

SENATE BILL 306  
EMERGENCY BILL

Unofficial Copy  
P5

2003 Regular Session  
3lr0263

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By: **The President (By Request - Department of Legislative Services)**

Introduced and read first time: January 31, 2003

Assigned to: Rules

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 7, 2003

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CHAPTER 21

1 AN ACT concerning

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**Annual Corrective Bill**

3 FOR the purpose of correcting certain errors and omissions in certain articles of the  
4 Annotated Code and in certain uncodified laws; clarifying language; correcting  
5 certain obsolete references; providing that this Act is not intended to affect any  
6 law other than to correct technical errors; repealing certain provisions of law;  
7 renumbering certain sections of the Annotated Code; reorganizing certain  
8 sections of the Annotated Code; validating and ratifying certain corrections  
9 made by the publisher of the Annotated Code; providing for the future correction  
10 of certain errors and obsolete provisions by the publisher of the Annotated Code;  
11 providing for the effect and construction of certain provisions of this Act;  
12 providing for the effective date of certain provisions of this Act; and making this  
13 Act an emergency measure.

14 BY repealing and reenacting, with amendments,  
15 Article 2B - Alcoholic Beverages  
16 Section 6-502  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume and 2002 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article 23A - Corporations - Municipal  
21 Section 3(b)(3)(i)1.  
22 Annotated Code of Maryland  
23 (2001 Replacement Volume and 2002 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article 24 - Political Subdivisions - Miscellaneous Provisions

1 Section 9-1301(n)  
2 Annotated Code of Maryland  
3 (2001 Replacement Volume and 2002 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article 27 - Crimes and Punishments  
6 Section 36E(h)(4)  
7 Annotated Code of Maryland  
8 (1996 Replacement Volume and 2002 Supplement)

9 BY repealing and reenacting, with amendments,  
10 Article 28 - Maryland-National Capital Park and Planning Commission  
11 Section 5-113.1 and 8-119.1  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article 41 - Governor - Executive and Administrative Departments  
16 Section 3-108(b)  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 2002 Supplement)

19 BY repealing  
20 Article 41 - Governor - Executive and Administrative Departments  
21 Section 18-302, 18-303, 18-304, and 18-305 and the subtitle "Subtitle 3.  
22 Committees, Commissions, and Task Forces"  
23 Annotated Code of Maryland  
24 (1997 Replacement Volume and 2002 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article 49B - Human Relations Commission  
27 Section 5(d)(4)  
28 Annotated Code of Maryland  
29 (1998 Replacement Volume and 2002 Supplement)

30 BY repealing and reenacting, with amendments,  
31 Article 49D - Office for Children, Youth, and Families  
32 Section 43(7) and 45(c)  
33 Annotated Code of Maryland  
34 (1998 Replacement Volume and 2002 Supplement)

35 BY repealing and reenacting, with amendments,  
36 Article 49D - Office for Children, Youth, and Families  
37 Section 48(d)  
38 Annotated Code of Maryland  
39 (1998 Replacement Volume and 2002 Supplement)

- 1 (As enacted by Chapter 283 of the Acts of the General Assembly of 2002)
- 2 BY repealing and reenacting, with amendments,  
3 Article 70B - Department of Aging  
4 Section 13(d)(7)(i)  
5 Annotated Code of Maryland  
6 (1998 Replacement Volume and 2002 Supplement)
- 7 BY repealing and reenacting, with amendments,  
8 Article 70B - Department of Aging  
9 Section 17A(c)(2) and (3)  
10 Annotated Code of Maryland  
11 (1998 Replacement Volume and 2002 Supplement)  
12 (As enacted by Chapter 150 of the Acts of the General Assembly of 2002)
- 13 BY repealing and reenacting, with amendments,  
14 Article 83A - Department of Business and Economic Development  
15 Section 3-301(a) and 3-302  
16 Annotated Code of Maryland  
17 (1998 Replacement Volume and 2002 Supplement)
- 18 BY repealing and reenacting, with amendments,  
19 Article 83B - Department of Housing and Community Development  
20 Section 2-204(13)(iii) and 5-801(g)(2)  
21 Annotated Code of Maryland  
22 (1998 Replacement Volume and 2002 Supplement)
- 23 BY repealing and reenacting, with amendments,  
24 Article 88B - Department of State Police  
25 Section 12A(c)  
26 Annotated Code of Maryland  
27 (1998 Replacement Volume and 2002 Supplement)  
28 (As enacted by Chapter 465 of the Acts of the General Assembly of 2002)
- 29 BY repealing and reenacting, with amendments,  
30 Article 88B - Department of State Police  
31 Section 14(a)  
32 Annotated Code of Maryland  
33 (1998 Replacement Volume and 2002 Supplement)
- 34 BY repealing and reenacting, with amendments,  
35 Article - Agriculture  
36 Section 8-704.2(b)(2)  
37 Annotated Code of Maryland  
38 (1999 Replacement Volume and 2002 Supplement)

1 (As enacted by Chapter 522 of the Acts of the General Assembly of 2002)

2 BY repealing and reenacting, with amendments,  
3 Article - Business Regulation  
4 Section 10-323.2(a)(3) and 11-103  
5 Annotated Code of Maryland  
6 (1998 Replacement Volume and 2002 Supplement)

7 BY adding to  
8 Article - Business Regulation  
9 New subtitle designation "Subtitle 1. General Provisions" to immediately  
10 precede Section 19-101  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume and 2002 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article - Business Regulation  
15 Section 19-101(a)  
16 Annotated Code of Maryland  
17 (1998 Replacement Volume and 2002 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - Commercial Law  
20 Section 4-104(c), 4A-106(a), and 10-109(3)  
21 Annotated Code of Maryland  
22 (2002 Replacement Volume and 2002 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article - Commercial Law  
25 Section 12-124.1(a)(4)  
26 Annotated Code of Maryland  
27 (2000 Replacement Volume and 2002 Supplement)  
28 (As enacted by Chapter 532 of the Acts of the General Assembly of 2002)

29 BY repealing and reenacting, with amendments,  
30 Article - Commercial Law  
31 Section 12-312(e)(3), 12-410(a)(2), 12-1007(f)(3), and 12-1029(a)(2) and (b)(3)  
32 Annotated Code of Maryland  
33 (2000 Replacement Volume and 2002 Supplement)

34 BY repealing and reenacting, with amendments,  
35 Article - Commercial Law  
36 Section 13-301(14)(xviii)

- 1 Annotated Code of Maryland  
2 (2000 Replacement Volume and 2002 Supplement)  
3 (As enacted by Chapter 543 of the Acts of the General Assembly of 2002)
- 4 BY repealing and reenacting, with amendments,  
5 Article - Commercial Law  
6 Section 14-1318(a)  
7 Annotated Code of Maryland  
8 (2000 Replacement Volume and 2002 Supplement)  
9 (As enacted by Chapter 295 of the Acts of the General Assembly of 2002)
- 10 BY repealing and reenacting, with amendments,  
11 Article - Corporations and Associations  
12 Section 3-418(b)(1), 4A-101(d), 5-632(d)(1)(i), and 12-204(c)(1)  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2002 Supplement)
- 15 BY repealing and reenacting, with amendments,  
16 Article - Corporations and Associations  
17 Section 5-622  
18 Annotated Code of Maryland  
19 (1999 Replacement Volume and 2002 Supplement)  
20 (As enacted by Chapter 135 of the Acts of the General Assembly of 2002)
- 21 BY repealing and reenacting, with amendments,  
22 Article - Corporations and Associations  
23 Section 5-6B-18.2(b)  
24 Annotated Code of Maryland  
25 (1999 Replacement Volume and 2002 Supplement)  
26 (As enacted by Chapter 303 of the Acts of the General Assembly of 2002)
- 27 BY repealing and reenacting, with amendments,  
28 Article - Courts and Judicial Proceedings  
29 Section 1-603(d), 1-703(a), 2-309(s)(1)(ii), 3-8A-08(d), 3-8A-09(a)(1),  
30 4-301(b)(15), 4-302(d)(1)(ii), 5-521(a)(3) and (4), 10-4A-06(a) and (b), and  
31 11-504(a)(2) and (g)  
32 Annotated Code of Maryland  
33 (2002 Replacement Volume)
- 34 BY repealing and reenacting, without amendments,  
35 Article - Courts and Judicial Proceedings  
36 Section 3-819(j)(1)(i), (2), and (3), 3-8A-15(e)(3)(i), 6-203(b)(4) and (5),  
37 10-408(a)(1)(ii)4., and 10-4A-04(a)(1)

