HOUSE BILL 172

Unofficial Copy 2002 Regular Session
E1 (2lr0292)

ENROLLED BILL

-- Judiciary/Judicial Proceedings --

Introduced by **The Speaker (Department of Legislative Services - Code Revision)**

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 213

AN ACT concerning

Criminal Law Article - Cross-References and Corrections

FOR the purpose of correcting certain cross-references to the Criminal Law Article in the Annotated Code of Maryland; correcting certain cross-references, errors, and omissions in the Criminal Law Article; clarifying the application of certain provisions; clarifying the application of certain penalties; clarifying the scope of certain provisions; clarifying the authority of certain officers; clarifying the standard for contempt in certain circumstances; <u>transferring certain provisions of law to other articles;</u> making stylistic changes; providing a delayed effective date for certain provisions of this Act, subject to a certain contingency; and generally relating to the Criminal Law Article and cross-references and corrections to it.

<u>BY transferring</u>
<u>Article 2B - Alcoholic Beverages</u>
<u>Section 22-101 through 22-108 and the subtitle "Subtitle 1. General</u>

Provisions", respectively
Annotated Code of Maryland
(2001 Replacement Volume)
(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002)
to be
Article - Criminal Law
Section 10-113 through 10-120 to be under the new part "Part II. Alcoholic Beverages Violations", respectively
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002)

BY renumbering
Article 2B - Alcoholic Beverages
Section 22-201 and the subtitle "Subtitle 2. Beverage Misrepresentation"
to be Section 22-101 and the subtitle "Subtitle 1. Beverage Misrepresentation"
Annotated Code of Maryland
(2001 Replacement Volume)
(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002)

BY transferring
Article - Business Regulation
Section 11-1002 and 11-1003, respectively
Annotated Code of Maryland
(1998 Replacement Volume and 2001 Supplement)
(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002)
to be
Article - Criminal Law
Section 8-804 and 8-805, respectively
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002)

BY renumbering
Article - Criminal Law
Section 5-1001 and the subtitle "Subtitle 10. Short Title"
to be Section 5-1101 and the subtitle "Subtitle 11. Short Title"
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002)

BY transferring
Article - Health - General
Section 8-901 and 8-902 and the subtitle "Subtitle 9. Drug and Alcohol Grants Program and Fund", respectively
Annotated Code of Maryland
(2000 Replacement Volume and 2001 Supplement)
to be
Article - Criminal Law
Section 5-1001 and 5-1002 and the subtitle "Subtitle 10. Drug and Alcohol Grants Program and Fund", respectively
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002)

BY repealing and reenacting, with amendments,
Article 2B - Alcoholic Beverages
Section 6-401(p)(6), 15-203(d)(6), and 16-408
Annotated Code of Maryland
(2001 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~
~~Article 2B - Alcoholic Beverages~~
~~Section 22-107(b)(2), (e)(2), and (h)(1)(ii)~~
~~Annotated Code of Maryland~~
~~(2001 Replacement Volume)~~
~~(As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of 2002)~~

BY repealing and reenacting, with amendments,
Article 23A - Corporations - Municipal
Section 3(b)(1)
Annotated Code of Maryland
(2001 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 24 - Political Subdivisions - Miscellaneous Provisions
Section 9-601
Annotated Code of Maryland
(2001 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 25 - County Commissioners
Section 3(ll), 221A(b)(4), and 236D(b)(4)

Annotated Code of Maryland
(2001 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 27 - Crimes and Punishments
Section 36F(b)
Annotated Code of Maryland
(1996 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article 38A - Fires and Investigations
Section 8(g)(1), 34A, and 34B
Annotated Code of Maryland
(1997 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, without amendments,
Article 41 - Governor - Executive and Administrative Departments
Section 1-501(a)
Annotated Code of Maryland
(1997 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article 41 - Governor - Executive and Administrative Departments
Section 1-501(b), 1-502(a) and (b), 1-503, 1-505(b), and 1-506(a)
Annotated Code of Maryland
(1997 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article 49B - Human Relations Commission
Section 20(k)(2) and 21(i)
Annotated Code of Maryland
(1998 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article 88A - Department of Human Resources
Section 6A(b)(1)(iii), 16, and 65A(c)(2)
Annotated Code of Maryland
(1998 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article 88B - Department of State Police
Section 4(c) and 12A(a)(8)
Annotated Code of Maryland

(1998 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Agriculture
Section 2-305, 2-310(2), 2-715(7), and 2-716(a)
Annotated Code of Maryland
(1999 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Business Regulation
Section 4-310(c)(2), 4-315(b), 12-401(b)(5), 16-201(i)(2)(ii), 16-206(a)(2), 16-209(b)(2)(ii), and 16-212(e)(1)
Annotated Code of Maryland
(1998 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, without amendments,
Article - Business Regulation
Section 11-1001(a), to be under the amended subtitle "Subtitle 10. Prohibited Act"
Annotated Code of Maryland
(1998 Replacement Volume and 2001 Supplement)
(As enacted by ~~Ch.~~ *Chapter* _____ (H.B. 11) of the Acts of the General Assembly of 2002)

BY repealing and reenacting, with amendments,
Article - Commercial Law
Section 11-1404(b)(4), 14-2005(e)(2), 15-803, and 15-804(a)(2)
Annotated Code of Maryland
(2000 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Correctional Services
Section 3-204(c), 3-305(c)(2), 3-404, 3-409(c), 3-704(b)(2), 3-803(b)(2), 3-807(i)(2), 3-808(d), 3-811(c), 4-101(e)(2), 4-305(b)(2), 6-101(c), 6-112(c), 7-101(m), 7-205(f), 7-301(d), 7-801(a)(2), 8-701(b), 9-201(a)(2), 9-520(b), 9-602(e), 11-319(a)(5), 11-701(c), 11-702(b)(4), 11-703(d)(4), 11-705(p)(2), 11-708(c)(4), 11-709(b)(4), 11-712(b)(4) and (d)(4), 11-714(d)(4), 11-723(b)(4), and 11-726(a)
Annotated Code of Maryland
(1999 Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Courts and Judicial Proceedings
Section 3-812(a)(2), 3-8A-01(w), 3-8A-03(d)(4), 3-8A-07(c), 3-8A-10(c)(2) and

(4)(i), (d)(2), (k), and (l), 3-8A-19(e)(1)(iii), (3), and (4)(i), 3-8A-19.1(b)(1), 3-8A-23(a)(3), 3-8A-27(g), 3-8A-33(a), 3-904(a)(2)(i), 3-1306(a), 3-1503(a), 3-1601, 3-1602, 4-301(b), 4-302(d)(2), 4-401(10)(vii), 5-106(j), (k), (p), (w), and (x), 5-402, 7-409(a)(2), 8-301(a) and (b), 10-302, 10-306(a)(1), 10-307(a)(1), 10-308(b), 10-309(a)(1)(ii) and (c), 10-402(c)(2), 10-405(b)(3), 10-406, 10-407(c)(2)(iii), 10-914(a), 10-1001, 10-1002(b)(1), 12-302(c)(3)(i), and 12-401(d)
Annotated Code of Maryland
(1998 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Criminal Law
Section 1-401, 3-702(b) and (c), 3-906(b), 4-101(d)(1)(i), 4-102(c)(1), 4-103(b), 5-810(a)(2), 6-207(b), 7-116(a)(2), 7-313(b)(1)(i)2., 8-514(1), 10-702(1), 11-202(c)(1), 12-101(b) and (g), 12-106(b)(3), 13-406(a), 13-506(a), and 13-605(a)
Annotated Code of Maryland
(As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of 2002)

BY repealing and reenacting, ~~without~~ *with* amendments,
Article - Criminal Law
Section 10-101(a) to be under the new part "Part I. ~~In General~~ *General Provisions*"
Annotated Code of Maryland
(As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of 2002)

BY repealing and reenacting, with amendments,
Article - Criminal Law
Section 10-119(a), (b)(2), (e)(2), (f)(1), (h)(1), and (k)(3), and 10-120(a)
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article - Criminal Procedure
Section 1-101(e), 1-203(e)(1), 2-102(b)(4), 2-203(b), 2-205, 2-208(a)(2) and (b)(2), 2-209(a)(2) and (b)(2), 2-210, 4-101(b)(1), 4-108(b)(1), 4-204(b), 5-202(b)(1) and (d)(1), 6-219(c)(2), 6-220(c)(2) and (d), 6-225(c), 8-108(a), 8-201(b), 10-105(a)(3) and (6) and (c)(4), 11-201, 11-303(a), 11-304(b)(2), 11-601(d), 11-602, 11-603(d), 11-701(b), (d), and (g), 11-707(a)(4), 11-910(c), 11-922, 12-101(c), 12-102(a)(7) and (8), 12-103(c) through (e), 12-201(a) and (b), 12-309, 12-311, 12-312(a)(1), 13-201, 13-203(b)(1), and

13-204(a)(1)
Annotated Code of Maryland
(2001 Volume)

BY repealing and reenacting, with amendments,
Article - Education
Section 4-124(b), 6-113, 7-303(a)(5), 23-506.1(a), 26-101(d), and 26-103(b)(2)
Annotated Code of Maryland
(2001 Replacement Volume)

BY repealing and reenacting, with amendments,
Article - Environment
Section 11-312(b)(6)(ii)
Annotated Code of Maryland
(1996 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Estates and Trusts
Section 3-111
Annotated Code of Maryland
(2001 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Family Law
Section 4-501(b)(1)(iv), 5-312(b)(4)(iv)2., 5-313(d)(1)(v)2., and 5-525.1(b)(1)(iii)
Annotated Code of Maryland
(1999 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Financial Institutions
Section 1-303(9) and 11-507(e)
Annotated Code of Maryland
(1998 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Health - General
Section 7-1005(a)(1)(iii), 10-705(a)(1)(ii), 15-123(a)(3), 16-203(a)(4),
17-214(a)(3), 18-339(a), 21-202, 21-220(b)(2), 21-222, 21-1113(a)(4),
24-808(a), and 24-908(a)
Annotated Code of Maryland
(2000 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Health Occupations

Section 1A-309(5)(ii), 2-314(13)(ii), 3-313(6)(ii), 3-5A-09(a)(7)(ii) and (18), 4-315(a)(5)(ii) and (b)(12)(ii), 5-311(11)(ii), 6-312(a)(8)(ii), 7-316(a)(23)(ii), 8-316(a)(7)(ii) and (19), 8-6A-10(a)(10)(ii) and (12), 9-314(b)(5)(ii), 10-315(8)(ii), 11-313(5)(ii), 12-313(b)(4)(ii), 13-316(24)(ii), 14-404(a)(8) and (9)(ii), 14-5A-17(a)(7) and (8)(ii), 15-302.2(b)(1), 16-312(a)(5)(ii), and 19-311(9)(ii) and (19)
Annotated Code of Maryland
(2000 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Insurance
Section 2-401(c), 20-505(b), and 27-801(c)
Annotated Code of Maryland
(1997 Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Labor and Employment
Section 9-506(d)(2)(i) and 9-1106(b)
Annotated Code of Maryland
(1999 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Natural Resources
Section 4-11A-15(a)(2), 4-1207(b), 5-209(e), 8-738(a), 10-410(c), and 10-1108(a)(2)
Annotated Code of Maryland
(2000 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Real Property
Section 14-119(d), 14-120(a)(3) and (4)(ii) and (iii), and 14-125.1(a)(4)(ii)
Annotated Code of Maryland
(1996 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - State Finance and Procurement
Section 15-212(c)(3)
Annotated Code of Maryland
(2001 Replacement Volume)

BY repealing and reenacting, with amendments,
Article - State Government
Section 2-1702(e)(2)
Annotated Code of Maryland

(1999 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Tax - General
Section 4-103(b)(3)(i) and 11-102(b)(1)(ii)4.
Annotated Code of Maryland
(1997 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,
Article - Transportation
Section 6-102.1(a)(3)
Annotated Code of Maryland
(2001 Replacement Volume)

BY repealing and reenacting, with amendments,
Article - Transportation
Section 13-705.1, 14-105(b), 16-205(b)(1), 16-206(a)(4)(i) and (c)(3), 16-402(a), 16-707(a)(1), 16-901, 21-902(d), and 21-1004.1(b)(4)
Annotated Code of Maryland
(1999 Replacement Volume and 2001 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 22-101 through 22-108 and the subtitle "Subtitle 1. General Provisions", respectively, of Article 2B - Alcoholic Beverages of the Annotated Code of Maryland (as enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002) be transferred to be Section(s) 10-113 through 10-120 to be under the new part "Part II. Alcoholic Beverages Violations", respectively, of Article - Criminal Law of the Annotated Code of Maryland (as enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002).

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 22-201 and the subtitle "Subtitle 2. Beverage Misrepresentation", respectively, of Article 2B - Alcoholic Beverages of the Annotated Code of Maryland (as enacted by Chapter ___ (H.B. 11) of the Acts of the General Assembly of 2002) be renumbered to be Section(s) 22-101 and the subtitle "Subtitle 1. Beverage Misrepresentation".

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 11-1002 and 11-1003, respectively, of Article - Business Regulation of the Annotated Code of Maryland (as enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002) be transferred to be Section(s) 8-804 and 8-805, respectively, of Article - Criminal Law of the Annotated Code of Maryland (as enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002).

SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 5-1001 and the subtitle "Subtitle 10. Short Title" of Article - Criminal Law of the Annotated Code of Maryland (as enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly

of 2002) be renumbered to be Section(s) 5-1101 and the subtitle "Subtitle 11. Short Title".

SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 8-901 and 8-902 and the subtitle "Subtitle 9. Drug and Alcohol Grants Program *and Fund*", respectively, of Article - Health - General of the Annotated Code of Maryland (as enacted by Chapter _____ (H.B. 11) of the *Acts of the* General Assembly of 2002) be transferred to be Section(s) 5-1001 and 5-1002 and the subtitle "Subtitle 10. Drug and Alcohol Grants Program and Fund", respectively, of Article - Criminal Law (as enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002).

SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 2B - Alcoholic Beverages

6-401.

(p) (6) (i) A person under 21 years of age may not knowingly make any misrepresentation or false statement as to the person's age in order to gain entrance to an establishment licensed under this subsection.

(ii) A police officer or alcoholic beverages inspector shall issue a citation [pursuant to Article 27, § 402,] UNDER ~~§ 22-107 OF THIS ARTICLE~~ § 10-119 OF THE CRIMINAL LAW ARTICLE to a person who violates the provisions of this paragraph.

(iii) Penalties for offenses of this paragraph are as set forth in [Article 27, § 403] ~~§ 22-107 OF THIS ARTICLE~~ § 10-119 OF THE CRIMINAL LAW ARTICLE.

15-203.

(d) (6) For purposes of enforcing the provisions of this article relating to the sale of alcoholic beverages to minors and [Article 27, §§ 400 through 403A of the Code] ~~TITLE 22, SUBTITLE 1 OF THIS ARTICLE~~ TITLE 10, SUBTITLE 1, PART II OF THE CRIMINAL LAW ARTICLE:

(i) A manager of a county liquor dispensary, and an individual with whom the Director of the Department of Liquor Control contracts to operate a retail outlet under paragraph (3) of this subsection, shall be deemed licensees;

(ii) An employee of a county liquor dispensary, and an employee of the retail outlet under paragraph (3) of this subsection, shall be deemed employees of a licensee; and

(iii) An individual listed in item (i) or (ii) of this paragraph who violates any provision of this article relating to the sale of alcoholic beverages to minors, or [Article 27, §§ 400 through 403A of the Code] ~~TITLE 22, SUBTITLE 1 OF THIS ARTICLE~~ TITLE 10, SUBTITLE 1, PART II OF THE CRIMINAL LAW ARTICLE:

1. Is subject to the penalties authorized by law, including a civil citation issued under ~~[§ 16-408]~~ § 16-408 ~~§§ 16-408 AND 22-107~~ of this [article and Article 27, § 402 of the Code;] ARTICLE AND § 10-119 OF THE CRIMINAL LAW ARTICLE; and

2. Is subject to fine and suspension or revocation of employment by the Board of License Commissioners in the same manner as a licensee or employee of a licensee is subject to fine and suspension or revocation for a violation.

16-408.

The inspectors in Anne Arundel County, Frederick County, Harford County, Montgomery County, and Prince George's County who investigate license violations under this article may issue civil citations as provided in [Article 27, § 402 of the Code] ~~§ 22-107 OF THIS~~ § 10-119 OF THE CRIMINAL LAW ARTICLE.

~~22-107.~~

~~(b) A citation for a violation of §§ 22-101 through 22-106 of this subtitle may be issued by:~~

~~(2) In State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5-206(a) OR (B) of the Natural Resources Article; and~~

~~(c) (2) The District Court shall promptly schedule the case for trial and summon the defendant to appear. [Failure] WILLFUL FAILURE of the defendant to respond to the summons is contempt of court.~~

~~(h) (1) If the District Court finds that a person has committed a Code violation, the court shall require the person to pay:~~

~~(ii) If the violation is a [repeat] SUBSEQUENT violation OF §§ 22-101 THROUGH 22-106 OF THIS SUBTITLE, a fine not exceeding $1,000.~~

Article 23A - Corporations - Municipal

3.

(b) (1) The legislative body of a municipality may provide that violations of any municipal ordinance shall be a "municipal infraction" unless the violation is declared to be a felony or a misdemeanor by State law. In addition, the legislative body of a municipality may classify as a "municipal infraction": (i) a violation of any zoning or land use ordinance or regulation authorized to be adopted or enacted by that municipality; and (ii) littering within the municipality as prohibited under [Article 27, § 468 of the Code] § 10-110 OF THE CRIMINAL LAW ARTICLE. For purposes of this article a municipal infraction is a civil offense.

Article 24 - Political Subdivisions - Miscellaneous Provisions

9-601.

(a) Except as provided in subsection (b) of this section, a county may impose a sales or use tax on controlled dangerous substances as defined in [Article 27, § 277 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE.

(b) A sales or use tax imposed under subsection (a) of this section may not be imposed on sales by any person who complies with [Article 27, § 281 of the Code] TITLE 5, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

Article 25 - County Commissioners

3.

(ll) (1) (I) In this section, "check" [and "insufficient funds" have the meanings] HAS THE MEANING stated in [§ 140 of Article 27 of this Code] § 8-101 OF THE CRIMINAL LAW ARTICLE.

(II) FOR PURPOSES OF THIS SECTION, DETERMINATION OF INSUFFICIENT FUNDS IS GOVERNED BY § 8-102 OF THE CRIMINAL LAW ARTICLE.

(2) In Washington County, the County Commissioners may levy a fee for each check that is presented in payment of any obligation to Washington County and is dishonored due to insufficient funds.

