

HOUSE BILL 1036
EMERGENCY BILL

Unofficial Copy
E1

2002 Regular Session
(2lr0193)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegate Doory, the Speaker (Administration), and Delegates Rawlings, Bozman, Vallario, Clagett, Love, Barkley, Cole, Dewberry, Heller, McHale, Montague, Valderrama, Frush, DeCarlo, Zirkin, Wood, Owings, Giannetti, McIntosh, Conway, Busch, Pitkin, Hixson, Rosso, Barve, Dembrow, Franchot, Kelly, Moe, Shriver, Mandel, Hubbard, Brown, Morhaim, Healey, and Hubers**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 100

1 AN ACT concerning

2 **Maryland Security Protection Act of 2002**

3 FOR the purpose of ~~prohibiting certain persons, businesses, contractors, or other~~
4 ~~entities from charging unconscionably excessive prices for certain goods and~~
5 ~~services during a state of emergency; allowing a certain civil action and certain~~
6 ~~relief; allowing the adoption of certain regulations concerning charging for~~
7 ~~certain goods and services under certain circumstances; adding certain crimes~~
8 ~~relating to terrorism to certain definitions of crimes of violence; expanding the~~
9 ~~list of crimes for which the interception of certain wire, oral, and electronic~~
10 ~~communications are allowed under certain circumstances; providing an~~
11 exception to the requirement that a certain description be provided in order to
12 obtain a judicial order relating to wire, oral, and electronic communications

1 under certain circumstances; allowing a judge to authorize the interception of
2 wire, oral, and electronic communications outside the judge's jurisdiction under
3 certain circumstances; allowing certain officers to obtain the contents of certain
4 wire communications and the records relating to electronic communications
5 under certain circumstances; extending the reach of an order to any person or
6 entity providing wire or electronic communication service whose assistance may
7 facilitate the execution of the order; expanding and altering provisions of law
8 relating to pen registers and trap and trace devices; ~~expanding provisions of law~~
9 ~~relating to sealing affidavits relating to search and seizure warrants;~~
10 authorizing certain license holders of certain nuclear power plant facilities to
11 authorize certain security officers, without a warrant, to stop and detain certain
12 persons for certain crimes under certain circumstances; requiring certain security
13 officers to notify and release certain persons to the detention or custody of certain
14 law enforcement agencies under certain circumstances; ~~prohibiting the pretrial~~
15 ~~and presentencing release of certain defendants charged with or convicted of~~
16 ~~certain terrorist crimes under certain circumstances; prohibiting an act of~~
17 ~~terrorism, threatened acts of terrorism, and harboring terrorists; providing that~~
18 ~~a certain lack of intent or ability is not a defense under certain circumstances;~~
19 ~~expanding prohibitions relating to identity fraud to include avoiding~~
20 ~~identification, apprehension, or prosecution for certain crimes under certain~~
21 ~~circumstances; establishing and altering certain penalties; allowing certain~~
22 ~~restitution;~~ authorizing the Maryland Transportation Authority Police to
23 operate on certain property under certain circumstances; authorizing the
24 Maryland Aviation Administration to impose certain penalties on certain badge
25 holders for certain violations; requiring the Maryland Aviation Administration
26 to adopt certain rules and regulations relating to security identification badges;
27 authorizing the Motor Vehicle Administration to issue certain citations;
28 ~~prohibiting the Administration from issuing identification cards to certain~~
29 ~~individuals who are not citizens of the United States unless the individuals~~
30 ~~possess certain documents under certain circumstances; specifying that certain~~
31 ~~identification cards expire within a certain time period; authorizing the Motor~~
32 ~~Vehicle Administration to cancel identification cards under certain~~
33 ~~circumstances; requiring the Motor Vehicle Administration to refuse to register~~
34 ~~or transfer the registration of a vehicle upon notification of a federal law~~
35 ~~enforcement agency that the applicant for registration is named in an~~
36 ~~outstanding warrant; prohibiting the Administration from issuing a driver's~~
37 ~~license to certain individuals who are not citizens of the United States unless~~
38 ~~the individuals possess certain documents under certain circumstances;~~
39 ~~specifying that certain driver's licenses expire within a certain time period;~~
40 ~~prohibiting an individual with a commercial driver's license from driving on~~
41 ~~certain property without a valid commercial driver's license in the individual's~~
42 ~~possession; prohibiting a person from knowingly or fraudulently obtaining a~~
43 ~~commercial driver's license by misrepresentation; imposing certain penalties for~~
44 ~~violating certain laws relating to commercial driver's licenses; establishing~~
45 ~~certain penalties; adding and altering certain definitions; making this Act an~~
46 ~~emergency measure; and generally relating to prevention of terrorism~~ the
47 interception of certain communications, the jurisdiction of certain law
48 enforcement officials, and the regulation of certain motor vehicle licenses and

1 *means of identification, for the purpose of security in the State.*

2 ~~BY adding to~~

3 ~~Article 16A—Maryland Emergency Management Agency~~
 4 ~~Section 10A~~
 5 ~~Annotated Code of Maryland~~
 6 ~~(2001 Replacement Volume)~~

7 ~~BY adding to~~

8 ~~Article 41—Executive and Administrative Departments~~
 9 ~~Section 2-201 to be under the new subtitle "Subtitle 2. Prohibition on Charging~~
 10 ~~Unconscionably Excessive Prices"~~
 11 ~~Annotated Code of Maryland~~
 12 ~~(1997 Replacement Volume and 2001 Supplement)~~

13 ~~BY repealing and reenacting, with amendments, adding to~~

14 ~~Article 27 - Crimes and Punishments~~
 15 ~~Section 441(e) 542~~
 16 ~~Annotated Code of Maryland~~
 17 ~~(1996 Replacement Volume and 2001 Supplement)~~

18 ~~BY repealing and reenacting, with amendments,~~

19 ~~Article - Courts and Judicial Proceedings~~
 20 ~~Section 10-401(1), (8), and (13), ~~10-402(e)(2), 10-406, 10-408(a) and (e)(3), (c),~~~~
 21 ~~and (d)(1), 10-4A-04(a), (b), and (c), 10-4A-05(a)(1), ~~10-4B-01(e), (d), and~~~~
 22 ~~(e) 10-4B-01, and 10-4B-04~~
 23 ~~Annotated Code of Maryland~~
 24 ~~(1998 Replacement Volume and 2001 Supplement)~~

25 ~~BY adding to~~

26 ~~Article—Courts and Judicial Proceedings~~
 27 ~~Section 10-408(e)(4)~~
 28 ~~Annotated Code of Maryland~~
 29 ~~(1998 Replacement Volume and 2001 Supplement)~~

30 ~~BY repealing and reenacting, without amendments,~~

31 ~~Article—Courts and Judicial Proceedings~~
 32 ~~Section 10-4B-01(a) and (b)~~
 33 ~~Annotated Code of Maryland~~
 34 ~~(1998 Replacement Volume and 2001 Supplement)~~

35 ~~BY repealing and reenacting, with amendments,~~

36 ~~Article—Criminal Procedure~~
 37 ~~Section 1-203(e), 5-101(e), 5-202(b), and 5-207~~

1 Annotated Code of Maryland
2 (2001 Volume)

3 ~~BY repealing and reenacting, with amendments,~~

4 ~~Article Criminal Law~~
5 ~~Section 4-401(b) and 14-101(a)~~
6 ~~Annotated Code of Maryland~~
7 ~~(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of~~
8 ~~2002)~~

9 BY adding to

10 Article Criminal Law
11 Section 3-1001 through 3-1004 ~~9-801 through 9-805, inclusive~~ to be under the
12 new subtitle "Subtitle 10. ~~8.~~ Terrorism"
13 Annotated Code of Maryland
14 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
15 2002)

16 BY adding to

17 Article - Criminal Law
18 Section 9-704.1
19 Annotated Code of Maryland
20 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002)

21 ~~BY repealing and reenacting, with amendments,~~

22 ~~Article Criminal Law~~
23 ~~Section 4-401(b), 8-301, and 14-101(a)~~
24 ~~Annotated Code of Maryland~~
25 ~~(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of~~
26 ~~2002)~~

27 ~~BY repealing and reenacting, without amendments,~~

28 ~~Article Criminal Law~~
29 ~~Section 9-401(b) and (e)~~
30 ~~Annotated Code of Maryland~~
31 ~~(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of~~
32 ~~2002)~~

33 BY repealing and reenacting, with amendments,

34 Article - Transportation
35 Section 4-208(a) and (b) and 5-208
36 Annotated Code of Maryland
37 (2001 Replacement Volume)

1 BY repealing and reenacting, with amendments,
 2 Article - Transportation
 3 Section 12-104.1, ~~12-301~~, 13-406.1, ~~16-103.1, 16-115(a)~~, 16-808, and 27-101(s)
 4 Annotated Code of Maryland
 5 (1999 Replacement Volume and 2001 Supplement)

6 BY adding to
 7 Article - Transportation
 8 Section 16-813.1
 9 Annotated Code of Maryland
 10 (1999 Replacement Volume and 2001 Supplement)

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

13 **~~Article 16A—Maryland Emergency Management Agency~~**

14 ~~10A.~~

15 ~~(A) ON THE DECLARATION OF A STATE OF EMERGENCY UNDER THIS ARTICLE,~~
 16 ~~A PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY MAY NOT CHARGE AN~~
 17 ~~UNCONSCIONABLY EXCESSIVE PRICE FOR ANY CONSUMER FOOD ITEMS OR GOODS,~~
 18 ~~GOODS OR SERVICES USED FOR EMERGENCY CLEANUP, EMERGENCY SUPPLIES,~~
 19 ~~MEDICAL SUPPLIES AND SERVICES, HOME HEATING OIL, BUILDING MATERIALS,~~
 20 ~~HOUSING, TRANSPORTATION, FREIGHT, STORAGE SERVICES, GASOLINE OR OTHER~~
 21 ~~MOTOR FUELS, OR OTHER GOOD OR SERVICE THAT THE GOVERNOR DETERMINES IS~~
 22 ~~VITAL AND NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE~~
 23 ~~DURING THE STATE OF EMERGENCY.~~

24 ~~(B) (1) IF THE ATTORNEY GENERAL DETERMINES THAT THERE ARE~~
 25 ~~REASONABLE GROUNDS TO BELIEVE THAT A PERSON, CONTRACTOR, BUSINESS, OR~~
 26 ~~OTHER ENTITY HAS VIOLATED SUBSECTION (A) OF THIS SECTION, THE ATTORNEY~~
 27 ~~GENERAL MAY BRING A CIVIL ACTION AGAINST THE PERSON, CONTRACTOR,~~
 28 ~~BUSINESS, OR OTHER ENTITY FOR CHARGING AN UNCONSCIONABLY EXCESSIVE~~
 29 ~~PRICE FOR A CONSUMER GOOD OR SERVICE.~~

30 ~~(2) IN ANY PROCEEDING COMMENCED PURSUANT TO THIS SECTION,~~
 31 ~~PRIMA FACIE PROOF THAT A VIOLATION HAS OCCURRED SHALL INCLUDE EVIDENCE~~
 32 ~~THAT:~~

33 ~~(I) THE AMOUNT CHARGED IS MORE THAN 15% ABOVE THE PRICE~~
 34 ~~CHARGED BY THAT PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY~~
 35 ~~IMMEDIATELY PRIOR TO THE DECLARATION OF AN EMERGENCY; OR~~

36 ~~(II) THE AMOUNT CHARGED GROSSLY EXCEEDED THE PRICE AT~~
 37 ~~WHICH THE SAME OR SIMILAR GOODS OR SERVICES WERE READILY OBTAINABLE BY~~
 38 ~~OTHER PURCHASERS IN THE TRADE AREA.~~

- 1 (13) Robbery under § 486 or § 487 of this article;
- 2 (14) Sexual offense in the first, second, or third degree;
- 3 (15) ~~AN ACT OF TERRORISM OR A THREAT TO COMMIT AN ACT OF~~
4 ~~TERRORISM UNDER § 3-1002 OR § 3-1003 UNDER § 9-802 OF THE CRIMINAL LAW~~
5 ~~ARTICLE;~~
- 6 (16) ~~HARBORING A TERRORIST UNDER § 3-1004 OF THE CRIMINAL LAW~~
7 ~~ARTICLE;~~
- 8 ~~[(15)]~~ (17) ~~(16)~~ An attempt to commit any of the aforesaid offenses; or
- 9 ~~[(16)]~~ (18) ~~(17)~~ Assault with intent to commit any of the aforesaid
10 offenses or any offense punishable by imprisonment for more than 1 year.

