

SENATE BILL 192

Unofficial Copy
E4

2003 Regular Session
(31r0649)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Judiciary --

Introduced by **The President (By Request - 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.

President.

CHAPTER 17

1 AN ACT concerning

2 **Public Safety Article - Cross-References and Corrections**

3 FOR the purpose of correcting certain cross-references to the Public Safety Article in
4 the Annotated Code of Maryland; adding to the Criminal Procedure Article
5 certain cross-references to the Public Safety Article; correcting certain errors in
6 the Public Safety Article; and generally relating to the Public Safety Article and
7 cross-references and corrections to it.

8 BY repealing and reenacting, with amendments,
9 Article 10 - Legal Officials
10 Section 40(u)(4)(iii)8., (iv), and (v)1.
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2002 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article 41 - Governor - Executive and Administrative Departments

1 Section 4-301(a)(3)
2 Annotated Code of Maryland
3 (1997 Replacement Volume and 2002 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article 49B - Human Relations Commission
6 Section 5(e)(2) and 22(b)(2)(ii)
7 Annotated Code of Maryland
8 (1998 Replacement Volume and 2002 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article 83B - Department of Housing and Community Development
11 Section 2-302(j) and 3-101(b)(3)
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Business Occupations and Professions
16 Section 3-103(d)(2), 13-102(8), and 19-101(k)
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2002 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Business Regulation
21 Section 4.5-101(h), (i), and (j) and 4.5-604
22 Annotated Code of Maryland
23 (1998 Replacement Volume and 2002 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Commercial Law
26 Section 13-308(b)(1), 13-313(d)(1), and 14-1309(b)(1)
27 Annotated Code of Maryland
28 (2000 Replacement Volume and 2002 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article - Courts and Judicial Proceedings
31 Section 2-608(a)(10), 3-8A-03(d)(4)(ix), 3-8A-27(g), 4-401(11), 5-106(u),
32 5-303(c)(2)(ii), 5-409, 5-513, 5-613, and 7-409(a)(2)(x) and (xi)
33 Annotated Code of Maryland
34 (2002 Replacement Volume)

35 BY repealing and reenacting, with amendments,
36 Article - Criminal Law

1 Section 2-303(a)(3)(i) and (ii)4., 3-202(a)(2)(iv), 3-204(c)(2)(ii), 4-101(b)(3),
2 4-106(a)(6)(iv), 4-203(b)(2), 4-204(a), 4-207(a), 4-208(a)(4), 4-306(b)(1),
3 4-501(c)(2)(i) and (3), 4-502(4), 5-621(d)(2)(i), 5-622(a)(3), and
4 6-201(g)(1)(iii)
5 Annotated Code of Maryland
6 (2002 Volume)

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Procedure
9 Section 2-102(a), 2-206(a) and (b)(1) and (2), 2-208(b)(2)(vi), 2-209(a)(2)(ii) and
10 (b)(2)(ix), (xii), and (xiii), 4-101(a)(3)(iii) and (c)(1), 11-601(d)(1), 11-910(c),
11 13-201(1), and 13-203(b)(2) and (c)
12 Annotated Code of Maryland
13 (2001 Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Education
16 Section 6-411(b), 6-514, 7-303(a)(2), and 26-102(a)
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2002 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Financial Institutions
21 Section 5-707(a)
22 Annotated Code of Maryland
23 (1998 Replacement Volume and 2002 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Labor and Employment
26 Section 3-702(b)(3)(i), 5.5-113(c), and 9-602(f)(1)
27 Annotated Code of Maryland
28 (1999 Replacement Volume and 2002 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article - Natural Resources
31 Section 5-9A-05(b)(2), 8-1103(j), and 10-410(c)(1)
32 Annotated Code of Maryland
33 (2000 Replacement Volume and 2002 Supplement)

34 BY repealing and reenacting, with amendments,
35 Article - Public Safety
36 Section 5-133(c)(1), 5-203(a), 11-116(a)(2)(i), (x), (xv), (xvi), and (xvii) and
37 (b)(2)(i), (x), (xv), (xvi), and (xvii), 12-807, and 12-809(b)(1)
38 Annotated Code of Maryland

1 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
2 2003)

3 BY repealing and reenacting, with amendments,
4 Article - Public Utility Companies
5 Section 7-401(d)(3)(iii) and (iv) and (e)
6 Annotated Code of Maryland
7 (1998 Volume and 2002 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - State Government
10 Section 3-303(b)(1), 3-304, 3-401(1), 8-403(b)(10), 12-401(11), and 15-105(b)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2002 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - State Personnel and Pensions
15 Section 8-305(c)(1), 10-404(b)(3) and (c)(2)(i) and (3)(iii), 21-111(b)(4),
16 24-201(1), 29-103(c)(2)(v), and 29-112
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 2002 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Tax - General
21 Section 10-207(e-1)(1), 11-104(d), and 11-213
22 Annotated Code of Maryland
23 (1997 Replacement Volume and 2002 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Transportation
26 Section 4-208(b)(3)(ii)
27 Annotated Code of Maryland
28 (2001 Replacement Volume and 2002 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article - Transportation
31 Section 13-507(a)(3)(ii), 13-955(e)(5) and (6), 21-1005(j)(1), 21-1006(a),
32 21-1007(d), 25-111(j)(1) and (5), and 25-113(a)(2) and (5)
33 Annotated Code of Maryland
34 (2002 Replacement Volume)

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

Article 10 - Legal Officials

1
2 40.

