

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 6

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “if” in line 3 down through “attempting” in line 4 and substitute “for a driver of a vehicle to attempt”; in line 5, after “vehicle” insert “and continuing into another state”; and in line 6, after “imprisonment” insert “for certain offenses of a driver attempting to elude a police officer if injury or death to another person results; providing for concurrent jurisdiction for certain offenses of a driver attempting to elude a police officer; defining certain terms”.

AMENDMENT NO. 2

On page 1, after line 6, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 4-301(b) and 4-302 (a) and (d)

Annotated Code of Maryland

(1995 Replacement Volume and 1995 Supplement)”;

strike in their entirety, lines 7 through 11, inclusive; and in line 14, after “Section” insert “21-904 and”.

AMENDMENT NO. 3

On page 1, after line 18, insert:

“Article - Courts and Judicial Proceedings

(Over)

4-301.

(b) Except as provided in § 4-302 OF THIS SUBTITLE, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(1) Commission of a common-law or statutory misdemeanor regardless of the amount of money or value of the property involved;

(2) Violation of §§ 342 through 344 of Article 27 of the Code, whether a felony or a misdemeanor;

(3) Violation of a county, municipal, or other ordinance, if the violation is not a felony;

(4) Criminal violation of a State, county, or municipal rule or regulation, if the violation is not a felony;

(5) Doing or omitting to do any act made punishable by a fine, imprisonment, or other penalty as provided by the particular law, ordinance, rule, or regulation defining the violation if the violation is not a felony;

(6) Violation of Article 27, § 141 of this Code, whether a felony or a misdemeanor;

(7) Violation of Article 27, § 145 of this Code, whether a felony or misdemeanor;

[or]

(8) Violation of Article 27, § 44 of the Code;

(9) Violation of Article 48A, § 233 of the Code, whether a felony or a misdemeanor;

[or]

(10) Violation of § 9-1106 of the Labor and Employment Article; OR

(11) VIOLATION OF § 21-904 OF THE TRANSPORTATION ARTICLE,

WHETHER A FELONY OR A MISDEMEANOR.

4-302.

(a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), [and] (10), AND (11) of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(d) The jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(1) In which the penalty may be confinement for three years or more or a fine of \$2,500 or more; or

(2) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), [and] (10), AND (11) of this subtitle.”.

AMENDMENT NO. 4

On page 1, in line 21, strike “In this section “visual” and substitute:

“(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FRESH PURSUIT” HAS THE SAME MEANING STATED IN ARTICLE 27, § 599 OF THE CODE.

(3) “STATE” INCLUDES THE DISTRICT OF COLUMBIA.

(4) “VISUAL”“.

(Over)

AMENDMENT NO. 5

On page 2, after line 14, insert:

“(H) IF A POLICE OFFICER IN FRESH PURSUIT GIVES A VISUAL OR AUDIBLE SIGNAL TO STOP AND THE POLICE OFFICER IS IN UNIFORM, PROMINENTLY DISPLAYING THE POLICE OFFICER’S BADGE OR OTHER INSIGNIA OF OFFICE, A DRIVER OF A VEHICLE MAY NOT ATTEMPT TO ELUDE THE POLICE OFFICER BY WILLFULLY FAILING TO STOP THE DRIVER’S VEHICLE AND CONTINUING INTO ANOTHER STATE.

(I) IF A POLICE OFFICER IN FRESH PURSUIT GIVES A VISUAL OR AUDIBLE SIGNAL TO STOP AND THE POLICE OFFICER, WHETHER OR NOT IN UNIFORM, IS IN A VEHICLE APPROPRIATELY MARKED AS AN OFFICIAL POLICE VEHICLE, A DRIVER OF A VEHICLE MAY NOT ATTEMPT TO ELUDE THE POLICE OFFICER BY WILLFULLY FAILING TO STOP THE DRIVER’S VEHICLE AND CONTINUING INTO ANOTHER STATE.”.

AMENDMENT NO. 6

On page 2, in line 16, strike “and (3)” and substitute “, (3), and (4)”; in line 25, strike “GUILTY OF A FELONY AND UPON CONVICTION IS”; strike beginning with “GUILTY” in line 28 down through “IS” in line 29; and after line 30, insert:

“(4) ANY PERSON WHO VIOLATES § 21-904(H) OR (I) OF THIS ARTICLE IS GUILTY OF A FELONY AND UPON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR BOTH.” .