1 Annotated Code of Maryland  
2 (2002 Replacement Volume)

3 BY repealing and reenacting, with amendments,

4 Article - Criminal Law

5 Section 2-303(e)(1)(ii)2., 2-401(d)(2)(iii), 2-505(a), 3-211(c)(1), 3-303(b)(2)(i),  
6 3-305(b)(2)(i), 3-503(b)(2)(ii)2.; the amended subtitle "Subtitle 1. General  
7 Provisions" to immediately precede Section 4-101; 4-203(b)(3) and (4),  
8 4-306(b)(2)(i) and (3)(i), 4-501(b)(1)(ii), 5-608(a), (b)(1), (c)(1), and (d)(1),  
9 5-609(b)(1), (c)(1), and (d)(1), 5-614(a)(1)(xi), 5-623(b), 8-610(a), 9-602(b),  
10 10-401(b) and (c), 10-403(b)(2) and (d), 10-404(a)(1), 13-1109(d), 13-1814,  
11 13-2104(3), and 13-2437(c)

12 Annotated Code of Maryland

13 (2002 Volume)

14 (As enacted by Chapter 26 of the Acts of the General Assembly of 2002)

15 BY repealing and reenacting, without amendments,

16 Article - Criminal Law

17 Section 3-103(c)(1)(i), 3-212(a)(1) through (4), 4-101(a)(1), 5-405(e), 5-503(d)(1)  
18 and (2); 5-601(a)(1) to be under the subtitle "Subtitle 6. Crimes Involving  
19 Controlled Dangerous Substances and Paraphernalia"; 5-805(e)(3),  
20 6-203(b), 6-404(a)(2), 6-405(b)(2), 6-503(a)(1), 7-113(b), 7-114(c)(2)(i),  
21 7-115(b), 7-116(c), 7-203(b)(1), 8-523(c); 9-301(a) to be under the subtitle  
22 "Subtitle 3. Obstructing Justice"; 9-706.1(a), 10-114, 10-115; 10-123(a) to  
23 be under the part "Part III. Alcoholic Beverage Consumption or Possession  
24 of Open Container in Passenger Area of Motor Vehicle"; 11-105(a)(1),  
25 11-207(a)(4) and (b)(1), 12-103(a)(3), 12-304(c)(2)(vi)1., 13-201(c)(1),  
26 13-507(c) and (d), 13-603(d)(2), 13-707(b)(1) and (2), 13-903(e)(4)(iii),  
27 13-1101(f)(2)(iii), and 13-2503(g)(2)(i)

28 Annotated Code of Maryland

29 (2002 Volume)

30 BY repealing and reenacting, with amendments,

31 Article - Criminal Law

32 Section 4-101(d)(1)

33 Annotated Code of Maryland

34 (2002 Volume)

35 (As enacted by Chapters 26 and 571 of the Acts of the General Assembly of 2002)

36 BY repealing and reenacting, with amendments,

37 Article - Criminal Law

38 Section 8-301(d) and (i)(2)

39 Annotated Code of Maryland

40 (2002 Volume)

41 (As enacted by Chapter 509 of the Acts of the General Assembly of 2002)

1 BY repealing and reenacting, with amendments,  
2 Article - Criminal Procedure  
3 Section 4-103, 5-202(e)(1)(i), 11-304(d)(2), (3), and (4), 11-701(i)(3) and (7), and  
4 11-721(a)  
5 Annotated Code of Maryland  
6 (2001 Volume and 2002 Supplement)

7 BY repealing and reenacting, with amendments,  
8 Article - Education  
9 Section 3-108.2(n), 4-407(a)(4), 5-203(c)(3)(i), 5-402(7)(i); the subtitle "Subtitle  
10 4. Children with Disabilities" immediately preceding Section 8-401;  
11 8-412.1(a) and (c), 11-206.1(e)(3), 15-106.1(b)(2), 18-303(c), and  
12 18-303.1(c)  
13 Annotated Code of Maryland  
14 (2001 Replacement Volume and 2002 Supplement)

15 BY repealing  
16 Article - Education  
17 Section 4-201(b)(6) and 4-205(k)(2)  
18 Annotated Code of Maryland  
19 (2001 Replacement Volume and 2002 Supplement)  
20 (As enacted by Chapter 289, Section 20, of the Acts of the General Assembly of  
21 2002)

22 BY repealing and reenacting, with amendments,  
23 Article - Education  
24 Section 4-318(d)(3)(ii)  
25 Annotated Code of Maryland  
26 (2001 Replacement Volume and 2002 Supplement)  
27 (As enacted by Chapter 526 of the Acts of the General Assembly of 2002)

28 BY repealing and reenacting, with amendments,  
29 Article - Education  
30 Section 5-202(a)(7)(ii) and (e) and 5-209(d)(2)  
31 Annotated Code of Maryland  
32 (2001 Replacement Volume and 2002 Supplement)  
33 (As enacted by Chapter 288 of the Acts of the General Assembly of 2002)

34 BY repealing and reenacting, without amendments  
35 Article - Education  
36 Section 8-401  
37 Annotated Code of Maryland  
38 (2001 Replacement Volume and 2002 Supplement)

- 1 BY repealing and reenacting, with amendments,  
2 Article - Education  
3 Section 16-311(b) and 16-314.5  
4 Annotated Code of Maryland  
5 (2001 Replacement Volume and 2002 Supplement)  
6 (As enacted by Chapter 378 of the Acts of the General Assembly of 2002)
- 7 BY repealing and reenacting, with amendments,  
8 Article - Education  
9 Section 18-2101(b)  
10 Annotated Code of Maryland  
11 (2001 Replacement Volume and 2002 Supplement)  
12 (As enacted by Chapter 302, Section 2 of the Acts of the General Assembly of  
13 2002)
- 14 BY repealing and reenacting, with amendments,  
15 Article - Education  
16 Section 26-104(a)  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume and 2002 Supplement)  
19 (As enacted by Chapter 19 of the Acts of the General Assembly of 2002)
- 20 BY repealing and reenacting, without amendments,  
21 Article - Election Law  
22 Section 2-202(b)(3), 2-301(a)(4), 4-203(c)(3), 8-702(d)(7), and 13-242(b)  
23 Annotated Code of Maryland  
24 (2003 Volume)
- 25 BY repealing and reenacting, with amendments,  
26 Article - Election Law  
27 Section 3-504(d), 8-701(b), 9-202(b), 10-201(b)(2)(i), 11-303(e), 11-308(c)(1),  
28 11-401(a), 11-501(a)(4), 11-503(a)(3), 11-604, 13-304(a), 13-401(a)(1),  
29 14-104(b)(1), 16-201(b), 16-804(b), 16-901(b), and 16-902(b)  
30 Annotated Code of Maryland  
31 (2003 Volume)
- 32 BY repealing and reenacting, with amendments,  
33 Article - Environment  
34 Section 2-901(a), 9-204(m)(5), 16-104(b)(3)(iv) and (c)(2)(iv), and 16-105(a)  
35 Annotated Code of Maryland  
36 (1996 Replacement Volume and 2002 Supplement)
- 37 BY repealing and reenacting, with amendments,

1 Article - Environment  
2 Section 7-604(c) and (f)  
3 Annotated Code of Maryland  
4 (1996 Replacement Volume and 2002 Supplement)  
5 (As enacted by Chapter 434 of the Acts of 2002)

6 BY repealing and reenacting, with amendments,  
7 Article - Estates and Trusts  
8 Section 15-502.2(a)(6)  
9 Annotated Code of Maryland  
10 (2001 Replacement Volume and 2002 Supplement)  
11 (As enacted by Chapter 478 of the Acts of the General Assembly of 2002)

12 BY repealing and reenacting, with amendments,  
13 Article - Family Law  
14 Section 4-501(e)  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2002 Supplement)  
17 (As enacted by Chapter 235 of the Acts of the General Assembly of 2002)

18 BY repealing and reenacting, with amendments,  
19 Article - Family Law  
20 Section 5-313(d)(1)(iv)  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2002 Supplement)  
23 (As enacted by Chapter 320 of the Acts of the General Assembly of 2002)

24 BY repealing and reenacting, with amendments,  
25 Article - Family Law  
26 Section 5-1206(a) and 10-108.2(d)(2)(iii)  
27 Annotated Code of Maryland  
28 (1999 Replacement Volume and 2002 Supplement)

29 BY repealing and reenacting, with amendments,  
30 Article - Financial Institutions  
31 Section 7-116, 7-210(a)(2), 7-216(f)(1)(ii), 12-413(b)(2), and 12-426(b)  
32 Annotated Code of Maryland  
33 (1998 Replacement Volume and 2002 Supplement)

34 BY repealing and reenacting, with amendments,  
35 Article - Financial Institutions  
36 Section 12-401(o)(3)(iii), 12-412(d)(1)(i), and 12-416(a)(4)  
37 Annotated Code of Maryland