11 Article 27 - Crimes and Punishments

12 542.

13 (A) IN THIS SECTION, "SECURITY OFFICER" MEANS A PROPRIETARY OR
14 CONTRACTUAL SECURITY OFFICER OF A LICENSE HOLDER OF A NUCLEAR POWER
15 PLANT FACILITY IN THE STATE.

16 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A NUCLEAR POWER
17 PLANT FACILITY IS PLACED UNDER A HEIGHTENED LEVEL OF SECURITY CONDITION
18 BY A FEDERAL AGENCY PURSUANT TO FEDERAL LAW, THE LICENSE HOLDER OF A
19 NUCLEAR POWER PLANT FACILITY IN THE STATE MAY AUTHORIZE A SECURITY
20 OFFICER, WITHOUT A WARRANT, TO STOP AND DETAIN ANY PERSON WHO THE
21 OWNER OR SECURITY OFFICER HAS REASONABLE GROUNDS TO BELIEVE HAS:

22 (1) ENTERED OR TRESPASSED ON POSTED PROPERTY OF THE NUCLEAR
23 POWER PLANT FACILITY IN VIOLATION OF § 577 OF THIS ARTICLE; OR

24 (2) VIOLATED ANY LOCAL, STATE, OR FEDERAL LAW, REGULATION, OR
25 ORDER IN AN AREA CONTROLLED BY THE LICENSE HOLDER OF THE NUCLEAR
26 POWER PLANT FACILITY.

27 (C) A SECURITY OFFICER WHO DETAINS A PERSON UNDER SUBSECTION (B)
28 OF THIS SECTION SHALL, AS SOON AS PRACTICABLE:

29 (1) NOTIFY AN APPROPRIATE LAW ENFORCEMENT AGENCY ABOUT THE
30 ALLEGED CRIME COMMITTED BY THE PERSON; AND

31 (2) RELEASE THE PERSON TO THE DETENTION OR CUSTODY OF A LAW
32 ENFORCEMENT OFFICER.

33 (D) IF NOTICE TO A LAW ENFORCEMENT AGENCY IS PROVIDED AS REQUIRED
34 UNDER SUBSECTION (C) OF THIS SECTION AND THE LAW ENFORCEMENT AGENCY
35 DETERMINES NOT TO INVESTIGATE THE ALLEGED CRIME OR DECLINES TO TAKE

1 THE DETAINED PERSON INTO DETENTION OR CUSTODY, THE SECURITY OFFICER
 2 SHALL RELEASE THE PERSON AS SOON AS PRACTICABLE.

3 **Article - Courts and Judicial Proceedings**

4 10-401.

5 As used in this subtitle, the following terms have the meanings indicated:

6 (1) [(i)] "Wire communication" means any aural transfer made in whole
 7 or in part through the use of facilities for the transmission of communications by the
 8 aid of wire, cable, or other like connection between the point of origin and the point of
 9 reception (including the use of a connection in a switching station) furnished or
 10 operated by any person licensed to engage in providing or operating such facilities for
 11 the transmission of communications.

12 [(ii)] "Wire communication" includes any electronic storage of a
 13 communication described in this paragraph.

14 [(iii)] "Wire communication" does not include the radio portion of a
 15 cordless telephone communication that is transmitted between the cordless telephone
 16 handset and the base unit.]

17 (8) "Judge of competent jurisdiction" means a judge of [a] ANY circuit
 18 court WITHIN THE STATE HAVING JURISDICTION OVER THE OFFENSE UNDER
 19 INVESTIGATION.

20 (13) "Electronic communications system" means any wire, radio,
 21 electromagnetic, photooptical, or photoelectronic facilities for the transmission of
 22 WIRE OR electronic communications, and any computer facilities or related electronic
 23 equipment for the electronic storage of electronic communications.

24 ~~10-402.~~

25 ~~(e) (2) It is lawful under this subtitle for an investigative or law enforcement~~
 26 ~~officer acting in a criminal investigation or any other person acting at the prior~~
 27 ~~direction and under the supervision of an investigative or law enforcement officer to~~
 28 ~~intercept a wire, oral, or electronic communication:~~

29 ~~(f) 1. [in] IN order to provide evidence of the commission of the~~
 30 ~~FOLLOWING offenses [of murder, kidnapping, rape, a sexual offense in the first or~~
 31 ~~second degree, child abuse, child pornography, as defined under Article 27, §§ 419A~~
 32 ~~and 419B of the Code, gambling, robbery under Article 27, § 486 or § 487 of the Code,~~
 33 ~~any felony punishable under the "Arson and Burning" subheading of Article 27,~~
 34 ~~bribery, extortion, or dealing in controlled dangerous substances, including violations~~
 35 ~~of Article 27, § 286B or § 287A, fraudulent insurance acts, as defined in Title 27,~~
 36 ~~Subtitle 4 of the Insurance Article, offenses relating to destructive devices under~~
 37 ~~Article 27, § 139C of the Code, or any conspiracy or solicitation to commit any of these~~
 38 ~~offenses, or]:~~

- 1 A. MURDER;
- 2 B. KIDNAPPING;
- 3 C. RAPE;
- 4 D. A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE;
- 5 E. CHILD ABUSE;
- 6 F. CHILD PORNOGRAPHY UNDER § 11-207 OR § 11-208 OF THE
7 CRIMINAL LAW ARTICLE;
- 8 G. GAMBLING;
- 9 H. ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL
10 LAW ARTICLE;
- 11 I. A FELONY UNDER TITLE 6, SUBTITLE 1 OF THE CRIMINAL
12 LAW ARTICLE;
- 13 J. BRIBERY;
- 14 K. EXTORTION;
- 15 L. DEALING IN A CONTROLLED DANGEROUS SUBSTANCE,
16 INCLUDING A VIOLATION OF § 5-617 OR § 5-619 OF THE CRIMINAL LAW ARTICLE;
- 17 M. A FRAUDULENT INSURANCE ACT, AS DEFINED IN TITLE
18 27, SUBTITLE 4 OF THE INSURANCE ARTICLE;
- 19 N. AN OFFENSE RELATING TO DESTRUCTIVE DEVICES
20 UNDER § 4-503 OF THE CRIMINAL LAW ARTICLE;
- 21 O. AN ACT OF TERRORISM OR A THREAT TO COMMIT AN ACT
22 OF TERRORISM UNDER § 3-1002 OR § 3-1003 OF THE CRIMINAL LAW ARTICLE;
- 23 P. HARBORING A TERRORIST UNDER § 3-1004 OF THE
24 CRIMINAL LAW ARTICLE;
- 25 Q. IDENTITY FRAUD UNDER § 8-301 OF THE CRIMINAL LAW
26 ARTICLE;
- 27 R. MONEY LAUNDERING UNDER § 5-623 OF THE CRIMINAL
28 LAW ARTICLE;
- 29 S. UNAUTHORIZED ACCESS TO COMPUTERS UNDER § 7-302
30 OF THE CRIMINAL LAW ARTICLE; OR
- 31 T. A CONSPIRACY OR SOLICITATION TO COMMIT AN
32 OFFENSE LISTED IN ITEMS A THROUGH S OF THIS ITEM.

1 (XIII) IDENTITY FRAUD UNDER § 8-301 OF THE CRIMINAL LAW
2 ARTICLE;

3 (XIV) MONEY LAUNDERING UNDER § 5-623 OF THE CRIMINAL LAW
4 ARTICLE;

5 (XV) UNAUTHORIZED ACCESS TO COMPUTERS UNDER § 7-302 OF
6 THE CRIMINAL LAW ARTICLE; OR

7 (XVI) ANY CONSPIRACY OR SOLICITATION TO COMMIT A CRIME
8 LISTED IN ITEMS (I) THROUGH (XV) OF THIS PARAGRAPH.

9 (2) No application or order shall be required if the interception is lawful
10 under the provisions of § 10-402(e) of this subtitle.

11 (e) (2) (I) THIS PARAGRAPH APPLIES TO AN INTERCEPTION IN WHICH:

12 1. THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER OR
13 OTHER PERSON IS A PARTY TO THE COMMUNICATION; OR

14 2. ONE OF THE PARTIES TO THE COMMUNICATION HAS
15 GIVEN PRIOR CONSENT TO THE INTERCEPTION.