3 (u) In Talbot County,

4 (4) (iii) A criminal investigator who is appointed under this paragraph:

5 8. Is not subject to any of the provisions of [Article 27, §§ 727
6 through 734D] TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.

7 (iv) If a criminal investigator meets the requirements of [Article 41,
8 § 4-201 of the Code] TITLE 3, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE relating to
9 the selection and training standards of the Police Training Commission, the State's
10 Attorney may designate the criminal investigator as a peace officer.

11 (v) If a criminal investigator is designated as a peace officer, under
12 item (iv) of this paragraph, the criminal investigator:

13 1. May not be subject to the provisions of [Article 27, §§ 727
14 through 734D of the Code] TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE; and

Article 41 - Governor - Executive and Administrative Departments

15
16 4-301.

17 (a) (3) "DNA technology equipment" means any equipment used for DNA
18 testing purposes including those purposes listed under [Article 88B, § 12A (g)(1) of
19 the Code] § 2-505 OF THE PUBLIC SAFETY ARTICLE.

Article 49B - Human Relations Commission

20
21 5.

22 (e) (2) This section does not require structural changes, modifications, or
23 additions to buildings or vehicles, except as required by this paragraph or as
24 otherwise required by law. In addition, any building constructed, modified or altered
25 in compliance with, or pursuant to a waiver from, the [Maryland Building Code for
26 the Handicapped under Article 83B, § 6-102 of the Code] MARYLAND ACCESSIBILITY
27 CODE UNDER § 12-202 OF THE PUBLIC SAFETY ARTICLE shall not be subject to this
28 section.

29 22.

30 (b) (2) The requirements of paragraph (1) of this subsection are satisfied by
31 compliance with:

32 (ii) The federal law, regulations, and guidelines on handicapped
33 accessibility adopted under the federal Fair Housing Act Amendments of 1988 and
34 incorporated by reference in the rules and regulations adopted by the Department of

1 Housing and Community Development under [Article 83B, § 6-102 of the Code] §
2 12-202 OF THE PUBLIC SAFETY ARTICLE.

3 **Article 83B - Department of Housing and Community Development**

4 2-302.

5 (j) "Minimum livability code" means a regulation, statute or ordinance which
6 establishes minimum property maintenance standards adopted by the State or a
7 political subdivision in accordance with [§ 6-103 of this article] § 12-203 OF THE
8 PUBLIC SAFETY ARTICLE.

9 3-101.

10 (b) The Division includes:

11 (3) The administration of statewide building and material codes
12 established under [Title 6 of this article] TITLE 12, SUBTITLES 2, 3, 4, 5, AND 10 OF
13 THE PUBLIC SAFETY ARTICLE.

14 **Article - Business Occupations and Professions**

15 3-103.

16 (d) (2) Any work performed under this subsection shall be in compliance
17 with the Americans with Disabilities Act and the Maryland Building Performance
18 Standards set forth in [Article 83B, § 6-402 of the Code] TITLE 12, SUBTITLE 5 OF
19 THE PUBLIC SAFETY ARTICLE.

20 13-102.

21 This title does not apply:

22 (8) to a special police officer appointed and while performing under
23 [Article 41, Title 4, Subtitle 9 of the Code] TITLE 3, SUBTITLE 3 OF THE PUBLIC
24 SAFETY ARTICLE or § 16-16 of the Code of Public Local Laws of Baltimore City.

25 19-101.

26 (k) "Security guard services" includes any activity that is performed for
27 compensation as a security guard to protect any individual or property, except the
28 activities of an individual while performing as:

29 (1) a marine guard or ship watchman, regardless of whether the guard or
30 watchman is stationed aboard a ship or on a pier; or

31 (2) a special police officer appointed and while performing under [Article
32 41, Title 4, Subtitle 9 of the Code] TITLE 3, SUBTITLE 3 OF THE PUBLIC SAFETY
33 ARTICLE or § 16-16 of the Code of Public Local Laws of Baltimore City.

1

Article - Business Regulation

2 4.5-101.

3 (h) "Industrialized building" has the meaning stated in [Article 83B, § 6-202
4 of the Code] § 12-301 OF THE PUBLIC SAFETY ARTICLE.

5 (i) "Install" has the meaning stated in [Article 83B, § 6-202 of the Code] §
6 12-301 OF THE PUBLIC SAFETY ARTICLE.

7 (j) "Mobile home" [has the meaning stated in Article 83B, § 6-202 of the
8 Code] MEANS A MANUFACTURED HOME AS DEFINED IN § 12-301 OF THE PUBLIC
9 SAFETY ARTICLE.

10 4.5-604.

11 A home builder who installs an industrialized building intended for residential
12 use or a mobile home is responsible to the owner for correcting any defects in any
13 component incorporated into the new home except for those industrialized buildings
14 or mobile homes that are the responsibility of the manufacturer of the industrialized
15 building and mobile home pursuant to [Article 83B, Title 6, Subtitle 2 of the Code]
16 TITLE 12, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE.

17

Article - Commercial Law

18 13-308.

19 (b) (1) The Attorney General and the State Fire Marshal shall each enforce
20 this section under the enforcement powers provided in this title and in [Article 38A of
21 the Code] THE PUBLIC SAFETY ARTICLE.

22 13-313.

23 (d) (1) The Attorney General and the State Fire Marshal shall each enforce
24 this section under the enforcement powers provided in this title and in [Article 38A of
25 the Code] THE PUBLIC SAFETY ARTICLE.

