

SENATE BILL 57

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(PRE-FILED)

2lr0311
CF 2lr1404

By: **Senator Kagan**

Requested: July 12, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Public Safety – Communications With Public Safety Answering**
3 **Points**

4 FOR the purpose of prohibiting a person from making communications that are reasonably
5 expected to impair the functioning of a public safety answering point or intended to
6 disrupt an emergency response; prohibiting a person from making a false statement,
7 report, or complaint to a public safety answering point or law enforcement officer
8 that results in a certain response; and generally relating to prohibitions on
9 communications to public safety answering points.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 3–801, 3–804, and 9–501
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2021 Supplement)

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

17 **Article – Criminal Law**

18 3–801.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (C) "DATA" MEANS INFORMATION TRANSMITTED THROUGH A TELEPHONE,
2 INCLUDING TEXT MESSAGES, IMAGES, AND VIDEO.

3 (D) "EQUIPMENT" MEANS ANY DEVICE THAT IS CAPABLE OF CONTACTING A
4 PUBLIC SAFETY ANSWERING POINT.

5 (E) "PUBLIC SAFETY ANSWERING POINT" HAS THE MEANING STATED IN §
6 1-301 OF THE PUBLIC SAFETY ARTICLE.

7 3-804.

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

9 (1) an anonymous call that is reasonably expected to annoy, abuse,
10 torment, harass, or embarrass another;

11 (2) repeated calls with the intent to annoy, abuse, torment, harass, or
12 embarrass another; or

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

15 (B) A PERSON MAY NOT USE TELEPHONE FACILITIES, DATA FILES, OR
16 EQUIPMENT TO MAKE A CALL OR SEND DATA:

17 (1) TO A PUBLIC SAFETY ANSWERING POINT, IF THE CALL OR
18 TRANSMISSION OF DATA IS REASONABLY EXPECTED TO IMPAIR THE FUNCTIONING
19 OF THE PUBLIC SAFETY ANSWERING POINT; OR

20 (2) TO A PUBLIC SAFETY ANSWERING POINT OR A PUBLIC SAFETY
21 AGENCY, WITH THE INTENT TO DISRUPT AN EMERGENCY RESPONSE.

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

25 (D) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY
26 OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING
27 5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

28 9-501.

29 (a) (1) A person may not make, or cause to be made, a statement, report, or
30 complaint that the person knows to be false as a whole or in material part, to A PUBLIC
31 SAFETY ANSWERING POINT, AS DEFINED IN § 1-301 OF THE PUBLIC SAFETY

1 **ARTICLE, OR** a law enforcement officer of the State, of a county, municipal corporation, or
2 other political subdivision of the State, or of the Maryland–National Capital Park and
3 Planning Police with intent to deceive and to cause an investigation or other action to be
4 taken as a result of the statement, report, or complaint.

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

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

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2022.