16 (II) It is lawful under this subtitle for an investigative or law
17 enforcement officer acting in a criminal investigation or any other person acting at
18 the prior direction and under the supervision of an investigative or law enforcement
19 officer to intercept a wire, oral, or electronic communication in order to provide
20 evidence:

21 1. [of] OF the commission of:

22 A. [the offenses of murder, kidnapping, rape, a sexual offense
23 in the first or second degree, child abuse, child pornography, as defined under Article
24 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486 or § 487
25 of the Code, any felony punishable under the "Arson and Burning" subheading of
26 Article 27, bribery, extortion, or dealing in controlled dangerous substances, including
27 violations of Article 27, § 286B or § 287A, fraudulent] MURDER;

28 B. KIDNAPPING;

29 C. RAPE;

30 D. A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE;

31 E. CHILD ABUSE;

32 F. CHILD PORNOGRAPHY UNDER § 11-207 OR § 11-208 OF THE
33 CRIMINAL LAW ARTICLE;

34 G. GAMBLING;

1 ~~H. ROBBERY UNDER § 3 402 OR § 3 403 OF THE CRIMINAL~~

2 ~~LAW ARTICLE;~~

3 ~~I. A FELONY UNDER TITLE 6, SUBTITLE 1 OF THE CRIMINAL~~

4 ~~LAW ARTICLE;~~

5 ~~J. BRIBERY;~~

6 ~~K. EXTORTION;~~

7 ~~L. DEALING IN A CONTROLLED DANGEROUS SUBSTANCE;~~

8 ~~INCLUDING A VIOLATION OF § 5 617 OR § 5 619 OF THE CRIMINAL LAW ARTICLE;~~

9 ~~M. A FRAUDULENT insurance [acts] ACT, as defined in Title~~

10 ~~27, Subtitle 4 of the Insurance [Article, offenses] ARTICLE;~~

11 ~~N. AN OFFENSE relating to destructive devices under [Article~~

12 ~~27, § 139C of the Code, or any] § 4 503 OF THE CRIMINAL LAW ARTICLE;~~

13 ~~O. AN OFFENSE COMMITTED BY OR ON BEHALF OF AN~~

14 ~~ORGANIZATION THAT IS DESIGNATED AS A FOREIGN TERRORIST ORGANIZATION IN~~

15 ~~ACCORDANCE WITH 8 U.S.C., § 1189 OR ENGAGED IN TERRORIST ACTIVITY AS~~

16 ~~DEFINED IN § 411 OF THE FEDERAL USA PATRIOT ACT OF 2001; OR~~

17 ~~P. AN ACT OF TERRORISM UNDER § 9 802 OF THE CRIMINAL~~

18 ~~LAW ARTICLE;~~

19 ~~Q. A conspiracy or solicitation to commit [any of these~~

20 ~~offenses, or where any] AN OFFENSE LISTED IN ITEMS A THROUGH P OF THIS ITEM;~~

21 ~~OR~~

22 ~~R. IF:~~

23 ~~A. A person has created a barricade [situation and probable]~~

24 ~~SITUATION; AND~~

25 ~~B. PROBABLE cause exists for the investigative or law~~

26 ~~enforcement officer to believe a hostage or hostages may be involved[, where the~~

27 ~~person is a party to the communication or one of the parties to the communication has~~

28 ~~given prior consent to the interception];~~

29 ~~10 406.~~

30 ~~(A) The Attorney General, State Prosecutor, or any State's Attorney may apply~~

31 ~~to a judge of competent jurisdiction, and the judge, in accordance with the provisions~~

32 ~~of § 10 408 of this subtitle, may grant an order authorizing the interception of wire,~~

33 ~~oral, or electronic communications by investigative or law enforcement officers when~~

34 ~~the interception may provide or has provided evidence of the commission of:~~

35 ~~(1) [the offense of murder, kidnapping, child pornography, as defined in~~

36 ~~Article 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486 or~~

1 ~~§ 487 of the Code, any felony punishable under the "Arson and Burning" subheading~~
 2 ~~of Article 27 of this Code, bribery, extortion, or dealing in controlled dangerous~~
 3 ~~substances, offenses] MURDER;~~

4 (2) KIDNAPPING;

5 (3) CHILD PORNOGRAPHY UNDER § 11-207 OR § 11-208 OF THE CRIMINAL
 6 LAW ARTICLE;

7 (4) GAMBLING;

8 (5) ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL LAW ARTICLE;

9 (6) A FELONY UNDER TITLE 6, SUBTITLE 1 OF THE CRIMINAL LAW
 10 ARTICLE;

11 (7) BRIBERY;

12 (8) EXTORTION;

13 (9) DEALING IN A CONTROLLED DANGEROUS SUBSTANCE;

14 (10) AN OFFENSE relating to destructive devices under [Article 27, § 139C
 15 of the Code, or any] § 4-503 OF THE CRIMINAL LAW ARTICLE;

16 (11) AN OFFENSE COMMITTED BY OR ON BEHALF OF AN ORGANIZATION
 17 THAT IS DESIGNATED AS A FOREIGN TERRORIST ORGANIZATION IN ACCORDANCE
 18 WITH 8 U.S.C., § 1189 OR ENGAGED IN TERRORIST ACTIVITY AS DEFINED IN § 411 OF
 19 THE FEDERAL USA PATRIOT ACT OF 2001;

20 (12) AN ACT OF TERRORISM UNDER § 9-802 OF THE CRIMINAL LAW
 21 ARTICLE; or

22 (13) A conspiracy or solicitation to commit [any of the foregoing offenses]
 23 AN OFFENSE LISTED IN ITEMS (1) THROUGH (12) OF THIS SUBSECTION.

24 (B) No application or order shall be required if the interception is lawful under
 25 the provisions of § 10-402(c) of this subtitle.

26 10-408.

27 (a) (1) Each application for an order authorizing the interception of a wire,
 28 oral, or electronic communication shall be made in writing upon oath or affirmation to
 29 a judge of competent jurisdiction and shall state the applicant's authority to make the
 30 application. Each application shall include the following information:

31 [(1)] (I) The identity of the investigative or law enforcement officer
 32 making the application, and the officer authorizing the application;

1 [(2)] (II) A full and complete statement of the facts and circumstances
2 relied upon by the applicant, to justify his belief that an order should be issued,
3 including:

4 [(i)] 1. [details] DETAILS as to the particular offense that has
5 been, is being, or is about to be committed[, (ii)];

6 2. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
7 SUBSECTION, a particular description of the nature and location of the facilities from
8 which or the place where the communication is to be intercepted[, (iii)];

9 3. [a] A particular description of the type of communications
10 sought to be intercepted[, (iv)]; AND

11 4. [the] THE identity of the person, if known, committing the
12 offense and whose communications are to be intercepted[;].

13 [(3)] (III) A full and complete statement as to whether or not other
14 investigative procedures have been tried and failed or why they reasonably appear to
15 be unlikely to succeed if tried or to be too dangerous;

16 [(4)] (IV) A statement of the period of time for which the interception is
17 required to be maintained. If the nature of the investigation is such that the
18 authorization for interception should not automatically terminate when the described
19 type of communication has been first obtained, a particular description of facts
20 establishing probable cause to believe additional communications of the same type
21 will occur thereafter;

22 [(5)] (V) A full and complete statement of the facts concerning all
23 previous applications known to the individual authorizing and making the
24 application, made to any judge for authorization to intercept wire, oral, or electronic
25 communications involving any of the same persons, facilities or places specified in the
26 application, and the action taken by the judge on each application; and

27 [(6)] (VI) Where the application is for the extension of an order, a
28 statement setting forth the results thus far obtained from the interception, or a
29 reasonable explanation of the failure to obtain the results.

30 (2) ~~THE NATURE AND LOCATION OF THE FACILITIES FROM WHICH OR~~
31 ~~THE PLACE WHERE THE COMMUNICATION IS TO BE INTERCEPTED IS NOT REQUIRED~~
32 ~~IF THE APPLICATION INCLUDES:~~

33 (I) ~~DETAILS AS TO HOW AND WHY PROVIDING THIS INFORMATION~~
34 ~~IS NOT PRACTICAL;~~

35 (II) ~~A SHOWING THAT THERE IS PROBABLE CAUSE TO BELIEVE~~
36 ~~THAT THE ACTIONS OF THE PERSON WHOSE COMMUNICATIONS ARE TO BE~~
37 ~~INTERCEPTED COULD HAVE THE EFFECT OF THWARTING AN INTERCEPTION FROM A~~
38 ~~SPECIFIED FACILITY OR THAT THE PERSON HAS MOVED OR IS LIKELY TO MOVE TO~~
39 ~~ANOTHER JUDICIAL CIRCUIT WITHIN THE STATE; AND~~

1 (III) ~~THE IDENTITY OF THE PERSON COMMITTING THE OFFENSE~~
2 ~~AND WHOSE COMMUNICATIONS ARE TO BE INTERCEPTED.~~

3 (2) (I) IN THE CASE OF AN APPLICATION AUTHORIZING THE
4 INTERCEPTION OF AN ORAL COMMUNICATION, A PARTICULAR DESCRIPTION OF THE
5 NATURE AND LOCATION OF THE FACILITIES FROM WHICH OR THE PLACE WHERE
6 THE COMMUNICATION IS TO BE INTERCEPTED IS NOT REQUIRED IF THE
7 APPLICATION:

8 1. IS BY AN INVESTIGATIVE OR LAW ENFORCEMENT
9 OFFICER;

10 2. IS APPROVED BY THE ATTORNEY GENERAL, THE STATE
11 PROSECUTOR, OR A STATE'S ATTORNEY;

12 3. CONTAINS A FULL AND COMPLETE STATEMENT AS TO
13 WHY ~~THE DESCRIPTION SPECIFICATION OF THE NATURE AND LOCATION OF THE~~
14 FACILITIES FROM WHICH OR THE PLACE WHERE THE COMMUNICATION IS TO BE
15 INTERCEPTED IS NOT PRACTICAL; AND

16 4. IDENTIFIES THE INDIVIDUAL COMMITTING THE OFFENSE
17 AND WHOSE COMMUNICATIONS ARE TO BE INTERCEPTED.

18 (II) IN THE CASE OF AN APPLICATION AUTHORIZING THE
19 INTERCEPTION OF A WIRE OR ELECTRONIC COMMUNICATION, A PARTICULAR
20 DESCRIPTION OF THE NATURE AND LOCATION OF THE FACILITIES FROM WHICH OR
21 THE PLACE WHERE THE COMMUNICATION IS TO BE INTERCEPTED IS NOT REQUIRED
22 IF THE APPLICATION:

23 1. IS BY AN INVESTIGATIVE OR LAW ENFORCEMENT
24 OFFICER;

25 2. IS APPROVED BY THE ATTORNEY GENERAL, THE STATE
26 PROSECUTOR, OR A STATE'S ATTORNEY;

27 3. IDENTIFIES THE INDIVIDUAL BELIEVED TO BE
28 COMMITTING THE OFFENSE AND WHOSE COMMUNICATIONS ARE TO BE
29 INTERCEPTED;

30 4. MAKES A SHOWING THAT THERE IS PROBABLE CAUSE TO
31 BELIEVE THAT THE INDIVIDUAL'S ACTIONS COULD HAVE THE EFFECT OF
32 THWARTING INTERCEPTION FROM A SPECIFIED FACILITY; AND

33 5. SPECIFIES THAT INTERCEPTION WILL BE LIMITED TO
34 ~~TIMES WHERE IT IS REASONABLE TO PRESUME ANY PERIOD OF TIME WHEN THE~~
35 INVESTIGATIVE OR LAW ENFORCEMENT OFFICER HAS A REASONABLE,
36 ARTICULABLE BELIEF THAT THE INDIVIDUAL IDENTIFIED IN THE APPLICATION
37 WILL BE PROXIMATE TO THE COMMUNICATION DEVICE AND WILL BE USING THE
38 COMMUNICATION DEVICE THROUGH WHICH THE COMMUNICATION WILL BE
39 TRANSMITTED.