- 1 (1998 Replacement Volume and 2002 Supplement)  
2 (As enacted by Chapter 539 of the Acts of the General Assembly of 2002)
- 3 BY repealing and reenacting, with amendments,  
4 Article - Health - General  
5 Section 4-211(g), 8-401(a)(3)(ii) and (iii), 10-809(c)(1), 13-1602(b)(4), 18-214(i),  
6 18-901(b), (c), and (d), 18-905(b), and 18-906(b)(5)(ii)2.  
7 Annotated Code of Maryland  
8 (2000 Replacement Volume and 2002 Supplement)
- 9 BY repealing and reenacting, with amendments,  
10 Article - Health - General  
11 Section 13-1902(g)(4)  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume and 2002 Supplement)  
14 (As enacted by Chapters 443 and 444 of the Acts of the General Assembly of  
15 2002)
- 16 BY repealing and reenacting, with amendments,  
17 Article - Health - General  
18 Section 15-109(e)(3)(i)3.  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2002 Supplement)  
21 (As enacted by Chapters 292 and 293 of the Acts of the General Assembly of  
22 2002)
- 23 BY repealing and reenacting, with amendments,  
24 Article - Health - General  
25 Section 15-135(d)(1) and (e)  
26 Annotated Code of Maryland  
27 (2000 Replacement Volume and 2002 Supplement)  
28 (As enacted by Chapter 84 of the Acts of the General Assembly of 2002)
- 29 BY repealing and reenacting, with amendments,  
30 Article - Health - General  
31 Section 17-603(a)  
32 Annotated Code of Maryland  
33 (2000 Replacement Volume and 2002 Supplement)  
34 (As enacted by Chapter 361 of the Acts of the General Assembly of 2002)
- 35 BY repealing and reenacting, with amendments,  
36 Article - Health - General  
37 Section 18-214(d)

1 Annotated Code of Maryland  
2 (2000 Replacement Volume and 2002 Supplement)  
3 (As enacted by Chapter 337 of the Acts of the General Assembly of 2002)

4 BY repealing and reenacting, with amendments,  
5 Article - Health - General  
6 Section 18-906(a)  
7 Annotated Code of Maryland  
8 (2000 Replacement Volume and 2002 Supplement)  
9 (As enacted by Chapter 1 of the Acts of the General Assembly of 2002)

10 BY repealing and reenacting, with amendments,  
11 Article - Health - General  
12 Section 19-111(h), 19-319(e)(1), (2), and (4), 19-1409(b)(2), 20-506(a)(2)(i) and  
13 (5), and 21-1113(a)(8)  
14 Annotated Code of Maryland  
15 (2000 Replacement Volume and 2002 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Health - General  
18 Section 19-319(e)(4)  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2002 Supplement)  
21 (As enacted by Chapter 189 of the Acts of the General Assembly of 2002)

22 BY repealing and reenacting, with amendments,  
23 Article - Health - General  
24 Section 19-1406(c)(2)  
25 Annotated Code of Maryland  
26 (2000 Replacement Volume and 2002 Supplement)  
27 (As enacted by Chapter 47 of the Acts of the General Assembly of 2002)

28 BY repealing and reenacting, with amendments,  
29 Article - Health Occupations  
30 Section 4-308(c)(3), 4-315(a)(25)(i), 6-312(a)(7), 7-308.1(d), 8-208(d)(1),  
31 8-7B-01(c)(1)(iii), (d)(2), and (e), 10-315(8), 12-6A-07(b), 14-5A-17(b),  
32 14-5B-14(a)(7) and (8)(ii), and 19-311(10)  
33 Annotated Code of Maryland  
34 (2000 Replacement Volume and 2002 Supplement)

35 BY repealing and reenacting, without amendments,  
36 Article - Health Occupations  
37 Section 14-506

1 Annotated Code of Maryland  
2 (2000 Replacement Volume and 2002 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Health Occupations  
5 Section 14-4B-06 and 14-5B-16  
6 Annotated Code of Maryland  
7 (2000 Replacement Volume and 2002 Supplement)  
8 (As enacted by Chapter 373 of the Acts of the General Assembly of 2002)

9 BY repealing and reenacting, with amendments,  
10 Article - Health Occupations  
11 Section 17-3A-02.1(g)  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume and 2002 Supplement)  
14 (As enacted by Chapter 367 of the Acts of the General Assembly of 2002)

15 BY repealing and reenacting, with amendments,  
16 Article - Insurance  
17 Section 2-112(b), 11-215(e), and 11-318(e)  
18 Annotated Code of Maryland  
19 (1997 Volume and 2002 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article - Insurance  
22 Section 14-505(c)(2) and 14-513(b)  
23 Annotated Code of Maryland  
24 (2002 Replacement Volume and 2002 Supplement)  
25 (As enacted by Chapter 153 of the Acts of the General Assembly of 2002)

26 BY repealing and reenacting, with amendments,  
27 Article - Insurance  
28 Section 14-506(a)(2)(iii), 15-10D-02(e)(2)(ii)5., 15-1308(a), 16-408(c)(2),  
29 18-114(b)(1), 20-601(b), 23-301(b)(5)(iii) and (v), 24-206, and  
30 27-501(e-2)(1)  
31 Annotated Code of Maryland  
32 (2002 Replacement Volume and 2002 Supplement)

33 BY repealing and reenacting, with amendments,  
34 Article - Insurance  
35 Section 27-605(c)(3)(vi)  
36 Annotated Code of Maryland  
37 (2002 Replacement Volume and 2002 Supplement)

1 (As enacted by Chapter 553 of the Acts of the General Assembly of 2002)

2 BY repealing and reenacting, with amendments,  
3 Article - Labor and Employment  
4 Section 5-308.1(b) and 9-316(d)(2)(ii)  
5 Annotated Code of Maryland  
6 (1999 Replacement Volume and 2002 Supplement)

7 BY repealing and reenacting, with amendments,  
8 Article - Natural Resources  
9 Section 3-302(b)(3), 4-215(f)(2), 4-603, 4-604(h), 4-701(k)(3)(ii), 5-103(h),  
10 5-15A-02(c)(2)(i), 5-1613, and 5-1702(a)  
11 Annotated Code of Maryland  
12 (2000 Replacement Volume and 2002 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Natural Resources  
15 Section 8-708(e), 8-1808.3(d)(4), 8-1813(a) and (b), 8-2103(c), 10-301(l)(1), and  
16 10-608(b)(2)  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume and 2002 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Natural Resources  
21 Section 8-1810(b) and (d) and 8-1815.1(b)  
22 Annotated Code of Maryland  
23 (2000 Replacement Volume and 2002 Supplement)  
24 (As enacted by Chapter 433 of the Acts of the General Assembly of 2002)

25 BY repealing and reenacting, with amendments,  
26 Article - Public Utility Companies  
27 Section 8-501(a)  
28 Annotated Code of Maryland  
29 (1998 Volume and 2002 Supplement)

30 BY repealing and reenacting, with amendments,  
31 Article - Real Property  
32 Section 10-606(c)(1) and 14-117(f)(1)  
33 Annotated Code of Maryland  
34 (1996 Replacement Volume and 2002 Supplement)

35 BY repealing and reenacting, with amendments,  
36 Article - State Finance and Procurement  
37 Section 7-122(a)(1)

- 1 Annotated Code of Maryland  
2 (2001 Replacement Volume and 2002 Supplement)
- 3 BY repealing and reenacting, with amendments,  
4 Article - State Finance and Procurement  
5 Section 11-203(a)(1)(xvii)  
6 Annotated Code of Maryland  
7 (2001 Replacement Volume and 2002 Supplement)  
8 (As enacted by Chapter 153 of the Acts of the General Assembly of 2002)
- 9 BY repealing and reenacting, with amendments,  
10 Article - State Government  
11 Section 2-403(a), 2-10A-01, 9-1405(b)(7), 9-1406(c), 9-2509, and 10-502.4(e)(1)  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2002 Supplement)
- 14 BY repealing and reenacting, with amendments,  
15 Article - State Government  
16 Section 10-1105  
17 Annotated Code of Maryland  
18 (1999 Replacement Volume and 2002 Supplement)  
19 (As enacted by Chapter 141 of the Acts of the General Assembly of 2002)
- 20 BY repealing and reenacting, with amendments,  
21 Article - State Government  
22 Section 15-715(f)(1)  
23 Annotated Code of Maryland  
24 (1999 Replacement Volume and 2002 Supplement)  
25 (As enacted by Chapter 405 of the Acts of the General Assembly of 2002)
- 26 BY repealing and reenacting, with amendments,  
27 Article - State Personnel and Pensions  
28 Section 2-304(b)(1), 21-304(b)(3)(i) and (f)(1), 22-201(b)(6), 22-216(a)(2) and (c),  
29 23-201(b)(5), 23-214(a)(2) and (c), and 29-104(c)(1)  
30 Annotated Code of Maryland  
31 (1997 Replacement Volume and 2002 Supplement)
- 32 BY repealing and reenacting, with amendments,  
33 Article - State Personnel and Pensions  
34 Section 21-304(d)  
35 Annotated Code of Maryland  
36 (1997 Replacement Volume and 2002 Supplement)  
37 (As enacted by Chapters 19 and 440 of the Acts of the General Assembly of 2002)

