

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 790

(Senator Hettleman)

Judicial Proceedings

Criminal Law – Executive or Legislative Proceedings – Obstruction

This bill expands § 9-306 of the Criminal Law Article to prohibit obstructing, impeding, or trying to obstruct or impede an official proceeding of the executive or legislative branch by threat, force, or corrupt means. Violators are guilty of a misdemeanor, punishable by imprisonment for up to five years and/or a \$10,000 maximum fine.

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.

Analysis

Current Law:

Obstruction of Justice – § 9-306 of the Criminal Law Article:

Section 9-306 of the Criminal Law Article prohibits a person from obstructing, impeding, or trying to obstruct or impede the administration of justice in a court of the State by threat, force, or corrupt means. Violators are guilty of a misdemeanor, punishable by imprisonment for up to five years and/or a \$10,000 maximum fine.

An “official proceeding” includes a criminal trial, a hearing related to a criminal trial or adjudicatory hearing, a grand jury proceeding, and any other proceeding that is part of a

criminal action or juvenile delinquency case. In *State v. Wilson*, 471 Md. 136 (2020), the Court of Appeals concluded that “corrupt means” under § 9-306 involves acting with corrupt intent and may include conduct that is otherwise legal.

Other Prohibitions Against Disrupting Legislative Proceedings

Section 2-1702 of the State Government Article contains a variety of prohibitions against disrupting or interfering with proceedings of the General Assembly, including by disruptive noise, abusive language, obscene gestures, violent or threatening behavior, refusing to comply with a lawful police order to disperse, picketing, destroying or defacing property, or bringing a firearm into a legislative building. Violators are guilty of a misdemeanor, punishable by imprisonment for up to one year and/or a \$1,000 maximum fine.

Additional Comments: According to the Department of Public Safety and Correctional Services, during fiscal 2021, the Division of Correction conducted 4 intakes and the Division of Parole and Probation opened 31 cases for obstruction of justice offenders.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 427 (Delegate Rosenberg) - Judiciary.

Information Source(s): Maryland Commission on Civil Rights; State Board of Contract Appeals; Governor’s Office; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Maryland State Department of Education; University System of Maryland; Maryland Department of Health; Department of Public Safety and Correctional Services; Board of Public Works; Office of Administrative Hearings; State Ethics Commission; Public Service Commission; Department of Legislative Services

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