1 (c) (1) Upon the application the judge may enter an ex parte order, as
 2 requested or as modified, authorizing interception of wire, oral, or electronic
 3 communications within the territorial jurisdiction permitted under paragraphs (2)
 4 and (3) of this subsection, if the judge determines on the basis of the facts submitted by
 5 the applicant that:

6 (i) There is probable cause for belief that an individual is
 7 committing, has committed, or is about to commit a particular offense enumerated in
 8 § 10-406 of this subtitle;

9 (ii) There is probable cause for belief that particular
 10 communications concerning that offense will be obtained through the interception;

11 (iii) Normal investigative procedures have been tried and have failed
 12 or reasonably appear to be unlikely to succeed if tried or to be too dangerous; and

13 (iv) There is probable cause for belief:

14 1. [that] THAT the facilities from which, or the place where,
 15 the wire, oral, or electronic communications are to be intercepted are being used, or are
 16 about to be used, in connection with the commission of the offense, or are leased to,
 17 listed in the name of, or commonly used by this person IN ACCORDANCE WITH
 18 SUBSECTION (A)(1) OF THIS SECTION; OR

19 2. THAT THE ACTIONS OF THE INDIVIDUAL WHOSE
 20 COMMUNICATIONS ARE TO BE INTERCEPTED COULD HAVE THE EFFECT OF
 21 THWARTING AN INTERCEPTION FROM A SPECIFIED FACILITY IN ACCORDANCE WITH
 22 SUBSECTION (A)(2) OF THIS SECTION.

23 (2) Except as provided in [paragraph (3)] PARAGRAPHS (3) AND (4) of this
 24 subsection, an ex parte order issued under paragraph (1) of this subsection may
 25 authorize the interception of wire, oral, or electronic communications only within the
 26 territorial jurisdiction of the court in which the application was filed.

27 (e) (3) If an application for an ex parte order is made by the Attorney
 28 General, the State Prosecutor, or a State's Attorney, an order issued under paragraph
 29 (1) of this subsection may authorize the interception of communications received or
 30 sent by a [mobile telephone or a paging device] COMMUNICATION DEVICE anywhere
 31 within the State so as to permit the interception of the communications regardless of
 32 whether the [mobile telephone or paging device] COMMUNICATION DEVICE is
 33 physically located within the jurisdiction of the court in which the application was
 34 filed at the time of the interception. The application must allege that the offense
 35 being investigated may transpire in the jurisdiction of the court in which the
 36 application is filed.

37 (4) IN ACCORDANCE WITH THIS SUBSECTION, A JUDGE OF COMPETENT
 38 JURISDICTION MAY AUTHORIZE CONTINUED INTERCEPTION WITHIN THE STATE,
 39 BOTH WITHIN AND OUTSIDE THE JUDGE'S JURISDICTION, IF THE ORIGINAL
 40 INTERCEPTION OCCURRED WITHIN THE JUDGE'S JURISDICTION.

1 (d) (1) Each order authorizing the interception of any wire, oral, or electronic
2 communication shall specify:

3 (i) The identity of the person, if known OR REQUIRED UNDER
4 SUBSECTION (A)(2) OF THIS SECTION, whose communications are to be intercepted;

5 (ii) The nature and location of the communications facilities as to
6 which, or the place where, authority to intercept is granted, IF KNOWN;

7 (iii) A particular description of the type of communication sought to
8 be intercepted, and a statement of the particular offense to which it relates;

9 (iv) The identity of the agency authorized to intercept the
10 communications, and of the person authorizing the application; and

11 (v) The period of time during which the interception is authorized,
12 including a statement as to whether or not the interception shall automatically
13 terminate when the described communication has been first obtained.

14 10-4A-04.

15 (a) (1) An investigative or law enforcement officer may require a provider of
16 WIRE OR electronic communication service to disclose the contents of [an] WIRE OR
17 electronic communication that is in electronic storage in [an] WIRE OR electronic
18 communications system for 180 days or less, only in accordance with a search warrant
19 issued by a court of competent jurisdiction.

20 (2) An investigative or law enforcement officer may require a provider of
21 WIRE OR electronic communications services to disclose the contents of [an] WIRE OR
22 electronic communication that has been in electronic storage in an electronic
23 communications system for more than 180 days in accordance with the procedures
24 provided under subsection (b) of this section.

25 (b) (1) An investigative or law enforcement officer may require a provider of
26 remote computing service to disclose the contents of [an] WIRE OR electronic
27 communication to which this paragraph applies under paragraph (2) of this
28 subsection:

29 (i) Without notice to the subscriber or customer, if the officer
30 obtains a search warrant issued by a court of competent jurisdiction; or

31 (ii) With prior notice from the officer to the subscriber or customer,
32 if the officer:

33 1. Uses a grand jury subpoena; or

34 2. Obtains a court order requiring the disclosure under
35 subsection (d) of this section.

1 (2) Paragraph (1) of this subsection applies to any WIRE OR electronic
2 communication that is held or maintained on a remote computing service:

3 (i) On behalf of, and received by means of electronic transmission
4 from, or created by means of computer processing of communications received by
5 means of electronic transmission from, a subscriber or customer of the remote
6 computing service; and

7 (ii) Solely for the purpose of providing storage or computer
8 processing services to the subscriber or customer, if the provider is not authorized to
9 access the contents of any communication for purposes of providing any services other
10 than storage or computer processing.

11 (c) (1) (I) In this subsection, "record or other information" INCLUDES
12 NAME, ADDRESS, LOCAL AND LONG DISTANCE TELEPHONE CONNECTION RECORDS,
13 OR RECORDS OF SESSION TIMES AND DURATIONS, LENGTH OF SERVICE (INCLUDING
14 START DATE) AND TYPES OF SERVICE UTILIZED, TELEPHONE OR INSTRUMENT
15 NUMBER OR OTHER SUBSCRIBER NUMBER OR IDENTITY, INCLUDING ANY
16 TEMPORARILY ASSIGNED NETWORK ADDRESS, AND MEANS AND SOURCE OF
17 PAYMENT FOR SUCH SERVICE, INCLUDING ANY CREDIT CARD OR BANK ACCOUNT
18 NUMBER.

19 (II) "RECORD OR OTHER INFORMATION" does not include the
20 contents of communications to which subsections (a) and (b) of this section apply.

21 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
22 provider of electronic communications service or remote computing service may
23 disclose a record or other information pertaining to a subscriber to or a customer of
24 the service to any person other than an investigative or law enforcement officer.

25 (ii) A provider of electronic communications service or remote
26 computing service shall disclose a record or other information pertaining to a
27 subscriber to or a customer of the service to an investigative or law enforcement
28 officer only if the officer:

29 1. Uses a subpoena issued by a court of competent
30 jurisdiction, a State grand jury subpoena, or a subpoena authorized under Article 10,
31 § 39A of the Code;

32 2. Obtains a warrant from a court of competent jurisdiction;

33 3. Obtains a court order requiring the disclosure under
34 subsection (d) of this section; or

35 4. Has the consent of the subscriber or customer to the
36 disclosure.

37 (3) An investigative or law enforcement officer receiving records or
38 information under this subsection is not required to provide notice to a subscriber or
39 customer.

1 10-4A-05.

2 (a) (1) A subpoena or court order issued under § 10-4A-04 of this subtitle
3 may include a requirement that the service provider to whom the request is directed
4 create a backup copy of the contents of the electronic communications sought in order
5 to preserve those communications. Without notifying the subscriber or customer of
6 the subpoena or court order, the service provider shall create a backup copy as soon as
7 practicable consistent with the provider's regular business practices and shall
8 confirm to the governmental entity that the backup copy has been made. The service
9 provider shall create a backup copy under this subsection within [2 business days] 24
10 HOURS after the day on which the service provider receives the subpoena or court
11 order.

12 10-4B-01.

13 (a) In this subtitle the following words have the meanings indicated.

14 (b) "Wire communication", "electronic communication", and "electronic
15 communication service" have the meanings stated in § 10-401 of this title.

16 (c) "Court of competent jurisdiction" means [a] ANY circuit court HAVING
17 JURISDICTION OVER THE CRIME BEING INVESTIGATED REGARDLESS OF THE
18 LOCATION OF THE INSTRUMENT OR PROCESS FROM WHICH A WIRE OR ELECTRONIC
19 COMMUNICATION IS TRANSMITTED OR RECEIVED.

20 (d) (1) "Pen register" means a device OR PROCESS that records and decodes
21 [electronic or other impulses that identify the numbers dialed or otherwise
22 transmitted on the telephone line to which the device is attached] DIALING,
23 ROUTING, ADDRESSING, OR SIGNALING INFORMATION TRANSMITTED BY AN
24 INSTRUMENT OR FACILITY FROM WHICH A WIRE OR ELECTRONIC COMMUNICATION
25 IS TRANSMITTED.

26 (2) "Pen register" does not include any device OR PROCESS used:

27 (I) [by] BY a provider or customer of a wire or electronic
28 communication service for billing, or recording as an incident to billing, for
29 communications services provided by the provider or any device used by a provider or
30 customer of a wire communication service for cost accounting or other similar
31 purposes in the ordinary course of its business; OR

32 (II) TO OBTAIN THE CONTENT OF A COMMUNICATION.

33 (e) (1) "Trap and trace device" means a device OR PROCESS that captures
34 the incoming electronic or other impulses that identify the originating number [of an
35 instrument or device from which] OR OTHER DIALING, ROUTING, ADDRESSING, AND
36 SIGNALING INFORMATION REASONABLY LIKELY TO IDENTIFY THE SOURCE OF a wire
37 or electronic communication [was transmitted].

38 (2) "TRAP AND TRACE DEVICE" DOES NOT INCLUDE A DEVICE OR
39 PROCESS USED TO OBTAIN THE CONTENT OF A COMMUNICATION.

1 10-4B-04.

2 (a) (1) Upon an application made under § 10-4B-03 of this subtitle, the
3 court shall enter an ex parte order authorizing the installation and use of a pen
4 register or a trap and trace device within the jurisdiction of the court if the court finds
5 that the information likely to be obtained by the installation and use is relevant to an
6 ongoing criminal investigation.

7 (2) ON SERVICE, AN ORDER ISSUED UNDER PARAGRAPH (1) OF THIS
8 SUBSECTION SHALL APPLY TO ANY PERSON PROVIDING WIRE OR ELECTRONIC
9 COMMUNICATION SERVICE WHOSE ASSISTANCE MAY FACILITATE THE EXECUTION
10 OF THE ORDER.