26 14-1309.

27 (b) (1) The Attorney General and the State Fire Marshal shall each enforce
28 this section under the enforcement powers provided in this title and in [Article 38A of
29 the Code] THE PUBLIC SAFETY ARTICLE.

30

Article - Courts and Judicial Proceedings

31 2-608.

32 (a) (10) "Law enforcement officer" means a law enforcement officer as
33 defined in [Article 27, § 727 (b) of the Code] § 3-101 OF THE PUBLIC SAFETY ARTICLE

1 or any federal law enforcement officer who exercises the powers set forth in § 2-104 of
2 the Criminal Procedure Article.

3 3-8A-03.

4 (d) The court does not have jurisdiction over:

5 (4) A child at least 16 years old alleged to have committed any of the
6 following crimes, as well as all other charges against the child arising out of the same
7 incident, unless an order removing the proceeding to the court has been filed under §
8 4-202 of the Criminal Procedure Article:

9 (ix) A crime in violation of [Article 27, § 445, § 446, or § 481C of the
10 Code] § 5-133, § 5-134, § 5-138, OR § 5-203 OF THE PUBLIC SAFETY ARTICLE;

11 3-8A-27.

12 (g) This section does not prohibit a victim or victim's representative who has
13 filed a notification request form from being notified of proceedings and events
14 involving the defendant or child as provided in this subtitle, the Criminal Procedure
15 Article, OR the Criminal Law Article[, or Article 27 of the Code].

16 4-401.

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

20 (11) A proceeding for adjudication of a civil penalty for any violation under
21 § 5-1001 of the Environment Article, § 15-113, § 15-113.1, § 21-1122, or § 21-1414 of
22 the Transportation Article, or [Article 41, § 2-101 (c-1) of the Code] § 14-304 OF THE
23 PUBLIC SAFETY ARTICLE, or any rule or regulation issued pursuant to those sections;

24 5-106.

25 (u) A prosecution for an offense under [Article 27, § 449 (d) or (f) of the Code]
26 § 5-140, § 5-141, OR § 5-143 OF THE PUBLIC SAFETY ARTICLE, relating to straw sales of
27 regulated firearms to prohibited persons or minors and to illegal sales, rentals,
28 transfers, possession, or receipt of regulated firearms, shall be instituted within 3
29 years after the offense was committed.

30 5-303.

31 (c) (2) (ii) A local government may not indemnify a law enforcement
32 officer for a judgment for punitive damages if the law enforcement officer has been
33 found guilty under [Article 27, § 731 of the Code] § 3-108 OF THE PUBLIC SAFETY
34 ARTICLE as a result of the act or omission giving rise to the judgment, if the act or
35 omission would constitute a felony under the laws of this State.

1 5-409.

2 In the absence of fraud no insurance company or person who furnishes
3 information on its behalf is liable for damages in a civil action for any oral or written
4 statement made or any other action taken that is necessary to supply information
5 required under [Article 38A, § 57(d) of the Code] § 9-605 OF THE PUBLIC SAFETY
6 ARTICLE.

7 5-513.

8 An action or proceeding may not be prosecuted or maintained against a member
9 of a military court described under [Article 65, § 43 of the Code] TITLE 13, SUBTITLE
10 8 OF THE PUBLIC SAFETY ARTICLE, or an officer or person acting under its authority,
11 or reviewing its proceedings on account of the approval or imposition or execution of
12 any sentence, or the imposition or collection of a fine or penalty, or the execution of
13 any warrant, writ, execution, process, or mandate of a military court.

14 5-613.

15 Unless a subdivision or municipality requests the appointment of an individual
16 as a special policeman and the request is granted as provided in [Article 41, Title 4,
17 Subtitle 9 of the Code] TITLE 3, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE, the
18 State and any subdivision or municipality of the State may not be liable or
19 accountable in any way for any act or omission by an individual appointed as a special
20 policeman under [Article 41, Title 4, Subtitle 9 of the Code] TITLE 3, SUBTITLE 3 OF
21 THE PUBLIC SAFETY ARTICLE.

22 7-409.

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

24 (x) A crime under § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, §
25 8-726.1, § 8-738.1, [or] § 8-740.1, OR § 10-411(B), AS IT RELATES TO HARFORD
26 COUNTY, OR (D), AS IT RELATES TO ANNE ARUNDEL COUNTY OR CAROLINE COUNTY,
27 of the Natural Resources Article;

28 (xi) A crime under [Article 27 of the Code] TITLE 3, SUBTITLE 1 OR
29 SUBTITLE 5, TITLE 5, SUBTITLE 1, SUBTITLE 2, SUBTITLE 3, OR SUBTITLE 4, § 6-602, §
30 7-402, OR § 12-701 OF THE PUBLIC SAFETY ARTICLE;

31 **Article - Criminal Law**

32 2-303.

33 (a) (3) (i) "Law enforcement officer" means a law enforcement officer as
34 defined under the Law Enforcement Officers' Bill of Rights, [Article 27, § 727 of the
35 Code] § 3-101 OF THE PUBLIC SAFETY ARTICLE.

36 (ii) "Law enforcement officer" includes:

1 4-207.

2 (a) A person to whom a permit has been issued or whose permit has been
3 renewed under [Article 27, § 36E of the Code] TITLE 5, SUBTITLE 3 OF THE PUBLIC
4 SAFETY ARTICLE may not wear, carry, or transport a handgun while the person is
5 under the influence of alcohol or drugs.

