

HOUSE BILL 1085

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1lr2577

By: **Delegate Kaiser**

Introduced and read first time: February 5, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Prohibition of Solicitation to Commit Election Crime**

3 FOR the purpose of prohibiting a person from willfully and knowingly taking certain
4 actions to attempt to cause another person to commit a felony or misdemeanor
5 violation of election law; providing that a person who violates a certain provision of
6 this Act is guilty of a felony and on conviction is subject to certain penalties;
7 providing that a person who violates a certain provision of this Act is guilty of a
8 misdemeanor and on conviction is subject to certain penalties; providing that it is
9 not a defense to a prosecution for a violation of this Act that the person allegedly
10 solicited by the defendant could not be guilty of the crime solicited; and generally
11 relating to prohibiting solicitation to commit an election crime.

12 BY adding to

13 Article – Election Law

14 Section 16–1005

15 Annotated Code of Maryland

16 (2017 Replacement Volume and 2020 Supplement)

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

19 **Article – Election Law**

20 **16–1005.**

21 **(A) A PERSON MAY NOT WILLFULLY AND KNOWINGLY SOLICIT, COMMAND,**
22 **IMPORTUNE, OR OTHERWISE ATTEMPT TO CAUSE ANOTHER PERSON TO COMMIT A**
23 **FELONY VIOLATION OF THIS TITLE.**

24 **(B) A PERSON MAY NOT WILLFULLY AND KNOWINGLY SOLICIT, COMMAND,**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **IMPORTUNE, OR OTHERWISE ATTEMPT TO CAUSE ANOTHER PERSON TO COMMIT A**
2 **MISDEMEANOR VIOLATION OF THIS TITLE.**

3 **(C) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY**
4 **OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN**
5 **\$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.**

6 **(D) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY**
7 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN**
8 **\$5,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.**

9 **(E) IT IS NOT A DEFENSE TO A PROSECUTION FOR A VIOLATION OF THIS**
10 **SECTION THAT THE PERSON ALLEGEDLY SOLICITED BY THE DEFENDANT COULD NOT**
11 **BE GUILTY OF THE CRIME SOLICITED.**

12 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
13 **October 1, 2021.**