(3) The County Commissioners shall determine the amount of this fee.

221A.

(b) The Board of County Commissioners of Frederick County may adopt regulations for:

(4) Providing civil citations and penalties for false alarms, notwithstanding [the provisions in Article 27, § 156C of the Code] TITLE 9, SUBTITLE 6, PART II OF THE CRIMINAL LAW ARTICLE;

236D.

(b) The Board of County Commissioners of Calvert County may adopt regulations for:

(4) Providing civil citations and penalties for false alarms, notwithstanding [the provisions in Article 27, § 156C of the Code] TITLE 9, SUBTITLE 6, PART II OF THE CRIMINAL LAW ARTICLE;

Article 27 - Crimes and Punishments

36F.

(b) "Handgun" [means any pistol, revolver, or other firearm capable of being concealed on the person, including a short-barreled shotgun and a short-barreled rifle as these terms are defined below, except it does not include a shotgun, rifle or antique firearm as those terms are defined below] HAS THE MEANING STATED IN § 4-201 OF THE CRIMINAL LAW ARTICLE.

Article 38A - Fires and Investigations

8.

(g) (1) The State Fire Marshal, in making this inspection or investigation, may, when in his judgment necessary, take the testimony on oath of all persons supposed to be cognizant of any facts, or to have the means of knowledge in relation to the matter herein required to be examined and inquired into, and to cause the testimony to be reduced to writing; and when, in his judgment, the examination discloses that the fire or explosion or attempt to cause a fire or explosion was of incendiary origin or was related to a destructive device as defined in [Article 27, § 139A of the Code] § 4-501 OF THE CRIMINAL LAW ARTICLE, the State Fire Marshal may arrest the supposed incendiary or cause him to be arrested and charged with the crime; and shall transmit a copy of the testimony so taken to the State's Attorney for the county or city wherein the fire or explosion or attempt to cause a fire or explosion occurred.

34A.

Any person who violates § 27A of this subtitle shall be guilty of a felony and, upon conviction, shall be imprisoned for a term of not more than twenty years, or fined not more than ten thousand dollars ($10,000.00), or both, in the discretion of the court; provided, however, that this section shall not apply to any person who neither intended to use nor used the explosives involved in violation of any provision of Article 27 of [this] THE Code or:

(1) TITLE 1, SUBTITLE 3, TITLE 3, SUBTITLE 7, OR § 4-123.1 OF THE AGRICULTURE ARTICLE;

(2) TITLE 19, SUBTITLE 2 OR SUBTITLE 3~~, § 11-1002, OR § 11-1003~~ OF THE BUSINESS REGULATION ARTICLE;

(3) TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE COMMERCIAL LAW ARTICLE;

(4) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(b)(8), § 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services Article;

(5) THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2, PART II OR § 10-614;

(6) TITLE 5, SUBTITLE 10A OF THE ENVIRONMENT ARTICLE;

(7) § 5-503 OF THE FAMILY LAW ARTICLE;

(8) TITLE 20, SUBTITLE 7 OR § 21-259.1 OF THE HEALTH - GENERAL ARTICLE;

(9) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, OR § 8-740.1 OF THE NATURAL RESOURCES ARTICLE;

(10) § 14-127 OF THE REAL PROPERTY ARTICLE;

(11) ARTICLE 2B, TITLE 22 OR § 18-104 OF THE CODE;

(12) ARTICLE 24, § 11-512, § 11-513, OR § 11-514 OF THE CODE;

(13) § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY;

(14) § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL COUNTY; OR

(15) § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT COUNTY.

34B.

Any person who violates § 31 of this subtitle, or who otherwise aids or counsels in a violation of § 27A of this subtitle, or who commits any other act in furtherance of a violation of § 27A of this subtitle, or who conspires to violate § 27A of this subtitle shall be guilty of a felony and, upon conviction, shall be imprisoned for a term of not more than twenty years, or fined not more than ten thousand dollars ($10,000.00), or both, in the discretion of the court; provided, however, that this section shall not apply to any person who had probable cause to believe that the explosives involved would be used for a purpose other than the violation of a provision of Article 27 of [this] THE Code or:

(1) TITLE 1, SUBTITLE 3, TITLE 3, SUBTITLE 7, OR § 4-123.1 OF THE AGRICULTURE ARTICLE;

(2) TITLE 19, SUBTITLE 2 OR SUBTITLE 3~~, § 11-1002, OR § 11-1003~~ OF THE BUSINESS REGULATION ARTICLE;

(3) TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE COMMERCIAL LAW ARTICLE;

(4) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(b)(8), § 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), §

11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services Article;

(5) THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2, PART II OR § 10-614;

(6) TITLE 5, SUBTITLE 10A OF THE ENVIRONMENT ARTICLE;

(7) § 5-503 OF THE FAMILY LAW ARTICLE;

(8) TITLE 20, SUBTITLE 7 OR § 21-259.1 OF THE HEALTH - GENERAL ARTICLE;

(9) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, OR § 8-740.1 OF THE NATURAL RESOURCES ARTICLE;

(10) § 14-127 OF THE REAL PROPERTY ARTICLE;

(11) ARTICLE 2B, TITLE 22 OR § 18-104 OF THE CODE;

(12) ARTICLE 24, § 11-512, § 11-513, OR § 11-514 OF THE CODE;

(13) § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY;

(14) § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL COUNTY; OR

(15) § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT COUNTY.

Article 41 - Governor - Executive and Administrative Departments

1-501.

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

(b) ["Controlled dangerous substance offense"] "DRUG CRIME" means:

(1) [An offense under Article 27, §§ 277 through 303 of the Code] A VIOLATION OF TITLE 5 OF THE CRIMINAL LAW ARTICLE;

(2) [An offense under] A VIOLATION OF Title 12 of the Criminal Procedure Article; or

(3) A violation of the law of any other jurisdiction if the prohibited conduct would be a violation of [Article 27, §§ 277 through 303 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE or Title 12 of the Criminal Procedure Article if committed in this State.

1-502.

(a) Except as provided in subsection (d) of this section, as a condition to issuance of a license or renewal of a license, a licensing authority may require an individual applying for a license to disclose whether the individual has ever been convicted of a [controlled dangerous substance offense] DRUG CRIME committed on or after January 1, 1991.

(b) Subject to the provisions of § 1-505 of this subtitle, if an individual applying for a license has been convicted of a [controlled dangerous substance offense] DRUG CRIME committed on or after January 1, 1991, a licensing authority may:

(1) Refuse to issue a license to the individual; or

(2) Issue a license subject to any terms and conditions that the licensing authority deems appropriate under § 1-504 of this subtitle.

1-503.

Subject to the provisions of § 1-505 of this subtitle, if a licensing authority receives notification under [Article 27, § 298A of the Code] § 5-810 OF THE CRIMINAL LAW ARTICLE that a licensee has been convicted of a [controlled dangerous substance offense] DRUG CRIME committed on or after January 1, 1991, the licensing authority may:

(1) (i) Place the licensee on probation for a reasonable period of time; or

(ii) Suspend or revoke the license or reprimand the licensee;

(2) Assess the licensee, in accordance with applicable regulations, all or part of the cost of any disciplinary proceeding and sanction; or

(3) Impose any other sanction or take any other action authorized by law.

1-505.

(b) In deciding whether to deny an applicant's application for a license or whether to impose license sanctions against a licensee and the nature of the sanctions, a licensing authority shall consider the following factors:

(1) The relationship between the [controlled dangerous substance offense] DRUG CRIME and the license, including:

(i) The licensee's ability to perform the tasks authorized by the license; and

(ii) Whether the public will be protected if:

1. In the case of an applicant, the license is issued; or

2. In the case of a licensee, the license is not suspended or revoked;

(2) The nature and circumstances of the [controlled dangerous substance offense] DRUG CRIME;

(3) If an individual is applying for a license or license renewal, the date of the [controlled dangerous substance offense] DRUG CRIME; and

(4) Any other relevant information.

1-506.

(a) Subject to the provisions of this subtitle, if an individual who is convicted of a [controlled dangerous substance offense] DRUG CRIME committed on or after January 1, 1991 holds a commercial driver's license, the Motor Vehicle Administration may disqualify the individual from driving a commercial motor vehicle or take any other action permitted under this subtitle.

Article 49B - Human Relations Commission

20.

(k) (2) "Disability" does not include current illegal use of or addiction to:

(i) A controlled dangerous substance defined [under Article 27, § 277 of this Code] IN § 5-101 OF THE CRIMINAL LAW ARTICLE; or

(ii) A controlled substance defined [under] IN § 102 of the Federal Controlled Substances Act (21 U.S.C. 802).

21.

(i) Nothing in this subtitle prohibits conduct against a person because the person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined in Title 21, § 802 of the U.S. Code, or a controlled dangerous substance as defined in [Article 27, § 277 of this Code] § 5-101 OF THE CRIMINAL LAW ARTICLE.

Article 88A - Department of Human Resources

6A.

(b) (1) Notwithstanding any other provision of law, the director or the Secretary may disclose information concerning child abuse or neglect in accordance with subsection (c) of this section if:

(iii) The child named in a report of abuse or neglect has died or suffered a serious physical injury as defined in [Article 27, § 12 of the Code] § 3-201 OF THE CRIMINAL LAW ARTICLE.

16.

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

(2) "Assistance at public expense" means any assistance enumerated in [Article 27, § 230A(b) of the Code] § 8-503 OF THE CRIMINAL LAW ARTICLE.

(3) "Fraud" has the meaning stated in [Article 27, § 230A(b) of the Code] § 8-501 OF THE CRIMINAL LAW ARTICLE.

(b) Each applicant for or recipient of assistance at public expense shall read or have read to [him or her] THE APPLICANT a statement of the conduct that constitutes fraud and shall sign an acknowledgment that [he or she] THE APPLICANT understands that the penalties for fraud, as provided in [Article 27, § 230A(b)(2) of the Code] § 8-503 OF THE CRIMINAL LAW ARTICLE, are restitution and [a possible fine of not more than $1,000 or imprisonment for not more than 3 years,] POSSIBLE IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING $1,000 or both.

65A.

(c) (2) Notwithstanding subsection (b) of this section, if a resident custodial parent receiving cash assistance or food stamps is found to be in violation of [Article 27, § 286 of the Code] §§ 5-602 THROUGH 5-609, § 5-612, OR § 5-613 OF THE CRIMINAL LAW ARTICLE, or 21 U.S.C., § 841, after July 1, 2000, the recipient:

(i) Shall be ineligible for cash assistance or food stamps for one year from the date of the conviction; and

(ii) Shall be subject to testing for substance abuse, as provided by the Department, and to treatment, as required under § 50A of this article, for a period of 2 years starting from the later of:

1. The date the individual is released from incarceration;

2. The date the individual completes any term of probation; or

3. The date the individual completes any term of parole or mandatory supervision.

Article 88B - Department of State Police

4.

(c) Police employees shall not act within the limits of any incorporated municipality which maintains a police force except: (1) when in pursuit of an offender or suspected offender; (2) when in search of an offender or suspected offender wanted for a crime committed outside of the limits of the municipality, or when interviewing or seeking to interview a witness or supposed witness to such a crime; (3) when a crime is committed in the presence of the police employee, the arrested party shall be

immediately transferred to the custody of the local law enforcement agency; (4) when requested to act by the chief executive officer or the chief police officer of the municipality; (5) when ordered by the Governor to act within the municipality; (6) except in Baltimore City, when enforcing the motor vehicle laws of this State; (7) in Baltimore City, only when enforcing Title 23 (Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment) of the Transportation Article; (8) in any building or place when ordered by the President of the Senate and the Speaker of the House of Delegates, or either of them, to guard the safety of legislators or the integrity of the legislative process; (9) to protect the safety of an elected State official; (10) in the municipalities of Somerset County; (11) when enforcing [Article 27, § 419A of the Code] § 11-207 OF THE CRIMINAL LAW ARTICLE; (12) (i) 1. when participating in a joint investigation with officials from any other State, federal, or local law enforcement agency at least one of which shall have local jurisdiction; 2. when rendering assistance to a police officer; 3. when acting at the request of a local police officer; or 4. when an emergency exists; and (ii) when acting in accordance with regulations adopted by the Secretary to implement this paragraph; or (13) when conducting investigations relating to or otherwise enforcing the provisions of [Article 27, § 146 of the Code] § 7-302 OF THE CRIMINAL LAW ARTICLE.

12A.

(a) (8) "Qualifying crime of violence" means:

(i) A violation of [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE that involves sexual abuse;

(ii) Rape in any degree;

(iii) A sexual offense in the first, second, or third degree;

(iv) Murder;

(v) Robbery under [Article 27, § 486 or § 487 of the Code] § 3-402 OR § 3-403 OF THE CRIMINAL LAW ARTICLE;

(vi) First degree assault; or

(vii) Attempts to commit these offenses.

Article - Agriculture

2-305.

The Board, upon terms and conditions it finds proper, shall issue to any humane society, as defined by [Article 27, § 63 of the Code] § 10-601 OF THE CRIMINAL LAW ARTICLE, or county or municipal designated animal shelter which submits an application, a special permit authorizing purchase, possession, and use of sodium pentobarbital to euthanize injured, sick, homeless, and unwanted domestic animals. The permit shall designate the sole person responsible. The application for the special permit and the annual renewal of the permit shall be accompanied by a fee set by the

Board. Any organization that has received a permit pursuant to this section is exempted from the registration requirement of [Article 27, § 281 of the Code] §§ 5-301 AND 5-304 OF THE CRIMINAL LAW ARTICLE as to pentobarbital.

2-310.

The Board may prescribe reasonable standards for the practice of veterinary medicine, including conduct and ethics. It may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee after a hearing, if the veterinarian:

(2) Is convicted of a violation of any federal or State law relating to prescription drugs, a controlled dangerous substance under [Article 27, § 279 of the Code] TITLE 5, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE, or a controlled substance as defined by 21 U.S.C. § 812;

2-715.

After a hearing, the Board may suspend or revoke the license issued to any licensee under this subtitle, if the licensee:

(7) Commits an act of cruelty [or torture,] as [those terms are] defined in [Article 27, § 62 of the Code] § 10-601 OF THE CRIMINAL LAW ARTICLE, or allows the commission of an act of cruelty [or torture] by any other person with relation to any horse under the control of the licensee;

2-716.

(a) If, in accordance with [Article 27, § 67 of the Code] § 10-615 OF THE CRIMINAL LAW ARTICLE, the Board considers it necessary to take possession of a horse to protect it from neglect or cruelty, the Board immediately shall notify the owner or custodian of this action.

Article - Business Regulation

4-310.

(c) Subject to the hearing provisions of § 4-311 of this subtitle, the Commission shall suspend or revoke a boxer or kick boxer license and the boxer or kick boxer shall forfeit the boxer's purse or other compensation from the contest if the boxer or kick boxer:

(2) submits a urine sample that tests positive for the presence of a controlled dangerous substance defined [under Article 27, § 277 of the Code] IN § 5-101 OF THE CRIMINAL LAW ARTICLE or other substance that the Commission prohibits by regulation.

4-315.

(b) Each boxer or kick boxer in a contest shall submit to a chemical test of the urine of the boxer or kick boxer to detect the presence of a controlled dangerous substance defined [under Article 27, § 277 of the Code] IN § 5-101 OF THE CRIMINAL LAW ARTICLE or other substance that the Commission prohibits by regulation.

Subtitle 10. Prohibited [Acts] ACT.

11-1001.

(a) Except in accordance with a license, a person may not hold, or aid or abet in holding, a race meeting at which horses are raced for a purse, reward, or stake.

12-401.

(b) A dealer or pawnbroker shall release to the primary law enforcement unit an item of personal property, other than a security or printed evidence of indebtedness, located at the place of business of the dealer or pawnbroker if:

(5) the primary law enforcement unit provides to the dealer or pawnbroker a receipt that describes the item and that notifies the dealer or pawnbroker of the dealer's or pawnbroker's right to file an application for a statement of charges against the individual who sold the item to the dealer or pawnbroker, or other alleged thief for theft under [Article 27, § 342 of the Code] § 7-104 OF THE CRIMINAL LAW ARTICLE.

16-201.

(i) "Manufacturer" means a person who:

(2) (ii) unless otherwise prohibited or restricted under local law, this article, or [Article 27 of the Code] THE CRIMINAL LAW ARTICLE, distributes sample cigarettes to consumers located in Maryland; or

16-206.

(a) A manufacturer license authorizes the licensee to:

(2) except as otherwise prohibited or restricted under local law, this article, or [Article 27 of the Code] THE CRIMINAL LAW ARTICLE, distribute sample cigarettes to consumers located in Maryland;

16-209.

(b) A licensee who sells cigarettes through a vending machine:

(2) in the way that the Comptroller requires by regulation, shall:

(ii) display on a conspicuous label applicable prohibitions and penalties under [Article 27, §§ 404 and 405 of the Code] § 10-107 OF THE CRIMINAL LAW ARTICLE.

16-212.

(e) (1) Except for a violation of [Article 27, § 404 of the Code] § 10-107 OF THE CRIMINAL LAW ARTICLE, whenever any license issued under the provisions of this subtitle is suspended or revoked by the Comptroller, the licensee may, before the effective date of the suspension or revocation, petition the Comptroller for permission to make an offer of compromise consisting of a sum of money in lieu of serving the suspension or revocation.

Article - Commercial Law

11-1404.

(b) This subtitle does not apply to:

(4) Any conduct undertaken for the purpose of enforcing [Article 27, § 467A(b) of the Code] § 7-308 OF THE CRIMINAL LAW ARTICLE.

14-2005.

(e) (2) Nothing in this subtitle shall be construed to permit a lessee to sublease a motor vehicle in violation of [Article 27, § 208 of the Code] § 8-408 OF THE CRIMINAL LAW ARTICLE.

15-803.

(a) A notice of dishonor sent by a holder to a maker or drawer under § 15-802 of this subtitle shall substantially comply with the following form:

"NOTICE OF DISHONORED CHECK

Date _____

Name of Issuer _____

Street Address _____

City and State _____

You are according to law hereby notified that a check or instrument numbered _____ and dated _____, drawn on the _____ bank of _____ in the amount of _____ has been returned unpaid with the notation the payment has been refused because of _____ Within 30 days from the mailing of this notice, you must pay or tender to _____

\tab (Holder)

sufficient money to pay such check or instrument in full and a collection fee of $ _____ (not more than $35). If payment of the above amounts is not made within 30 days of the mailing of this notice of dishonor, you shall be liable under § 15-802 of the Commercial Law Article, in addition to the amount of the check or instrument and a collection fee of up to $35, for an amount up to 2 times the amount of the check or instrument, but not more than $1,000. In addition, you may be prosecuted under [the Maryland Criminal Code (Article 27, §§ 140 through 144)] TITLE 8, SUBTITLE 1 OF THE CRIMINAL LAW ARTICLE OF MARYLAND and subject to the following penalties:

(1) If the property or services has a value of $500 or more, a fine not exceeding $1,000 or imprisonment not exceeding 15 years, or both;

(2) If the property or services has a value of less than $500, a fine not exceeding $100 or imprisonment not exceeding 18 months, or both.

