

SENATE BILL 837

E1, E4

0lr1737
CF HB 1024

By: **Senators Kagan and Reilly (By Request – Commission to Advance Next Generation 9–1–1 Across Maryland)**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Public Safety – Interference With Agencies and Services –**
3 **Prohibitions**

4 FOR the purpose of prohibiting a person from using telephone facilities or equipment to
5 take certain actions directed at certain agencies and services; prohibiting a person
6 from using telephone facilities or equipment to make calls or send data to certain
7 agencies or services with a certain intent; prohibiting a person from taking certain
8 actions with the intent to interrupt or impair the functioning of a certain service;
9 prohibiting a person from taking certain actions that interrupt the functioning of a
10 certain service; prohibiting a person from making certain false statements to a
11 certain service that result in certain actions; establishing certain penalties for
12 violations of this Act; defining certain terms; and generally relating to prohibitions
13 on actions interfering with public safety agencies or answering points.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 3–801, 3–804, 7–302(c) and (d), and 9–501
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2019 Supplement)

19 BY adding to
20 Article – Criminal Law
21 Section 3–804.1
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2019 Supplement)

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

26 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3–801.

2 (A) In this subtitle[, “course] **THE FOLLOWING WORDS HAVE THE MEANINGS**
3 **INDICATED.**

4 (B) **“COURSE of conduct”** means a persistent pattern of conduct, composed of a
5 series of acts over time, that shows a continuity of purpose.

6 (C) **“DATA” MEANS INFORMATION TRANSMITTED THROUGH A TELEPHONE,**
7 **INCLUDING TEXT MESSAGES, IMAGES, AND VIDEO.**

8 3–804.

9 (a) A person may not use telephone facilities or equipment to make:

10 (1) an anonymous call **OR SEND DATA** that is reasonably expected to
11 annoy, abuse, torment, harass, or embarrass another;

12 (2) repeated calls **OR SEND DATA** with the intent to annoy, abuse, torment,
13 harass, or embarrass another; or

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

16 (B) **A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION BY**
17 **TARGETING A PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN § 1–301 OF THE**
18 **PUBLIC SAFETY ARTICLE, OR A PUBLIC SAFETY AGENCY, AS DEFINED IN § 1–301 OF**
19 **THE PUBLIC SAFETY ARTICLE.**

20 [(b)] (C) A person who violates **SUBSECTION (A) OF** this section is guilty of a
21 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine
22 not exceeding \$500 or both.

23 (D) **A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY**
24 **OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**
25 **5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.**

26 3–804.1.

27 (A) **A PERSON MAY NOT USE TELEPHONE FACILITIES OR EQUIPMENT TO**
28 **MAKE CALLS OR SEND DATA TO A PUBLIC SAFETY ANSWERING POINT, AS DEFINED**
29 **IN § 1–301 OF THE PUBLIC SAFETY ARTICLE, OR A PUBLIC SAFETY AGENCY, AS**
30 **DEFINED IN § 1–301 OF THE PUBLIC SAFETY ARTICLE, WITH THE INTENT TO:**

1 **(1) TRIGGER, AFFECT, OR DISRUPT AN EMERGENCY RESPONSE; OR**

2 **(2) IMPAIR THE FUNCTIONING OF THE PUBLIC SAFETY ANSWERING**
3 **POINT OR PUBLIC SAFETY AGENCY.**

4 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND**
5 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE**
6 **NOT EXCEEDING \$25,000 OR BOTH.**

7 7-302.

8 (c) (1) A person may not intentionally, willfully, and without authorization:

9 (i) access, attempt to access, cause to be accessed, or exceed the
10 person's authorized access to all or part of a computer network, computer control language,
11 computer, computer software, computer system, computer service, or computer database;
12 or

13 (ii) copy, attempt to copy, possess, or attempt to possess the contents
14 of all or part of a computer database accessed in violation of item (i) of this paragraph.