11 (b) An order issued under this section shall:

12 (1) Specify the identity, if known, of the person to whom is leased or in
13 whose name is listed the telephone line OR OTHER FACILITY to which the pen register
14 or trap and trace device is to be attached OR APPLIED;

15 (2) Specify the identity, if known, of the person who is the subject of the
16 criminal investigation;

17 (3) Specify the [number and, if known, physical location of the telephone
18 line to which the pen register or trap and trace device is to be attached] ATTRIBUTES
19 OF THE COMMUNICATIONS TO WHICH THE ORDER APPLIES, INCLUDING THE
20 NUMBER OR OTHER IDENTIFIER AND, IF KNOWN, THE LOCATION OF THE
21 TELEPHONE LINE OR OTHER FACILITY TO WHICH THE PEN REGISTER OR TRAP AND
22 TRACE DEVICE IS TO BE ATTACHED OR APPLIED, and, in the case of a trap and trace
23 device, the geographic limits of the trap and trace order;

24 (4) Contain a description of the offense to which the information likely to
25 be obtained by the pen register or trap and trace device relates; and

26 (5) Direct, upon the request of the applicant, the furnishing of
27 information, facilities, and technical assistance necessary to accomplish the
28 installation of the pen register or trap and trace device under § 10-4B-05 of this
29 subtitle.

30 (c) (1) An order issued under this section shall authorize the installation
31 and use of a pen register or a trap and trace device for a period not to exceed 60 days.

32 (2) Extensions of an order issued under this section may be granted upon
33 a new application for an order under § 10-4B-03 of this subtitle and upon the judicial
34 finding required under subsection (a) of this section. An extension may not exceed 60
35 days.

36 (d) An order authorizing or approving the installation and use of a pen
37 register or a trap and trace device shall direct that:

38 (1) The order be sealed until further order of the court; and

1 (2) The person owning or leasing the line to which the pen register or a
 2 trap and trace device is attached OR APPLIED, or who [has been ordered by the court]
 3 IS OBLIGATED BY THE ORDER to provide assistance to the applicant, not disclose the
 4 existence of the pen register or trap and trace device or the existence of the
 5 investigation to the listed subscriber, or to any other person, unless or until otherwise
 6 ordered by the court.

7 **~~Article – Criminal Procedure~~**

8 ~~4-203.~~

9 (e) (1) ~~This subsection applies to criminal investigations conducted by a law~~
 10 ~~enforcement unit, grand jury, or State's Attorney under Article 10, § 39A of the Code~~
 11 ~~into alleged criminal activities in violation of:~~

12 (i) ~~Article 27, § 286, § 286A, § 286B, § 286C, § 287, or § 287A of the~~
 13 ~~Code, relating to controlled dangerous substances;~~

14 (ii) ~~Article 27, § 407, § 408, § 409, § 410, or § 411 of the Code,~~
 15 ~~relating to murder; [or]~~

16 (iii) ~~Article 27, § 419A or § 419B of the Code, relating to~~
 17 ~~pornography; OR~~

18 (IV) ~~§§ 3-1002 THROUGH 3-1004 §§ 9-802 THROUGH 9-804 OF THE~~
 19 ~~CRIMINAL LAW ARTICLE, RELATING TO TERRORISM.~~

20 (2) (I) ~~Notwithstanding any provision of the Maryland Rules, a circuit~~
 21 ~~court judge or District Court judge, on a finding of good cause, may order that an~~
 22 ~~affidavit presented in support of a search and seizure warrant be sealed for a period~~
 23 ~~not exceeding 30 days.~~

24 (II) ~~IF AN AFFIDAVIT IS SEALED UNDER PARAGRAPH (1)(IV) OF THIS~~
 25 ~~SUBSECTION, A CIRCUIT COURT JUDGE OR DISTRICT COURT JUDGE, ON A FINDING~~
 26 ~~OF GOOD CAUSE, MAY ORDER THE AFFIDAVIT PRESENTED IN SUPPORT OF A SEARCH~~
 27 ~~AND SEIZURE WARRANT BE SEALED FOR ADDITIONAL 30-DAY PERIODS, NOT TO~~
 28 ~~EXCEED 1 YEAR.~~

29 (3) A finding of good cause required by paragraph (2) of this subsection is
 30 established by evidence that:

31 (i) ~~the criminal investigation to which the affidavit is related is of~~
 32 ~~a continuing nature and likely to yield further information that could be of use in~~
 33 ~~prosecuting alleged criminal activities; and~~

34 (ii) ~~the failure to maintain the confidentiality of the investigation~~
 35 ~~would:~~

36 1- ~~jeopardize the use of information already obtained in the~~
 37 ~~investigation;~~

1 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
2 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE
3 NOT EXCEEDING \$10,000 OR BOTH.

4 ~~3-1004.~~

5 (A) (1) IN THIS SECTION, "HARBOR" HAS THE MEANING STATED IN § 9-401 OF
6 THIS ARTICLE.

7 (2) "HARBOR" INCLUDES:

8 (I) OFFERING OR PROVIDING MONEY, FOOD, MEDICAL
9 TREATMENT, CARE, TRANSPORTATION, OR SIMILAR BENEFITS;

10 (II) THE WILLFUL FAILURE TO REVEAL THE WHEREABOUTS OF A
11 PERSON WHO COMMITTED AN ACT OF TERRORISM; OR

12 (III) THE WILLFUL OBSTRUCTION OF EFFORTS OF AUTHORITIES TO
13 IDENTIFY, ARREST, CHARGE, DETAIN, OR IMPRISON A PERSON FOR AN ACT OF
14 TERRORISM.

15 ~~9-804.~~

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (2) "CONCEAL" MEANS TO HIDE, SECRETE, OR KEEP OUT OF SIGHT.

19 (3) "HARBOR" MEANS TO PROVIDE FINANCIAL RESOURCES,
20 TRANSPORTATION, FOOD, SHELTER, COMMUNICATIONS, SUPPORT, ASSISTANCE, OR
21 OTHER AID MATERIAL TO OR IN SUPPORT OF THE COMMISSION OF AN ACT OF
22 TERRORISM.

23 (B) A PERSON MAY NOT KNOWINGLY HARBOR ANOTHER WHOM OR CONCEAL
24 ANOTHER WHO THE PERSON HAS REASONABLE GROUNDS TO BELIEVE KNOWS OR
25 SHOULD HAVE KNOWN HAS COMMITTED OR INTENDS TO COMMIT AN ACT OF
26 TERRORISM.

27 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
28 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 20 YEARS OR A FINE
29 NOT EXCEEDING \$10,000 \$25,000 OR BOTH.

30 ~~9-805.~~

31 (A) IN ADDITION TO THE PENALTIES PROVIDED IN THIS SUBTITLE, A PERSON
32 CONVICTED UNDER THIS SUBTITLE MAY BE ORDERED TO PAY RESTITUTION TO:

33 (1) A UNIT OF GOVERNMENT FOR ACTUAL COSTS REASONABLY
34 INCURRED IN RESPONDING TO THE VIOLATION OF THIS SUBTITLE;

1 ~~(2) AN OWNER OR TENANT OF A PROPERTY FOR THE ACTUAL VALUE OF~~
 2 ~~ANY GOODS, SERVICES, OR INCOME LOST AS A RESULT OF A REASONABLE AND~~
 3 ~~NECESSARY EVACUATION OF PROPERTY IN RESPONSE TO THE VIOLATION OF THIS~~
 4 ~~SUBTITLE;~~

5 ~~(3) A PERSON INJURED AS A RESULT OF THE VIOLATION OF THIS~~
 6 ~~SUBTITLE; AND~~

7 ~~(4) A SURVIVING SPOUSE, CHILD, OR DEPENDENT OF A PERSON KILLED~~
 8 ~~AS A RESULT OF THE VIOLATION OF THIS SUBTITLE.~~

9 ~~(B) IF THE FINDER OF FACT DETERMINES BY A PREPONDERANCE OF THE~~
 10 ~~EVIDENCE THAT A PERSON CONVICTED UNDER THIS SUBTITLE KNOWINGLY~~
 11 ~~COMMITTED THE VIOLATION OF THIS SUBTITLE IN FURTHERANCE OF A CONSPIRACY~~
 12 ~~PERPETUATED BY AN ORGANIZATION, THE ORGANIZATION AND THE PERSON~~
 13 ~~CONVICTED UNDER THIS SUBTITLE MAY BE HELD JOINTLY AND SEVERALLY LIABLE~~
 14 ~~TO PAY RESTITUTION UNDER THIS SECTION.~~

15 ~~(C) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF A~~
 16 ~~PERSON TO RESTITUTION UNDER TITLE 11, SUBTITLE 6 OF THE CRIMINAL~~
 17 ~~PROCEDURE ARTICLE.~~

18 4-401.

19 (b) (1) "Crime of violence" means:

20 (i) murder in any degree;

21 (ii) manslaughter;

22 (iii) kidnapping;

23 (iv) rape in any degree;

24 (v) assault in the first degree;

25 (vi) robbery under § 3-402 or § 3-403 of this article;

26 (vii) burglary in any degree;

27 (viii) escape in the first degree; [or]

28 (ix) theft;

29 (X) AN ACT OF TERRORISM OR A THREAT TO COMMIT AN ACT OF
 30 TERRORISM UNDER § 3-1002 OR § 3-1003 OF THIS ARTICLE; OR

31 (XI) HARBORING A TERRORIST UNDER § 3-1004 OF THIS ARTICLE.

32 (2) "Crime of violence" includes an attempt to commit a crime listed in
 33 paragraph (1) of this subsection.

1 ~~8-301.~~

2 (a) In this section, "personal identifying information" means a name, address,
3 telephone number, driver's license number, Social Security number, place of
4 employment, employee identification number, mother's maiden name, bank or other
5 financial institution account number, date of birth, personal identification number, or
6 credit card number.

7 (b) A person may not knowingly, willfully, and with fraudulent intent obtain or
8 help another to obtain any personal identifying information of an individual, without
9 the consent of the individual, in order to use, sell, or transfer the information to get a
10 benefit, credit, good, service, or other thing of value in the name of the individual.

11 (C) A PERSON MAY NOT KNOWINGLY AND WILLFULLY OBTAIN OR HELP
12 ANOTHER TO OBTAIN ANY PERSONAL IDENTIFYING INFORMATION OF AN
13 INDIVIDUAL, WITHOUT THE CONSENT OF THE INDIVIDUAL, WITH INTENT TO AVOID
14 IDENTIFICATION, APPREHENSION, OR PROSECUTION FOR A CRIME.

15 ~~{(e)}~~ (D) A person may not knowingly and willfully assume the identity of
16 another OR CREATE A FALSE IDENTITY:

17 (1) to avoid IDENTIFICATION, APPREHENSION OR prosecution for a
18 crime; or

19 (2) with fraudulent intent to:

20 (i) get a benefit, credit, good, service, or other thing of value; or

21 (ii) avoid the payment of debt or other legal obligation.

22 ~~{(d)}~~ (E) (1) ~~[A] EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS~~
23 ~~SUBSECTION, A person who violates this section is guilty of a misdemeanor and on~~
24 ~~conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding~~
25 ~~\$5,000 or both.~~

26 (2) FOR VIOLATION OF SUBSECTION (B) OR SUBSECTION (D)(2) OF THIS
27 SECTION, IF THE VALUE OF THE INTENDED BENEFIT, CREDIT, GOOD, SERVICE, OR
28 OTHER THING OF VALUE IS MORE THAN \$500, A PERSON WHO VIOLATES THIS
29 SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO
30 IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR
31 BOTH.

