

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1259

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "requirements;" insert "providing that an individual shall be referred to the law enforcement agency that notified the Administration of an outstanding warrant for the resolution of certain matters;"; in line 10, strike "reinstate a suspended" and substitute "continue the suspension of a"; in line 11, strike "allow the" and substitute "the refusal to register or transfer a"; in line 13, strike "entities" and substitute "law enforcement officers"; in line 16, after "met;" insert "providing that certain files and documents relating to the arrest warrants may be released to the Administration; requiring the payment of a certain fee and the retention by the Administration of certain revenues;"; in the same line, after "Act;" insert "declaring the intent of the General Assembly;"; and after line 19, insert:

"BY repealing and reenacting, with amendments,

Article - State Government

Section 10-616(q)

Annotated Code of Maryland

(1999 Replacement Volume)".

AMENDMENT NO. 2

On page 2, after line 6, insert:

"Article - State Government

10-616.

(q) (1) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND SUBJECT to the provisions of paragraph [(4)] (5) of this subsection, unless otherwise ordered by the court, files and records of the court pertaining to an arrest warrant issued

(Over)

pursuant to Maryland Rule 4-212(d)(1) or (2) and the charging document upon which the arrest warrant was issued may not be open to inspection until either:

(i) the arrest warrant has been served and a return of service has been filed in compliance with Maryland Rule 4-212(g); or

(ii) 90 days have elapsed since the arrest warrant was issued.

(2) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND SUBJECT to the provisions of paragraph [(4)] (5) of this subsection, unless otherwise ordered by the court, files and records of the court pertaining to an arrest warrant issued pursuant to a grand jury indictment or conspiracy investigation and the charging document upon which the arrest warrant was issued may not be open to inspection until all arrest warrants for any co-conspirators have been served and all returns of service have been filed in compliance with Maryland Rule 4-212(g).

(3) Subject to the provisions of paragraphs (1) and (2) of this subsection, unless sealed pursuant to Maryland Rule 4-201(d), the files and records shall be open to inspection.

(4) FILES AND RECORDS OF THE COURT PERTAINING TO AN ARREST WARRANT ISSUED PURSUANT TO MARYLAND RULE 4-212(D)(1) OR (2) OR ISSUED PURSUANT TO A GRAND JURY INDICTMENT OR CONSPIRACY INVESTIGATION MAY BE RELEASED TO THE MOTOR VEHICLE ADMINISTRATION FOR USE BY THE ADMINISTRATION FOR PURPOSES OF § 13-406.1 OR § 16-204 OF THE TRANSPORTATION ARTICLE.

(5) The provisions of paragraphs (1) and (2) of this subsection may not be construed to prohibit:

(i) the release of statistical information concerning unserved arrest warrants;

(ii) the release of information by a State's Attorney or peace officer concerning an unserved arrest warrant and the charging document upon which the arrest warrant was

issued; or

(iii) inspection of files and records, of a court pertaining to an unserved arrest warrant and the charging document upon which the arrest warrant was issued, by:

1. a judicial officer;
2. any authorized court personnel;
3. a State's Attorney;
4. a peace officer;
5. a correctional officer who is authorized by law to serve an arrest warrant;
6. a bail bondsman, surety insurer, or surety who executes bail bonds who executed a bail bond for the individual who is subject to arrest under the arrest warrant;
7. an attorney authorized by the individual who is subject to arrest under the arrest warrant;
8. the Department of Public Safety and Correctional Services or the Department of Juvenile Justice for the purpose of notification of a victim under the provisions of Article 27, § 788 of the Code; or
9. a federal, State, or local criminal justice agency described under Article 27, Subtitle V (Criminal Justice Information System) of the Code.”.

AMENDMENT NO. 3

On page 4, after line 30, insert:

“(E) AN APPLICANT SHALL BE REFERRED TO THE LAW ENFORCEMENT AGENCY THAT NOTIFIED THE ADMINISTRATION OF THE OUTSTANDING WARRANT

(Over)

TO RESOLVE ANY QUESTION OF WHETHER THE OUTSTANDING WARRANT HAS BEEN SATISFIED.".

On page 4 in lines 10 and 31, and on page 5 in lines 5, 19, and 20, strike "(G)", "(E)", "(F)", "(G)", and "(F)", respectively, and substitute "(H)", "(F)", "(G)", "(H)", and "(G)", respectively.

AMENDMENT NO. 4

On page 4, in line 31, after "SHALL" insert "CONTINUE THE REFUSAL TO"; and in line 33, strike "IF" and substitute "UNTIL".

On page 5, in lines 5 and 6, strike "IN COOPERATION WITH THE OFFICE OF ADMINISTRATIVE HEARINGS AND"; in line 14, after "WARRANT" insert ":

1.";

after line 15, insert:

"2. OF THE MANNER IN WHICH THE INDIVIDUAL MAY CONTEST OR RESOLVE THE REFUSAL;";

in line 16, strike "AND FORM"; and in line 18, after "WARRANT" insert ";AND

(IV) A PROCEDURE FOR THE ADMINISTRATION TO CARRY OUT THE REFUSAL OF REGISTRATION AS AUTHORIZED UNDER THIS SECTION".