It shall be a complete defense to any action brought by any holder under § 15-802 of the Commercial Law Article that, within 30 days from the mailing of "the Notice of Dishonored Check", the maker or drawer has paid the holder the full amount of the check or instrument and collection costs of not more than $35. A holder may not recover any damages if the holder has demanded of, and received from, the maker or drawer collection costs exceeding $35.

It shall be a complete defense to any action brought under § 15-802 of the Commercial Law Article by a holder to whom a dishonored check or other instrument was issued that the dishonor of the check or other instrument was due to a justifiable stop payment order or to the attachment of the account.

In any action brought under § 15-802 of the Commercial Law Article by a holder or holder in due course to whom a dishonored check or other instrument was negotiated, the action is subject to all valid defenses that may be raised by the maker or drawer against the holder or holder in due course under Title 3 of the Commercial Law Article."

(b) The holder to whom a check or other instrument is issued or negotiated may post a clearly conspicuous notice at or near the point of receipt stating the liability of the maker or drawer for the collection fee and damages provided in § 15-802 of this subtitle and criminal penalties provided in [Article 27, § 143 of the Code] §§ 8-106 AND 8-107 OF THE CRIMINAL LAW ARTICLE.

15-804.

(a) Notwithstanding any other provisions of this article, §§ 15-802 and 15-803 of this subtitle do not apply to any check:

(2) That is not a bad check as described under [Article 27, § 141 of the Code] § 8-103 OF THE CRIMINAL LAW ARTICLE.

Article - Correctional Services

3-204.

(c) A person who makes a false statement under oath before the Commissioner is guilty of perjury and on conviction is subject to the penalty provided [under Article 27, § 439 of the Code] IN § 9-101 OF THE CRIMINAL LAW ARTICLE.

3-305.

(c) (2) An inmate who escapes while on leave under this section is subject to the penalties [established under Article 27, § 137 of the Code] IN § 9-404 OF THE CRIMINAL LAW ARTICLE.

3-404.

An inmate is not eligible for the program if the inmate:

(1) is serving a life sentence;

(2) has been found guilty of a crime of violence as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE unless:

(i) 5 years have elapsed since expiration of the sentence for the crime of violence; or

(ii) the inmate is within 90 days of release on parole or mandatory supervision; or

(3) has been found guilty of the crime of:

(i) child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE; or

(ii) escape under [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

3-409.

(c) An inmate who knowingly violates § 3-406 of this subtitle is guilty of escape and on conviction is subject to the penalties [established under Article 27, § 137 of the Code] OF § 9-404 OF THE CRIMINAL LAW ARTICLE.

3-704.

(b) (2) If an inmate's term of confinement includes a consecutive or concurrent sentence for a crime of violence as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE or a crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance in violation of [Article 27, § 286 of the Code] §§ 5-602 THROUGH 5-609, § 5-612, OR § 5-613 OF THE

CRIMINAL LAW ARTICLE, the deduction described in subsection (a) of this section shall be calculated at the rate of 5 days for each calendar month.

3-803.

(b) (2) An inmate who knowingly violates paragraph (1) of this subsection is guilty of escape and on conviction is subject to the penalties [established under Article 27, § 137 of the Code] OF § 9-404 OF THE CRIMINAL LAW ARTICLE.

3-807.

(i) (2) An inmate who knowingly violates paragraph (1) of this subsection is guilty of escape and on conviction is subject to the penalties [established under Article 27, § 137 of the Code] OF § 9-404 OF THE CRIMINAL LAW ARTICLE.

3-808.

(d) The failure of an inmate to comply with the terms of the inmate's authorization for compassionate leave is a violation of [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

3-811.

(c) The failure of an inmate to comply with the terms of the authorization for family leave is a violation of [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

4-101.

(e) (2) "Eligible person" does not include an individual who:

(i) is serving two or more sentences of imprisonment for life under [Article 27, § 412 of the Code] § 2-201, § 2-303, OR § 2-304 OF THE CRIMINAL LAW ARTICLE;

(ii) is serving one or more sentences of imprisonment for life when a court or jury has found under [Article 27, § 413 of the Code] § 2-303 OF THE CRIMINAL LAW ARTICLE, beyond a reasonable doubt, that one or more aggravating circumstances existed; or

(iii) has been convicted of murder in the first degree, rape in the first degree, or a sexual offense in the first degree, unless the sentencing judge, at the time of sentencing or in the exercise of the judge's revisory power under the Maryland Rules, recommends that the individual be referred to the Institution for evaluation.

4-305.

(b) (2) An inmate sentenced to life imprisonment as a result of a proceeding under [Article 27, § 413] § 2-303 OR § 2-304 OF THE CRIMINAL LAW ARTICLE is not eligible for parole consideration until the inmate has served 25 years or the equivalent of 25 years when considering allowances for diminution of the inmate's

period of confinement as provided under Title 3, Subtitle 7 of this article and § 6-218 of the Criminal Procedure Article.

6-101.

(c) "Crime of violence" has the meaning stated in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE.

6-112.

(c) (1) The Division shall complete a presentence investigation report in each case in which the death penalty or imprisonment for life without the possibility of parole is requested under [Article 27, § 412 of the Code] § 2-202 OR § 2-203 OF THE CRIMINAL LAW ARTICLE.

(2) The report shall include a victim impact statement as provided under § 11-402 of the Criminal Procedure Article.

(3) The court or jury before which the separate sentencing proceeding is conducted under [Article 27, § 412 or § 413 of the Code] § 2-303 OR § 2-304 OF THE CRIMINAL LAW ARTICLE shall consider the report.

7-101.

(m) "Violent crime" means:

(1) a crime of violence as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE; or

(2) burglary in the first, second, or third degree.

7-205.

(f) A witness who makes a false statement relating to a matter that is material to the Commission's inquiry while testifying before the Commission is guilty of perjury and on conviction is subject to the penalty [established under Article 27, § 439 of the Code] OF § 9-101 OF THE CRIMINAL LAW ARTICLE.

7-301.

(d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an inmate who has been sentenced to life imprisonment is not eligible for parole consideration until the inmate has served 15 years or the equivalent of 15 years considering the allowances for diminution of the inmate's term of confinement under § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

(2) An inmate who has been sentenced to life imprisonment as a result of a proceeding under [Article 27, § 413] § 2-303 OR § 2-304 OF THE CRIMINAL LAW ARTICLE is not eligible for parole consideration until the inmate has served 25 years or the equivalent of 25 years considering the allowances for diminution of the inmate's

term of confinement under § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

(3) (i) If an inmate has been sentenced to imprisonment for life without the possibility of parole under [Article 27, § 412 or § 413 of the Code] § 2-203 OR § 2-304 OF THE CRIMINAL LAW ARTICLE, the inmate is not eligible for parole consideration and may not be granted parole at any time during the inmate's sentence.

(ii) This paragraph does not restrict the authority of the Governor to pardon or remit any part of a sentence under § 7-601 of this title.

(4) If eligible for parole under this subsection, an inmate serving a term of life imprisonment may only be paroled with the approval of the Governor.

7-801.

(a) In this section, "victim" means:

(2) a victim of child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE;

8-701.

(b) "Crime of violence" has the meaning stated in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE.

9-201.

(a) (2) "Sexual offense" means:

(i) a violation of [Article 27, § 464, § 464A, § 464B, § 464C, or § 464F of the Code] § 3-305, § 3-306, § 3-307, § 3-308, § 3-309, § 3-310, § 3-311, OR § 3-312 OF THE CRIMINAL LAW ARTICLE; or

(ii) an attempt to violate [Article 27, § 464, § 464A, § 464B, or § 464C of the Code] § 3-305, § 3-306, § 3-307, OR § 3-308 OF THE CRIMINAL LAW ARTICLE as a principal or an aider or abettor.

9-520.

(b) An inmate who escapes while assigned to perform labor or provide services under this section is guilty of escape under [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

9-602.

(e) An inmate who escapes while temporarily removed under this section is guilty of escape and subject to the penalties [established under Article 27, § 137 of the Code] OF § 9-404 OF THE CRIMINAL LAW ARTICLE.

11-319.

(a) (5) An inmate who escapes while on leave under this section is subject to the penalties [established under Article 27, § 137 of the Code] OF § 9-404 OF THE CRIMINAL LAW ARTICLE.

11-701.

(c) "Crime of violence" has the meaning stated in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE.

11-702.

(b) (4) An inmate is not eligible for the home detention program if the inmate:

(i) is serving a sentence for a crime of violence; or

(ii) has been found guilty of the crime of:

1. child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE; or

2. escape under [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

11-703.

(d) (4) An inmate is not eligible for the home detention program if the inmate:

(i) is serving a sentence for a crime of violence; or

(ii) has been found guilty of the crime of:

1. child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE; or

2. escape under [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

11-705.

(p) A participant is not eligible for the home detention program if the participant:

(2) has been found guilty of:

(i) child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE; or

(ii) escape under [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

11-708.

(c) (4) An inmate is not eligible for the home detention program if the inmate:

(i) is serving a sentence for a crime of violence; or

(ii) has been found guilty of the crime of:

1. child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE; or

2. escape under [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

11-709.

(b) (4) An inmate is not eligible for the home detention program if the inmate:

(i) is serving a sentence for a crime of violence; or

(ii) has been found guilty of the crime of:

1. child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE; or

2. escape under [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

11-712.

(b) (4) An individual is eligible for the pretrial release program if the individual:

(i) is recommended to the court for placement in the program by the program staff;

(ii) has no other charges pending in any jurisdiction; and

(iii) is not in detention for:

1. a crime of violence; or

2. the crime of escape under [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

(d) (4) An inmate is not eligible for the home detention program if the inmate:

(i) is serving a sentence for a crime of violence; or

(ii) has been found guilty of the crime of:

1. child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE; or

2. escape under [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

11-714.

(d) (4) An inmate is not eligible for the home detention program if the inmate:

(i) is serving a sentence for a crime of violence; or

(ii) has been found guilty of the crime of:

1. child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE; or

2. escape under [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

11-723.

(b) (4) An inmate is not eligible for the home detention program if the inmate:

(i) is serving a sentence for a crime of violence; or

(ii) has been found guilty of the crime of:

1. child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE; or

2. escape under [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL LAW ARTICLE.

11-726.

(a) An individual who knowingly violates a restriction on movement imposed as a condition of leave, work release, or a home detention order or agreement under this subtitle is guilty of escape as provided in [Article 27, §§ 136 through 139 of the Code] §§ 9-404 THROUGH 9-407 OF THE CRIMINAL LAW ARTICLE.

Article - Courts and Judicial Proceedings

3-812.

(a) (2) "Crime of violence" has the meaning stated in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE.

3-8A-01.

(w) "Violation" means a violation [of Article 27, § 400, § 400A, § 400B, § 401, or § 406 of the Code] FOR WHICH A CITATION IS ISSUED UNDER:

~~(1) ARTICLE 2B, § 22-101, § 22-102, § 22-103, OR § 22-104 OF THE CODE;~~

(1) § 10-113, § 10-114, § 10-115, OR § 10-116 OF THE CRIMINAL LAW ARTICLE;

(2) § 10-108 OF THE CRIMINAL LAW ARTICLE; or

(3) § 26-103 of the Education Article [for which a citation is issued].

3-8A-03.

(d) The court does not have jurisdiction over:

(4) A child at least 16 years old alleged to have committed any of the following crimes, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under § 4-202 of the Criminal Procedure Article:

(i) Abduction;

(ii) Kidnapping;

(iii) Second degree murder;

(iv) Manslaughter, except involuntary manslaughter;

(v) Second degree rape;

(vi) Robbery under [Article 27, § 487 of the Code] § 3-403 OF THE CRIMINAL LAW ARTICLE;

(vii) Second degree sexual offense [in violation of Article 27, § 464A(a)(1) of the Code] UNDER § 3-306(A)(1) OF THE CRIMINAL LAW ARTICLE;

(viii) Third degree sexual offense [in violation of Article 27, § 464B(a)(1) of the Code] UNDER § 3-307(A)(1) OF THE CRIMINAL LAW ARTICLE;

(ix) A crime in violation of Article 27, [§ 36B, § 373, § 374,] § 445, § 446, or § 481C of the Code;

(x) Using, wearing, carrying, or transporting [of] A firearm during and in relation to a drug trafficking crime [in violation of Article 27, § 281A of the Code] UNDER § 5-621 OF THE CRIMINAL LAW ARTICLE;

(xi) Use of a firearm [in violation of Article 27, § 291A of the Code] UNDER § 5-622 OF THE CRIMINAL LAW ARTICLE;

(xii) Carjacking or armed carjacking [in violation of Article 27, § 348A of the Code] UNDER § 3-405 OF THE CRIMINAL LAW ARTICLE;

(xiii) Assault in the first degree [in violation of Article 27, § 12A-1 of the Code] UNDER § 3-202 OF THE CRIMINAL LAW ARTICLE;

(xiv) Attempted murder in the second degree [in violation of Article 27, § 411A of the Code] UNDER § 2-206 OF THE CRIMINAL LAW ARTICLE;

(xv) Attempted rape IN THE SECOND DEGREE UNDER § 3-310 OF THE CRIMINAL LAW ARTICLE or attempted sexual offense in the second degree under [Article 27, § 464F of the Code] § 3-312 OF THE CRIMINAL LAW ARTICLE; [or]

(xvi) Attempted robbery under [Article 27, § 487 of the Code] § 3-403 OF THE CRIMINAL LAW ARTICLE; OR

(XVII) A VIOLATION OF § 4-203, § 4-204, § 4-404, OR § 4-405 OF THE CRIMINAL LAW ARTICLE;

3-8A-07.

(c) Unless otherwise ordered by the court, the court's jurisdiction is terminated over a person who has reached 18 years of age when he is convicted of a crime, including manslaughter by automobile, unauthorized use or occupancy of a motor vehicle, any violation of [Article 27, § 388A or § 388B of the Code] TITLE 2, SUBTITLE 5 OR § 3-211 OF THE CRIMINAL LAW ARTICLE, or § 21-902 of the Transportation Article, but excluding a conviction for a violation of any other traffic law or ordinance or any provision of the State Boat Act, or the fish and wildlife laws of the State.

3-8A-10.

(c) (2) An inquiry need not include an interview of the child who is the subject of the complaint if the complaint alleges the commission of an act that would be a felony if committed by an adult or alleges a violation of [Article 27, § 36B of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE.

(4) (i) If a complaint is filed that alleges the commission of an act which would be a felony if committed by an adult or alleges a violation of [Article 27, § 36B of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE, and if the intake officer denies authorization to file a petition or proposes an informal adjustment, the intake officer shall immediately:

1. Forward the complaint to the State's Attorney; and

2. Forward a copy of the entire intake case file to the State's Attorney with information as to any and all prior intake involvement with the child.

(d) (2) An inquiry need not include an interview of the child who is the subject of the complaint if the complaint alleges the commission of an act that would be a felony if committed by an adult or alleges a violation of [Article 27, § 36B of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE.

(k) (1) If the intake officer receives a citation other than a citation authorized under [Article 27, § 406 of the Code] § 10-108 OF THE CRIMINAL LAW ARTICLE, the intake officer may:

(i) Refer the child to an alcohol education or rehabilitation program;

(ii) Assign the child to a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for the second or subsequent violation;

(iii) Require the parent or guardian of the child to withdraw the parent's or guardian's consent to the child's license to drive, and advise the Motor Vehicle Administration of the withdrawal of consent; or

(iv) Forward the citation to the State's Attorney.

(2) The intake officer shall forward the citation, other than a citation authorized under [Article 27, § 406 of the Code] § 10-108 OF THE CRIMINAL LAW ARTICLE, to the State's Attorney if:

(i) The parent or guardian of the child refuses to withdraw consent to the child's license to drive;

(ii) The child fails to comply with an alcohol education or rehabilitation program referral; or

(iii) The child fails to comply with a supervised work program assignment.

(l) (1) If the intake officer receives a citation authorized under [Article 27, § 406 of the Code] § 10-108 OF THE CRIMINAL LAW ARTICLE, the intake officer may:

(i) Refer the child to a smoking cessation clinic, or other suitable presentation of the hazards associated with tobacco use;

(ii) Assign the child to a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for a second or subsequent violation; or

(iii) Forward the citation to the State's Attorney.

(2) The intake officer shall forward the citation authorized under [Article 27, § 406 of the Code] § 10-108 OF THE CRIMINAL LAW ARTICLE to the State's Attorney if the child fails to comply with a smoking program referral or a supervised work program assignment described under paragraph (1) of this subsection.

3-8A-19.

(e) (1) (iii) In making a disposition on a finding that the child has committed a violation [under Article 27, § 400] OF ~~ARTICLE 2B, § 22-101 of the Code~~ § 10-113 OF THE CRIMINAL LAW ARTICLE specified in a citation that involved the use of a driver's license or a document purporting to be a driver's license, the court may order the Motor Vehicle Administration to initiate an action under the Maryland Vehicle Law to suspend the driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle Administration:

1. For a first offense, for 6 months; and

2. For a second or subsequent offense, until the child is 21 years old.

(3) (i) The provisions of paragraphs (1) and (2) of this subsection do not apply to a child found to have committed a violation [under Article 27, § 406 of the Code] OF § 10-108 OF THE CRIMINAL LAW ARTICLE.

(ii) In making a disposition on a finding that the child has committed a violation [under Article 27, § 406 of the Code] OF § 10-108 OF THE CRIMINAL LAW ARTICLE, the court may:

1. Counsel the child or the parent or both, or order the child to participate in a smoking cessation clinic, or other suitable presentation of the hazards associated with tobacco use that is in the best interest of the child;

2. Impose a civil fine of not more than $25 for the first violation and a civil fine of not more than $100 for a second or subsequent violation; or

3. Order the child to participate in a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for a second or subsequent violation.

(4) (i) In making a disposition on a finding that the child has committed a violation [under Article 27, § 139C, § 151A, or § 151C of the Code] OF TITLE 4, SUBTITLE 5 OR § 9-504 OR § 9-505 OF THE CRIMINAL LAW ARTICLE, the court may order the Motor Vehicle Administration to initiate an action, under the Maryland Vehicle Law, to suspend the driving privilege of a child for a specified period not to exceed:

1. For a first offense, 6 months; and

2. For a second or subsequent offense, 1 year or until the person is 21 years old, whichever is longer.

3-8A-19.1.