32 (3) FOR A VIOLATION OF SUBSECTION (C) OR SUBSECTION (D)(1) OF THIS
33 SECTION, IF THE VIOLATION INVOLVED AVOIDING IDENTIFICATION, APPREHENSION,
34 OR PROSECUTION FOR A FELONY, A PERSON WHO VIOLATES THIS SECTION IS GUILTY
35 OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING
36 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

37 ~~{(e)}~~ (F) ~~[A] IF THE VIOLATION OF THIS SECTION IS A MISDEMEANOR, a~~
38 ~~person who violates this section is subject to § 5-106(b) of the Courts Article.~~

1 ~~[(f)]~~ (G) In addition to restitution under Title 11, Subtitle 6 of the Criminal
2 Procedure Article, a court may order a person who pleads guilty or nolo contendere or
3 who is found guilty under this section to make restitution to the victim for reasonable
4 costs, including reasonable attorney's fees, incurred:

5 (1) for clearing the victim's credit history or credit rating; and

6 (2) in connection with a civil or administrative proceeding to satisfy a
7 debt, lien, judgment, or other obligation of the victim that arose because of the
8 violation.

9 ~~[(g)]~~ (H) A sentence under this section may be imposed separate from and
10 consecutive to or concurrent with a sentence for any crime based on the act or acts
11 establishing the violation of this section.

12 ~~9-401.~~

13 (b) "Concealment" means hiding, secreting, or keeping out of sight.

14 (c) (1) "Harbor" includes offering a fugitive or escaped inmate:

15 (i) concealment;

16 (ii) lodging;

17 (iii) care after concealment; or

18 (iv) obstruction of an effort of an authority to arrest the fugitive or
19 escaped inmate.

20 (2) "Harbor" does not include failing to reveal the whereabouts of a
21 fugitive or an escaped inmate by a person who did not participate in the effort of the
22 fugitive or escaped inmate to elude arrest.

23 ~~14-101.~~

24 (a) In this section, "crime of violence" means:

25 (1) abduction;

26 (2) arson in the first degree;

27 (3) kidnapping;

28 (4) manslaughter, except involuntary manslaughter;

29 (5) mayhem;

30 (6) maiming, as previously proscribed under Article 27, §§ 385 and 386 of
31 the Code;

1 (b) (1) [A Maryland Transportation Authority police officer has all the
2 powers granted to a peace officer and a police officer of this State.

3 (2) However, the] A Maryland Transportation Authority police officer
4 may exercise [these] THE powers DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION
5 [only] on property owned, leased, or operated by or under the control of the Maryland
6 Transportation Authority, Maryland Aviation Administration, and Maryland Port
7 Administration.

8 (2) (I) THIS PARAGRAPH DOES NOT APPLY TO A HIGHWAY AS DEFINED
9 IN § 8-101 OF THIS ARTICLE OR OTHER PUBLIC PROPERTY OR WATERWAY OPEN FOR
10 PUBLIC CONVEYANCE.

11 (II) FOR PURPOSES OF ESTABLISHING PERIMETER SECURITY
12 AGAINST A THREAT OR ACT OF TERRORISM, SUBJECT TO THE REQUIREMENTS OF
13 PARAGRAPH (3) OF THIS SUBSECTION, A MARYLAND TRANSPORTATION AUTHORITY
14 POLICE OFFICER MAY EXERCISE THE POWERS DESCRIBED IN SUBSECTION (A)(2) OF
15 THIS SECTION:

16 (I) ~~ON OR WITHIN 500 FEET OF PROPERTY OWNED, LEASED,~~
17 ~~OPERATED BY, OR, EXCEPT FOR A HIGHWAY AS DEFINED UNDER § 8-101 OF THIS~~
18 ~~ARTICLE OR OTHER PUBLIC PROPERTY OR WATERWAY OPEN FOR PUBLIC~~
19 ~~CONVEYANCE, UNDER THE CONTROL OF THE:~~

- 20 1. ~~DEPARTMENT OF TRANSPORTATION;~~
21 2. ~~MARYLAND TRANSIT ADMINISTRATION;~~
22 3. ~~MOTOR VEHICLE ADMINISTRATION; OR~~
23 4. ~~STATE HIGHWAY ADMINISTRATION; AND~~

24 (II) ~~ON OR WITHIN 500 FEET OF PROPERTY OWNED, LEASED,~~
25 ~~OPERATED BY, OR, EXCEPT FOR A HIGHWAY AS DEFINED UNDER § 8-101 OF THIS~~
26 ~~ARTICLE OR OTHER PUBLIC PROPERTY OR WATERWAY OPEN FOR PUBLIC~~
27 ~~CONVEYANCE, UNDER THE CONTROL OF THE:~~

- 28 1. ~~MARYLAND AVIATION ADMINISTRATION;~~
29 2. ~~MARYLAND PORT ADMINISTRATION; AND~~
30 3. ~~MARYLAND TRANSPORTATION AUTHORITY; AND~~

31 1. WITHIN 500 FEET OF PROPERTY DESCRIBED IN
32 PARAGRAPH (1) OF THIS SUBSECTION; AND

33 2. ON OR WITHIN 500 FEET OF ANY OTHER PROPERTY
34 OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT.

1 (3) A MARYLAND TRANSPORTATION AUTHORITY POLICE OFFICER MAY
 2 EXERCISE THE POWERS DESCRIBED IN ~~PARAGRAPH (2) SUBSECTION (A)(2)~~
 3 ~~PARAGRAPH (2) OF THIS SECTION~~ SUBSECTION, IF:

4 (I) THE CHAIRMAN OF THE MARYLAND TRANSPORTATION
 5 AUTHORITY, WITH THE APPROVAL OF THE GOVERNOR, DETERMINES ON THE BASIS
 6 OF SPECIFIC AND ARTICULABLE FACTS THAT THE EXERCISE OF THE POWERS IS
 7 REASONABLE TO PROTECT AGAINST ACTUAL OR THREATENED PHYSICAL INJURY OR
 8 DAMAGE TO STATE EMPLOYEES OR STATE PROPERTY OR ASSETS AND PROVIDES
 9 NOTICE OF THE EXERCISE OF THE POWERS TO THE:

10 1. CHIEF OF POLICE, IF ANY, OR THE CHIEF'S DESIGNEE, IN A
 11 MUNICIPAL CORPORATION;

12 2. CHIEF OF POLICE OR THE CHIEF'S DESIGNEE IN A
 13 COUNTY WITH A COUNTY POLICE DEPARTMENT;

14 3. SHERIFF OR THE SHERIFF'S DESIGNEE IN A COUNTY
 15 WITHOUT A POLICE DEPARTMENT;

16 4. POLICE COMMISSIONER OR THE POLICE COMMISSIONER'S
 17 DESIGNEE IN BALTIMORE CITY;

18 5. SECRETARY OF NATURAL RESOURCES OR THE
 19 SECRETARY'S DESIGNEE ON ANY PROPERTY OWNED, LEASED, OPERATED BY, OR
 20 UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES;

21 6. SECRETARY OF STATE POLICE OR THE SECRETARY'S
 22 DESIGNEE; OR

23 7. SECRETARY OF A PRINCIPAL DEPARTMENT THAT
 24 MAINTAINS A POLICE FORCE OR THE SECRETARY'S DESIGNEE IF THE DEPARTMENT
 25 WOULD BE AFFECTED BY THE ACTIONS OF THE MARYLAND TRANSPORTATION
 26 AUTHORITY POLICE FORCE OF THIS SUBSECTION; OR

27 (II) ORDERED TO DO SO BY THE GOVERNOR PURSUANT TO A
 28 PROCLAMATION OR DECLARATION BY THE GOVERNOR OF A STATE OF EMERGENCY
 29 UNDER ARTICLE 16A OF THE CODE OR ARTICLE 41 OF THE CODE.

30 [(3)] (4) The police officer may not exercise these powers on any other
 31 property unless:

32 (i) Engaged in fresh pursuit of a suspected offender;

33 (ii) Specially requested or permitted to do so in a political
 34 subdivision by its chief executive officer or its chief police officer; or

35 (iii) Ordered to do so by the Governor.

1 (5) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO
2 PRECLUDE, OR LIMIT IN ANY WAY, THE AUTHORITY OF ANY FEDERAL, STATE, OR
3 LOCAL LAW ENFORCEMENT AGENCY, OR ANY OTHER FEDERAL POLICE OR FEDERAL
4 PROTECTIVE SERVICE.

5 5-208.

6 (a) (1) The Administration may perform any act, issue and amend any order,
7 adopt and amend any general or special rule, regulation, or procedure, and establish
8 any minimum standard consistent with this title and necessary:

9 (i) To perform its duties and carry out the provisions of this title;

10 (ii) To protect the general public safety, the safety of persons who
11 operate, use, or travel in aircraft, the safety of persons who receive instructions in
12 flying or ground subjects that relate to aeronautics, or the safety of persons and
13 property on land or water; or

14 (iii) To develop and promote aeronautics in this State.

15 (2) The Administration [also] may adopt rules and regulations by which
16 a person engaging in aeronautics may be required to establish financial responsibility
17 for any damage or injury that might be caused by the person.

18 (3) (I) THE ADMINISTRATION ~~MAY~~ SHALL ADOPT RULES AND
19 REGULATIONS REQUIRING THE USE OF SECURITY IDENTIFICATION BADGES IN
20 AIRPORTS CONSISTENT WITH ANY AIRPORT SECURITY PROGRAM REGULATIONS
21 ADOPTED UNDER THIS SECTION.

22 (II) AFTER NOTICE AND OPPORTUNITY FOR A HEARING AS
23 PROVIDED UNDER § 5-210 OF THIS SUBTITLE, THE ADMINISTRATION MAY ORDER A
24 CIVIL PENALTY NOT EXCEEDING \$1,000 FOR THE MISUSE OF A SECURITY
25 IDENTIFICATION BADGE IN VIOLATION OF AN AIRPORT SECURITY PROGRAM
26 ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

27 (b) (1) A rule or regulation adopted by the Administration may not apply to
28 any airport, airport facility, or air navigation facility that is owned or operated by the
29 United States.

30 (2) A rule, regulation, order, or standard of the Administration may not
31 be inconsistent with or contrary to federal law.

32 (c) Copies of all rules, regulations, and standards shall be filed in accordance
33 with the Administrative Procedure Act and the State Documents Law and shall be
34 made available to the public.

35 12-104.1.

36 (a) The Administrator may designate employees of the Investigative Division
37 of the Administration to exercise the powers specified in subsection (b) of this section.