- 1 BY repealing and reenacting, with amendments,  
2 Article - State Personnel and Pensions  
3 Section 21-304(f)(3)  
4 Annotated Code of Maryland  
5 (1997 Replacement Volume and 2002 Supplement)  
6 (As enacted by Chapter 440 of the Acts of the General Assembly of 2002)
- 7 BY repealing and reenacting, with amendments,  
8 Article - Tax - General  
9 Section 9-203 and 10-906(d)(3)  
10 Annotated Code of Maryland  
11 (1997 Replacement Volume and 2002 Supplement)
- 12 BY repealing and reenacting, with amendments,  
13 Article - Tax - General  
14 Section 10-707(a) and (b)  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume and 2002 Supplement)  
17 (As enacted by Chapters 653 and 662 of the Acts of the General Assembly of  
18 2000)
- 19 BY repealing and reenacting, with amendments,  
20 Article - Tax - General  
21 Section 13-508(d)  
22 Annotated Code of Maryland  
23 (1997 Replacement Volume and 2002 Supplement)  
24 (As enacted by Chapter 210 of the Acts of the General Assembly of 2002)
- 25 BY repealing and reenacting, with amendments,  
26 Article - Tax - Property  
27 Section 8-415  
28 Annotated Code of Maryland  
29 (2001 Replacement Volume and 2002 Supplement)  
30 (As enacted by Chapters 120 and 529 of the Acts of the General Assembly of  
31 2002)
- 32 BY repealing and reenacting, with amendments,  
33 Article - Tax - Property  
34 Section 9-210(a)(2)(i)2.  
35 Annotated Code of Maryland  
36 (2001 Replacement Volume and 2002 Supplement)  
37 (As enacted by Chapter 489 of the Acts of the General Assembly of 2002)

- 1 BY repealing and reenacting, with amendments,  
2 Article - Tax - Property  
3 Section 9-326(a)  
4 Annotated Code of Maryland  
5 (2001 Replacement Volume and 2002 Supplement)
- 6 BY repealing and reenacting, with amendments,  
7 Article - Transportation  
8 Section 4-208(b)(3)(i)6., 8-609(c)(2), and 8-651  
9 Annotated Code of Maryland  
10 (2001 Replacement Volume and 2002 Supplement)
- 11 BY repealing  
12 Article - Transportation  
13 Section 8-654  
14 Annotated Code of Maryland  
15 (2001 Replacement Volume and 2002 Supplement)
- 16 BY repealing and reenacting, with amendments,  
17 Article - Transportation  
18 Section 13-202(c)(2), 13-406.1(a)(4)(v), 13-616(g)(1), 15-304(b)(2), 17-209(d)  
19 and (e), 19-103(a)(1), 22-106(a), 22-405.2(c), and 25-111(j)(2)  
20 Annotated Code of Maryland  
21 (2002 Replacement Volume)
- 22 BY repealing and reenacting, with amendments,  
23 Chapter 704 of the Acts of the General Assembly of 1998, as amended by  
24 Chapter 420 of the Acts of the General Assembly of 2001  
25 Section 5(a)
- 26 BY repealing and reenacting, with amendments,  
27 Chapter 26 of the Acts of the General Assembly of 2002  
28 Section 1
- 29 BY repealing and reenacting, without amendments,  
30 Chapter 26 of the Acts of the General Assembly of 2002  
31 Section 5 and 6
- 32 BY repealing and reenacting, with amendments,  
33 Chapter 165 of the Acts of the General Assembly of 2002  
34 Section 2
- 35 BY repealing and reenacting, with amendments,  
36 Chapter 440 of the Acts of the General Assembly of 2002

- 1 Section 21(a)
- 2 BY repealing and reenacting, with amendments,  
3 The Public Local Laws of Caroline County  
4 Section 109 to be under the new chapter "Chapter 110. Fortune Telling"  
5 Article 6 - Public Local Laws of Maryland  
6 (1996 Edition and August 2002 Supplement, as amended)  
7 (As enacted by Chapter 26 of the Acts of the General Assembly of 2002)
- 8 BY repealing and reenacting, with amendments,  
9 The Public Local Laws of Cecil County  
10 Section 15-2 A.(6)(a)  
11 Article 8 - Public Local Laws of Maryland  
12 (1989 Edition and October 2002 Supplement, as amended)  
13 (As enacted by Chapter 95 of the Acts of the General Assembly of 2002)
- 14 BY repealing and reenacting, with amendments,  
15 The Public Local Laws of Montgomery County  
16 Section 52-20(c)  
17 Article 16 - Public Local Laws of Maryland  
18 (1997 Edition and August 2002 Supplement, as amended)  
19 (As enacted by Chapter 694 of the Acts of the General Assembly of 1988)
- 20 BY repealing and reenacting, with amendments,  
21 The Public Local Laws of Somerset County  
22 The amended title "Title 12. Detention Center Warden" to immediately precede  
23 Section 12-101  
24 Article 20 - Public Local Laws of Maryland  
25 (1994 Edition, as amended)  
26 (As enacted by Chapter 575 of the Acts of the General Assembly of 2002)
- 27 BY repealing and reenacting, without amendments,  
28 The Public Local Laws of Somerset County  
29 Section 12-101(a)  
30 Article 20 - Public Local Laws of Maryland  
31 (1994 Edition, as amended)
- 32 BY repealing and reenacting, with amendments,  
33 Article - Criminal Law  
34 Section 13-2430(a) and (b) and 13-2435(d)(1) and (4) and (e)(1)  
35 Annotated Code of Maryland  
36 (2002 Volume)  
37 (As enacted by Chapter 26, Section 3 of the Acts of the General Assembly of

1 2002)

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

4 **Article 2B - Alcoholic Beverages**

5 6-502.

6 (a) There is a Class F beer, wine and liquor license.

7 (b) The annual license fee is \$200, which shall be paid to the Office of the  
8 Comptroller before the license is issued.

9 (c) The license shall be issued by the Office of the Comptroller and authorizes  
10 the owner or operator of any steam [or], DIESEL, OR electric railway or club, parlor,  
11 buffet, observation, sleeping or dining cars upon the lines of any steam [or], DIESEL,  
12 OR electric railway in this State, to keep for sale and to sell all alcoholic beverages  
13 upon any of such cars for consumption upon such cars, and every such license shall be  
14 good throughout the State.

15 DRAFTER'S NOTE:

16 Error: Omitted references to common modern source of railroad engine  
17 power in Art. 2B, § 6-502(c).

18 Occurred: Ch. 5, Acts of 1993, which added a reference to modern "diesel"  
19 railways for purposes of one type of alcoholic beverages license, but failed  
20 to make the corresponding change for purposes of this license. This  
21 correction, recommended by Assistant Attorney General Richard E. Israel,  
22 Office of Counsel to the General Assembly, conforms the statute to current  
23 practice.

24 **Article 23A - Corporations - Municipal**

25 3.

26 (b) (3) (i) Those officials authorized by the legislative body of the  
27 municipality to act as enforcement officers may serve a citation on any person:

28 1. [Who] WHOM they believe is committing or has  
29 committed a municipal infraction; or

30 DRAFTER'S NOTE:

31 Error: Grammatical error in Article 23A, § 3(b)(3)(i)1.

32 Occurred: Ch. 61, Acts of 2000.

**Article 24 - Political Subdivisions - Miscellaneous Provisions**

2 9-1301.

3 (n) Unless otherwise provided in the charter, if any, bylaws, or code of the  
4 county, before adopting an ordinance or resolution that designates a special taxing  
5 district, authorizes the issuance of bonds, or levies ad valorem taxes or special taxes  
6 under the provisions of this section may be finally enacted, the county governing body  
7 shall hold a public hearing after giving not less than [10-days] 10-DAYS' notice in a  
8 newspaper of general circulation in the county.

9 DRAFTER'S NOTE:

10 Error: Grammatical error in Article 24, § 9-1301(n).

11 Occurred: Ch. 548, Acts of 1995.

**Article 27 - Crimes and Punishments**

13 36E.

14 (h) (4) Institution of proceedings under this section is within the discretion  
15 of the applicant and is not a condition precedent to institution of proceedings under  
16 subsection [(h)] (I) of this section.

17 DRAFTER'S NOTE:

18 Error: Erroneous cross-reference in Article 27, § 36E(h)(4).

19 Occurred: As a result of Ch. 418, Acts of 2002.

**Article 28 - Maryland-National Capital Park and Planning Commission**

21 5-113.1.

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

23 [(b) (1)] (2) "Animal" means any bird or mammal or any part, egg, offspring,  
24 or dead body part of any of them.

25 [(2)] (3) "Hunt" means to pursue, capture, catch, kill, gig, trap, shoot, or  
26 attempt to pursue, capture, kill, gig, trap, or shoot, or in any manner reduce any bird  
27 or mammal to personal possession.