AMENDMENT NO. 5

On page 5, after line 23, insert:

"(I) (1) IN ADDITION TO ANY OTHER FEE OR PENALTY PROVIDED BY LAW, THE OWNER OF A VEHICLE REFUSED REGISTRATION UNDER THIS SECTION SHALL PAY A FEE ESTABLISHED BY THE ADMINISTRATION BEFORE RENEWAL OF THE REGISTRATION OF THE VEHICLE.

(2) THE FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE

RETAINED BY THE ADMINISTRATION AND MAY NOT BE CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT FOR DISTRIBUTION UNDER § 8-403 OR § 8-404 OF THIS ARTICLE.

AMENDMENT NO. 6

On page 5, in line 24, strike "(H)" and substitute "(J) THE PROCEDURES SPECIFIED IN THIS SECTION ARE IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW FOR THE FAILURE TO MEET THE DEMANDS SPECIFIED IN A WARRANT.

(K)".

AMENDMENT NO. 7

On page 5 in line 35, on page 6 in lines 20 and 30, and on page 7 in lines 7, 8, and 12, strike "(G)", "(E)", "(F)", "(G)", "(F)", and "(H)", respectively, and substitute "(H)", "(F)", "(G)", "(H)", "(G)", and "(J)", respectively.

On page 6, after line 19, insert:

"(E) AN INDIVIDUAL SHALL BE REFERRED TO THE LAW ENFORCEMENT AGENCY THAT NOTIFIED THE ADMINISTRATION OF THE OUTSTANDING WARRANT TO RESOLVE ANY QUESTION OF WHETHER THE WARRANT HAS BEEN SATISFIED."

AMENDMENT NO. 8

On page 6, in line 20, strike "REINSTATE" and substitute "CONTINUE THE SUSPENSION OF"; in line 21, strike "IF" and substitute "UNTIL"; and strike beginning with "IN" in line 30 down through "AND" in line 31.

On page 7, in line 2, after "WARRANT" insert ":

1.";

after line 3, insert:

(Over)

“2. OF THE MANNER IN WHICH THE INDIVIDUAL MAY CONTEST OR RESOLVE THE SUSPENSION;”;

in line 4, strike “AND FORM”; and in line 6, after “WARRANT” insert “; AND”

(IV) A PROCEDURE FOR THE ADMINISTRATION TO CARRY OUT THE SUSPENSION OF A LICENSE OR PRIVILEGE TO DRIVE AS AUTHORIZED UNDER THIS SECTION”.

AMENDMENT NO. 9

On page 7, after line 11, insert:

“(I) THE PROCEDURES SPECIFIED IN THIS SECTION ARE IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW FOR THE FAILURE TO MEET THE DEMANDS SPECIFIED IN A WARRANT.”.

AMENDMENT NO. 10

On page 4, in line 31, before the first “THE” insert “(1)”.

On page 4 in lines 34 and 36, and on page 5 in lines 1 and 3, strike “(1)”, “(2)”, “(I)”, and “(II)”, respectively, and substitute “(I)”, “(II)”, “1.”, and “2.”, respectively.

On page 5, after line 4, insert:

“(2) ON RECEIPT OF AN ORDER OR NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL ALLOW THE APPLICANT TO REGISTER THE VEHICLE OR TRANSFER THE REGISTRATION UNLESS THE REGISTRATION OR TRANSFER HAS BEEN RESTRICTED UNDER ANY OTHER PROVISION OF THE MARYLAND VEHICLE LAW.”.

On page 6, in line 20, before “THE” insert “(1)”; in lines 22, 24, 26, and 28, strike “(1)”, “(2)”, “(I)”, and “(II)”, respectively, and substitute “(I)”, “(II)”, “1.”, and “2.”, respectively; and after line 29, insert:

“(2) ON RECEIPT OF AN ORDER OR NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL REINSTATE A LICENSE OR PRIVILEGE TO DRIVE UNLESS THE LICENSE OR PRIVILEGE HAS BEEN REFUSED, REVOKED, SUSPENDED, OR CANCELED UNDER ANY OTHER PROVISION OF THE MARYLAND VEHICLE LAW.”.

AMENDMENT NO. 11

On page 7, in line 15, after “ENACTED,” insert “That it is the intent of the General Assembly that the Motor Vehicle Administration shall work in consultation with the primary law enforcement officers, as defined under Section 1 of this Act, on the implementation of this Act and that the Administration provide for full implementation of this Act at the earliest date practicable, but not later than December 1, 2001.

SECTION 3. AND BE IT FURTHER ENACTED.”;

in line 20, strike “2001” and substitute “2002”; and in line 23, strike “3.” and substitute “4.”.