6 4-208.

7 (a) (4) "Handgun" has the meaning stated in [Article 27, § 441 of the Code]
8 § 5-101 OF THE PUBLIC SAFETY ARTICLE.

9 4-306.

10 (b) (1) A person who uses an assault pistol, or a magazine that has a
11 capacity of more than 20 rounds of ammunition, in the commission of a felony or a
12 crime of violence as defined in [Article 27, § 441 of the Code] § 5-101 OF THE PUBLIC
13 SAFETY ARTICLE is guilty of a misdemeanor and on conviction, in addition to any
14 other sentence imposed for the felony or crime of violence, shall be sentenced under
15 this subsection.

16 4-501.

17 (c) (2) "Explosive material" includes:

18 (i) explosives as defined in [Article 38A, § 26 of the Code] § 11-101
19 OF THE PUBLIC SAFETY ARTICLE; and

20 (3) "Explosive material" does not include items excluded from explosives
21 in [Article 38A, § 26 of the Code] § 11-101 OF THE PUBLIC SAFETY ARTICLE when the
22 items are used in their original configuration.

23 4-502.

24 This subtitle does not apply to:

25 (4) a person who possesses smokeless or black gunpowder under [Article 38A
26 of the Code] TITLE 11, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE and uses the
27 gunpowder for loading or reloading small arms ammunition, antique firearms, or
28 replicas of antique firearms.

29 5-621.

30 (d) (2) A court shall double the minimum mandatory sentence provided in
31 subsection (c)(1)(ii) of this section if the firearm used during and in relation to a drug
32 trafficking crime is:

33 (i) listed in § 4-301 of this article or [Article 27, § 441 of the Code]
34 § 5-101 OF THE PUBLIC SAFETY ARTICLE;

1 5-622.

2 (a) In this section, "firearm" includes:

3 (3) a regulated firearm, as defined in [Article 27, § 441 of the Code] §
4 5-101 OF THE PUBLIC SAFETY ARTICLE.

5 6-201.

6 (g) (1) "Firearm" includes:

7 (iii) a regulated firearm, as defined in [Article 27, § 441 of the
8 Code] § 5-101 OF THE PUBLIC SAFETY ARTICLE.

9 **Article - Criminal Procedure**

10 2-102.

11 (a) This section does not apply to an employee of the Department of State
12 Police to whom the Secretary of State Police assigns the powers contained in [Article
13 88B, § 4 of the Code] § 2-412 OF THE PUBLIC SAFETY ARTICLE.

14 2-206.

15 (a) This section applies during a [public crisis, disaster, rioting, catastrophe,
16 or similar] public emergency, as [these terms are] defined in [Article 41, §
17 2-101(b)(1) of the Code] § 14-301(C)(1) OR (2) OF THE PUBLIC SAFETY ARTICLE, and
18 when public safety is imperiled, or on reasonable apprehension of immediate danger
19 of public safety being imperiled.

20 (b) During a time described in subsection (a) of this section, the authority to
21 make an arrest without a warrant granted to police officers under this title is granted
22 to a person who:

23 (1) is serving under a proclamation of a state of emergency issued by the
24 Governor, as provided in [Article 41, § 2-101(c) of the Code] § 14-303 OF THE PUBLIC
25 SAFETY ARTICLE, as:

26 (i) a member of a law enforcement unit that is listed in § 2-101(c)
27 of this title; or

28 (ii) a member of the militia called into action by the Governor, as
29 provided in [Article 41, § 2-101(e) of the Code] § 14-306 OF THE PUBLIC SAFETY
30 ARTICLE;

31 (2) is serving as a member of the militia ordered into active service by
32 the Governor under [Article 65, § 8 of the Code] § 13-702 OF THE PUBLIC SAFETY
33 ARTICLE; or

1 2-208.

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

3 (vi) a crime that relates to interference, obstruction, or false
4 representation of fire and safety personnel under [Article 27, § 11D of the Code] §
5 6-602 OR § 7-402 OF THE PUBLIC SAFETY ARTICLE; and

6 2-209.

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

9 (ii) a crime that relates to the unlawful possession or sale of
10 explosives under [Article 38A, §§ 27A and 31 of the Code] §§ 11-105(A) AND 11-114(B)
11 AND (C) OF THE PUBLIC SAFETY ARTICLE.

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

13 (ix) a crime that relates to interference, obstruction, or false
14 representation of fire and safety personnel under [Article 27, § 11D of the Code] §§
15 6-602 AND 7-402 OF THE PUBLIC SAFETY ARTICLE;

16 (xii) unlawful discharge or possession of fireworks under [Article
17 38A, §§ 16 and 17 of the Code] §§ 10-104, 10-110, AND 10-111 OF THE PUBLIC SAFETY
18 ARTICLE; and

19 (xiii) unlawful manufacture of or dealing in explosives under
20 [Article 38A, §§ 27 and 31A of the Code] §§ 11-105(A), 11-114(A), AND 11-115(B) OF THE
21 PUBLIC SAFETY ARTICLE.

22 4-101.

23 (a) (3) "Fire marshal" means:

24 (iii) as designated under [Article 38A, § 7 of the Code] § 6-304 OF
25 THE PUBLIC SAFETY ARTICLE:

26 1. an Assistant State Fire Marshal; or

27 2. a Special Assistant State Fire Marshal.

