) giving testimony in an official proceeding; or

28 (ii) reporting a crime or delinquent act;

29 (2) a juror for any reason relating to the performance of the juror's official  
30 duties in a pending or completed case in a court of the State or the United States; or

31 (3) an officer of the court of the State or the United States for any reason

1 relating to the performance of the officer's official duties in a pending or completed case.

2 (b) A person may not solicit another person to intentionally harm another,  
3 threaten to harm another, or damage or destroy property with the intent of retaliating  
4 against:

5 (1) a victim or witness for:

6 (i) giving testimony in an official proceeding; or

7 (ii) reporting a crime or delinquent act;

8 (2) a juror for any reason relating to the performance of the juror's official  
9 duties in a pending or completed case in a court of the State or the United States; or

10 (3) an officer of the court of the State or the United States for any reason  
11 relating to the performance of the officer's official duties in a pending or completed case.

12 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
13 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment  
14 not exceeding [5] 10 years or a fine not exceeding [\$5,000] \$10,000 or both.

15 (2) If the official proceeding or report described in subsection (a) of this  
16 section relates to a felonious violation of Title 5 of this article or the commission of a crime  
17 of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to commit  
18 such a crime, a person who violates this section is guilty of a felony and on conviction is  
19 subject to imprisonment not exceeding [20] 30 years.

20 (d) A sentence imposed under this section may be separate from and consecutive  
21 to or concurrent with a sentence for any crime based on the act establishing the violation  
22 of this section.

23 9–305.

24 (a) A person may not, by threat, force, or corrupt means, try to influence,  
25 intimidate, or impede a juror, a witness, or an officer of a court of the State or of the United  
26 States in the performance of the person's official duties.

27 (b) A person may not solicit another person to, by threat, force, or corrupt means,  
28 try to influence, intimidate, or impede a juror, a witness, or an officer of the court of the  
29 State or of the United States in the performance of the person's official duties.

30 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
31 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment  
32 not exceeding [5] 10 years or a fine not exceeding [\$5,000] \$10,000 or both.

33 (2) If an act described in subsection (a) of this section is taken in connection

1 with a proceeding involving a felonious violation of Title 5 of this article or the commission  
2 of a crime of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to  
3 commit such a crime, a person who violates this section is guilty of a felony and on  
4 conviction is subject to imprisonment not exceeding ~~[20]~~ **30** years.

5 (d) A sentence imposed under this section may be separate from and consecutive  
6 to or concurrent with a sentence for any crime based on the act establishing the violation  
7 of this section.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2018.