

HOUSE BILL 8

E1

2lr0413

(PRE-FILED)

By: **Delegate Washington**

Requested: August 2, 2011

Introduced and read first time: January 11, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Electronic Communication – Harassment**

3 FOR the purpose of altering the prohibition against using electronic mail with the
4 intent to harass to prohibit engaging in electronic communication with the
5 intent to harass; altering a certain definition; establishing penalties for a second
6 or subsequent violation of this Act; and generally relating to prohibitions of
7 harassment.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 3–805
11 Annotated Code of Maryland
12 (2002 Volume and 2011 Supplement)

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

15 **Article – Criminal Law**

16 3–805.

17 (a) In this section, “electronic [mail] **COMMUNICATION**” means the
18 transmission of information, **DATA**, or a communication by the use of a computer or
19 **ANY** other electronic means that is sent to a person [identified by a unique address]
20 and that is received by the person.

21 (b) A person may not [use] **ENGAGE IN** electronic [mail] **COMMUNICATION**
22 with the intent to harass:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) one or more persons; or

2 (2) by sending lewd, lascivious, or obscene material.

3 (c) It is not a violation of this section for any of the following persons to
4 provide information, facilities, or technical assistance to another who is authorized by
5 federal or State law to intercept or provide electronic [mail] **COMMUNICATION** or to
6 conduct surveillance of electronic [mail] **COMMUNICATION**, if a court order directs the
7 person to provide the information, facilities, or technical assistance:

8 (1) a provider of electronic [mail] **COMMUNICATION**;

9 (2) an officer, employee, agent, landlord, or custodian of a provider of
10 electronic [mail] **COMMUNICATION**; or

11 (3) a person specified in a court order directing the provision of
12 information, facilities, or technical assistance to another who is authorized by federal
13 or State law to intercept or provide electronic [mail] **COMMUNICATION** or to conduct
14 surveillance of electronic [mail] **COMMUNICATION**.

15 (d) This section does not apply to a peaceable activity intended to express a
16 political view or provide information to others.

17 (e) A person who violates this section is guilty of a misdemeanor and on
18 conviction is subject to:

19 (1) **FOR A FIRST OFFENSE**, imprisonment not exceeding 1 year or a
20 fine not exceeding \$500 or both; **OR**

21 (2) **FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT**
22 **NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2012.