(b) (1) Except as provided in paragraph (2) of this subsection, after an inquiry conducted in accordance with § 3-8A-10 of this subtitle, an intake officer may file with the court a peace order request that alleges the commission of any of the following acts against a victim by the respondent, if the act occurred within 30 days before the filing of the complaint under § 3-8A-10 of this subtitle:

(i) An act that causes serious bodily harm;

(ii) An act that places the victim in fear of imminent serious bodily harm;

(iii) Assault in any degree;

(iv) Rape or sexual offense[, as defined in Article 27, §§ 462 through 464C of the Code] UNDER §§ 3-303 THROUGH 3-308 OF THE CRIMINAL LAW ARTICLE or attempted rape or sexual offense in any degree;

(v) False imprisonment;

(vi) Harassment[, as described in Article 27, § 123 of the Code] UNDER § 3-803 OF THE CRIMINAL LAW ARTICLE;

(vii) Stalking[, as described in Article 27, § 124 of the Code] UNDER § 3-802 OF THE CRIMINAL LAW ARTICLE;

(viii) Trespass[, as described in the Trespass subheading of Article 27 of the Code] UNDER TITLE 6, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE; or

(ix) Malicious destruction of property[, as described in Article 27, § 111 of the Code] UNDER § 6-301 OF THE CRIMINAL LAW ARTICLE.

3-8A-23.

(a) (3) Subject to paragraph (4) of this subsection, an adjudication of a child as delinquent by reason of the child's violation of the State vehicle laws, including a violation involving an unlawful taking or unauthorized use of a motor vehicle under [Article 27, § 342A or § 349,] § 7-105 OR § 7-203 OF THE CRIMINAL LAW ARTICLE or § 14-102 of the Transportation Article shall be reported by the clerk of the court to the Motor Vehicle Administration, which shall assess points against the child under Title 16, Subtitle 4 of the Transportation Article, in the same manner and to the same effect as if the child had been convicted of the offense.

3-8A-27.

(g) This section does not prohibit a victim or victim's representative who has filed a notification request form from being notified of proceedings and events

involving the defendant or child as provided in this subtitle, the Criminal Procedure Article, THE CRIMINAL LAW ARTICLE, or Article 27 of the Code.

3-8A-33.

(a) A law enforcement officer authorized to make arrests shall issue a citation to a child if the officer has probable cause to believe that the child is violating:

(1) [Article 27, § 400, § 400A, § 400B, § 401, or § 406 of the Code] ~~ARTICLE 2B, §§ 22-101 THROUGH 22-104 OF THE CODE;~~ <u>§ 10-113, § 10-114, § 10-115, OR § 10-116 OF THE CRIMINAL LAW ARTICLE;</u>

(2) § 10-108 OF THE CRIMINAL LAW ARTICLE; or

[(2)] (3) § 26-103 of the Education Article.

3-904.

(a) (2) A parent may not be a beneficiary in a wrongful death action for the death of a child of the parent if:

(i) 1. The parent is convicted under [Article 27, § 35C, § 335, § 462, § 463, § 464, § 464A, § 464B, or § 464C of the Code] §§ 3-303 THROUGH 3-308, § 3-321, OR § 3-601 OF THE CRIMINAL LAW ARTICLE; or

2. The parent committed an act prohibited under [Article 27, § 35C, § 335, § 462, § 463, § 464, § 464A, § 464B, or § 464C of the Code] §§ 3-303 THROUGH 3-308, § 3-321, OR § 3-601 OF THE CRIMINAL LAW ARTICLE;

3-1306.

(a) Criminal prosecution for an offense of theft under [Article 27, § 342 of the Code] § 7-104 OF THE CRIMINAL LAW ARTICLE is not a prerequisite to the maintenance of a civil action under this subtitle.

3-1503.

(a) A petitioner may seek relief under this subtitle by filing with the court a petition that alleges the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition:

(1) An act that causes serious bodily harm;

(2) An act that places the petitioner in fear of imminent serious bodily harm;

(3) Assault in any degree;

(4) Rape or sexual offense[, as defined by Article 27, §§ 462 through 464C of the Code] UNDER §§ 3-303 THROUGH 3-308 OF THE CRIMINAL LAW ARTICLE or attempted rape or sexual offense in any degree;

(5) False imprisonment;

(6) Harassment[, as described in Article 27, § 123 of the Code] UNDER § 3-803 OF THE CRIMINAL LAW ARTICLE;

(7) Stalking[, as described in Article 27, § 124 of the Code] UNDER § 3-802 OF THE CRIMINAL LAW ARTICLE;

(8) Trespass[, as described in the trespass subheading of Article 27 of the Code] UNDER TITLE 6, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE; or

(9) Malicious destruction of property[, as described in Article 27, § 111 of the Code] UNDER § 6-301 OF THE CRIMINAL LAW ARTICLE.

3-1601.

In this subtitle, "controlled dangerous substance" has the meaning stated in [Article 27, § 277(f) of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE.

3-1602.

A person who is convicted, under [Article 27, § 286 or § 286A of the Code] §§ 5-602 THROUGH 5-609 OR §§ 5-612 THROUGH 5-614 OF THE CRIMINAL LAW ARTICLE, of knowingly and willfully manufacturing, distributing, dispensing, bringing into, or transporting in the State a controlled dangerous substance is liable for damages in a civil action as provided in this subtitle.

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] § 7-104, § 7-105, § 7-107, OR § 7-108 OF THE CRIMINAL LAW ARTICLE, 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] § 8-103 OF THE CRIMINAL LAW ARTICLE, whether a felony or a misdemeanor;

(7) Violation of [Article 27, § 145 of this Code] §§ 8-203 THROUGH 8-209 OF THE CRIMINAL LAW ARTICLE, whether a felony or misdemeanor;

(8) Violation of [Article 27, § 44 of the Code] §§ 8-601 THROUGH 8-604 OF THE CRIMINAL LAW ARTICLE;

(9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a felony or a misdemeanor;

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

(11) Violation of § 14-1403 of the Commercial Law Article;

(12) Violation of [Article 27, § 388 of the Code] § 2-209 OF THE CRIMINAL LAW ARTICLE;

(13) Violation of [Article 27, § 388A of the Code] TITLE 2, SUBTITLE 5 OF THE CRIMINAL LAW ARTICLE;

(14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article;

(15) Violation of [Article 27, § 59 of the Code] §§ 10-604 THROUGH 10-608 OF THE CRIMINAL LAW ARTICLE, whether felony or misdemeanor; or

(16) Violation of [Article 27, § 194A of the Code] TITLE 7, SUBTITLE 3, PART III OF THE CRIMINAL LAW ARTICLE, whether a felony or misdemeanor.

4-302.

(d) (2) (i) Except as provided in subparagraph (ii) of this paragraph, a circuit court does not have jurisdiction to try a case charging a violation of [Article 27, § 287 of the Code] § 5-601 OR § 5-620 OF THE CRIMINAL LAW ARTICLE.

(ii) A circuit court does have jurisdiction to try a case charging a violation of [Article 27, § 287 of the Code] § 5-601 OR § 5-620 OF THE CRIMINAL LAW ARTICLE if the defendant:

1. Properly demands a jury trial;

2. Appeals as provided by law from a final judgment entered in the District Court; or

3. Is charged with another offense arising out of the same circumstances that is within a circuit court's jurisdiction.

4-401.

Except as provided in § 4-402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(10) A proceeding for adjudication of:

(vii) A citation for a Code violation issued under [Article 27, § 403] ~~ARTICLE 2B, § 22-107 of the Code~~ § 10-119 OF THE CRIMINAL LAW ARTICLE;

5-106.

(j) A prosecution for a welfare offense under [Article 27, § 230A of the Code] §§ 8-501 THROUGH 8-504 OF THE CRIMINAL LAW ARTICLE shall be instituted within 3 years after the offense was committed.

(k) A prosecution for a misdemeanor offense under [the Fraud - State Health Plans subheading in Article 27 of the Code] TITLE 8, SUBTITLE 5, PART II OF THE CRIMINAL LAW ARTICLE shall be instituted within 3 years after the offense was committed.

(p) A prosecution for an offense under [Article 27, § 388 or § 388A of the Code] TITLE 2, SUBTITLE 5 OR § 2-209 OF THE CRIMINAL LAW ARTICLE or § 20-102 of the Transportation Article shall be instituted within 3 years after the offense was committed.

(w) A prosecution under [Article 27, § 146(c) of the Code] § 7-302 OF THE CRIMINAL LAW ARTICLE relating to computer crimes shall be instituted within 3 years after the offense was committed.

(x) A prosecution for an offense under [Article 27, § 35D of the Code] § 3-603 OF THE CRIMINAL LAW ARTICLE relating to abuse or neglect of a vulnerable adult shall be instituted within 2 years after the offense was committed.

5-402.

A merchant or an agent or employee of the merchant who detains or causes the arrest of any person shall not be held civilly liable for detention, slander, malicious prosecution, false imprisonment, or false arrest of the person detained or arrested, whether the detention or arrest takes place by the merchant or by his agent or employee, if in detaining or in causing the arrest of the person, the merchant or the agent or employee of the merchant had, at the time of the detention or arrest, probable cause to believe that the person committed the crime of "theft," as prohibited by [§ 342 of Article 27 of the Code] § 7-104 OF THE CRIMINAL LAW ARTICLE, of property of the merchant from the premises of the merchant.

7-409.

(a) (2) "Crime" means an act committed by a person in the State that is:

(I) A CRIME UNDER TITLE 1, SUBTITLE 3, TITLE 3, SUBTITLE 7, OR § 4-123.1 OF THE AGRICULTURE ARTICLE;

(II) A CRIME UNDER TITLE 19, SUBTITLE 2 OR SUBTITLE 3~~, § 11-1002, OR § 11-1003~~ OF THE BUSINESS REGULATION ARTICLE;

(III) A CRIME UNDER TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE COMMERCIAL LAW ARTICLE;

(IV) A CRIME UNDER § 3-218, § 3-305(C)(2), § 3-409(A) OR (C), § 3-803(B), § 3-807(I), § 3-808(D), § 3-811(C), § 8-801, § 8-802, § 9-602(E), § 11-702(B)(8), § 11-703(D)(5)(III), § 11-706(B)(8), § 11-708(B)(8)(II), § 11-711(H)(2), § 11-712(C)(6)(II), § 11-714(C)(6), § 11-715(G)(2), § 11-716(H)(2), § 11-723(B)(8), OR § 11-726 OF THE CORRECTIONAL SERVICES ARTICLE;

(V) A CRIME UNDER THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2, PART II OR § 10-614;

[(i) A crime under Article 27 of the Code;

(ii)] (VI) A crime under the Criminal Procedure Article;

(VII) A CRIME UNDER TITLE 5, SUBTITLE 10A OF THE ENVIRONMENT ARTICLE;

(VIII) A CRIME UNDER § 5-503 OF THE FAMILY LAW ARTICLE;

(IX) A CRIME UNDER TITLE 20, SUBTITLE 7 OR § 21-259.1 OF THE HEALTH - GENERAL ARTICLE;

(X) A CRIME UNDER § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, OR § 8-740.1 OF THE NATURAL RESOURCES ARTICLE;

(XI) A CRIME UNDER ARTICLE 27 OF THE CODE;

(XII) A CRIME UNDER § 14-127 OF THE REAL PROPERTY ARTICLE;

[(iii)] (XIII) A violation of the Transportation Article that is punishable by imprisonment;

[(iv) A crime at common law; or

(v) A crime under § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(b)(8), § 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services Article]

(XIV) A CRIME UNDER ARTICLE 2B, TITLE 22 OR § 18-104 OF THE CODE;

(XV) A CRIME UNDER ARTICLE 24, § 11-512, § 11-513, OR § 11-514 OF THE CODE;

(XVI) A CRIME UNDER § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY;

(XVII) A CRIME UNDER § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL COUNTY;

(XVIII) A CRIME UNDER § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT COUNTY; OR

(XIX) A CRIME AT COMMON LAW.

8-301.

(a) In a trial in which the defendant is subject, on any single count, to a sentence of death because notice of intention to seek a sentence of death has been given under [Article 27, § 412 of the Code] § 2-202 OF THE CRIMINAL LAW ARTICLE, each defendant is permitted 20 peremptory challenges and the State is permitted 10 peremptory challenges for each defendant.

(b) In a criminal trial in which the defendant is subject, on any single count, to a sentence of life imprisonment, including a case in which notice of intention to seek a sentence of death has not been given under [Article 27, § 412 of the Code] § 2-202 OF THE CRIMINAL LAW ARTICLE, except for common law offenses for which no specific penalty is provided by statute, each defendant is permitted 20 peremptory challenges and the State is permitted 10 peremptory challenges for each defendant.

10-302.

In a prosecution for a violation of a law concerning a person who is driving or attempting to drive a vehicle in violation of § 16-113, § 16-813, or § 21-902 of the Transportation Article, or in violation of [Article 27, § 388, § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE, a test of the person's breath or blood may be administered for the purpose of determining alcohol concentration and a test or tests of 1 specimen of the person's blood may be administered for the purpose of determining the drug or controlled dangerous substance content of the person's blood.

10-306.

(a) (1) (i) Subject to the provisions of paragraph (2) of this subsection, in any criminal trial in which a violation of § 16-113, § 16-813, or § 21-902 of the Transportation Article, or a violation of [Article 27, § 388, § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE is charged or is an issue, a copy of a report of the results of a test of breath or blood to determine alcohol concentration signed by the technician or analyst who performed the test, is admissible as substantive evidence without the presence or testimony of the technician or analyst who performed the test.

(ii) Subject to the provisions of § 10-308(b) of this subtitle and paragraph (2) of this subsection, in any criminal trial in which a violation of § 21-902 of the Transportation Article or a violation of [Article 27, § 388, § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE is charged, a copy of a report of the results of a test or tests of blood to determine drug or controlled dangerous substance content signed by the technician or analyst who performed the test, is admissible as substantive evidence without the presence or testimony of the technician or analyst who performed the test.

10-307.

(a) (1) In any criminal, juvenile, or civil proceeding in which a person is alleged to have committed an act that would constitute a violation of [Article 27, § 388, § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE, or with driving or attempting to drive a vehicle in violation of § 16-113, § 16-813, or § 21-902 of the Transportation Article, the amount of alcohol in the person's breath or blood shown by analysis as provided in this subtitle is admissible in evidence and has the effect set forth in subsections (b) through (g) of this section.

10-308.

(b) The results of a test or tests to determine the drug or controlled dangerous substance content of a person's blood:

(1) Are admissible as evidence in a criminal trial only in a prosecution for a violation of § 21-902 of the Transportation Article, § 8-738 of the Natural Resources Article, or [Article 27, § 388, § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE and only if other admissible evidence is introduced that creates an inference that the person was:

(i) Driving or attempting to drive while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, or while impaired by a controlled dangerous substance; or

(ii) Operating or attempting to operate a vessel while the person was so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not operate a vessel safely, or while impaired by a controlled dangerous substance; and

(2) Are not admissible in a prosecution other than a prosecution for a violation of § 21-902 of the Transportation Article, § 8-738 of the Natural Resources Article, or [Article 27, § 388, § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE.

10-309.

(a) (1) (ii) Evidence of a test or analysis provided for in this subtitle is not admissible in a prosecution for a violation of § 16-113 or § 21-902 of the

Transportation Article, § 8-738 of the Natural Resources Article, or [Article 27, § 388, § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE if obtained contrary to the provisions of this subtitle.

(c) Nothing in this section precludes or limits the admissibility of evidence of a test or analysis to determine the alcohol concentration of a person's blood or breath in any prosecution other than for a violation of § 16-113 or § 21-902 of the Transportation Article, § 8-738 of the Natural Resources Article, or [Article 27, § 388, § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE.

10-402.

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

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

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

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

~~(I)~~ 1. [of] OF the commission of:

~~1.~~ A. [the offenses of murder, kidnapping, rape, a sexual offense in the first or second degree, child abuse, child pornography, as defined under Article 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486 or § 487 of the Code, any felony punishable under the "Arson and Burning" subheading of Article 27, bribery, extortion, or dealing in controlled dangerous substances, including violations of Article 27, § 286B or § 287A, fraudulent] 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 CRIMINAL LAW ARTICLE;

~~7.~~ G. GAMBLING;

~~8.~~ H. ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL LAW ARTICLE;

~~9.~~ I. A FELONY UNDER TITLE 6, SUBTITLE 1 OF THE CRIMINAL LAW ARTICLE;

~~10.~~ J. BRIBERY;

~~11.~~ K. EXTORTION;

~~12.~~ L. DEALING IN A CONTROLLED DANGEROUS SUBSTANCE, INCLUDING A VIOLATION OF § 5-617 OR § 5-619 OF THE CRIMINAL LAW ARTICLE;

~~13.~~ M. A FRAUDULENT insurance [acts] ACT, as defined in Title 27, Subtitle 4 of the Insurance [Article, offenses] ARTICLE;

~~14.~~ N. AN OFFENSE relating to destructive devices under [Article 27, § 139C of the Code, or any] § 4-503 OF THE CRIMINAL LAW ARTICLE; OR

~~15.~~ O. A conspiracy or solicitation to commit [any of these offenses, or where any] AN OFFENSE LISTED IN ~~SUBITEMS 1 THROUGH 14~~ ITEMS A THROUGH N OF THIS ITEM; OR

~~(II)~~ 2. IF:

~~1.~~ A. A person has created a barricade [situation and probable] SITUATION; AND

~~2.~~ B. PROBABLE cause exists for the investigative or law enforcement officer to believe a hostage or hostages may be [involved, where the] INVOLVED~~; AND~~

~~3.~~ ~~A.~~ ~~THE person is a party to the [communication or one] COMMUNICATION; OR~~

~~B.~~ ~~ONE of the parties to the communication has given prior consent to the interception~~.

10-405.

(b) If any wire or oral communication is intercepted in any state or any political subdivision of a state, the United States or any territory, protectorate, or possession of the United States, including the District of Columbia in accordance with the law of that jurisdiction, but that would be in violation of this subtitle if the interception was made in this State, the contents of the communication and evidence derived from the communication may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or any political subdivision of this State if:

(3) All parties to the communication were co-conspirators in a crime of violence as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE.

10-406.