28 (c) (1) Subject to paragraph (2) of this subsection, in addition to any other
29 law allowing a crime to be charged by citation, a fire marshal may issue a citation for:

30 (i) discharging fireworks without a permit under [Article 38A, § 16
31 of the Code] § 10-104 OR § 10-110 OF THE PUBLIC SAFETY ARTICLE;

32 (ii) possessing with intent to discharge or allowing the discharge of
33 fireworks under [Article 38A, § 16 of the Code] § 10-104 OR § 10-110 OF THE PUBLIC
34 SAFETY ARTICLE; or

1 (iii) maintaining a fire hazard under [Article 38A, § 9(a) of the
2 Code] § 6-317 OF THE PUBLIC SAFETY ARTICLE.

3 11-601.

4 (d) (1) "Crime" means an act committed by a person in the State that is a
5 crime under:

6 (i) common law;

7 (ii) this article;

8 (iii) Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4-123.1 of the
9 Agriculture Article;

10 (iv) Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation
11 Article;

12 (v) Title 14, Subtitle 29, § 11-810, § 14-1316, or § 14-1317 of the
13 Commercial Law Article;

14 (vi) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i),
15 § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(d)(8), §
16 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), §
17 11-714(c)(6), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the
18 Correctional Services Article;

19 (vii) the Criminal Law Article other than Title 8, Subtitle 2, Part II or
20 § 10-614;

21 (viii) Title 5, Subtitle 10A of the Environment Article;

22 (ix) § 5-503 of the Family Law Article;

23 (x) Title 20, Subtitle 7 or § 21-259.1 of the Health - General Article;

24 (xi) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1,
25 [or] § 8-740.1, OR § 10-411(B), AS IT RELATES TO HARFORD COUNTY, OR (D), AS IT
26 RELATES TO ANNE ARUNDEL COUNTY OR CAROLINE COUNTY, of the Natural
27 Resources Article;

28 (xii) TITLE 3, SUBTITLE 1 OR SUBTITLE 5, TITLE 5, SUBTITLE 1,
29 SUBTITLE 2, SUBTITLE 3, OR SUBTITLE 4, § 6-602, § 7-402, OR § 12-701 OF THE PUBLIC
30 SAFETY ARTICLE;

31 (XIII) § 14-127 of the Real Property Article;

32 [(xiii)] (XIV) Article 2B, Title 22 or § 18-104 of the Code;

33 [(xiv)] (XV) Article 24, § 11-512, § 11-513, or § 11-514 of the Code;

- 1 ~~[(xv)]~~ ~~(XVI)~~ § 109 of the Code of Public Local Laws of Caroline
2 County;
- 3 ~~[(xvi)]~~ ~~(XVII)~~ § 4-103 of the Code of Public Local Laws of Carroll
4 County; or
- 5 ~~[(xvii)]~~ ~~(XVIII)~~ § 8A-1 of the Code of Public Local Laws of Talbot
6 County.
- 7 11-910.
- 8 (c) "Crime" means conduct that is a crime under:
- 9 (1) common law;
- 10 (2) this article;
- 11 (3) Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4-123.1 of the Agriculture
12 Article;
- 13 (4) Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation Article;
- 14 (5) Title 14, Subtitle 29, § 11-810, § 14-1316, or § 14-1317 of the
15 Commercial Law Article;
- 16 (6) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), §
17 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(d)(8), § 11-703(d)(5)(iii),
18 § 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), §
19 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services
20 Article;
- 21 (7) the Criminal Law Article other than Title 8, Subtitle 2, Part II or §
22 10-614;
- 23 (8) Title 5, Subtitle 10A of the Environment Article;
- 24 (9) § 5-503 of the Family Law Article;
- 25 (10) Title 20, Subtitle 7 or § 21-259.1 of the Health - General Article;
- 26 (11) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, [or]
27 § 8-740.1, OR § 10-411(B), AS IT RELATES TO HARFORD COUNTY, OR (D), AS IT
28 RELATES TO ANNE ARUNDEL COUNTY OR CAROLINE COUNTY, of the Natural
29 Resources Article;
- 30 (12) TITLE 3, SUBTITLE 1 OR SUBTITLE 5, TITLE 5, SUBTITLE 1, SUBTITLE
31 2, SUBTITLE 3, OR SUBTITLE 4, § 6-602, § 7-402, OR § 12-701 OF THE PUBLIC SAFETY
32 ARTICLE;
- 33 ~~[(12)]~~ (13) § 14-127 of the Real Property Article;

1 26-102.

2 (a) In this section, "school resource officer" means a law enforcement officer as
3 defined under [Article 27, § 727 (b) of the Code] § 3-101(E) OF THE PUBLIC SAFETY
4 ARTICLE [that] WHO has been assigned to a school in accordance with a
5 memorandum of understanding between the chief of a law enforcement agency as
6 defined under [Article 27, § 727 (g) of the Code] § 3-101(B) OF THE PUBLIC SAFETY
7 ARTICLE and the local education agency.

8

Article - Financial Institutions

9 5-707.

10 (a) In this section, "emergency" has the meaning stated in [Article 41, § 2-103
11 of the Code] § 14-307 OF THE PUBLIC SAFETY ARTICLE.

12

Article - Labor and Employment

13 3-702.