28 [(c)] (B) A person may not hunt any animal on property owned by, operated by,  
29 or leased by the Commission without prior written authorization from the  
30 Commission.

31 [(d)] (C) For the purpose of this section, each animal taken illegally by  
32 hunting, offered for purchase, sold, bartered, or exchanged in excess of the bag limit  
33 or possessed illegally constitutes a separate violation.

1 [(e)] (D) (1) A person who violates this section is guilty of a misdemeanor  
2 and on conviction is subject to:

3 (i) For a first violation, a fine not exceeding \$1,500, with costs  
4 imposed at the discretion of the court; and

5 (ii) For each subsequent violation, imprisonment not exceeding 1  
6 year or a fine not exceeding \$4,000 or both, with costs imposed at the discretion of the  
7 court.

8 (2) For the purpose of this subsection, a subsequent violation is a  
9 violation which:

10 (i) Occurs within 2 years after any prior violation of this section;  
11 and

12 (ii) Arises out of a separate set of circumstances.

13 (3) In addition to the penalties in paragraph (1)(ii) of this subsection, the  
14 court may order the license under which the person operated in the commission of the  
15 violation to be suspended for 12 months from the date of the subsequent conviction.

16 [(f)] (E) (1) The Commission may adopt rules and regulations necessary for  
17 the administration and enforcement of this section.

18 (2) Violation of any regulation adopted by the Commission under this  
19 subsection is a misdemeanor and is punishable as provided in subsection [(e)](D) of  
20 this section.

21 [(g)] (F) (1) The Chief Judge of the District Court of Maryland may  
22 establish, by administrative regulation under the provisions of § 1-605 of the Courts  
23 Article, a schedule of prepayable fines for a first offense misdemeanor violation of this  
24 section and regulations adopted under this section. The amount of a prepayable fine  
25 may be no more than the maximum and no less than the minimum criminal penalty  
26 established by the General Assembly in this section.

27 (2) By paying a fine set under this section instead of appearing for trial  
28 in District Court, a person is voluntarily accepting a conviction for the offense  
29 charged.

30 [(h)] (G) If the District Court or circuit court imposes a fine for a violation of  
31 this section, the court shall collect the fine and forward it to the Commission.

32 DRAFTER'S NOTE:

33 Error: Stylistic error in Article 28, § 5-113.1.

34 Occurred: Ch. 86, Acts of 2002.

1 8-119.1.

2 Prince George's County or a department of the county responsible for issuing the  
3 permit shall place conditions on a grading permit issued or to be issued under  
4 Subtitle 4, Division 3 of the Prince George's County Code [(1995 Edition)] (1999  
5 EDITION), involving 10 acres of land or more in the Prince George's County portion of  
6 the regional district, if the county or the department finds there is or would be an  
7 adverse effect, as a result of noise or traffic, on the safety, health, or welfare of the  
8 residents in the immediate area of the land that is the subject of the grading permit.

9 DRAFTER'S NOTE:

10 Error: Obsolete reference in Art. 28, § 8-119.1.

11 Occurred: As a result of the issuance of a new edition of the Prince  
12 George's County Code.

13 **Article 41 - Governor - Executive and Administrative Departments**

14 3-108.

15 (b) On an ongoing basis, the Commission shall inform the Department of  
16 Budget and Management, the Senate Budget and Taxation Committee, the House  
17 Appropriations Committee, the House [Commerce and Government Matters]  
18 HEALTH AND GOVERNMENT OPERATIONS Committee and the Chief Judge of the  
19 Court of Appeals whether communication and information management systems  
20 supported by State funds comply with applicable standards.

21 DRAFTER'S NOTE:

22 Error: Misnomer in Article 41, § 3-108(b).

23 Occurred: As a result of Committee name change effective as of the 2003  
24 Session of the General Assembly.

25 [Subtitle 3. Committees, Commissions, and Task Forces.]

26 [18-302.

27 (a) There is an Interdepartmental Task Force on Preservation of State  
28 Streams.

29 (b) The Task Force shall be composed of:

30 (1) 1 member of the House of Delegates, appointed by the Speaker of the  
31 House;

32 (2) 1 member of the Senate of Maryland, appointed by the President of  
33 the Senate;

- 1           (3)     1 representative of the Department of Natural Resources, appointed  
2 by the Secretary of Natural Resources;
- 3           (4)     1 representative of the Maryland Department of Agriculture,  
4 appointed by the Secretary of Agriculture;
- 5           (5)     1 representative of the University System of Maryland with expertise  
6 in environmental issues, appointed by the Chancellor;
- 7           (6)     1 representative of the Department of the Environment, appointed by  
8 the Secretary of the Environment;
- 9           (7)     1 representative of the State Highway Administration of the  
10 Department of Transportation, appointed by the Secretary of Transportation;
- 11          (8)     1 representative of the Office of State Planning, appointed by the  
12 Director of the Office;
- 13          (9)     1 representative of the Maryland Association of Counties, appointed  
14 by the Governor;
- 15          (10)    1 representative of the Maryland Municipal League, appointed by the  
16 Governor;
- 17          (11)    1 representative of the Home Builders Association of Maryland,  
18 appointed by the Governor;
- 19          (12)    1 representative of the agricultural community, appointed by the  
20 Governor;
- 21          (13)    1 representative of the environmental community, appointed by the  
22 Governor;
- 23          (14)    1 representative of the scientific research community, appointed by  
24 the Governor; and
- 25          (15)    2 members of the general public interested in stream quality,  
26 appointed by the Governor.

27   (c)     The Governor shall designate the chairman of the Task Force.

28   (d)     The Department of Natural Resources shall coordinate with other State  
29 agencies to provide staffing for the Task Force.

30   (e)     A member of the Task Force may not receive compensation but is entitled  
31 to reimbursement for expenses under the Standard State Travel Regulations, as  
32 provided in the State budget.

33   (f)     The Task Force shall:

1 (1) Study available information on streams, impacts on streams, and  
2 methods to prevent those impacts and improve stream quality, including:

3 (i) Information from ongoing State and local government programs  
4 including the Watershed Targeting Initiative of the Chesapeake Bay Program; and

5 (ii) Information from case histories of stream impact, including  
6 Jabez Branch in Anne Arundel County.

7 (2) Develop options for a coordinated, cooperative process involving State  
8 and local government agencies, private individuals, and civic, environmental, and  
9 business organizations to protect and enhance stream environmental quality  
10 statewide. The process may include:

11 (i) Formalized coordination among State and local government  
12 agencies;

13 (ii) Establishment of a clearinghouse for compiling information on  
14 streams, existing and potential impacts, and ongoing activities to protect and enhance  
15 stream quality;

16 (iii) Creation of a mechanism for prioritizing streams deserving  
17 attention;

18 (iv) Promotion of volunteer activities by private individuals and  
19 civic, environmental, and business organizations; and

20 (v) Identification of specific management measures that could be  
21 adopted by State and local government agencies, including measures to control the  
22 cumulative impacts of growth and development.

23 (3) Prepare a report summarizing its findings and recommendations.

24 (g) The Task Force shall submit its findings and recommendations to the  
25 Governor, the Governor's Commission on Growth in the Chesapeake Bay Region, and,  
26 subject to § 2-1246 of the State Government Article, the General Assembly on or  
27 before September 1, 1991.]

28 DRAFTER'S NOTE:

29 Error: Obsolete subtitle preceding, and obsolete language in, Article 41, §  
30 18-302.

31 Occurred: As a result of the submission of the Task Force's Final Report  
32 in December, 1991 and completion of its mandate under Ch. 129, Acts of  
33 1990.

34 [18-303.

35 (a) There is a World War II Memorial Commission.

1 (b) The Commission shall:

2 (1) Develop a list of citizens of the State who sacrificed their lives or  
3 years of their life for their country during World War II; and

4 (2) Meet regularly to develop recommendations to the General Assembly  
5 and the Governor for the design, construction, and placement of a suitable memorial  
6 or monument that would contain the names of those Maryland citizens who served  
7 their country during World War II so that their sacrifice may be permanently and  
8 publicly recorded.

9 (c) (1) The Governor shall appoint the members of the Commission.

10 (2) Each member of the Commission shall be a citizen and a resident of  
11 the State.

12 (d) A member of the Commission:

13 (1) May not receive compensation; but

14 (2) Is entitled to reimbursement for expenses under the Standard State  
15 Travel Regulations as provided in the State budget.

16 (e) Staff for the Commission shall be provided by the Maryland Veterans  
17 Commission.

18 (f) The Commission shall, subject to § 2-1246 of the State Government  
19 Article:

20 (1) Report its initial recommendations to the Governor and the General  
21 Assembly by January 1, 1992; and

22 (2) Submit its final report to the Governor and the General Assembly by  
23 September 1, 1992.]