15 (2) A person may not commit an act prohibited by paragraph (1) of this
16 subsection with the intent to:

17 (i) cause the malfunction or interrupt the operation of all or any part
18 of a computer, computer network, computer control language, computer software, computer
19 system, computer service, or computer data; or

20 (ii) alter, damage, or destroy all or any part of data or a computer
21 program stored, maintained, or produced by a computer, computer network, computer
22 software, computer system, computer service, or computer database.

23 (3) A person may not intentionally, willfully, and without authorization:

24 (i) possess, identify, or attempt to identify a valid access code; or

25 (ii) publicize or distribute a valid access code to an unauthorized
26 person.

27 (4) A person may not commit an act prohibited under this subsection with
28 the intent to interrupt or impair the functioning of:

29 (i) the State government;

30 (ii) a service, device, or system related to the production,
31 transmission, delivery, or storage of electricity or natural gas in the State that is owned,

1 operated, or controlled by a person other than a public service company, as defined in §
2 1–101 of the Public Utilities Article;

3 (iii) a service provided in the State by a public service company, as
4 defined in § 1–101 of the Public Utilities Article.

5 **(5) A PERSON MAY NOT COMMIT AN ACT PROHIBITED UNDER THIS**
6 **SUBSECTION WITH THE INTENT TO INTERRUPT OR IMPAIR THE FUNCTIONING OF A**
7 **PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN § 1–301 OF THE PUBLIC SAFETY**
8 **ARTICLE.**

9 **(6) A PERSON MAY NOT COMMIT AN ACT PROHIBITED UNDER THIS**
10 **SUBSECTION THAT INTERRUPTS THE FUNCTIONING OF A PUBLIC SAFETY**
11 **ANSWERING POINT, AS DEFINED IN § 1–301 OF THE PUBLIC SAFETY ARTICLE.**

12 (d) (1) A person who violates subsection (c)(1) of this section is guilty of a
13 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine
14 not exceeding \$1,000 or both.

15 (2) A person who violates subsection (c)(2) or (3) of this section:

16 (i) if the aggregate amount of the loss is \$10,000 or more, is guilty
17 of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not
18 exceeding \$10,000 or both; or

19 (ii) if the aggregate amount of the loss is less than \$10,000, is guilty
20 of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a
21 fine not exceeding \$5,000 or both.

22 (3) A person who violates subsection (c)(4) of this section:

23 (i) if the aggregate amount of the loss is \$50,000 or more, is guilty
24 of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not
25 exceeding \$25,000 or both; or

26 (ii) if the aggregate amount of the loss is less than \$50,000, is guilty
27 of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a
28 fine not exceeding \$25,000 or both.

29 **(4) A PERSON WHO VIOLATES SUBSECTION (C)(5) OF THIS SECTION IS**
30 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
31 **EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.**

32 **(5) A PERSON WHO VIOLATES SUBSECTION (C)(6) OF THIS SECTION IS**
33 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
34 **EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.**

1 9-501.

2 (a) (1) A person may not make, or cause to be made, a statement, report, or
3 complaint that the person knows to be false as a whole or in material part, to A PUBLIC
4 SAFETY ANSWERING POINT, AS DEFINED IN § 1-301 OF THE PUBLIC SAFETY
5 ARTICLE, a law enforcement officer of the State, of a county, municipal corporation, or
6 other political subdivision of the State, or of the Maryland-National Capital Park and
7 Planning Police with intent to deceive and to cause an investigation or other action to be
8 taken as a result of the statement, report, or complaint.

9 (2) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1) OF
10 THIS SUBSECTION THAT RESULTS IN LAW ENFORCEMENT PERSONNEL BEING
11 DISPATCHED TO RESPOND TO THE STATEMENT, REPORT, OR COMPLAINT.

12 (3) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1) OF
13 THIS SUBSECTION THAT RESULTS IN SERIOUS BODILY INJURY TO ANY PERSON.

14 (b) (1) A person who violates SUBSECTION (A)(1) OF this section is guilty of
15 a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a
16 fine not exceeding \$500 or both.

17 (2) A PERSON WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION IS
18 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
19 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

20 (3) A PERSON WHO VIOLATES SUBSECTION (A)(3) OF THIS SECTION IS
21 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
22 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2020.