1 (b) (1) An employee appointed under this section may issue citations to the
2 extent authorized by the [Administrator] ADMINISTRATION for violations of:

3 (i) Those provisions of Title 13 of this article relating to:

- 4 1. The vehicle excise tax;
- 5 2. Vehicle titling and registration;
- 6 3. Special registration plates for individuals with disabilities;
- 7 and
- 8 4. Parking permits for individuals with disabilities;

9 (ii) Those provisions of Title 17 of this article relating to required
10 security;

11 (iii) Those provisions of Title 14 of this article relating to falsified,
12 altered, or forged documents and plates;

13 (iv) Those provisions of Title 16 of this article relating to unlawful
14 application for a license and vehicle operation during periods of cancellation,
15 revocation, and suspension of a driver's license;

16 (v) Those provisions of Title 21 of this article relating to special
17 residential parking permits issued by the Administration;

18 (vi) Those provisions of §§ 15-113 and 15-113.1 of this article
19 relating to maintenance of and access to required business records; [and]

20 (vii) Those provisions of Title 15 of this article relating to unlicensed
21 business activity; AND

22 (VIII) THOSE PROVISIONS OF THIS TITLE RELATING TO THE
23 ISSUANCE OF AN IDENTIFICATION CARD.

24 (2) The issuance of citations under this section shall comply with the
25 requirements of § 26-201 of this article.

26 (c) The [Administrator] ADMINISTRATION shall adopt regulations
27 establishing:

28 (1) Qualifications for employees appointed under this section including
29 prerequisites of character, training, experience, and education; and

30 (2) Standards for the performance of the duties assigned to employees
31 appointed under this section.

1 ~~12-301.~~

2 (a) ~~On application, the Administration shall issue an identification card to any~~
3 ~~individual who:~~

4 (1) ~~(I) IS A CITIZEN OF THE UNITED STATES; OR~~

5 ~~(II) IS NOT A CITIZEN OF THE UNITED STATES, BUT WHO~~
6 ~~POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR~~
7 ~~OTHER ENTRY DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR~~
8 ~~NATURALIZATION SERVICE;~~

9 ~~[(1)] (2) Is a resident of this State;~~

10 ~~[(2)] (3) Does not have a driver's license;~~

11 ~~[(3)] (4) Presents a birth certificate or other proof of age and identity~~
12 ~~acceptable to the Administration; and~~

13 ~~[(4)] (5) Presents a completed application for an identification card on a~~
14 ~~form furnished by the Administration.~~

15 (b) (1) ~~Except as provided in paragraph (2) of this subsection, the~~
16 ~~Administration shall establish a fee for the issuance of an identification card and for~~
17 ~~issuance of a duplicate identification card.~~

18 (2) ~~A fee is not required if the applicant for the card:~~

19 (i) ~~Is 65 years old or older;~~

20 (ii) ~~Is legally blind;~~

21 (iii) ~~Has permanently lost the use of a leg or an arm;~~

22 (iv) ~~Is permanently disabled so severely that the applicant cannot~~
23 ~~move without the aid of crutches or a wheelchair; or~~

24 (v) ~~Has a physical or mental impairment that substantially limits a~~
25 ~~"major life activity" as defined in the federal Americans with Disabilities Act.~~

26 (c) ~~A person may not commit any fraud in applying for an identification card~~
27 ~~issued under this section.~~

28 (d) ~~A person may not commit any misrepresentation in applying for an~~
29 ~~identification card issued under this section.~~

30 (e) ~~A person may not commit any fraud in using an identification card issued~~
31 ~~under this section.~~

32 (f) ~~A person may not make any misrepresentation in using an identification~~
33 ~~card issued under this section.~~

- 1 (g) (1) An identification card shall be:
- 2 (i) Of the size and design that the Administration requires; and
- 3 (ii) Tamperproof, to the extent possible.
- 4 (2) The card shall contain:
- 5 (i) The name and address of the applicant;
- 6 (ii) The birth date of the applicant;
- 7 (iii) The sex of the applicant;
- 8 (iv) A description of the applicant;
- 9 (v) A color photograph of the applicant taken by the procedure that
- 10 the Administration requires;
- 11 (vi) The expiration date of the identification card;
- 12 (vii) The signature of the applicant; and
- 13 (viii) The signature and seal of the issuing agent.

14 (h) An identification card may be used as legal identification of the individual

15 to whom it is issued for any purpose.

16 (i) [An identification card expires every 5 years. It may be renewed on

17 application and payment of the fee required by this section.]

18 (1) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,

19 AN IDENTIFICATION CARD EXPIRES EVERY 5 YEARS.

20 (II) AN IDENTIFICATION CARD MAY BE RENEWED ON APPLICATION

21 AND PAYMENT OF THE FEE REQUIRED UNDER THIS SECTION.

22 (2) AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION TO A

23 PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES AND WHO POSSESSES A

24 VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR OTHER ENTRY

25 DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR NATURALIZATION

26 SERVICE SHALL EXPIRE ON THE EARLIER OF:

27 (I) 5 YEARS AFTER THE DATE OF ISSUANCE; OR

28 (II) THE EXPIRATION DATE OF THE VISA OR OTHER ENTRY

29 DOCUMENT AUTHORIZING THE PERSON'S PRESENCE IN THE UNITED STATES.

30 (j) (1) THE ADMINISTRATION MAY CANCEL AN IDENTIFICATION CARD

31 ISSUED UNDER THIS TITLE IF THE ADMINISTRATION DETERMINES THAT THE

32 HOLDER OF THE IDENTIFICATION CARD:

1 (I) ~~WAS NOT ENTITLED TO BE ISSUED THE IDENTIFICATION CARD;~~
 2 (II) ~~FAILED TO PROVIDE ACCURATE OR REQUIRED INFORMATION~~
 3 ~~IN THE APPLICATION FOR AN IDENTIFICATION CARD;~~
 4 (III) ~~FRAUDULENTLY APPLIED FOR OR OBTAINED THE~~
 5 ~~IDENTIFICATION CARD; OR~~
 6 (IV) ~~IS IN VIOLATION OF SUBSECTION (C), (D), (E), OR (F) OF THIS~~
 7 ~~SECTION.~~

8 (2) ~~IF THE ADMINISTRATION CANCELS AN IDENTIFICATION CARD~~
 9 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HOLDER OF THE IDENTIFICATION~~
 10 ~~CARD SHALL IMMEDIATELY SURRENDER THE CANCELED IDENTIFICATION CARD TO~~
 11 ~~THE ADMINISTRATION.~~

12 (K) ~~The identification card shall be surrendered by the holder upon being~~
 13 ~~issued a Maryland driver's license.~~

14 ~~{(k)}~~ (L) ~~The Administrator may issue an identification card to an applicant:~~

15 (1) ~~Whose privilege to drive has been refused, cancelled, suspended, or~~
 16 ~~revoked; or~~

17 (2) ~~Who has been issued a temporary license under § 16-205.1(b)(3)(iii)~~
 18 ~~of this article.~~

19 13-406.1.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) "Law enforcement agency" means:

22 (i) A state, county, or municipal police department or agency; [or]

23 (ii) A sheriff's office; OR

24 (III) A FEDERAL LAW ENFORCEMENT AGENCY.

25 (3) "Outstanding warrant" means an arrest warrant that:

26 (i) A law enforcement agency has attempted, but failed, to serve on
 27 the individual named in the warrant due to the inability to locate the individual; and

28 (ii) Is at least 31 days old.

29 (4) "Primary law enforcement officer" means:

30 (i) In a municipal corporation, the Chief of Police, if any, or the
 31 chief's designee;

1 (ii) In a county that has a county police department, the Chief of
2 Police or the chief's designee;

3 (iii) In a county without a police department, the sheriff or the
4 sheriff's designee;

5 (iv) In Baltimore City, the Police Commissioner or the Police
6 Commissioner's designee; [or]

7 (v) The Secretary of State Police; OR

8 (VI) THE PRINCIPAL LAW ENFORCEMENT OFFICERS OF A FEDERAL
9 LAW ENFORCEMENT AGENCY OR THE OFFICER'S DESIGNEE.

10 (b) Subject to subsection (h) of this section, on notification by a law
11 enforcement agency that an applicant for vehicle registration is named in an
12 outstanding warrant, the Administration shall refuse to register or transfer the
13 registration of any vehicle owned by the applicant.

14 (c) (1) Before refusing to register or transfer the registration of a vehicle
15 under subsection (b) of this section, the Administration shall notify the applicant of
16 the proposed action and inform the applicant of the applicant's right to contest the
17 accuracy of the information on which the refusal is based.

18 (2) Any contest under this subsection shall be limited to whether the
19 Administration has mistaken the identity of the individual named in the outstanding
20 warrant or the individual whose registration or transfer of registration has been
21 refused.

22 (d) An individual named in an outstanding warrant may appeal a decision of
23 the Administration under this section to refuse to register or transfer the registration
24 of the individual's vehicle.

25 (e) An applicant shall be referred to the law enforcement agency that notified
26 the Administration of the outstanding warrant to resolve any question of whether the
27 outstanding warrant has been satisfied.

28 (f) (1) The Administration shall continue the refusal to register or transfer
29 the registration of a vehicle owned by an individual named in an outstanding warrant
30 until:

31 (i) The Administration is ordered by a court to register or transfer
32 the registration of the vehicle; or

33 (ii) A law enforcement agency notifies the Administration that:

34 1. The individual named in the outstanding warrant has
35 been arrested; or

36 2. The outstanding warrant has been otherwise satisfied.

1 (2) On receipt of an order or notice under paragraph (1) of this
2 subsection, the Administration shall allow the applicant to register the vehicle or
3 transfer the registration unless the registration or transfer has been restricted under
4 any other provision of the Maryland Vehicle Law.

5 (g) (1) The Administration, in consultation with the primary law
6 enforcement officers of the State, shall adopt regulations to implement this section.

7 (2) The regulations shall include:

8 (i) Criteria that a law enforcement agency must meet prior to
9 notifying the Administration that an individual is named in an outstanding warrant;

10 (ii) A procedure for informing an individual named in an
11 outstanding warrant:

12 1. That the registration or transfer of the registration of the
13 individual's vehicle has been refused; and

14 2. Of the manner in which the individual may contest or
15 resolve the refusal;

16 (iii) A procedure that must be followed by a law enforcement agency
17 to notify the Administration of changes in the status of an outstanding warrant; and

18 (iv) A procedure for the Administration to carry out the refusal of
19 registration as authorized under this section.

20 (h) If a law enforcement agency meets the criteria established under
21 subsection (g) of this section, the Administration shall enter into an agreement with
22 the appropriate primary law enforcement officer that provides for the notification to
23 the Administration of persons named in outstanding warrants.

24 (i) (1) In addition to any other fee or penalty provided by law, the owner of
25 a vehicle refused registration under this section shall pay a fee established by the
26 Administration before renewal of the registration of the vehicle.

27 (2) The fee under paragraph (1) of this subsection shall be retained by
28 the Administration and may not be credited to the Gasoline and Motor Vehicle
29 Revenue Account for distribution under § 8-403 or § 8-404 of this article.

30 (j) The procedures specified in this section are in addition to any other
31 penalty provided by law for the failure to meet the demands specified in a warrant.

32 (k) This section may not be construed to require the Administration to arrest a
33 person named in an outstanding warrant.

