

**Department of Legislative Services**  
Maryland General Assembly  
2021 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 198  
Judiciary

(Delegate Wilson)

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**Criminal Law - Disturbing the Peace - Prohibited Actions**

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This bill alters the prohibited actions that constitute the crime of disturbing the peace under § 10-201 of the Criminal Law Article and eliminates existing statutory definitions relating to that offense. The bill retains the existing criminal penalty for disturbing the peace.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances or operations.

**Local Effect:** The bill is not expected to materially affect local finances or operations.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary/Current Law:** Currently, under § 10-201 of the Criminal Law Article, a person may not (1) willfully and without lawful purpose obstruct or hinder the free passage of another in a public place or on a public conveyance; (2) willfully act in a disorderly manner that disturbs the public peace; or (3) willfully fail to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace. A person who enters the land or premises of another or a beach, as specified, may not willfully act in a disorderly manner or disturb the peace of persons on the land, premises, or beach by making an unreasonably loud noise. Additionally, a person from any location may not, by making an unreasonably loud noise, willfully disturb the peace of another on the other's land or premises, in a public place, or on a public conveyance.

The bill repeals these prohibitions. Instead, the bill prohibits a person from intending to cause, or recklessly creating a risk of, public inconvenience, annoyance, or alarm by (1) engaging in fighting or in violent, tumultuous, or threatening behavior; (2) making unreasonable noise; (3) disturbing any lawful assembly of persons without lawful authority; (4) obstructing vehicular or pedestrian traffic on a public way; (5) initiating or circulating a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe, or other emergency; or (6) creating a hazardous or physically offensive condition by an act, which the person is not licensed or privileged to do.

The terms “public place” and “public conveyance” have specific definitions under § 10-201. A “public place” means a place to which the public or a portion of the public has access and a right to resort for business, dwelling, entertainment, or other lawful purpose, including specified locations. “Public conveyance” means a conveyance to which the public or a portion of the public has access to and a right to use for transportation, including specified modes of transportation. For purposes of a prosecution for disturbing the peace, a public conveyance or a public place need not be devoted solely to public use. The bill repeals these definitions and this provision.

The bill does not alter the classification of and penalty for disturbing the peace, which is a misdemeanor punishable by imprisonment for up to 60 days and/or a maximum fine of \$500. The bill also does not alter a provision prohibiting bonfires in Worcester County between 1:00 a.m. and 5:00 a.m.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Baltimore, Carroll, Harford, and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2021  
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Analysis by: Tyler Allard

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510