14 (b) (3) This section does not apply to an individual who applies for
15 employment or is employed:

16 (i) as a law enforcement officer, as defined in [Article 27, § 727 of
17 the Code] § 3-101 OF THE PUBLIC SAFETY ARTICLE;

18 5.5-113.

19 (c) The provisions of [Article 89, § 2A] § 12-101 OF THE PUBLIC SAFETY
20 ARTICLE concerning administrative search warrants apply to this title.

21 9-602.

22 (f) For the purpose of computing the average weekly wage of a member of the
23 organized militia of the State who is a covered employee under § 9-215 of this title,
24 the wages of the covered employee shall be the greater of:

25 (1) the wage provided for active duty in [Article 65, § 32(b) of the Code]
26 § 13-704(B) OF THE PUBLIC SAFETY ARTICLE; or

27

Article - Natural Resources

28 5-9A-05.

29 (b) (2) To qualify for additional funds appropriated above the level
30 appropriated in fiscal year 2000 as provided for in [Article 83B, § 6-503(f)(4) of the
31 Code] § 12-1007(D) OF THE PUBLIC SAFETY ARTICLE, an application shall include a
32 certification that the local jurisdiction has not adopted any local amendments to the
33 Maryland Building Rehabilitation Code.

1 8-1103.

2 (j) In the event the county or municipality fails to raise or to pay to the State
3 all or any portion of its percentage of the costs of a project as established by a
4 financing plan within 6 months of the certification of costs by the State Comptroller,
5 the State Comptroller shall cause to be withheld from State-collected, locally-shared
6 taxes, and, to the extent necessary, from the State aid for police protection provided
7 by [Article 88B, §§ 65 through 69 of the Code] ARTICLE 41, TITLE 4, SUBTITLE 4 OF
8 THE CODE to which the county or municipality would otherwise be entitled, for the
9 following fiscal year, a sum sufficient to reimburse the State for any sum remaining
10 unpaid, together with interest on the unpaid amount at the rate of 10% per annum
11 from the date of the certification by the State Comptroller.

12 10-410.

13 (c) (1) A person may not shoot at any species of wildlife from an automobile
14 or other vehicle or, except as provided in § 4-203(b) of the Criminal Law Article and
15 [Article 27, § 36E of the Code] TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE,
16 possess in or on an automobile or other vehicle a loaded handgun or shotgun, or a rifle
17 containing any ammunition in the magazine or chamber.

18 **Article - Public Safety**

19 5-133.

20 (c) (1) A person may not possess a regulated firearm if the person was
21 previously convicted of:

22 (i) a crime of violence; OR

23 (ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, §
24 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article[; or

25 (iii) any other violation classified as a felony in the State].

26 5-203.

27 (a) A person may not possess a short-barreled rifle or short-barreled shotgun
28 unless:

29 (1) the person, while on official business is:

30 (i) a member of the law enforcement personnel of the federal
31 government, the State, or a political subdivision of the State;

32 (ii) a member of the armed forces of the United States or the
33 National Guard while on duty or traveling to or from duty;

34 (iii) a member of the law enforcement personnel of another state or
35 a political subdivision of another state, while temporarily in this State;

1 (iv) a warden or correctional officer of a correctional facility in the
2 State; or

3 (v) a sheriff or a temporary or full-time deputy sheriff; [and] OR

4 (2) the short-barreled shotgun or short-barreled rifle has been
5 registered with the federal government in accordance with federal law.

6 11-116.

7 (a) (2) Paragraph (1) of this subsection does not apply to a person who
8 neither intended to use nor used the explosives involved in violation of:

9 (i) Title 3, [Subtitle 3] SUBTITLE 1 or Subtitle 5, Title 5, Subtitle 1,
10 Subtitle 2, Subtitle 3, or Subtitle 4, § 6-602, § 7-402, or [§ 12-1101] § 12-701 of this
11 article;

12 (x) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1,
13 [or] § 8-740.1, OR § 10-411(B), AS IT RELATES TO HARFORD COUNTY, OR (D), AS IT
14 RELATES TO ANNE ARUNDEL COUNTY OR CAROLINE COUNTY, of the Natural
15 Resources Article;

16 (xv) § 4-103 of the Code of Public Local Laws of Carroll County; OR

17 (xvi) § 8A-1 of the Code of Public Local Laws of Talbot County[]; or

18 (xvii) former Art. 27, §§ 268B, 268C, and 268D].

19 (b) (2) Paragraph (1) of this subsection does not apply to a person who had
20 probable cause to believe that the explosives involved would be used for a purpose
21 other than the violation of:

22 (i) Title 3, [Subtitle 3] SUBTITLE 1 or Subtitle 5, Title 5, Subtitle 1,
23 Subtitle 2, Subtitle 3, or Subtitle 4, § 6-602, § 7-402, or [§ 12-1101] § 12-701 of this
24 article;

25 (x) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1,
26 [or] § 8-740.1, OR § 10-411(B), AS IT RELATES TO HARFORD COUNTY, OR (D), AS IT
27 RELATES TO ANNE ARUNDEL COUNTY OR CAROLINE COUNTY, of the Natural
28 Resources Article;

29 (xv) § 4-103 of the Code of Public Local Laws of Carroll County; OR

30 (xvi) § 8A-1 of the Code of Public Local Laws of Talbot County[]; or

31 (xvii) former Art. 27, §§ 268B, 268C, and 268D].

32 12-807.

33 (A) An elevator unit may not be operated in a building, structure, or place of
34 employment in the State unless a certificate is issued by the Commissioner.