(A) The Attorney General, State Prosecutor, or any State's Attorney may apply to a judge of competent jurisdiction, and the judge, in accordance with the provisions of § 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral, or electronic communications by investigative or law enforcement officers when the interception may provide or has provided evidence of the commission of:

(1) [the offense of murder, kidnapping, child pornography, as defined in Article 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486 or § 487 of the Code, any felony punishable under the "Arson and Burning" subheading of Article 27 of this Code, bribery, extortion, or dealing in controlled dangerous substances, offenses] MURDER;

(2) KIDNAPPING;

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

(4) GAMBLING;

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

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

(7) BRIBERY;

(8) EXTORTION;

(9) DEALING IN A CONTROLLED DANGEROUS SUBSTANCE;

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

(11) A conspiracy or solicitation to commit [any of the foregoing offenses] AN OFFENSE LISTED IN ITEMS (1) THROUGH (10) OF THIS SUBSECTION.

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

10-407.

(c) (2) Any person who has received any information concerning a wire, oral, or electronic communication intercepted in any state or any political subdivision of a state, the United States or any territory, protectorate, or possession of the United States, including the District of Columbia in accordance with the law of that

jurisdiction, but that would be in violation of this subtitle if the interception was made in this State, or evidence derived from the communication, may disclose the contents of that communication or the derivative evidence while giving testimony under oath or affirmation in any proceeding held under the authority of this State if:

(iii) All parties to the communication were co-conspirators in a crime of violence as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE.

10-914.

(a) A laboratory test, performed by a laboratory certified by the Department of Health and Mental Hygiene and approved by the Division of Parole and Probation of the Department of Public Safety and Correctional Services, indicating that the defendant has used a controlled dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE or alcohol in violation of a condition of the defendant's probation or work release, is sufficiently reliable to justify revocation of the defendant's probation or work release, without an expert witness from the laboratory testifying in court to support the contents of a report of the laboratory test.

10-1001.

For the purpose of establishing that physical evidence in a criminal or civil proceeding constitutes a particular controlled dangerous substance [defined] under [Article 27 of this Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE, a report signed by the chemist or analyst who performed the test or tests as to its nature is prima facie evidence that the material delivered to the chemist or analyst was properly tested under procedures approved by the Department of Health and Mental Hygiene, that those procedures are legally reliable, that the material was delivered to the chemist or analyst by the officer or person stated in the report, and that the material was or contained the substance therein stated, without the necessity of the chemist or analyst personally appearing in court, provided the report identifies the chemist or analyst as an individual certified by the Department of Health and Mental Hygiene, the Department of State Police, the Baltimore City Police Department, or any county police department employing analysts of controlled dangerous substances, as qualified under standards approved by the Department of Health and Mental Hygiene to analyze those substances, states that the chemist or analyst made an analysis of the material under procedures approved by that department, and also states that the substance, in the opinion of the chemist or analyst, is or contains the particular controlled dangerous substance specified. Nothing in this section precludes the right of any party to introduce any evidence supporting or contradicting the evidence contained in or the presumptions raised by the report.

10-1002.

(b) (1) For the purpose of establishing, in a criminal or civil proceeding, the chain of physical custody or control of evidence consisting of or containing a substance tested or analyzed to determine whether it is a controlled dangerous substance [defined] under [Article 27 of this Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE, a

statement signed by each successive person in the chain of custody that the person delivered it to the other person indicated on or about the date stated is prima facie evidence that the person had custody and made the delivery as stated, without the necessity of a personal appearance in court by the person signing the statement.

12-302.

(c) In a criminal case, the State may appeal as provided in this subsection.

(3) (i) In a case involving a crime of violence as defined in [§ 643B of Article 27] § 14-101 OF THE CRIMINAL LAW ARTICLE, and in cases under [§§ 286 and 286A of Article 27] §§ 5-602 THROUGH 5-609 AND §§ 5-612 THROUGH 5-614 OF THE CRIMINAL LAW ARTICLE, the State may appeal from a decision of a trial court that excludes evidence offered by the State or requires the return of property alleged to have been seized in violation of the Constitution of the United States, the Constitution of Maryland, or the Maryland Declaration of Rights.

12-401.

(d) (1) A defendant who has been found guilty of a municipal infraction, as defined in Article 23A, § 3(b)(1) of the Code or a Code violation under [Article 27, § 403] ~~ARTICLE 2B, § 22-107 of the Code~~ <u>§ 10-119 OF THE CRIMINAL LAW ARTICLE</u>, may appeal from the final judgment entered in the District Court.

(2) The costs and procedures for taking the appeal shall be as provided for appeals from criminal cases in the District Court.

(3) Except, however, as provided in subsection (f) of this section, the appellate court shall docket and hear the appeal as a civil appeal from the District Court.

Article - Criminal Law

1-401.

In a trial for counterfeiting, issuing, disposing of, passing, altering, stealing, embezzling, or destroying any kind of instrument, or THEFT BY THE obtaining OF property by false pretenses, it is sufficient to prove that the defendant did the act charged with an intent to defraud without proving an intent by the defendant to defraud a particular person.

3-702.

(b) If the value of the property is [greater than] $500 OR MORE, a person who violates this section:

(1) is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both; and

(2) notwithstanding any pardon, shall be barred permanently from employment by the State or by a county, municipal corporation, bicounty agency, or multicounty agency.

(c) If the value of the property is LESS THAN $500 [or less], a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

3-906.

(b) [A person connected in any capacity with] AN EMPLOYEE OR AGENT OF a telegraph company or telephone company, or [with persons] OF A PERSON operating telegraph lines or telephone lines for profit in the State, may not:

(1) willfully divulge the contents or nature of the contents of a private communication that is entrusted to the person for transmission or delivery; or

(2) willfully refuse or neglect to transmit or deliver a private communication.

4-101.

(d) (1) (i) A person who violates subsection (c)(1), (2), or (4) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 OR BOTH.

4-102.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 OR BOTH.

4-103.

(b) A person may not knowingly remove or attempt to remove a firearm from the possession of [another] A LAW ENFORCEMENT OFFICER if:

(1) the [other] LAW ENFORCEMENT OFFICER is lawfully acting within the course and scope of employment; and

(2) the person has knowledge or reason to know that the [other] LAW ENFORCEMENT OFFICER is employed as a law enforcement officer.

5-810.

(a) (2) "Drug crime" means:

(i) a violation of this title;

(II) A VIOLATION OF TITLE 12 OF THE CRIMINAL PROCEDURE ARTICLE; or

[(ii)] (III) a violation of the law of any other jurisdiction if the prohibited conduct would be a violation of this title OR TITLE 12 OF THE CRIMINAL PROCEDURE ARTICLE if committed in this State.

6-207.

(b) A person who violates this section is guilty of the felony of burglary with [explosives] DESTRUCTIVE DEVICE and on conviction is subject to imprisonment not exceeding 20 years.

7-116.

(a) This section applies to a person who is entrusted with money as an advance against grain or other merchandise:

(2) for which a certificate or receipt has been delivered to an official of the elevator storage facility or to the party with whom the grain or other merchandise is stored for shipment and transport [from Baltimore City] to the purchaser.

7-313.

(b) (1) "Manufacture" means:

(i) with respect to an unlawful access device:

2. to modify, alter, program, or reprogram technology, software, or a device to defeat or circumvent technology, software, or a device that is used by the provider, owner, or licensee of a telecommunication service or of a data, audio, or video service, program, or transmission, to protect the telecommunication, data, audio, or video service, program, or transmission from unauthorized receipt, acquisition, access, [description] DECRYPTION, disclosure, communication, transmission, or retransmission; and

8-514.

A person may not knowingly and willfully obtain, attempt to obtain, or aid another individual in obtaining or attempting to obtain a drug product or medical care, the payment of all or a part of which is or may be made from federal or State funds under a State health plan, by:

(1) fraud, deceit, [misrepresentation] FALSE REPRESENTATION, or concealment;

<u>PART I. GENERAL PROVISIONS.</u>

<u>10-101.</u>

<u>(a)</u> <u>In this [subtitle] PART the following words have the meanings indicated.</u>

10-119.

(a) A person who violates [§§ 22-101 through 22-106 of this subtitle] §§ 10-113 THROUGH 10-118 OF THIS PART shall be issued a citation under this section.

(b) A citation for a violation of [§§ 22-101 through 22-106 of this subtitle] §§ 10-113 THROUGH 10-118 OF THIS PART may be issued by:

(2) In State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5-206(a) OR (B) of the Natural Resources Article; and

(e) (2) The District Court shall promptly schedule the case for trial and summon the defendant to appear. [Failure] WILLFUL FAILURE of the defendant to respond to the summons is contempt of court.

(f) (1) For purposes of this section, a violation of [§§ 22-101 through 22-106 of this subtitle] §§ 10-113 THROUGH 10-118 OF THIS PART is a Code violation and is a civil offense.

(h) (1) If the District Court finds that a person has committed a Code violation, the court shall require the person to pay:

(i) A fine not exceeding $500; or

(ii) If the violation is a [repeat] SUBSEQUENT violation, a fine not exceeding $1,000.

(k) (3) If a person is found guilty of a Code violation under [§ 22-101 of this subtitle] § 10-113 OF THIS PART that involved the use of a driver's license or a document purporting to be a driver's license, the court shall notify the Motor Vehicle Administration of the violation.

10-120.

(a) A person being issued a citation under [§§ 22-101 through 22-107 of this subtitle] §§ 10-113 THROUGH 10-119 OF THIS PART or § 26-103 of the Education Article may not fail or refuse to furnish proof of identification and age on request of the person issuing the citation.

10-702.

This subtitle does not apply to:

(1) an act allowed by the statutes of the United States or of this State, or by the regulations of the ARMED FORCES OF THE United States [Army or Navy]; or

11-202.

(c) (1) The State's Attorney may maintain an action for an injunction in the circuit court against a person to prevent the sale, further sale, distribution, further

distribution, acquisition, publication, or possession within the State of any book, magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing, photograph, motion picture film or showing, or any [article] ARTICLE, ITEM, or instrument the use of which is obscene.

Article - Criminal Procedure

1-101.

(e) "Crime of violence" has the meaning stated in [Article 27, § 643B(a) of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE.

1-203.

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

(i) [Article 27, § 286, § 286A, § 286B, § 286C, § 287, or § 287A of the Code] §§ 5-601 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, § 5-619, OR § 5-628 OF THE CRIMINAL LAW ARTICLE, relating to controlled dangerous substances;

(ii) [Article 27, § 407, § 408, § 409, § 410, or § 411 of the Code] § 2-201 OR § 2-204 OF THE CRIMINAL LAW ARTICLE, relating to murder; or

(iii) [Article 27, § 419A or § 419B of the Code] § 11-207 OR § 11-208 OF THE CRIMINAL LAW ARTICLE, relating to pornography.

2-102.

(b) (4) The powers granted by this section are in addition to the powers granted by [Article 27, § 298 of the Code] §§ 5-801, 5-802, 5-807, 5-808, AND 5-901 OF THE CRIMINAL LAW ARTICLE and to the powers of fresh pursuit granted by Subtitle 3 of this title.

2-203.

(b) The crimes referred to in subsection (a)(1) of this section are:

(1) manslaughter by [automobile, motor vehicle, locomotive, engine, car, streetcar, train, vessel, or other vehicle] VEHICLE OR VESSEL under [Article 27, § 388 of the Code] § 2-209 OF THE CRIMINAL LAW ARTICLE;

(2) malicious burning under [Article 27, § 8(a) of the Code] § 6-104 OR § 6-105 OF THE CRIMINAL LAW ARTICLE or an attempt to commit the crime;

(3) malicious mischief under [Article 27, § 111 of the Code] § 6-301 OF THE CRIMINAL LAW ARTICLE or an attempt to commit the crime;

(4) a theft crime where the value of the property or services stolen is less than $500 under [Article 27, §§ 342 and 342A of the Code] § 7-104 OR § 7-105 OF THE CRIMINAL LAW ARTICLE or an attempt to commit the crime;

(5) the crime of giving or causing to be given a false alarm of fire under [Article 27, § 156 of the Code] § 9-604 OF THE CRIMINAL LAW ARTICLE;

(6) indecent exposure under [Article 27, § 335A of the Code] § 11-107 OF THE CRIMINAL LAW ARTICLE;

(7) a crime that relates to controlled dangerous substances under [Article 27, §§ 276 through 302 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE or an attempt to commit the crime;

(8) the wearing, carrying, or transporting of a handgun under [Article 27, § 36B of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE;

(9) carrying or wearing a concealed weapon under [Article 27, § 36 of the Code] § 4-101 OF THE CRIMINAL LAW ARTICLE; and

(10) prostitution and related crimes under [Article 27, §§ 426 through 431 of the Code] TITLE 11, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

2-205.

A police officer without a warrant may arrest a person if:

(1) the police officer has probable cause to believe the person has engaged in stalking under [Article 27, § 124 of the Code] § 3-802 OF THE CRIMINAL LAW ARTICLE;

(2) there is credible evidence other than the statements of the alleged stalking victim to support the probable cause under item (1) of this section; and

(3) the police officer has reason to believe that the alleged stalking victim or another person is in danger of imminent bodily harm or death.

2-208.

(a) (2) The powers of arrest set forth in paragraph (1) of this subsection apply only to the crimes listed in this paragraph and to attempts, conspiracies, and solicitations to commit these crimes:

(i) murder under [Article 27, § 410 of the Code] § 2-201(4) OF THE CRIMINAL LAW ARTICLE;

(ii) setting fire to a dwelling or occupied structure under [Article 27, § 6 of the Code] § 6-102 OF THE CRIMINAL LAW ARTICLE;

(iii) setting fire to a structure under [Article 27, § 7 of the Code] § 6-103 OF THE CRIMINAL LAW ARTICLE;

(iv) a crime that relates to destructive devices under [Article 27, § 139C of the Code] § 4-503 OF THE CRIMINAL LAW ARTICLE; and

(v) making a false statement or rumor as to a destructive device under [Article 27, § 151A of the Code] § 9-504 OF THE CRIMINAL LAW ARTICLE.

(b) (2) The crimes referred to in paragraph (1) of this subsection are:

(i) a crime that relates to a device that is constructed to represent a destructive device under [Article 27, § 151C of the Code] § 9-505 OF THE CRIMINAL LAW ARTICLE;

(ii) malicious burning in the first or second degree under [Article 27, § 8(a) of the Code] § 6-104 OR § 6-105 OF THE CRIMINAL LAW ARTICLE;

(iii) burning the contents of a trash container under [Article 27, § 9A of the Code] § 6-108 OF THE CRIMINAL LAW ARTICLE;

(iv) making a false alarm of fire under [Article 27, § 156 of the Code] § 9-604 OF THE CRIMINAL LAW ARTICLE;

(v) a crime that relates to burning or attempting to burn property as part of a religious or ethnic crime under [Article 27, § 470A(b)(4) of the Code] § 10-303 OR § 10-304 OF THE CRIMINAL LAW ARTICLE;

(vi) a crime that relates to interference, obstruction, or false representation of fire and safety personnel under Article 27, § 11D of the Code; and

(vii) threatening arson or attempting, causing, aiding, counseling, or procuring arson in the first or second degree or malicious burning in the first or second degree under [the subheading "arson and burning" in Article 27 of the Code] TITLE 6, SUBTITLE 1 OF THE CRIMINAL LAW ARTICLE.

2-209.

(a) (2) The powers of arrest set forth in paragraph (1) of this subsection apply only to:

(i) the crimes listed in this paragraph and to attempts, conspiracies, and solicitations to commit these crimes:

1. a crime that relates to a device that is constructed to represent a destructive device under [Article 27, § 151C of the Code] § 9-505 OF THE CRIMINAL LAW ARTICLE;

2. setting fire to a dwelling or occupied structure under [Article 27, § 6 of the Code] § 6-102 OF THE CRIMINAL LAW ARTICLE;

3. setting fire to a structure under [Article 27, § 7 of the Code] § 6-103 OF THE CRIMINAL LAW ARTICLE;

4. making a false statement or rumor as to a destructive device under [Article 27, § 151A of the Code] § 9-504 OF THE CRIMINAL LAW ARTICLE; and

5. a crime that relates to destructive devices under [Article 27, § 139C of the Code] § 4-503 OF THE CRIMINAL LAW ARTICLE; and

(ii) a crime that relates to the unlawful possession or sale of explosives under Article 38A, §§ 27A and 31 of the Code.

(b) (2) The crimes referred to in paragraph (1) of this subsection are:

(i) reckless endangerment under [Article 27, § 12A-2 of the Code] § 3-204 OF THE CRIMINAL LAW ARTICLE;

(ii) malicious burning under [Article 27, § 8(a) of the Code] § 6-104 OR § 6-105 OF THE CRIMINAL LAW ARTICLE;

(iii) threatening arson under [Article 27, § 9 of the Code] § 6-107 OF THE CRIMINAL LAW ARTICLE;

(iv) burning the contents of a trash container under [Article 27, § 9A of the Code] § 6-108 OF THE CRIMINAL LAW ARTICLE;

(v) making a false alarm of fire under [Article 27, § 156 of the Code] § 9-604 OF THE CRIMINAL LAW ARTICLE;

(vi) making a false statement or report of commission of crime under [Article 27, § 151 of the Code] § 9-503 OF THE CRIMINAL LAW ARTICLE;

(vii) a crime that relates to burning or attempting to burn property as part of a religious or ethnic crime under [Article 27, § 470A(b)(4) of the Code] § 10-303 OR § 10-304 OF THE CRIMINAL LAW ARTICLE;

(viii) intentionally activating an alarm under [Article 27, § 156B of the Code] § 9-608 OF THE CRIMINAL LAW ARTICLE;

(ix) a crime that relates to interference, obstruction, or false representation of fire and safety personnel under Article 27, § 11D of the Code;

(x) attempting, causing, aiding, or abetting:

1. setting fire to a dwelling or occupied structure in violation of [Article 27, § 6 of the Code] § 6-102 OF THE CRIMINAL LAW ARTICLE; or

2. setting fire to a structure in violation of [Article 27, § 7 of the Code] § 6-103 OF THE CRIMINAL LAW ARTICLE;

(xi) maliciously or negligently setting fires under § 5-704 of the Natural Resources Article;

(xii) unlawful discharge or possession of fireworks under Article 38A, §§ 16 and 17 of the Code; and

(xiii) unlawful manufacture of or dealing in explosives under Article 38A, §§ 27 and 31A of the Code.

2-210.

(a) If a person employed as a watchman or guard believes that a person is trespassing on posted property that is used for a defense-related activity as defined in [Article 27, § 535 of the Code] § 9-701 OF THE CRIMINAL LAW ARTICLE, the employee may detain the person and notify a law enforcement officer.

(b) If a law enforcement officer has probable cause to believe that a person has trespassed on posted property that is used for a defense-related activity as defined in [Article 27, § 535 of the Code] § 9-701 OF THE CRIMINAL LAW ARTICLE, the law enforcement officer may arrest the person without a warrant for a violation of [Article 27, § 536 or § 537 of the Code] § 9-702 OR § 9-703 OF THE CRIMINAL LAW ARTICLE.