1 ~~16-103.1.~~

2 The Administration may not issue a driver's license to an individual:

3 (1) During any period for which the individual's license to drive is
4 revoked, suspended, refused, or canceled in this or any other state, unless the
5 individual is eligible for a restricted license under § 16-113(e) of this subtitle;

6 (2) Who is an habitual drunkard, habitual user of narcotic drugs, or
7 habitual user of any other drug to a degree that renders the individual incapable of
8 safely driving a motor vehicle;

9 (3) Who previously has been adjudged to be suffering from any mental
10 disability or mental disease and who, at the time of application, has not been
11 adjudged competent;

12 (4) Who is required by this title to take an examination, unless the
13 individual has passed the examination;

14 (5) Whose driving of a motor vehicle on the highways the Administration
15 has good cause to believe would be inimical to public safety or welfare;

16 (6) Who is unable to exercise reasonable control over a motor vehicle due
17 to disease or a physical disability, including the loss of an arm or leg or both, except
18 that, if the individual passes the examination required by this title, the
19 Administration may issue the individual a restricted license requiring the individual
20 to wear a workable artificial limb or other similar body attachment;

21 (7) Who is unable to understand highway warning or direction signs
22 written in the English language;

23 (8) Who is unable to sign the individual's name for identification
24 purposes;

25 (9) Who is 70 years old or older and applying for a new license, unless
26 the applicant presents to the Administration:

27 (i) Proof of the individual's previous satisfactory operation of a
28 motor vehicle; or

29 (ii) A written certification acceptable to the Administration from a
30 licensed physician attesting to the general physical and mental qualifications of the
31 applicant; [or]

32 ~~(10) WHO IS NOT A CITIZEN OF THE UNITED STATES UNLESS THE~~
33 ~~INDIVIDUAL POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES~~
34 ~~VISA OR OTHER ENTRY DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION~~
35 ~~OR NATURALIZATION SERVICE; OR~~

36 ~~[(10)]~~ (11) Who otherwise does not qualify for a license under this title.

1 16-115.

2 (a) (1) (I) ~~[A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~
 3 ~~PARAGRAPH, A license issued under this title to a driver at least 21 years old shall~~
 4 ~~expire on the birth date of the licensee in the fifth year following the issuance of the~~
 5 ~~license.~~

6 (H) ~~A LICENSE ISSUED UNDER THIS TITLE TO A DRIVER AT LEAST~~
 7 ~~21 YEARS OLD WHO IS NOT A CITIZEN OF THE UNITED STATES AND WHO POSSESSES~~
 8 ~~A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR OTHER ENTRY~~
 9 ~~DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR NATURALIZATION~~
 10 ~~SERVICE SHALL EXPIRE ON THE EARLIER OF:~~

11 1. ~~THE BIRTH DATE OF THE LICENSEE IN THE FIFTH YEAR~~
 12 ~~FOLLOWING THE DATE OF ISSUANCE OF THE LICENSE; OR~~

13 2. ~~THE EXPIRATION DATE OF THE VISA OR OTHER ENTRY~~
 14 ~~DOCUMENT AUTHORIZING THE PERSON'S PRESENCE IN THE UNITED STATES.~~

15 (2) (I) ~~[A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~
 16 ~~PARAGRAPH, A license issued under this title to a driver under the age of 21 years~~
 17 ~~shall expire 60 days after the driver's 21st birthday.~~

18 (H) ~~A LICENSE ISSUED UNDER THIS TITLE TO A DRIVER UNDER THE~~
 19 ~~AGE OF 21 YEARS WHO IS NOT A CITIZEN OF THE UNITED STATES AND WHO~~
 20 ~~POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR~~
 21 ~~OTHER ENTRY DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR~~
 22 ~~NATURALIZATION SERVICE SHALL EXPIRE ON THE EARLIER OF:~~

23 1. ~~60 DAYS AFTER THE DRIVER'S 21ST BIRTHDAY; OR~~

24 2. ~~THE EXPIRATION DATE OF THE VISA OR OTHER ENTRY~~
 25 ~~DOCUMENT AUTHORIZING THE PERSON'S PRESENCE IN THE UNITED STATES.~~

26 (3) (I) ~~[A] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A~~
 27 ~~license is renewable on the presentation of an application, the payment of the renewal~~
 28 ~~fee required by § 16-111.1 of this subtitle, and satisfactory completion of the~~
 29 ~~examination required or authorized by subsection (h) of this section:~~

30 (i) 1. ~~Within 6 months before its expiration; or~~

31 (ii) 2. ~~When a driver qualifies for a corrected license issued~~
 32 ~~under § 16-114.1(e) of this subtitle.~~

33 (H) ~~A LICENSE OF A DRIVER WHO IS NOT A CITIZEN OF THE UNITED~~
 34 ~~STATES AND WHO POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED~~
 35 ~~STATES VISA OR OTHER ENTRY DOCUMENT ISSUED BY THE UNITED STATES~~
 36 ~~IMMIGRATION OR NATURALIZATION SERVICE IS RENEWABLE IF THE DRIVER:~~

1 ~~1. COMPLIES WITH THE REQUIREMENTS OF SUBPARAGRAPH~~
 2 ~~(1) OF THIS PARAGRAPH; AND~~

3 ~~2. DEMONSTRATES TO THE ADMINISTRATION THAT THE~~
 4 ~~VISA OR OTHER ENTRY DOCUMENT AUTHORIZING THE PERSON'S PRESENCE IN THE~~
 5 ~~UNITED STATES HAS NOT EXPIRED.~~

6 ~~(4) Except as provided in subsection (c) of this section, the~~
 7 ~~Administration may not renew an individual's license for more than one consecutive~~
 8 ~~term without requiring the individual to appear in person at an office of the~~
 9 ~~Administration.~~

10 16-808.

11 (A) A person may not drive a commercial motor vehicle on any highway or any
 12 property specified in § 21-101.1 of this article:

13 (1) Unless authorized to do so under this title;

14 (2) While the person's driver's license or privilege to drive is refused in
 15 this State or any other state;

16 (3) While the person's driver's license or privilege to drive is canceled in
 17 this State;

18 (4) While the person's driver's license or privilege to drive is canceled by
 19 any other state;

20 (5) While the person's driver's license or privilege to drive is suspended
 21 in this State;

22 (6) While the person's driver's license or privilege to drive is suspended
 23 by any other state;

24 (7) While the person's driver's license or privilege to drive is revoked in
 25 this State;

26 (8) While the person's driver's license or privilege to drive is revoked by
 27 any other state; OR

28 (9) While the person is disqualified from driving a commercial motor
 29 vehicle in this State or any other state[; or].

30 [(10)] (B) [Without a] IF A PERSON HAS BEEN ISSUED A VALID
 31 COMMERCIAL DRIVER'S LICENSE, THE PERSON MAY NOT DRIVE A COMMERCIAL
 32 MOTOR VEHICLE ON ANY HIGHWAY OR ANY PROPERTY SPECIFIED IN § 21-101.1 OF
 33 THIS ARTICLE WITHOUT THE valid commercial driver's license in the person's
 34 possession.

1 16-813.1.

2 A PERSON MAY NOT KNOWINGLY OR FRAUDULENTLY OBTAIN A COMMERCIAL
3 DRIVER'S LICENSE BY MISREPRESENTATION.

4 27-101.

5 (s) (1) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-808(A) OF
6 THIS ARTICLE IS GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS
7 SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING
8 \$10,000 OR BOTH.

9 (2) Any person who is convicted of a violation of [any of the provisions of
10 § 16-808] § 16-808(B) of this article [{"Persons ineligible to drive commercial motor
11 vehicles"}] is subject to:

12 [(1)] (I) For a first offense, a fine of not more than \$1,000 or
13 imprisonment for not more than 6 months or both;

14 [(2)] (II) For a second offense, a fine of not more than \$2,000 or
15 imprisonment for not more than 1 year or both; [and]

16 [(3)] (III) For a third or subsequent offense, a fine of not more than \$3,000
17 or imprisonment for not more than 2 years or both; AND

18 (IV) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-813.1
19 OF THIS ARTICLE IS GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS
20 SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING
21 \$10,000 OR BOTH.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
23 read as follows:

24 Article - Criminal Law

25 9-704.1.

26 (A) IN THIS SECTION, "SECURITY OFFICER" MEANS A PROPRIETARY OR
27 CONTRACTUAL SECURITY OFFICER OF A LICENSE HOLDER OF A NUCLEAR POWER
28 PLANT FACILITY IN THE STATE.

29 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A NUCLEAR POWER
30 PLANT FACILITY IS PLACED UNDER A HEIGHTENED LEVEL OF SECURITY CONDITION
31 BY A FEDERAL AGENCY PURSUANT TO FEDERAL LAW, THE LICENSE HOLDER OF A
32 NUCLEAR POWER PLANT FACILITY IN THE STATE MAY AUTHORIZE A SECURITY
33 OFFICER, WITHOUT A WARRANT, TO STOP AND DETAIN ANY PERSON WHO THE
34 OWNER OR SECURITY OFFICER HAS REASONABLE GROUNDS TO BELIEVE HAS:

35 (1) ENTERED OR TRESPASSED ON POSTED PROPERTY OF THE NUCLEAR
36 POWER PLANT FACILITY IN VIOLATION OF § 6-402 OF THIS ARTICLE; OR

1 (2) VIOLATED ANY LOCAL, STATE, OR FEDERAL LAW, REGULATION, OR
2 ORDER IN AN AREA CONTROLLED BY THE LICENSE HOLDER OF THE NUCLEAR
3 POWER PLANT FACILITY.

4 (C) A SECURITY OFFICER WHO DETAINS A PERSON UNDER SUBSECTION (B)
5 OF THIS SECTION SHALL, AS SOON AS PRACTICABLE:

6 (1) NOTIFY AN APPROPRIATE LAW ENFORCEMENT AGENCY ABOUT THE
7 ALLEGED CRIME COMMITTED BY THE PERSON; AND

8 (2) RELEASE THE PERSON TO THE DETENTION OR CUSTODY OF A LAW
9 ENFORCEMENT OFFICER.

10 (D) IF NOTICE TO A LAW ENFORCEMENT AGENCY IS PROVIDED AS REQUIRED
11 UNDER SUBSECTION (C) OF THIS SECTION AND THE LAW ENFORCEMENT AGENCY
12 DETERMINES NOT TO INVESTIGATE THE ALLEGED CRIME OR DECLINES TO TAKE
13 THE DETAINED PERSON INTO DETENTION OR CUSTODY, THE SECURITY OFFICER
14 SHALL RELEASE THE PERSON AS SOON AS PRACTICABLE.

15 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
16 take effect October 1, 2002.

17 SECTION ~~2- 4.~~ AND BE IT FURTHER ENACTED, That Section 1 of this Act
18 is an emergency measure, is necessary for the immediate preservation of the public
19 health or safety, has been passed by a ye and nay vote supported by three-fifths of
20 all the members elected to each of the two Houses of the General Assembly, and shall
21 take effect from the date it is enacted.