

A PERSON MAY NOT INTENTIONALLY HARM ANOTHER OR DAMAGE OR DESTROY PROPERTY WITH THE INTENT OF RETALIATING AGAINST A VICTIM OR WITNESS FOR:

- (1) GIVING TESTIMONY IN AN OFFICIAL PROCEEDING; OR
- (2) REPORTING A CRIME OR DELINQUENT ACT.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 762.

In the introductory language of subsection (a) this section, the former reference to "injure [another]" is deleted as redundant in light of the phrase "harm another".

Defined terms: "Official proceeding" § 9-301

"Person" § 1-101

"Victim" § 9-301

"Witness" § 9-301

9-304. COURT TO PREVENT INTIMIDATION OF VICTIM OR WITNESS.

(A) IN GENERAL.

A FINDING OF GOOD CAUSE UNDER THIS SECTION MAY BE BASED ON ANY RELEVANT EVIDENCE INCLUDING CREDIBLE HEARSAY.

(B) GOOD CAUSE.

(1) FOR GOOD CAUSE SHOWN, A COURT WITH JURISDICTION OVER A CRIMINAL MATTER OR JUVENILE DELINQUENCY CASE MAY PASS AN ORDER THAT IS REASONABLY NECESSARY TO STOP OR PREVENT:

- (I) THE INTIMIDATION OF A VICTIM OR WITNESS; OR
- (II) A VIOLATION OF THIS SUBTITLE.

(2) THE ORDER MAY:

- (I) PROHIBIT A PERSON FROM VIOLATING THIS SUBTITLE;
- (II) REQUIRE AN INDIVIDUAL TO MAINTAIN A CERTAIN PHYSICAL* DISTANCE FROM ANOTHER PERSON SPECIFIED BY THE COURT;
- (III) PROHIBIT A PERSON FROM COMMUNICATING WITH ANOTHER INDIVIDUAL SPECIFIED BY THE COURT, EXCEPT THROUGH AN ATTORNEY OR OTHER INDIVIDUAL SPECIFIED BY THE COURT; AND

(IV) IMPOSE OTHER REASONABLE CONDITIONS TO ENSURE THE SAFETY OF A VICTIM OR WITNESS.