24 DRAFTER'S NOTE:

25 Error: Obsolete language in Article 41, § 18-303.

26 Occurred: As a result of the completion of the Task Forces's duties under  
27 Ch. 380, Acts of 1991 and termination of the Task Force in accordance with  
28 Executive Order 01.01.1994.29, October 21, 1994.

29 [18-304.

30 (a) There is a Task Force to Study Health Professional-Client Sexual  
31 Exploitation.

32 (b) The Task Force consists of the following members:

33 (1) Two Senators appointed by the President of the Senate of Maryland;

1 (2) Two Delegates appointed by the Speaker of the House of Delegates;

2 (3) The Attorney General or a designee of the Attorney General; and

3 (4) Nineteen members appointed by the Governor, as follows:

4 (i) Seven health care clients or consumers with specialized or  
5 personal knowledge of or experience with the problem of sexual exploitation of clients  
6 by health professionals;

7 (ii) Two members of the religious community of the State; and

8 (iii) One member representing each of the following professions,  
9 recommended to the Governor by the appropriate State professional associations,  
10 with knowledge of and concern for the problem of sexual exploitation of clients by  
11 health professionals: medicine, psychiatry, nursing, professional counseling,  
12 psychology, physical therapy, law, social work, chiropractic, and dentistry.

13 (c) The Task Force shall develop a comprehensive strategy for preventing and  
14 reducing the incidence of sexual exploitation of clients by health professionals by:

15 (1) Examining the scope of the problem in Maryland, and existing legal  
16 mechanisms for addressing it;

17 (2) Examining the efforts of other states, the affected professions, and  
18 client-oriented groups to study and address the problem;

19 (3) In consultation with educators in the health professions, developing  
20 educational initiatives to include both professional training and continuing  
21 professional education;

22 (4) In consultation with client-oriented groups, developing initiatives for  
23 effective public education;

24 (5) Evaluating and recommending, as appropriate, legislation,  
25 regulations, and guidelines to address the problem;

26 (6) Recommending guidelines for counseling and treating clients who  
27 have been victimized, health professionals who may be at risk, and offenders; and

28 (7) Developing other appropriate recommendations for the public and  
29 private sectors to address problems and consequences associated with health  
30 professional-client sexual exploitation.

31 (d) The Governor shall designate the Chairperson of the Task Force.

32 (e) Members of the Task Force shall serve without compensation.

33 (f) The Department of Health and Mental Hygiene, in cooperation with other  
34 appropriate State and local units, shall provide staff support for the Task Force to the  
35 extent possible within existing budgeted resources.

1 (g) The Task Force shall issue a final report of its findings, recommendations,  
2 and strategy to the Governor and, subject to § 2-1246 of the State Government  
3 Article, to the General Assembly on or before January 1, 1996.]

4 DRAFTER'S NOTE:

5 Error: Obsolete language in Article 41, § 18-304.

6 Occurred: As a result of submission of the Task Force's final report  
7 January 1, 1996 and completion of its duties under Ch. 591, Acts of 1994.

8 [18-305.

9 (a) There is a Commission on Complementary Medical Methods which shall  
10 define which health care methods are complementary medical methods and study  
11 how to allow the use of complementary medical methods by Maryland physicians with  
12 patients who wish to be treated through complementary methods for their medical  
13 conditions.

14 (b) The Commission consists of the following members:

15 (1) One member of the House of Delegates, appointed by the Speaker of  
16 the House;

17 (2) One member of the Senate of Maryland, appointed by the President  
18 of the Senate; and

19 (3) Eleven members appointed by the Governor, as follows:

20 (i) The Secretary of Health and Mental Hygiene, or the Secretary's  
21 designee;

22 (ii) Two members representing the Board of Physician Quality  
23 Assurance;

24 (iii) Two members representing the Medical and Chirurgical Faculty  
25 of Maryland;

26 (iv) One Maryland physician with expertise in the use of  
27 complementary medical methods;

28 (v) One member representing hospitals in Maryland;

29 (vi) Two patients or former patients of physicians who treat patients  
30 with complementary medical methods; and

31 (vii) Two members of the general public.

32 (c) The Commission is charged with:

1 (1) Defining which health care methods are complementary medical  
2 methods being used by physicians in Maryland;

3 (2) Evaluating the costs, benefits, and risks associated with the use of  
4 complementary medical methods;

5 (3) Determining how best to inform patients of the benefits and risks  
6 associated with the use of complementary medical methods and the availability of  
7 other methods of treatment; and

8 (4) Reporting recommendations on complementary medical methods in  
9 accordance with this section.

10 (d) The members of the Commission shall select a chairperson from the  
11 membership of the Commission.

12 (e) Members of the Commission shall serve without compensation.

13 (f) The Commission shall report its findings and recommendations to the  
14 Governor and, subject to § 2-1246 of the State Government Article, to the General  
15 Assembly by December 1, 1995 and thereafter terminate its existence.

16 (g) Staff for the Commission shall be provided by the Department of Health  
17 and Mental Hygiene.]

18 DRAFTER'S NOTE:

19 Error: Obsolete language in Article 41, § 18-305.

20 Occurred: As a result of the termination of the Task Force in accordance  
21 with Art. 41, § 18-305(f) as enacted by Ch. 160, Acts of 1994.

22 **Article 49B - Human Relations Commission**

23 5.

24 (d) For the purpose of this subtitle, a place of public accommodation means:

25 (4) Any establishment [which]:

26 (i) 1. [Is] THAT IS physically located within the premises of any  
27 establishment otherwise covered by this section; or

28 2. Within the premises of which is physically located any  
29 establishment otherwise covered by this section; and

30 (ii) [Which] THAT holds itself out as serving patrons of such  
31 covered establishment.

32 DRAFTER'S NOTE:

1 Error: Grammatical errors in Article 49B, § 5(d)(4)(i)1 and (ii).

2 Occurred: Ch. 741, Acts of 1996.

3 **Article 49D - Office for Children, Youth, and Families**

4 43.

5 The Office shall:

6 (7) Be available to attend meetings of the [State Advisory Boards]  
7 ADVISORY BOARDS established under Article 83C, § 2-119 of the Code.

8 DRAFTER'S NOTE:

9 Error: Misnomer in Article 49D, § 43(7).

10 Occurred: Ch. 255, Acts of 2002.

11 45.

12 (c) Beginning in 2003, on or before November 30 of each year, the Office shall  
13 report to the Special Secretary, the Secretary, the [State Advisory Councils]  
14 ADVISORY BOARDS established under Article 83C, § 2-119 of the Code, the Governor,  
15 and, in accordance with § 2-1246 of the State Government Article, the General  
16 Assembly, on all the activities of the Office and the actions taken by the Department  
17 in response to findings and recommendations of the independent monitor.

18 DRAFTER'S NOTE:

19 Error: Misnomer in Article 49D, § 45(c).

20 Occurred: Ch. 255, Acts of 2002.

21 48.

22 (d) The Governor shall appoint a successor in the event of a vacancy on the  
23 [Commission] COUNCIL.

24 DRAFTER'S NOTE:

25 Error: Misnomer in Article 49D, § 48(d).

26 Occurred: Ch. 283, Acts of 2002. Correction by the publisher of the  
27 Annotated Code in the 2002 Supplement to the 1998 Replacement Volume  
28 is ratified by this Act.

**Article 70B - Department of Aging**

2 13.

3 (d) In addition to any other requirements of this section, if a provider's  
4 continuing care agreement includes a provision to provide assisted living program  
5 services and the provider does not execute a separate assisted living agreement, each  
6 continuing care agreement executed between a subscriber and a provider shall  
7 include with regard to the assisted living program:

8 (7) The applicable rate structure and payment provisions covering:

9 (i) All rates to be charged to the subscriber, including:

- 10 1. Service packages;
- 11 2. [Fee for service] FEE-FOR-SERVICE rates; and
- 12 3. Any other nonservice-related charges;

13 DRAFTER'S NOTE:

14 Error: Omitted hyphens in Article 70B, § 13(d)(7)(i)2.

15 Occurred: Ch. 526, Acts of 1999.

16 17A.

17 (c) (2) The Department may refer a finding of possible financial difficulty to  
18 the Committee for its consideration. The Committee shall review the finding and may  
19 request additional information from the Department. Within 45 days of receipt of a  
20 finding, the Committee shall notify the Department in writing:

21 (i) Whether or not the Committee recommends finding the  
22 provider in financial [difficulty:] DIFFICULTY;

23 (ii) Whether or not the Committee recommends identifying the  
24 financial difficulty as including a significant risk of financial failure in accordance  
25 with subsection (h) of this section; and

26 (iii) Stating the reason or reasons for its recommendations.

27 (3) The Committee may request one 30-day extension from the  
28 Secretary under [paragraphs] PARAGRAPH (1) or (2) of this subsection. The Secretary  
29 may grant or deny the extension.