4-101.

(b) (1) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer may issue a citation for:

(i) malicious destruction of property under [Article 27, § 111(b) of the Code] § 6-301 OF THE CRIMINAL LAW ARTICLE, if the amount of damage to the property is less than $500;

(ii) disturbing the peace or disorderly conduct under [Article 27, § 121 of the Code] § 10-201 OF THE CRIMINAL LAW ARTICLE; or

(iii) misdemeanor theft under [Article 27, § 342(f)(2) of the Code] § 7-104(G)(2) OF THE CRIMINAL LAW ARTICLE.

4-108.

(b) (1) This subsection applies to a charging document for:

(i) [forging, uttering,] COUNTERFEITING, ISSUING, disposing of, [putting off,] ALTERING, STEALING, EMBEZZLING, DESTROYING, or passing any kind of instrument; or

(ii) THEFT BY THE obtaining OF property by false pretenses.

4-204.

(b) Except for a sentencing proceeding under [Article 27, § 413 of the Code] § 2-303 OR § 2-404 OF THE CRIMINAL LAW ARTICLE:

(1) the distinction between an accessory before the fact and a principal is abrogated; and

(2) an accessory before the fact may be charged, tried, convicted, and sentenced as a principal.

5-202.

(b) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged as a drug kingpin under [Article 27, § 286(g) of the Code] § 5-613 OF THE CRIMINAL LAW ARTICLE.

(d) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with committing one of the following crimes while the defendant was released on bail or personal recognizance for a pending prior charge of committing one of the following crimes:

(i) aiding, counseling, or procuring arson in the first degree under [Article 27, § 6 of the Code] § 6-103 OF THE CRIMINAL LAW ARTICLE;

(ii) arson in the second degree or attempting, aiding, counseling, or procuring arson in the second degree under [Article 27, § 7 of the Code] § 6-103 OF THE CRIMINAL LAW ARTICLE;

(iii) burglary in the first degree under [Article 27, § 29 of the Code] § 6-202 OF THE CRIMINAL LAW ARTICLE;

(iv) burglary in the second degree under [Article 27, § 30 of the Code] § 6-203 OF THE CRIMINAL LAW ARTICLE;

(v) burglary in the third degree under [Article 27, § 31 of the Code] § 6-204 OF THE CRIMINAL LAW ARTICLE;

(vi) causing abuse to a child under [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE;

(vii) a crime that relates to a destructive device under [Article 27, § 139C of the Code] § 4-503 OF THE CRIMINAL LAW ARTICLE;

(viii) a crime that relates to a controlled dangerous substance under [Article 27, § 286 of the Code] §§ 5-602 THROUGH 5-609 OR § 5-612 OR § 5-613 OF THE CRIMINAL LAW ARTICLE;

(ix) manslaughter by vehicle or vessel under [Article 27, § 388 of the Code] § 2-209 OF THE CRIMINAL LAW ARTICLE; and

(x) a crime of violence.

6-219.

(c) (2) If the court places on probation a defendant who has been convicted of a violation of any provision of [Article 27, §§ 276 through 303 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE, the court shall require as a condition that the defendant participate in a drug treatment or education program approved by the Department of Health and Mental Hygiene, unless the court finds and states on the record that the interests of the defendant and the public do not require the imposition of this condition.

6-220.

(c) (2) When the crime for which the judgment is being stayed is for a violation of any provision of [Article 27, §§ 276 through 303 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE, the court shall impose a period of probation and, as a condition of probation, require the defendant to participate in a drug treatment or education program approved by the Department of Health and Mental Hygiene, unless the court finds and states on the record that the interests of the defendant and the public do not require the imposition of this condition.

(d) Notwithstanding subsections (b) and (c) of this section, a court may not stay the entering of judgment and place a defendant on probation for:

(1) a violation of § 21-902 of the Transportation Article, if within the preceding 5 years the defendant has been convicted under or has been placed on probation under that section after being charged with a violation of § 21-902 of the Transportation Article;

(2) a second or subsequent controlled dangerous substance crime under [Article 27, §§ 276 through 303 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE; or

(3) a violation of any of the provisions of [Article 27, §§ 462 through 464B of the Code] §§ 3-303 THROUGH 3-307 OF THE CRIMINAL LAW ARTICLE for a crime involving a person under the age of 16 years.

6-225.

(c) If the court places on probation a defendant who has been convicted of a violation of any provision of [Article 27, §§ 276 through 303 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE, the court shall require as a condition that the defendant participate in a drug treatment or education program approved by the Department of Health and Mental Hygiene, unless the court finds and states on the record that the interests of the defendant and the public do not require the imposition of this condition.

8-108.

(a) The review of a sentence of death is governed by [Article 27, § 414 of the Code] TITLE 2, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE.

8-201.

(b) Notwithstanding any other law governing postconviction relief, a person who is convicted of a violation of [Article 27, § 387, § 407, § 408, § 409, § 410, § 411, § 462, § 463, § 464, or § 464A of the Code] § 2-201, § 2-204, § 2-207, OR §§ 3-303 THROUGH 3-307 OF THE CRIMINAL LAW ARTICLE may file a petition for DNA testing of scientific identification evidence that the State possesses as provided in subsection (i) of this section and that is related to the judgment of conviction.

10-105.

(a) A person who has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed, may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if:

(3) a probation before judgment is entered, unless the person is charged with a violation of § 21-902 of the Transportation Article or [Article 27, § 388A or § 388B of the Code] TITLE 2, SUBTITLE 5 OR § 3-211 OF THE CRIMINAL LAW ARTICLE;

(6) the case is compromised under [Article 27, § 12A-5 of the Code] § 3-207 OF THE CRIMINAL LAW ARTICLE;

(c) (4) A petition for expungement based on a stet or a compromise under [Article 27, § 12A-5 of the Code] § 3-207 OF THE CRIMINAL LAW ARTICLE may not be filed within 3 years after the stet or compromise.

11-201.

A victim of an assault has the rights provided under [Article 27, § 12A-5 of the Code] § 3-207 OF THE CRIMINAL LAW ARTICLE.

11-303.

(a) This section applies to a case of abuse of a child under Title 5, Subtitle 7 of the Family Law Article or [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE.

11-304.

(b) Subject to subsections (c), (d), and (e) of this section, the court may admit into evidence in a juvenile court proceeding or in a criminal proceeding an out of court statement to prove the truth of the matter asserted in the statement made by a child victim who:

(2) is the alleged victim or the child alleged to need assistance in the case before the court concerning:

(i) child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE;

(ii) rape or sexual offense under [Article 27, §§ 462 through 464B of the Code] §§ 3-303 THROUGH 3-307 OF THE CRIMINAL LAW ARTICLE;

(iii) attempted rape or attempted sexual offense in the first degree or in the second degree under [Article 27, § 464F of the Code] §§ 3-309 THROUGH 3-312 OF THE CRIMINAL LAW ARTICLE; or

(iv) in a juvenile court proceeding, abuse or neglect as defined in § 5-701 of the Family Law Article.

11-601.

(d) (1) "Crime" means an act committed by a person in the State that is a crime [as defined] UNDER:

(i) [at] common law;

(ii) [in Article 27;

(iii) in] this article; [or]

[(iv)] (III) [under] TITLE 1, SUBTITLE 3, TITLE 3, SUBTITLE 7, OR § 4-123.1 OF THE AGRICULTURE ARTICLE;

(IV) TITLE 19, SUBTITLE 2 OR SUBTITLE 3~~, § 11-1002, OR § 11-1003~~ OF THE BUSINESS REGULATION ARTICLE;

(V) TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE COMMERCIAL LAW ARTICLE;

(VI) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(b)(8), § 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services Article;

(VII) THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2, PART II OR § 10-614;

(VIII) TITLE 5, SUBTITLE 10A OF THE ENVIRONMENT ARTICLE;

(IX) § 5-503 OF THE FAMILY LAW ARTICLE;

(X) TITLE 20, SUBTITLE 7 OR § 21-259.1 OF THE HEALTH - GENERAL ARTICLE;

(XI) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, OR § 8-740.1 OF THE NATURAL RESOURCES ARTICLE;

(XII) § 14-127 OF THE REAL PROPERTY ARTICLE;

(XIII) ARTICLE 2B, TITLE 22 OR § 18-104 OF THE CODE;

(XIV) ARTICLE 24, § 11-512, § 11-513, OR § 11-514 OF THE CODE;

(XV) § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY;

(XVI) § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL COUNTY; OR

(XVII) § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT COUNTY.

(2) "Crime" includes a violation of the Transportation Article that is punishable by a term of confinement.

11-602.

On conviction, the finding of a delinquent act, acceptance of a plea of nolo contendere, or imposition of probation before judgment for a crime under [Article 27, § 267 of the Code] § 5-601 OR § 5-620 OF THE CRIMINAL LAW ARTICLE, the following persons may act on behalf of a victim:

(1) the owner of the burial site; and

(2) a person related by blood or marriage to the person buried in the burial site.

11-603.

(d) In making a disposition on a finding that a child at least 13 years old has committed an act of graffiti under [Article 27, § 111(f) of the Code] § 6-301(D) OF THE CRIMINAL LAW ARTICLE, the court shall order the child to perform community service or pay restitution or both.

11-701.

(b) "Child sexual offender" means a person who:

(1) has been convicted of violating [the abuse of children statute under Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE for a crime involving sexual abuse of a [child under the age of 18 years] MINOR;

(2) has been convicted of violating any of the provisions of the rape or sexual offense statutes under [Article 27, §§ 462 through 464B of the Code] §§ 3-303 THROUGH 3-307 OF THE CRIMINAL LAW ARTICLE for a crime involving a child under the age of 15 years;

(3) has been convicted of violating the fourth degree sexual offense statute under [Article 27, § 464C of the Code] § 3-308 OF THE CRIMINAL LAW ARTICLE for a crime involving a child under the age of 15 years and has been ordered by the court to register under this subtitle; or

(4) has been convicted in another state or in a federal, military, or Native American tribal court of a crime that, if committed in this State, would constitute one of the crimes listed in items (1) and (2) of this subsection.

(d) "Offender" means a person who is ordered by a court to register under this subtitle and who:

(1) has been convicted of violating [child abduction or kidnapping statutes under Article 27, § 2 or § 338 of the Code] § 3-503 OF THE CRIMINAL LAW ARTICLE;

(2) has been convicted of violating [the kidnapping statute under Article 27, § 337 of the Code] § 3-502 OF THE CRIMINAL LAW ARTICLE or the fourth degree sexual offense statute under [Article 27, § 464C of the Code] § 3-308 OF THE CRIMINAL LAW ARTICLE, if the victim is under the age of 18 years;

(3) has been convicted of the common law crime of false imprisonment, if the victim is under the age of 18 years and the person is not the victim's parent;

(4) has been convicted of a crime that involves soliciting a person under the age of 18 years to engage in sexual conduct;

(5) has been convicted of violating the child pornography statute under [Article 27, § 419A of the Code] § 11-207 OF THE CRIMINAL LAW ARTICLE;

(6) has been convicted of violating any of the prostitution and related crimes statutes under [Article 27, §§ 426 through 431 of the Code] TITLE 11, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE if the intended prostitute or victim is under the age of 18 years;

(7) has been convicted of a crime that involves conduct that by its nature is a sexual offense against a person under the age of 18 years;

(8) has been convicted of an attempt to commit a crime listed in items (1) through (7) of this subsection; or

(9) has been convicted in another state or in a federal, military, or Native American tribal court of a crime that, if committed in this State, would constitute one of the crimes listed in items (1) through (8) of this subsection.

(g) "Sexually violent offense" means:

(1) a violation of [Article 27, § 462, § 463, § 464, § 464A, § 464B, or § 464F of the Code] §§ 3-303 THROUGH 3-307 OR §§ 3-309 THROUGH 3-312 OF THE CRIMINAL LAW ARTICLE; or

(2) assault with intent to commit rape in the first or second degree or a sexual offense in the first or second degree as prohibited on or before September 30, 1996, under former Article 27, § 12 of the Code.

11-707.

(a) (4) The term of registration is:

(i) 10 years; or

(ii) life, if:

1. the registrant has been determined to be a sexually violent predator in accordance with the procedures described in § 11-703 of this subtitle;

2. the registrant has been convicted of any violation of [Article 27, §§ 462 through 464B of the Code] §§ 3-303 THROUGH 3-307 OF THE CRIMINAL LAW ARTICLE; or

3. the registrant has been previously required to register and has been convicted of a subsequent crime as a child sexual offender or an offender or has been convicted of a subsequent sexually violent offense.

11-910.

(c) "Crime" means conduct that is a crime under:

(1) common law;

(2) this article;

(3) [Article 27 of the Code; or

(4)] TITLE 1, SUBTITLE 3, TITLE 3, SUBTITLE 7, OR § 4-123.1 OF THE AGRICULTURE ARTICLE;

(4) TITLE 19, SUBTITLE 2 OR SUBTITLE 3~~, § 11-1002, OR § 11-1003~~ OF THE BUSINESS REGULATION ARTICLE;

(5) TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE COMMERCIAL LAW ARTICLE;

(6) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(b)(8), § 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services Article;

(7) THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2, PART II OR § 10-614;

(8) TITLE 5, SUBTITLE 10A OF THE ENVIRONMENT ARTICLE;

(9) § 5-503 OF THE FAMILY LAW ARTICLE;

(10) TITLE 20, SUBTITLE 7 OR § 21-259.1 OF THE HEALTH - GENERAL ARTICLE;

(11) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, OR § 8-740.1 OF THE NATURAL RESOURCES ARTICLE;

(12) § 14-127 OF THE REAL PROPERTY ARTICLE;

(13) ARTICLE 2B, TITLE 22 OR § 18-104 OF THE CODE;

(14) ARTICLE 24, § 11-512, § 11-513, OR § 11-514 OF THE CODE;

(15) § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY;

(16) § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL COUNTY; OR

(17) § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT COUNTY.

11-922.

In this part, "sexual assault" means rape or a sexual offense in any degree that is specified in [the sexual offenses subheading in Article 27 of the Code] §§ 3-303 THROUGH 3-313 OF THE CRIMINAL LAW ARTICLE.

12-101.

(c) "Controlled Dangerous Substances law" means [the Health - Controlled Dangerous Substances Subheading of Article 27 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE.

12-102.

(a) The following are subject to forfeiture:

(7) drug paraphernalia under [Article 27, § 287A of the Code] § 5-619 OF THE CRIMINAL LAW ARTICLE;

(8) controlled paraphernalia under [Article 27, § 287 of the Code] § 5-620 OF THE CRIMINAL LAW ARTICLE;

12-103.

(c) An owner's interest in real property may not be forfeited for a violation of [Article 27, § 287 or § 287A of the Code] § 5-601, § 5-619, OR § 5-620 OF THE CRIMINAL LAW ARTICLE.

(d) (1) Except as provided in paragraph (2) of this subsection, real property used as the principal family residence may not be forfeited under this subtitle unless one of the owners of the real property was convicted of a violation of [Article 27, § 286, § 286A, § 286B, § 286C, or § 290 of the Code] §§ 5-602 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, § 5-618, OR § 5-628 OF THE CRIMINAL LAW ARTICLE OR OF AN ATTEMPT OR CONSPIRACY TO VIOLATE TITLE 5 OF THE CRIMINAL LAW ARTICLE.

(2) Without a conviction, a court may order a forfeiture of real property used as the principal family residence if the owner of the family residence:

(i) fails to appear for a required court appearance; and

(ii) fails to surrender to the jurisdiction of the court within 180 days after the required court appearance.

(e) Real property used as the principal family residence by a husband and wife and held by the husband and wife as tenants by the entirety may not be forfeited unless:

(1) the property was used in connection with a violation of [Article 27, § 286, § 286A, § 286B, § 286C, or § 290 of the Code] §§ 5-602 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, § 5-618, OR § 5-628 OF THE CRIMINAL LAW ARTICLE OR WITH AN ATTEMPT OR CONSPIRACY TO VIOLATE TITLE 5 OF THE CRIMINAL LAW ARTICLE; and

(2) both the husband and wife are convicted of a violation of [Article 27, § 286, § 286A, § 286B, § 286C, or § 290 of the Code] §§ 5-602 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, § 5-618, OR § 5-628 OF THE CRIMINAL LAW ARTICLE OR OF AN ATTEMPT OR CONSPIRACY TO VIOLATE TITLE 5 OF THE CRIMINAL LAW ARTICLE.

12-201.

(a) A Schedule I substance listed in [Article 27, § 279 of the Code] § 5-402 OF THE CRIMINAL LAW ARTICLE shall be seized and summarily forfeited to the State if the substance is:

(1) possessed, transferred, sold, or offered for sale in violation of the Controlled Dangerous Substances law; or

(2) possessed by the State and its owner is not known.

(b) A plant may be seized and summarily forfeited to the State if the plant:

(1) is one from which a Schedule I or Schedule II substance listed in [Article 27, § 279 of the Code] § 5-402 OR § 5-403 OF THE CRIMINAL LAW ARTICLE may be derived; and

(2) (i) has been planted or cultivated in violation of the Controlled Dangerous Substances law;

(ii) has an unknown owner or cultivator; or

(iii) is a wild growth.

12-309.

Except as provided in §§ 12-103(e) and 12-312 of this title, an owner's interest in real property may be forfeited if the real property was used in connection with a violation of [§ 286, § 286A, § 286B, § 286C, or § 290 of Article 27 of the Code] §§ 5-602 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, § 5-618, OR § 5-628 OF THE CRIMINAL LAW ARTICLE OR IS CONVICTED OF AN ATTEMPT OR CONSPIRACY TO VIOLATE TITLE 5 OF THE CRIMINAL LAW ARTICLE.

12-311.

If an owner of real property used as the principal family residence is convicted under [§ 286, § 286A, § 286B, § 286C, or § 290 of Article 27 of the Code] §§ 5-602 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, § 5-618, OR § 5-628 OF THE CRIMINAL LAW ARTICLE OR IS CONVICTED OF AN ATTEMPT OR CONSPIRACY TO VIOLATE TITLE 5 OF THE CRIMINAL LAW ARTICLE and the owner files an appeal of the conviction, the court shall stay forfeiture proceedings under § 12-103(e) or § 12-312(b) of this title against the real property during the pendency of the appeal.

12-312.

(a) (1) Except as provided in subsection (b) of this section, there is a rebuttable presumption that property or part of a property in which a person has an ownership interest is subject to forfeiture as proceeds, if the State establishes by clear and convincing evidence that:

(i) the person has violated [§ 286, § 286A, § 286B, § 286C, or § 290 of Article 27 of the Code] §§ 5-602 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, § 5-618, OR § 5-628 OF THE CRIMINAL LAW ARTICLE OR HAS ATTEMPTED OR CONSPIRED TO VIOLATE TITLE 5 OF THE CRIMINAL LAW ARTICLE;

(ii) the property was acquired by the person during the violation or within a reasonable time after the violation; and

(iii) there was no other likely source for the property.