1 (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE
 2 COMMISSIONER SHALL ACCEPT CERTIFICATES OF INSPECTION FROM A POLITICAL
 3 SUBDIVISION OR MUNICIPAL CORPORATION INSTEAD OF THE CERTIFICATE
 4 REQUIRED BY SUBSECTION (A) OF THIS SECTION.

5 12-809.

6 (b) (1) The contractor, owner, or lessee of an elevator unit shall pay a fee for
 7 an inspection UNDER § 12-810(D) OR § 12-812(D)(3) OF THIS SUBTITLE at the following
 8 rate:

9 (i) half day (up to 4 hours), not to exceed \$250

10 (ii) full day (up to 8 hours, not to exceed \$500

11 **Article - Public Utility Companies**

12 7-401.

13 (d) (3) "Building" does not include:

14 (iii) an industrialized building as defined in [Article 83B, § 6-202 of
 15 the Code] § 12-301 OF THE PUBLIC SAFETY ARTICLE that bears an insignia furnished
 16 by the Department of Housing and Community Development under [Article 83B, §
 17 6-204 of the Code] TITLE 12, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE; and

18 (iv) a [mobile] MANUFACTURED home as defined in [Article 83B, §
 19 6-202 of the Code] § 12-301 OF THE PUBLIC SAFETY ARTICLE that bears an insignia
 20 issued by the Department of Housing and Community Development under [Article
 21 83B, § 6-208 of the Code] TITLE 12, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE.

22 (e) "Energy Code" means energy conservation standards adopted under
 23 COMAR 05.02.07.04 Maryland Building Performance Standards (MBPS) under the
 24 authority of [Article 83B, § 6-402 of the Code] TITLE 12, SUBTITLE 5 OF THE PUBLIC
 25 SAFETY ARTICLE.

26 **Article - State Government**

27 3-303.

28 (b) (1) As to the land militia, the Governor may adopt any regulation or
 29 issue any order on enlistment, discharge, organization, discipline, training, and
 30 equipment that is needed to conform to [Article 65 of the Code] TITLE 13 OF THE
 31 PUBLIC SAFETY ARTICLE, to the National Defense Act, or to any regulation that is
 32 adopted under the National Defense Act.

1 3-304.

2 The Governor has the emergency powers and duties set forth in:

3 (1) [Article 16A of the Code;

4 (2) Title 2, Subtitle 1 of Article 41] TITLE 14 AND § 13-702 OF THE PUBLIC
5 SAFETY ARTICLE;

6 [(3)] (2) Article 41, § 2-406 of the Code; AND

7 [(4) Article 65, § 8 of the Code; and

8 (5)] (3) any other law.

9 3-401.

10 In this subtitle, "executive order" means an order or an amendment or rescission
11 of an order that, over the signature of the Governor:

12 (1) proclaims or ends a state of emergency or exercises the authority of
13 the Governor during an emergency, under [Article 41, § 2-101 of the Code] TITLE 14,
14 SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE or any other provision of law;

15 8-403.

16 (b) Except as otherwise provided in subsection (a) of this section, on or before
17 the evaluation date for the following governmental activities or units, an evaluation
18 shall be made of the following governmental activities or units and the statutes and
19 regulations that relate to the governmental activities or units:

20 (10) Boiler Rules, Board of ([Article 48, § 169 of the Code] § 12-904 OF
21 THE PUBLIC SAFETY ARTICLE: July 1, 2013);

22 12-401.

23 In this subtitle, "State personnel" means:

24 (11) a person who, for or under contract with a unit of the State or a local
25 government, performs an emergency service during a state of emergency under
26 [Article 16A of the Code] TITLE 14 OF THE PUBLIC SAFETY ARTICLE;

27 15-105.

28 (b) [Article 27, §§ 727 through 734D of the Code do] TITLE 3, SUBTITLE 1 OF
29 THE PUBLIC SAFETY ARTICLE DOES not apply to activities carried out by the Ethics
30 Commission under this title.

1 **Article - State Personnel and Pensions**

2 8-305.

3 (c) (1) This subsection applies to law enforcement and civilian employees of
4 the Department of State Police who participate in the modified workday program
5 established in accordance with [Article 88B, § 23B of the Code] § 2-411 OF THE
6 PUBLIC SAFETY ARTICLE.

7 10-404.

8 (b) This section applies to all:

9 (3) members of the Maryland National Guard serving on orders issued in
10 accordance with [Article 65 of the Annotated Code of Maryland] TITLE 13 OF THE
11 PUBLIC SAFETY ARTICLE or Title 32 of the United States Code.

12 (c) (2) (i) A death benefit in the amount of \$50,000 shall be paid to the
13 surviving spouse, children, or dependent parents of any State employee covered by
14 the provisions of [Article 41, § 4-1002 of the Code] § 1-202 OF THE PUBLIC SAFETY
15 ARTICLE who is killed in the performance of duties on or after July 1, 2000.

16 (3) A death benefit under this section shall be in addition to any:

17 (iii) benefit provided to a State employee covered by the provisions
18 of [Article 41, § 4-1002 of the Code] § 1-202 OF THE PUBLIC SAFETY ARTICLE; and

19 21-111.

20 (b) (4) If the Board of Trustees approves an application for disability
21 retirement on behalf of a State police officer under [Article 88B, § 15(b)(16) of the
22 Code] § 2-415(B) OF THE PUBLIC SAFETY ARTICLE, the Board of Trustees shall hold a
23 hearing unless the officer waives the hearing in writing.