30 DRAFTER'S NOTE:

31 Error: Incorrect punctuation in Article 70B, § 17A(c)(2)(i); grammatical  
32 error in Article 70B, § 17A(c)(3).

1 Occurred: Ch. 150, Acts of 2002. Corrections by the publisher of the  
2 Annotated Code in the 2002 Supplement to the 1998 Replacement Volume  
3 are ratified by this Act.

4 **Article 83A - Department of Business and Economic Development**

5 3-301.

6 (a) There is an Office of International [Business] Trade within the  
7 Department to promote the development of international business activities and  
8 opportunities for the citizens of this State.

9 DRAFTER'S NOTE:

10 Error: Misnomer in Article 83A, § 3-301(a).

11 Occurred: As a result of a name change within the Department of  
12 Business and Economic Development. Correction by the publisher of the  
13 Annotated Code in the 2002 Supplement to the 1998 Replacement Volume  
14 is ratified by this Act.

15 3-302.

16 The Office of International [Business] Trade shall report not less than twice  
17 annually to the Maryland Economic Development Commission on the status of the  
18 State's international activities.

19 DRAFTER'S NOTE:

20 Error: Misnomer in Article 83A, § 3-302.

21 Occurred: As a result of a name change within the Department of  
22 Business and Economic Development. Correction by the publisher of the  
23 Annotated Code in the 2002 Supplement to the 1998 Replacement Volume  
24 is ratified by this Act.

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

26 2-204.

27 The Administration shall have the following functions and responsibilities:

28 (13) (iii) Any commitment, mortgage or bonds or notes secured shall  
29 contain terms and conditions necessary to secure repayment of its loan, the interest  
30 thereon and other charges in connection with the loan. Mortgage loans for a  
31 community development project or a public purpose project and reverse equity  
32 mortgage loans may bear interest at any rate or rates which the Administration  
33 determines will make such projects economically feasible, except that the  
34 Administration may not increase the rate of interest originally charged on a  
35 permanent direct mortgage loan to a family for the purchase of a dwelling unit in a

1 community development project or public purpose project. Subject to the provisions of  
2 any contract with noteholders or bondholders, THE ADMINISTRATION MAY consent to  
3 the modification, with respect to rate of interest, time of payments of any installment  
4 of principal or interest, security, or any other term, of any mortgage, mortgage loan,  
5 reverse equity mortgage loan, mortgage loan commitment, or reverse equity mortgage  
6 loan commitment, contract, or agreement of any kind to which the Administration is  
7 a party. In connection with any property on which it holds a mortgage loan or reverse  
8 equity mortgage loan, the Administration may foreclose on the property or commence  
9 any action to protect or enforce any right conferred upon it by any law, mortgage  
10 contract or other agreement, and bid for and purchase the property at any foreclosure  
11 or at any other sale, or acquire or take possession of the property; and in any event  
12 the Administration may complete, administer, pay the principal of and interest on any  
13 obligations incurred in connection with the property, dispose of, and otherwise deal  
14 with the property, in a manner as may be necessary or desirable to protect the  
15 interests of the Administration. Except for liens held in connection with public  
16 purpose projects, any lien held by the Administration on property shall be a lien  
17 superior to all other liens on the property except liens for taxes owed to the State or  
18 any subdivision thereof and earlier mortgage liens. The Administration may sell any  
19 mortgage or other obligation held by it, at public or private sale, with or without  
20 public bidding. The Administration may purchase securities backed by mortgage  
21 loans in order to provide financial assistance, with the proceeds of such  
22 mortgage-backed securities or with investment earnings on such securities, to  
23 community development projects and public purpose projects.

24 DRAFTER'S NOTE:

25 Error: Omitted words in Article 83B, § 2-204(13)(iii).

26 Occurred: Ch. 527, Acts of 1970.

27 5-801.

28 (g) (2) The report required under paragraph (1) of this subsection shall  
29 include for the preceding calendar quarter, for each commercial rehabilitation that  
30 was completed during the calendar quarter and for each proposed commercial  
31 rehabilitation that remains incomplete as of the end of the calendar quarter:

32 (i) The name of the owner or developer that has applied for  
33 approval of the tax credit;

34 (ii) The name and address of the proposed or certified  
35 rehabilitation and the county where the project is located;

36 (iii) The dates of receipt and approval by the trust of all applications  
37 regarding the project, including applications for certification that a structure or  
38 property will qualify as a certified heritage structure, for approval of the proposed  
39 rehabilitation, and for certification of the completed rehabilitation; [and]

40 (iv) The estimated rehabilitation expenditures stated in the  
41 application for approval of the plan of proposed rehabilitation; and

1 (v) For projects completed during the calendar quarter, the final  
2 qualified rehabilitation costs for the project and the amount of the credit for the  
3 certified rehabilitation.

4 DRAFTER'S NOTE:

5 Error: Extraneous conjunction in Article 83B, § 5-801(g)(2)(iii).

6 Occurred: Ch. 541, Acts of 2002.

7 **Article 88B - Department of State Police**

8 12A.

9 (c) Pursuant to regulations adopted by the Secretary after consultation with  
10 the Director under this section, a person convicted of a felony or a violation of § 6-205  
11 or § 6-206 of the [of the] Criminal Law Article shall:

12 (1) Have a DNA sample collected upon intake to any prison or detention  
13 facility; or

14 (2) If not sentenced to a term of imprisonment, provide a DNA sample as  
15 a condition of sentence or probation.

16 DRAFTER'S NOTE:

17 Error: Extraneous language in Article 88B, § 12A(c).

18 Occurred: Ch. 465, Acts of 2002. Correction by the publisher of the  
19 Annotated Code in the 2002 Supplement to the 1998 Replacement Volume  
20 is ratified by this Act.

21 14.

22 (a) The affairs and operations of the Department shall be supervised and  
23 directed by [a] THE Secretary. The Secretary shall report to the Governor and be  
24 responsible for carrying out the Governor's policies with respect to those matters  
25 specified in this article and Article 16A of the Code.

26 DRAFTER'S NOTE:

27 Error: Incorrect word usage in Article 88B, § 14(a).

28 Occurred: Ch. 3, Acts of 1995.

29 **Article - Agriculture**

30 8-704.2.

31 (b) It is the intent of the General Assembly that:

1 (2) The State shall facilitate the transfer of livestock manure from farms  
2 in all parts of the State that experience phosphorus [overenrichment.]  
3 OVERENRICHMENT;

4 DRAFTER'S NOTE:

5 Error: Incorrect punctuation in § 8-704.2(b)(2) of the Agriculture Article.

6 Occurred: Ch. 522, Acts of 2002. Correction by the publisher of the  
7 Annotated Code in the 2002 Supplement of the Agriculture Article is  
8 ratified by this Act.

9 **Article - Business Regulation**

10 10-323.2.

11 (a) (3) The Motor Fuel Tax [Division] UNIT may determine that compliance  
12 with a federal notice provision that is substantially similar to a notice requirement of  
13 this subsection satisfies that notice requirement of this subsection.

14 DRAFTER'S NOTE:

15 Error: Misnomer in § 10-323.2(a)(3) of the Business Regulation Article.

16 Occurred: Ch. 145, Acts of 2002.

17 11-103.

18 Unless pari-mutuel betting is held, this title does not apply to:

19 (1) the Elkridge-Harford Point to Point;

20 (2) the Grand National;

21 (3) the Marlboro Trials;

22 (4) the Maryland Hunt Cup;

23 (5) the Potomac Trials;

24 (6) a race at the Cape Pine Farm in Church Hill, Queen Anne's County;

25 (7) a race held by the [Great Pocomoke Fair, Inc.] POCOMOKE CITY FAIR  
26 COMMITTEE, INC. on any day during and in conjunction with the Great Pocomoke  
27 Fair; and

28 (8) any other steeplechase or hunt-type race.

29 DRAFTER'S NOTE:

30 Error: Misnomer in § 11-103(7) of the Business Regulation Article.

1 Occurred: As a result of a change in the organization that holds the Great  
2 Pocomoke Fair.

3 SUBTITLE 1. GENERAL PROVISIONS.

4 19-101.

5 (a) A person other than as an agent or employee of the United States or a state  
6 or a political subdivision of the United States or a state may not use the word  
7 "official", or its equivalent, in connection with a tourist or travelers' guide or  
8 information service or with related advertising or publicity.

9 DRAFTER'S NOTE:

10 Error: Omitted subtitle designation immediately preceding § 19-101(a)  
11 of the Business Regulation Article.

12 Occurred: As a result of Ch. 26, Acts of 2002. Correction by the publisher  
13 of the Annotated Code in the 2002 Supplement of the Business Regulation  
14 Article is ratified by this Act.

15 **Article - Commercial Law**

16 4-104.

17 (c) The following definitions in other titles apply to this title:

18 "Acceptance." [§ 3-410] § 3-409.