13-201.

The following property is subject to seizure and forfeiture:

(1) a handgun worn, carried, or transported in violation of [Article 27, § 36B of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE or sold, rented, transferred, or possessed in violation of Article 27, § 442, § 442A, or § 445 of the Code; and

(2) ammunition, handgun parts, or handgun appurtenances that are:

(i) worn, carried, or transported in violation of [Article 27, § 36B of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE; or

(ii) found in the immediate vicinity of a handgun worn, carried, or transported in violation of [Article 27, § 36B of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE.

13-203.

(b) (1) If the seizing authority under subsection (a) of this section does not return the handgun to its owner, the seizing authority shall promptly notify the owner that the owner may apply within 30 days to the seizing authority for a review to determine whether the owner knew or should have known that the handgun was worn, carried, transported, or used in violation of [Article 27, § 36B of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE, and whether the owner is qualified to possess the handgun.

13-204.

(a) (1) On timely receipt of an application, the seizing authority shall hold an informal review to determine whether the owner knew or should have known of the use or intended use of a handgun that is seized in violation of [Article 27, § 36B of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE.

Article - Education

4-124.

(b) The signs shall be designed in order to provide notice of the provisions of [Article 27, § 286D of the Code] § 5-627 OF THE CRIMINAL LAW ARTICLE.

6-113.

The State Board shall adopt regulations that prohibit a county board from knowingly hiring, as a noncertificated employee, any individual who has been convicted of a crime involving:

(1) An offense under [Article 27, § 464B of the Code] § 3-307 OF THE CRIMINAL LAW ARTICLE;

(2) Child sexual abuse as defined in [Article 27, § 35C(a)(2)(ii) and (6) of the Code] § 3-601(A)(2)(II) AND (5) OF THE CRIMINAL LAW ARTICLE, or an offense under the laws of another state that would constitute child sexual abuse as defined in [Article 27, § 35C(a)(2)(ii) and (6) of the Code] § 3-601(A)(2)(II) AND (5) OF THE CRIMINAL LAW ARTICLE if committed in this State; or

(3) A crime of violence as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE, or an offense under the laws of another state that would be a violation of [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE if committed in this State.

7-303.

(a) (5) "Reportable offense" means:

(i) A crime of violence, as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE;

(ii) Any of the offenses enumerated in § 3-8A-03(d)(4) of the Courts Article;

(iii) A violation of [Article 27, § 36, § 36A, or § 36B of the Code] § 4-101, § 4-102, § 4-203, OR § 4-204 OF THE CRIMINAL LAW ARTICLE;

(iv) A violation of [Article 27, § 286, § 286A, § 286B, § 286C, or § 286D of the Code] §§ 5-602 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, § 5-618, § 5-627, OR § 5-628 OF THE CRIMINAL LAW ARTICLE; or

(v) A violation of [Article 27, § 139C, § 151A, or § 151C of the Code] § 4-503, § 9-504, OR § 9-505 OF THE CRIMINAL LAW ARTICLE.

23-506.1.

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

(2) "Obscene" has the meaning [provided] STATED in [Article 27, § 419 of the Code] § 11-203 OF THE CRIMINAL LAW ARTICLE.

(3) "Child pornography" [has the meaning provided in Article 27, § 419A of the Code] MEANS A VIOLATION OF § 11-207 OF THE CRIMINAL LAW ARTICLE.

26-101.

(d) In addition to the penalties provided in this section or in [Article 27, § 578 of the Code] § 6-409 OF THE CRIMINAL LAW ARTICLE, on application by the governing board of any institution of elementary, secondary, or higher education, the circuit court of the county in which the institution is located may issue an injunction restraining any specific activities that violate this section.

26-103.

(b) (2) Any person 18 years old or older violating the provisions of this section shall be issued a citation and be subject to [the provisions of § 403 of Article 27] ~~ARTICLE 2B, § 22-107 of the Code~~ <u>§ 10-119 OF THE CRIMINAL LAW ARTICLE</u>.

Article - Environment

11-312.

(b) Subject to the hearing provisions of § 11-313 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may deny any

applicant licensure, reprimand any licensee, or place any individual who is licensed on probation, or suspend or revoke a license, if the applicant or licensee:

(6) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

Article - Estates and Trusts

3-111.

A surviving parent is not entitled under § 3-104 of this subtitle to a distribution of the net estate of a child of the parent if:

(1) (i) The parent is convicted under [Article 27, § 35C, § 335, § 462, § 463, § 464, § 464A, § 464B, or § 464C of the Code] §§ 3-303 THROUGH 3-308, § 3-321, OR § 3-601 OF THE CRIMINAL LAW ARTICLE; or

(ii) The parent committed any act prohibited under [Article 27, § 35C, § 335, § 462, § 463, § 464, § 464A, § 464B, or § 464C of the Code] §§ 3-303 THROUGH 3-308, § 3-321, OR § 3-601 OF THE CRIMINAL LAW ARTICLE;

(2) The other parent of the child is the victim of the crime or act described under item (1) of this section; and

(3) The other parent of the child is a child of the parent.

Article - Family Law

4-501.

(b) (1) "Abuse" means any of the following acts:

(iv) rape or sexual offense [as defined by Article 27, §§ 462 through 464C of the Code] UNDER §§ 3-303 THROUGH 3-308 OF THE CRIMINAL LAW ARTICLE or attempted rape or sexual offense in any degree; or

5-312.

(b) Without the consent of the child's natural parent, a court may grant a decree of adoption to a stepparent, relative, or other individual who has exercised physical care, custody, or control of a child for at least 6 months, if by clear and convincing evidence the court finds that:

(4) the natural parent:

(iv) has:

2. been convicted:

A. in this State of a crime of violence, as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE, against the child, the other natural parent of the child, another child of the natural parent, or any person who resides in the household of the natural parent;

B. in any state or in any court of the United States of a crime that would be a crime of violence, as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE, if committed in this State against the child, the other natural parent of the child, another child of the natural parent, or any person who resides in the household of the natural parent; or

C. of aiding or abetting, conspiring, or soliciting to commit a crime described in item A or B of this item; or

5-313.

(d) (1) In determining whether it is in the best interest of the child to terminate a natural parent's rights as to the child in a case involving a child who has been adjudicated to be a child in need of assistance, a neglected child, an abused child, or a dependent child, the court shall consider the factors in subsection (c) of this section and whether any of the following continuing or serious conditions or acts exist:

(v) the natural parent has:

2. been convicted:

A. in this State of a crime of violence, as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE, against the child, the other natural parent of the child, another child of the natural parent, or any person who resides in the household of the natural parent;

B. in any state or in any court of the United States of a crime that would be a crime of violence, as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE, if committed in this State against the child, the other natural parent of the child, another child of the natural parent, or any person who resides in the household of the natural parent; or

C. of aiding or abetting, conspiring, or soliciting to commit a crime described in item A or item B of this item; or

5-525.1.

(b) (1) Except as provided in paragraph (3) of this subsection, a local department to which a child is committed under § 5-525 of this subtitle shall file a petition for termination of parental rights or join a termination of parental rights action that has been filed if:

(iii) a court finds that the natural parent has been convicted:

1. in this State of a crime of violence, as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE, against the child, the other natural parent of the child, another child of the natural parent, or any person who resides in the household of the natural parent;

2. in any state or in any court of the United States of a crime that would be a crime of violence, as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE, if committed in this State against the child, the other natural parent of the child, another child of the natural parent, or any person who resides in the household of the natural parent; or

3. of aiding or abetting, conspiring, or soliciting to commit a crime described in item 1 or item 2 of this item.

Article - Financial Institutions

1-303.

This subtitle does not prohibit:

(9) The disclosure to a State's Attorney of any information in accordance with [Article 27, § 142(c)] § 8-104(C) OF THE CRIMINAL LAW ARTICLE (regarding the presentation of a certificate under oath to prove insufficient funds and dishonor of checks);

11-507.

(e) A person who knowingly makes a false statement under oath on an application filed with the Commissioner under this section is guilty of perjury and[, upon] ON conviction[,] is subject to the penalties [set forth in Article 27, § 439 of the Code] OF § 9-101 OF THE CRIMINAL LAW ARTICLE.

Article - Health - General

7-1005.

(a) (1) In this section, "abuse" means:

(iii) Any of the following kinds of sexual abuse:

1. A sexual act, as defined in [Article 27, § 461(e) of the Code] § 3-301 OF THE CRIMINAL LAW ARTICLE;

2. Sexual contact, as defined in [Article 27, § 461(f) of the Code] § 3-301 OF THE CRIMINAL LAW ARTICLE; or

3. Vaginal intercourse, as defined in [Article 27, § 461(g) of the Code] § 3-301 OF THE CRIMINAL LAW ARTICLE.

10-705.

(a) (1) In this section, "abuse" means cruel or inhumane treatment that causes:

(ii) Any of the following kinds of sexual abuse:

1. A sexual act, as defined in [Article 27, § 461(e) of the Code] § 3-301 OF THE CRIMINAL LAW ARTICLE.

2. Sexual contact, as defined in [Article 27, § 461(f) of the Code] § 3-301 OF THE CRIMINAL LAW ARTICLE.

3. Vaginal intercourse, as defined in [Article 27, § 461(g) of the Code] § 3-301 OF THE CRIMINAL LAW ARTICLE.

15-123.

(a) (3) "Fraud" includes the commission of or an attempt or conspiracy to commit the crimes of:

(I) [concealment] CONCEALMENT of medical [records, violation under the Fraud - State Health Plans subheading of Article 27 of the Code, false] RECORDS;

(II) VIOLATION OF TITLE 8, SUBTITLE 5, PART II OF THE CRIMINAL LAW ARTICLE;

(III) FALSE representations relating to Medicaid health [plans, misappropriation] PLANS;

(IV) MISAPPROPRIATION by a [fiduciary,] FIDUCIARY; and [theft]

(V) THEFT.

16-203.

(a) (4) Liability may not be imposed under this title on a responsible relative if any responsible relative has been the victim of sexual abuse, physical abuse, or a crime of violence as defined [under Article 27, § 643B of the Code] IN § 14-101 OF THE CRIMINAL LAW ARTICLE perpetrated by the recipient of services. The Department shall adopt regulations that define "sexual abuse, physical abuse, or a crime of violence" as defined [under Article 27, § 643B of the Code] IN § 14-101 OF THE CRIMINAL LAW ARTICLE for the purposes of this paragraph.

17-214.

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

(3) "Controlled dangerous substance" has the meaning stated in [Article 27, § 277 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE.

18-339.

(a) The Secretary shall establish and conduct an educational program on acquired immune deficiency syndrome (AIDS) for persons who plead guilty or nolo contendere to, or who are found guilty of, violating:

(1) [The Prostitution and Related Crimes subtitle of Article 27 of the Code] TITLE 11, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE; or

(2) Any provision of the Maryland Controlled Dangerous Substances [Act] ACT, TITLE 5 OF THE CRIMINAL LAW ARTICLE.

21-202.

(a) Any drug that is designated as a "controlled dangerous substance" under [the provisions of Article 27, § 276 et seq. (subheading "Health -- Controlled Dangerous Substances") of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE is governed by that [subheading] TITLE as well as by this subtitle.

(b) If, as to any drug that is a "controlled dangerous substance", there is any conflict between the provisions of this subtitle and those of [Article 27 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE, the provisions of [Article 27 of the Code] THE CRIMINAL LAW ARTICLE apply.

21-220.

(b) (2) A prescription for a controlled dangerous substance within the meaning of [Article 27 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE may not be written on a preprinted prescription form that states the name, quantity, or strength of the controlled dangerous substance.

21-222.

Nothing in § 21-220 or § 21-221 of this subtitle relieves any person from any requirement imposed by law with respect to any drug that is classified as a controlled dangerous substance within the meaning of [Article 27 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE or the applicable federal law.

21-1113.

(a) (4) (i) "Controlled dangerous substance" means a drug, substance, or immediate precursor listed in [Schedules I through V of Article 27 of the Code] SCHEDULE I THROUGH SCHEDULE V IN TITLE 5 OF THE CRIMINAL LAW ARTICLE.

(ii) "Controlled dangerous substance" does not include tobacco or a distilled spirit, wine, or malt beverage [regulated under Article 2B of the Code].

24-808.

(a) No Program staff member or Program participant may be found guilty of violating [Article 27, § 287, § 287A, or § 288 of the Code] § 5-601, § 5-619, § 5-620, §

5-902, OR § 5-904 OF THE CRIMINAL LAW ARTICLE for possessing or distributing controlled paraphernalia or drug paraphernalia whenever the possession or distribution of the controlled paraphernalia or drug paraphernalia is a direct result of the employee's or participant's activities in connection with the work of the Program authorized under this subtitle.

24-908.

(a) No Program staff member or Program participant may be found guilty of violating [Article 27, § 287, § 287A, or § 288 of the Code] § 5-601, § 5-619, § 5-620, § 5-902, OR § 5-904 OF THE CRIMINAL LAW ARTICLE for possessing or distributing controlled paraphernalia or drug paraphernalia whenever the possession or distribution of the controlled paraphernalia or drug paraphernalia is a direct result of the employee's or participant's activities in connection with the work of the Program authorized under this subtitle.

Article - Health Occupations

1A-309.

Subject to the hearing provisions of § 1A-310 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may deny a license to practice acupuncture to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(5) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without a valid medical indication;

2-314.

Subject to the hearing provisions of § 2-315 of this subtitle, the Board may deny a license or limited license to any applicant, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or limited license if the applicant, licensee, or holder:

(13) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

3-313.

Subject to the hearing provisions of § 3-315 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, with or without conditions, or suspend or revoke a license, or any combination thereof, if the applicant or licensee:

(6) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

3-5A-09.

(a) Subject to the hearing provisions of § 3-315 of this title, the Board may deny a certificate or registration to any applicant, reprimand any certificate holder or registration holder, place any certificate holder or registration holder on probation, or suspend or revoke the certificate of a certificate holder or the registration of a registration holder if the applicant, certificate holder, or registration holder:

(7) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(18) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE;

4-315.

(a) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(5) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(b) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dental hygiene, a teacher's license to practice dental hygiene, or a temporary license to practice dental hygiene to any applicant, reprimand any licensed dental hygienist, place any licensed dental hygienist on probation, or suspend or revoke the license of any licensed dental hygienist, if the applicant or licensee:

(12) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

5-311.

Subject to the hearing provisions of § 5-312 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

(11) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

6-312.

(a) Subject to the hearing provisions of § 6-314 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

(8) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

7-316.

(a) Subject to the hearing provisions of § 7-319 of this subtitle and except as to a funeral establishment license, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke any license if the applicant or licensee:

(23) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

8-316.

(a) Subject to the hearing provisions of § 8-317 of this subtitle, the Board may deny a license or grant a probationary license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the applicant or licensee:

(7) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(19) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE;

8-6A-10.

(a) Subject to the hearing provisions of § 8-317 of this title, the Board may deny a certificate or issue a probationary certificate to any applicant, reprimand any certificate holder, place any certificate holder on probation, or suspend or revoke the certificate of a certificate holder, if the applicant or certificate holder:

(10) Provides services as a nursing assistant while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(12) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE;

9-314.

(b) Subject to the hearing provisions of § 9-315 of this subtitle, the Board may deny a license or limited license to any applicant, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or limited license if the applicant, holder, or licensee:

(5) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

10-315.

Subject to the hearing provisions of § 10-316 of this subtitle, the Board may deny a license or temporary license to any applicant, reprimand any licensee or holder of a temporary license, place any licensee or holder of a temporary license on probation, or suspend or revoke a license or temporary license if the applicant, licensee, or holder:

(8) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substances defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

11-313.

Subject to the hearing provisions of § 11-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

(5) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

12-313.

(b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

(4) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

13-316.

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license, temporary license, or restricted license to any applicant, reprimand any licensee or holder of a temporary license or restricted license, place any licensee or holder of a temporary license or restricted license on probation, or suspend or revoke a license, temporary license, or restricted license if the applicant, licensee, or holder:

(24) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

14-404.

(a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(8) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE;

(9) Provides professional services:

(ii) While using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

14-5A-17.

(a) Subject to the hearing provisions of § 14-405 of this title, the Board may deny a license or temporary license to any applicant, reprimand any licensee or holder of a temporary license, place any licensee or holder of a temporary license on probation, or suspend or revoke a license or temporary license if the applicant, licensee, or holder:

(7) Is addicted to or habitually abuses any narcotic or controlled dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE;

(8) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE or any other drug that is in excess of therapeutic amounts or without valid medical indication;

15-302.2.

(b) (1) A supervising physician may not delegate the prescribing of substances that are identified as Schedule I controlled dangerous substances under [Article 27, § 279 of the Code] § 5-402 OF THE CRIMINAL LAW ARTICLE.

16-312.

(a) Subject to the hearing provisions of § 16-314 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or a limited license to any applicant, reprimand any licensee or holder of a limited license, impose an administrative monetary penalty not exceeding $5,000 on any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or a limited license if the applicant, licensee, or holder:

(5) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of therapeutic amounts or without valid medical indication;

19-311.

Subject to the hearing provisions of § 19-312 of this subtitle, the Board may deny a license to any applicant, fine a licensee, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

(9) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that is in excess of prescribed amounts or without valid medical indication;

(19) Knowingly fails to report suspected abuse or neglect of a vulnerable adult in violation of [Article 27, § 35D of the Code] § 3-603 OF THE CRIMINAL LAW ARTICLE;

Article - Insurance

2-401.

(c) "Insurance fraud" means:

(1) a violation of Title 27, Subtitle 4 of this article;

(2) theft, as set out [under Article 27, §§ 340 through 342 of the Code] IN §§ 7-101 THROUGH 7-104 OF THE CRIMINAL LAW ARTICLE:

(i) from a person regulated under this article; or

(ii) by a person regulated under this article or an officer, director, agent, or employee of a person regulated under this article; or

(3) any other fraudulent activity [set out under Article 27 of the Code] that is committed by or against a person regulated under this article AND IS A VIOLATION OF:

(I) TITLE 1, SUBTITLE 3 OF THE AGRICULTURE ARTICLE;

(II) TITLE 19, SUBTITLE 2 OR SUBTITLE 3~~, § 11-1002, OR § 11-1003~~ OF THE BUSINESS REGULATION ARTICLE;

(III) TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE COMMERCIAL LAW ARTICLE;

(IV) THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2, PART II OR § 10-614;

(V) § 14-127 OF THE REAL PROPERTY ARTICLE;

(VI) ARTICLE 2B, TITLE 22 OF THE CODE;

(VII) § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY;

(VIII) § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL COUNTY; OR

(IX) § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT COUNTY.