24 24-201.

25 This subtitle applies only to:

26 (1) a police employee as defined in [Article 88B, § 2 of the Code] § 2-101
27 OF THE PUBLIC SAFETY ARTICLE; and

28 29-103.

29 (c) (2) The Secretary of the State Police may complete an application and
30 submit it to the Board of Trustees for a member if:

31 (v) any administrative leave granted under [Article 88B, § 23A of
32 the Code] § 2-410 OF THE PUBLIC SAFETY ARTICLE has expired.

1 29-112.

2 If the Board of Trustees approves an application for disability retirement for a
3 member of the State Police Retirement System that was filed by the Secretary of the
4 State Police under § 29-103(c) of this subtitle or [Article 88B, § 15(b)(16) of the Code]
5 § 2-415(B) OF THE PUBLIC SAFETY ARTICLE, the member:

6 (1) within 90 days after approval, may exercise an option as provided
7 under §§ 21-402 and 21-403 of this article; or

8 (2) shall receive the basic allowance.

9 **Article - Tax - General**

10 10-207.

11 (e-1) (1) In this subsection, "law enforcement officer" means a law
12 enforcement officer as defined in [Article 27, § 727 (b) of the Code] § 3-101 OF THE
13 PUBLIC SAFETY ARTICLE or other sworn law enforcement officer of the United States,
14 a state, or a political subdivision of a state.

15 11-104.

16 (d) The sales and use tax rate for the first retail sale of a [mobile]
17 MANUFACTURED home, as defined in [Article 83B, § 6-202 (g) of the Code] §
18 12-301(G) OF THE PUBLIC SAFETY ARTICLE, is the rate imposed under subsection (a) of
19 this section applied to 60% of the taxable price.

20 11-213.

21 Except for the 1st retail sale of the [mobile] MANUFACTURED home, the sales
22 and use tax does not apply to a sale of a [mobile] MANUFACTURED home, as defined
23 in [Article 83B, § 6-202 (g) of the Code] § 12-301(G) OF THE PUBLIC SAFETY ARTICLE.

24 **Article - Transportation**

25 4-208.

26 (b) (3) A Maryland Transportation Authority police officer may exercise the
27 powers described in paragraph (2) of this subsection, if:

28 (ii) Ordered to do so by the Governor pursuant to a proclamation or
29 declaration by the Governor of a state of emergency under [Article 16A of the Code or
30 Article 41 of the Code] TITLE 14 OF THE PUBLIC SAFETY ARTICLE.

31 13-507.

32 (a) (3) (ii) The fees collected under this paragraph shall be paid into the
33 Vehicle Theft Prevention Fund established under [Article 88B, § 74 of the Code] §
34 2-703 OF THE PUBLIC SAFETY ARTICLE.

1 13-955.

2 (e) The money in the Fund shall be used solely for:

3 (5) The provision of grants under the Senator William H. Amoss Fire,
4 Rescue, and Ambulance Fund in accordance with the provisions of [Article 38A, §§
5 45A through 45D of the Code] TITLE 8, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE;
6 and

7 (6) The Low Interest Revolving Loan Account under the Volunteer
8 Company Assistance Fund in accordance with the provisions of [Article 38A, §§ 46E
9 through 46H of the Code] TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

10 21-1005.

11 (j) Except in Baltimore City and Baltimore County, within 30 days after it
12 receives the notification required by subsection (i) of this section, the State Highway
13 Administration shall install and maintain at the proper place a sign or signs, which
14 shall:

15 (1) Conform to the applicable requirements of the Maryland Accessibility
16 Code adopted under [Article 83B, § 6-102 of the Code] § 12-202 OF THE PUBLIC
17 SAFETY ARTICLE; and

18 21-1006.

19 (a) Each parking lot that is constructed or altered after October 1, 1996 shall
20 conform with the requirements of the Maryland Accessibility Code adopted under
21 [Article 83B, § 6-102 of the Code] § 12-202 OF THE PUBLIC SAFETY ARTICLE.

22 21-1007.

23 (d) Nothing contained in this section shall be construed as negating the
24 provisions of the Maryland Accessibility Code adopted under [Article 83B, § 6-102 of
25 the Code] § 12-202 OF THE PUBLIC SAFETY ARTICLE.

26 25-111.

27 (j) (1) Notwithstanding the provisions of [Article 16A, § 6A of the Code] §
28 14-107 OF THE PUBLIC SAFETY ARTICLE, the Governor may delegate the power to
29 declare a utility or transportation emergency to the Secretary or the Secretary's
30 designee.

31 (5) A utility or transportation emergency declared by the Secretary or
32 the Secretary's designee may not extend for more than 3 days, unless renewed by the
33 Governor pursuant to [§ 6A of Article 16A of the Code] § 14-107 OF THE PUBLIC
34 SAFETY ARTICLE.

1 25-113.

2 (a) (2) "Law enforcement agency" means an agency that is listed in [Article
3 27, § 727 (b) of the Code] § 3-101(E) OF THE PUBLIC SAFETY ARTICLE and that, in
4 accordance with subsection (c) of this section, is subject to the provisions of this
5 section.

6 (5) "Police Training Commission" means the unit within the Department
7 of Public Safety and Correctional Services established under [Article 41, § 4-201 of
8 the Code] § 3-202 OF THE PUBLIC SAFETY ARTICLE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2003.