20-505.

(b) Notwithstanding [Article 27, § 555B of the Code] § 9-602 OF THE CRIMINAL LAW ARTICLE, the Executive Director may authorize an employee of the Fund to record a telephone conversation with a policyholder, witness, claimant, investigating officer, or other interested party if:

(1) the conversation is relevant to an accident or claim;

(2) the party to be recorded has or might have information that is relevant to the accident or claim; and

(3) before recording, the party to be recorded is advised of and consents to the recording.

27-801.

(c) "Insurance fraud" means:

(1) a violation of Subtitle 4 of this title;

(2) theft, as set out [under Article 27, §§ 340 through 342 of the Code] IN §§ 7-101 THROUGH 7-104 OF THE CRIMINAL LAW ARTICLE:

(i) from a person regulated under this article; or

(ii) by a person regulated under this article or an officer, director, agent, or employee of a person regulated under this article; or

(3) any other fraudulent activity [set out under Article 27 of the Code] that is committed by or against a person regulated under this article AND IS A VIOLATION OF:

(I) TITLE 1, SUBTITLE 3 OF THE AGRICULTURE ARTICLE;

(II) TITLE 19, SUBTITLE 2 OR SUBTITLE 3~~, § 11-1002, OR § 11-1003~~ OF THE BUSINESS REGULATION ARTICLE;

(III) TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE COMMERCIAL LAW ARTICLE;

(IV) THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2, PART II OR § 10-614;

(V) § 14-127 OF THE REAL PROPERTY ARTICLE;

(VI) ARTICLE 2B, TITLE 22 OF THE CODE;

(VII) § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY;

(VIII) § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL COUNTY; OR

(IX) § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT COUNTY.

Article - Labor and Employment

9-506.

(d) (2) (i) Except as provided in subparagraph (ii) of this paragraph, a covered employee or dependent of a covered employee is not entitled to compensation or benefits under this title, except for medical benefits under §§ 9-660 and 9-661 of this title, as a result of an accidental personal injury, compensable hernia, or occupational disease, if the primary cause of the accidental personal injury, compensable hernia, or occupational disease was the effect on the covered employee of a controlled dangerous substance defined IN § 5-101 OF THE CRIMINAL LAW ARTICLE or listed [under Article 27, § 277 or § 279 of the Code] IN TITLE 5, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE.

9-1106.

(b) A person who violates this section, on conviction:

(1) is subject to the penalties [under Article 27, § 342 of the Code] OF § 7-104 OF THE CRIMINAL LAW ARTICLE; and

(2) may not receive compensation, fees, or expenses under this title.

Article - Natural Resources

4-11A-15.

(a) (2) The Department shall request the office of the local State's Attorney to bring a criminal action under [Article 27, § 342 of the Code] § 7-104 OF THE CRIMINAL LAW ARTICLE against a person found to be in violation of this subsection.

4-1207.

(b) (1) A court may suspend for not more than 1 year a fishing license of a person who is convicted of violating [Article 27, § 577(a)(1) of the Code] § 6-402 OF THE CRIMINAL LAW ARTICLE while carrying a fishing rod or net for the purpose of fishing.

(2) When a person not holding a fishing license is convicted of violating [Article 27, § 577(a)(1) of the Code] § 6-402 OF THE CRIMINAL LAW ARTICLE while carrying a fishing rod or net for the purpose of fishing, the court may order that the person not obtain a fishing license for a period of not more than 1 year.

5-209.

(e) The Department shall adopt regulations that prescribe the type and color of paint to be used for posting private property under [Article 27, § 577(a)(1) of the Code] § 6-402 OF THE CRIMINAL LAW ARTICLE.

8-738.

(a) A person may not operate or attempt to operate a vessel while the person:

(1) Is under the influence of alcohol;

(2) Is impaired by alcohol;

(3) Is so far impaired by any drug, combination of drugs, or combination of one or more drugs and alcohol that the person cannot operate a vessel safely; or

(4) Is impaired by any controlled dangerous substance, as defined in [Article 27, § 277 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, unless the person is entitled to use the controlled dangerous substance under the laws of the State.

10-410.

(c) (1) A person may not shoot at any species of wildlife from an automobile or other vehicle or, except as provided in § 4-203(B) OF THE CRIMINAL LAW ARTICLE AND Article 27, [§§ 36B(c) and 36E] § 36E of the Code, possess in or on an automobile or other vehicle a loaded handgun or shotgun, or a rifle containing any ammunition in the magazine or chamber.

(2) If this subsection is violated by an occupant of a vehicle which has 2 or more occupants and it cannot be determined which occupant is the violator, the owner of the vehicle, if present, shall be presumed to be responsible for the violation. In the absence of the owner of the vehicle, the operator of the vehicle shall be presumed to be responsible for the violation.

(3) Provisions of this subsection do not apply to a disabled person who obtains a special permit [pursuant to the provisions of] UNDER § 10-307 of this title.

10-1108.

(a) (2) (i) A court may suspend for not more than 1 year the hunting license of a person who is convicted of violating [Article 27, § 577(a)(1) of the Code] § 6-402 OF THE CRIMINAL LAW ARTICLE while carrying a firearm or bow and arrow for the purpose of hunting.

(ii) When a person not holding a hunting license is convicted of violating [Article 27, § 577(a)(1) of the Code] § 6-402 OF THE CRIMINAL LAW ARTICLE while carrying a firearm or bow and arrow for the purpose of hunting, the court may order that the person not obtain a hunting license for a period of not more than 1 year.

Article - Real Property

14-119.

(d) A person who removes any human remains, monument, or gravestone from a cemetery located on land in Carroll County shall:

(1) Comply with [Article 27, § 265 or § 267 of the Code] § 10-402 OR § 10-404 OF THE CRIMINAL LAW ARTICLE;

(2) Place the human remains, monument, or gravestone in a permanent cemetery in Carroll County; and

(3) Record the new location of the human remains, monument, or gravestone in the Office of the Clerk of the Circuit Court for Carroll County.

14-120.

(a) (3) "Controlled dangerous [substances" has the meaning stated in Article 27, § 279(a) and (b) of the Code] SUBSTANCE" MEANS A SUBSTANCE LISTED IN SCHEDULE I OR SCHEDULE II UNDER § 5-402 OR § 5-403 OF THE CRIMINAL LAW ARTICLE.

(4) "Nuisance" means a property that is used:

(ii) For the illegal manufacture, or distribution of:

1. A controlled dangerous substance; or

2. Controlled paraphernalia, as defined in [Article 27, § 287(d) of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE; or

(iii) For the illegal storage or concealment of a controlled dangerous substance in sufficient quantity to reasonably indicate under all the circumstances an intent to manufacture, distribute, or dispense:

1. A controlled dangerous substance; or

2. Controlled paraphernalia, as defined in [Article 27, § 287(d) of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE.

14-125.1.

(a) (4) "Nuisance" means:

(ii) A property where the tenant, owner, or other occupant has been convicted of violations of [Article 27, § 121 or § 122 of the Code] § 10-201 OR § 10-202 OF THE CRIMINAL LAW ARTICLE for conduct occurring on, in, or in relation to the property; or

Article - State Finance and Procurement

15-212.

(c) (3) A person who commits perjury or subornation of perjury under this section is subject to the penalty provided in [Article 27, § 439 of the Code] §§ 9-101 AND 9-102 OF THE CRIMINAL LAW ARTICLE.

Article - State Government

2-1702.

(e) (2) A person may not willfully bring an assault weapon or other firearm or destructive device, as defined in [Article 27, § 139A of the Code] § 4-503 OF THE CRIMINAL LAW ARTICLE, into or have an assault weapon or other firearm or destructive device in a building where:

(i) the Senate or the House has a chamber;

(ii) a member, officer, or employee of the General Assembly has an official office; or

(iii) a committee of the General Assembly, the Senate, or the House has an office.

Article - Tax - General

4-103.

(b) The admissions and amusement tax may not be imposed by a county or municipal corporation on gross receipts:

(3) derived from any charge for admission to or use of:

(i) a facility or equipment in connection with a bingo game that is operated in accordance with [Article 27, § 260 of the Code] § 13-507 OF THE CRIMINAL LAW ARTICLE;

11-102.

(b) (1) A county, municipal corporation, special taxing district, or other political subdivision of the State may not impose any retail sales or use tax except:

(ii) a tax on the sale or use of:

4. any controlled dangerous substance, as defined in [Article 27, § 277 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, unless the sale is made by a person who registers under and complies with [Article 27, § 281 of the Code] TITLE 5, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE; or

Article - Transportation

6-102.1.

(a) (3) "Drug" means:

(i) A controlled dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE; and

(ii) A prescription drug as defined in § 21-201 of the Health - General Article, to the extent that the drug affects job performance and worker safety at a marine facility.

13-705.1.

(a) If a person is convicted of driving or attempting to drive a motor vehicle while the driver's license of the person is suspended or revoked for a violation of § 21-902 or § 16-205.1 of this article or [Article 27, § 388A or § 388B of the Code] TITLE 2, SUBTITLE 5 OR § 3-211 OF THE CRIMINAL LAW ARTICLE, the Administration may, after a hearing, suspend, for not more than 120 days, the registration of the motor vehicle.

(b) The Administration may not suspend the registration of the motor vehicle if:

(1) The motor vehicle was operated by anyone other than the registered owner with his implied or express consent, and the registered owner neither knew nor should have known that the driver's license of the operator was suspended or revoked for a violation of § 21-902 or § 16-205.1 of this article or [Article 27, § 388A or § 388B of the Code] TITLE 2, SUBTITLE 5 OR § 3-211 OF THE CRIMINAL LAW ARTICLE; or

(2) The motor vehicle was operated by anyone other than the registered owner without his implied or express consent; or

(3) The motor vehicle is used as a common carrier or vehicle for hire and the owner or other person in charge of the vehicle was not a consenting party or privy to the unlawful action of the operator of the motor vehicle; or

(4) The motor vehicle was operated after being obtained by the violator through duress or coercion from an owner or coowner who is a member of the immediate family of the violator.

(c) The Administration shall bear the burden of proving that the registered owner knew or should have known that the driver's license of the operator of the vehicle was suspended or revoked for a violation of § 21-902 or § 16-205.1 of this article or [Article 27, § 388A or § 388B of the Code] TITLE 2, SUBTITLE 5 OR § 3-211 OF THE CRIMINAL LAW ARTICLE.

14-105.

(b) An alleged violation under [Article 27, § 206 of the Code] § 7-205 OF THE CRIMINAL LAW ARTICLE shall be a reportable theft of a vehicle for purposes of subsection (a) of this section.

16-205.

(b) The Administration:

(1) Shall revoke the license of any person who has been convicted, under [Article 27, § 388A of the Code] TITLE 2, SUBTITLE 5 OF THE CRIMINAL LAW ARTICLE, of homicide by a motor vehicle while under the influence of alcohol, impaired by alcohol, or impaired by any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance; and

16-206.

(a) (4) (i) Pursuant to a court order under [Article 27, § 139C, § 151A, or § 151C of the Code] § 4-503, § 9-504, OR § 9-505 OF THE CRIMINAL LAW ARTICLE, the Administration:

1. Shall initiate an action to suspend the driver's license or driving privilege of an individual for a time specified by the court; and

2. May issue a restricted license that is limited to driving a motor vehicle:

A. For the purpose of attending an alcohol education or alcoholic prevention or treatment program;

B. That is required in the course of employment;

C. For the purposes of driving to or from a place of employment if the individual's employment would be adversely affected because the individual has no reasonable alternative means of transportation to or from the place of employment; or

D. For the purposes of driving to or from school or any other place of educational instruction if the individual's education would be adversely

affected because the individual has no reasonable alternative means of transportation for educational purposes.

(c) (3) On receipt of a notice described under [Article 27, § 403(f)] ~~ARTICLE 2B, § 22-107(K) of the Code~~ § 10-119(K) OF THE CRIMINAL LAW ARTICLE, the Administration shall suspend the license of an individual described under [Article 27, § 403(f)] ~~ARTICLE 2B, § 22-107(K) of the Code~~ § 10-119(K) OF THE CRIMINAL LAW ARTICLE:

(i) For a first offense, for 6 months; and

(ii) For a second or subsequent offense, until the individual is 21 years old or for a period of 1 year, whichever is longer.

16-402.

(a) After the conviction of an individual for a violation of [Article 27, § 388, § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

(1) Any moving violation not listed below and not contributing to an accident ..... 1 point

(2) Following another vehicle too closely .....2 points

(3) Speeding in excess of the posted speed limit by 10 miles an hour or more.....2 points

(4) Driving with an improper class of license.....2 points

(5) Failing to stop for a school vehicle with activated alternately flashing red lights.....3 points

(6) Any violation of § 21-1111 of this article .....2 points

(7) Passing an emergency or police vehicle under the provisions of § 21-405(d) of this article .....2 points

(8) A violation of § 21-511(a) of this article.....2 points

(9) Failure to stop a vehicle for a steady red traffic signal in violation of § 21-202 of this article.....2 points

(10) Any moving violation contributing to an accident.....3 points

(11) Driving after suspension of license under the provisions of § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another state as described in § 16-303(i) of this title.....3 points

(12) Any violation, except violations committed on the John F. Kennedy Memorial Highway, of § 21-1411 of this article ..... 3 points

(13) Speeding in excess of the posted speed limit by 30 miles an hour or more ..... 5 points

(14) Driving while not licensed ..... 5 points

(15) Failure to report an accident ..... 5 points

(16) Driving on a learner's permit unaccompanied ..... 5 points

(17) Any violation of § 17-107 of this article ..... 5 points

(18) Participating in a race or speed contest on a highway ..... 5 points

(19) Any violation of § 16-304 or § 16-305 of this title ..... 5 points

(20) Any violation of § 22-404.5 of this article ..... 5 points

(21) Speeding in excess of a posted speed limit of 65 miles an hour by 20 miles an hour or more ..... 5 points

(22) Aggressive driving in violation of § 21-901.2 of this article ..... 5 points

(23) Reckless driving ..... 6 points

(24) Driving while impaired by alcohol or while impaired by a drug, combination of drugs, or combination of one or more drugs and alcohol ..... 8 points

(25) Turning off lights of a vehicle to avoid identification ..... 8 points

(26) Failing to stop after accident resulting in damage to attended vehicle or property ..... 8 points

(27) Failing to stop after accident resulting in damage to unattended vehicle or property ..... 8 points

(28) Any violation of § 16-815 or § 16-816 of this title ..... 8 points

(29) Failing to stop after an accident resulting in bodily injury or death ..... 12 points

(30) Driving after refusal, suspension, cancellation, or revocation of license except for suspensions of license under the provisions of § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another state as described in § 16-303(i) of this title ..... 12 points

(31) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1) through (9) of this title ..... 12 points

(32) Homicide, life threatening injury under [Article 27, § 388B of the Code] § 3-211 OF THE CRIMINAL LAW ARTICLE, or assault committed by means of a vehicle.....12 points

(33) Driving while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by an illegally used controlled dangerous substance.....12 points

(34) Any felony involving use of a vehicle .....12 points

(35) Fleeing or attempting to elude a police officer.....12 points

(36) The making of a false affidavit or statement under oath, or falsely certifying to the truth of any fact or information to the Administration under the Maryland Vehicle Law or under any law relating to the ownership or operation of motor vehicles .....12 points

(37) Any violation involving an unlawful taking or unauthorized use of a motor vehicle under [Article 27, § 342A or § 349] § 7-105 OR § 7-203 OF THE CRIMINAL LAW ARTICLE, or § 14-102 of this article.....12 points

16-707.

(a) For the purposes of Article IV (a) and (c) of the Compact, the Administration shall:

(1) Give the same effect to a conviction described in Article IV (a)(1) of the Compact as the Administration would for a conviction under [Article 27, § 388 or § 388A of the Code] TITLE 2, SUBTITLE 5 OR § 2-209 OF THE CRIMINAL LAW ARTICLE;

16-901.

This subtitle applies only to an individual who displays a driver's license issued by the U.S. Department of State to a police officer or who otherwise claims immunities or privileges under Title 22, Chapter 6 of the United States Code with respect to the individual's violation of [Article 27, § 388, § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE, or a moving violation under the vehicle laws or regulations of this State or any local authority.

21-902.

(d) A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as that term is defined in [Article 27, § 279 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

21-1004.1.

(b) Except as provided in subsection (c) of this section, a person may use reasonable force to remove from a motor vehicle a cat or dog left in the vehicle in violation of the provisions of subsection (a) of this section if the person is:

(4) An officer of a society or association, incorporated under the laws of this State for the prevention of cruelty to animals, authorized to make arrests under the provisions of [Article 27, § 63 of the Code] § 10-609 OF THE CRIMINAL LAW ARTICLE; or

SECTION ~~2.~~ 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Criminal Law

12-101.

(b) "Candidate" has the meaning stated in [Article 33,] § 1-101 of the [Code] ELECTION LAW ARTICLE.

(g) "Political committee" has the meaning stated in [Article 33,] § 1-101 of the [Code] ELECTION LAW ARTICLE.

12-106.

(b) (3) This subsection does not relieve a political committee or candidate from the reporting and record keeping requirements under [Article 33 of the Code] THE ELECTION LAW ARTICLE.

13-406.

(a) Notwithstanding any other provision of this article, a political committee, as defined in [Article 33,] § 1-101 of the [Code] ELECTION LAW ARTICLE, may conduct a fundraiser at which prizes of merchandise or money are awarded in a game or spin using a paddle wheel or wheel of fortune.

13-506.

(a) Notwithstanding any other provisions of this title or Title 12 of this article, a political committee as defined in [Article 33,] § 1-101 of the [Code] ELECTION LAW ARTICLE may conduct a fundraiser at which prizes of merchandise or money are awarded in a game or spin using a paddle wheel or wheel of fortune.

13-605.

(a) Notwithstanding any other provision of this article, a political committee, as defined in [Article 33,] § 1-101 of the [Code] ELECTION LAW ARTICLE, may conduct a fundraiser at which prizes of money or merchandise are awarded in a game or spin using a paddle wheel or wheel of fortune.

SECTION ~~3.~~ 8. AND BE IT FURTHER ENACTED, That Section ~~2~~ 7 of this Act shall take effect January 1, 2003, contingent on the taking effect of Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2002, and if Chapter _____ does not become effective, Section ~~2~~ 7 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION ~~4.~~ 9. AND BE IT FURTHER ENACTED, That, except as provided in Section ~~3~~ 8 of this Act, this Act shall take effect October 1, 2002.