19 "Alteration." § 3-407.

20 "Cashier's check." § 3-104.

21 "Certificate of deposit." § 3-104.

22 "Certified check." § 3-409.

23 "Check." § 3-104.

24 "Draft." § 3-104.

25 "Good faith." § 3-103.

26 "Holder in due course." § 3-302.

27 "Instrument." § 3-104.

28 "Notice of dishonor." [§ 3-508] § 3-503.

29 "Order." § 3-103.

1 "Ordinary care." § 3-103.

2 "Person entitled to enforce." § 3-301.

3 "Presentment." § 3-501.

4 "Promise." § 3-103.

5 "Prove." § 3-103.

6 "Teller's check." § 3-104.

7 "Unauthorized signature." § 3-403.

8 DRAFTER'S NOTE:

9 Error: Erroneous cross-references in § 4-104(c) of the Commercial Law  
10 Article.

11 Occurred: Ch. 91, Acts of 1996.

12 4A-106.

13 (a) (1) The time of receipt of a payment order or communication cancelling  
14 or amending a payment order is determined by the rules applicable to receipt of a  
15 notice stated in § 1-201(27) of this article.

16 (2) A receiving bank may fix a [cut-off] CUTOFF time or times on a  
17 funds-transfer business day for the receipt and processing of payment orders and  
18 communications cancelling or amending payment orders.

19 (3) Different [cut-off] CUTOFF times may apply to payment orders,  
20 cancellations, or amendments, or to different categories of payment orders,  
21 cancellations, or amendments.

22 (4) A [cut-off] CUTOFF time may apply to senders generally or different  
23 [cut-off] CUTOFF times may apply to different senders or categories of payment  
24 orders.

25 (5) If a payment order or communication cancelling or amending a  
26 payment order is received after the close of a funds-transfer business day or after the  
27 appropriate [cut-off] CUTOFF time on a funds-transfer business day, the receiving  
28 bank may treat the payment order or communication as received at the opening of the  
29 next funds-transfer business day.

30 DRAFTER'S NOTE:

31 Error: Improper hyphenation in § 4A-106(a)(2), (3), (4), and (5) of the  
32 Commercial Law Article.

33 Occurred: Ch. 548, Acts of 1991.

1 10-109.

2 (3) Nothing in this act shall be deemed to invalidate any action otherwise  
3 complying with applicable law taken in good faith until the effective date of this act  
4 pursuant to Chapter 240 of the Acts of 1972 [(§ 9-401.1)]; provided, however, that  
5 transitional filings made on and after January 1, 1981, but before 12:01 a.m. on July  
6 1, 2001, shall be made pursuant to this act with regard to original filings made  
7 pursuant to § 9-401 as it existed prior to July 1, 1971 and as said section was  
8 amended effective July 1, 1971 by Chapter 457 of the Acts of 1971.

9 DRAFTER'S NOTE:

10 Error: Obsolete cross-reference in § 10-109(3) of the Commercial Law  
11 Article.

12 Occurred: As a result Ch. 282, Acts of 1999.

13 12-124.1.

14 (a) (4) "Credit involuntary unemployment benefit insurance" has the  
15 meaning stated in [§ 13-301] § 13-101 of the Insurance Article.

16 DRAFTER'S NOTE:

17 Error: Incorrect cross-reference in § 12-124.1(a)(4) of the Commercial  
18 Law Article.

19 Occurred: Ch. 532, Acts of 2002. Correction by the publisher of the  
20 Annotated Code in 2002 Supplement of the Commercial Law Article is  
21 ratified by this Act.

22 12-312.

23 (e) (3) A violation of this subsection or of subsection (c)(1) of this section  
24 shall entitle the borrower to SEEK:

25 (i) [Seek an] AN injunction to prohibit the lender who has engaged  
26 or is engaging in the violation from continuing or engaging in the violation;

27 (ii) Reasonable attorney's fees; and

28 (iii) Damages directly resulting from the violation.

29 DRAFTER'S NOTE:

30 Error: Grammatical error in § 12-312(e)(3) of the Commercial Law  
31 Article.

32 Occurred: Ch. 532, Acts of 2002.

1 12-410.

2 (a) (2) "Covered loan" means a mortgage loan made under this subtitle that  
3 meets the criteria for a loan subject to the federal Home Ownership AND Equity  
4 Protection Act set forth in 15 U.S.C. § 1602(aa), as modified from time to time by  
5 Regulation Z, 12 C.F.R. Part 226, except that the comparison percentages for the  
6 mortgage loan shall be one percentage point less than those specified in 15 U.S.C. §  
7 1602(aa), as modified from time to time by Regulation Z, 12 C.F.R. Part 226.

8 DRAFTER'S NOTE:

9 Error: Misnomer in § 12-410(a)(2) of the Commercial Law Article.

10 Occurred: Ch. 532, Acts of 2002.

11 12-1007.

12 (f) (3) A violation of this subsection shall entitle the borrower to SEEK:

13 (i) [Seek an] AN injunction to prohibit the credit grantor who has  
14 engaged or is engaging in the violation from continuing or engaging in the violation;

15 (ii) Reasonable attorney's fees; and

16 (iii) Damages directly resulting from the violation.

17 DRAFTER'S NOTE:

18 Error: Grammatical error in § 12-1007(f)(3) of the Commercial Law Article.

19 Occurred: Ch. 532, Acts of 2002.

20 12-1029.

21 (a) (2) "Covered loan" means a mortgage loan made under this subtitle that  
22 meets the criteria for a loan subject to the federal Home Ownership AND Equity  
23 Protection Act set forth in 15 U.S.C. § 1602(aa), as modified from time to time by  
24 Regulation Z, 12 C.F.R. Part 226, except that the comparison percentages for the  
25 mortgage loan shall be one percentage point less than those specified in 15 U.S.C. §  
26 1602(aa), as modified from time to time by Regulation Z, 12 C.F.R. Part 226.

27 DRAFTER'S NOTE:

28 Error: Misnomer in § 12-1029(a)(2) of the Commercial Law Article.

29 Occurred: Ch. 532, Acts of 2002.

30 (b) (3) This subsection does not apply to a loan to a borrower whose monthly  
31 gross income is greater than 120 percent of the median family income for the  
32 metropolitan statistical area in which the residential real property securing the  
33 [plan] LOAN is located.

## 1 DRAFTER'S NOTE:

2 Error: Incorrect word usage in § 12-1029(b)(3) of the Commercial Law  
3 Article.

4 Occurred: Ch. 532, Acts of 2002.

5 13-301.

6 Unfair or deceptive trade practices include any:

7 (14) Violation of a provision of:

8 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

9 [or]

## 10 DRAFTER'S NOTE:

11 Error: Extraneous conjunction in § 13-301(14)(xviii) of the Commercial  
12 Law Article.

13 Occurred: Ch. 642, Acts of 1992. Correction by the publisher of the  
14 Annotated Code in 2002 Supplement of the Commercial Law Article is  
15 ratified by this Act.

16 14-1318.

17 (a) In this [section] SECTION, "payment device number" means any code,  
18 account number, or other means of account access, other than a check, draft, or  
19 similar paper instrument, that can be used to obtain money, goods, services, or  
20 anything of value, or for purposes of initiating a transfer of funds.

## 21 DRAFTER'S NOTE:

22 Error: Omitted comma in § 14-1318(a) of the Commercial Law Article.

23 Occurred: Ch. 295, Acts of 2002. Correction by the publisher of the  
24 Annotated Code in 2002 Supplement of the Commercial Law Article is  
25 ratified by this Act.

26 **Article - Corporations and Associations**

27 3-418.

28 (b) (1) Any preference, payment, or transfer made by the corporation which  
29 would be void, voidable, or fraudulent under State law or the federal Bankruptcy  
30 [Act] CODE if made by an insolvent or bankrupt is to the same extent void, voidable,  
31 or fraudulent, respectively, as to the corporation, and the receiver has the powers of a  
32 trustee in bankruptcy with respect to setting them aside.

## 33 DRAFTER'S NOTE:

1 Error: Misnomer in § 3-418(b)(1) of the Corporations and Associations  
2 Article.

3 Occurred: Ch. 311, Acts of 1975.

4 4A-101.

5 (d) "Bankrupt" means bankrupt under the [United States] FEDERAL  
6 Bankruptcy Code as amended or insolvent under any state insolvency act.

7 DRAFTER'S NOTE:

8 Error: Misnomer in § 4A-101(d) of the Corporations and Associations  
9 Article.

10 Occurred: Ch. 536, Acts of 1992.

11 5-622.

12 (a) (1) The business of a cooperative shall be managed by a board of  
13 directors.

14 (2) Each cooperative shall have at least five directors.

15 (b) Each director shall be a member of the cooperative or of a member  
16 cooperative.

17 (c) (1) The bylaws shall establish:

18 (i) The number of directors;

19 (ii) The qualifications of directors other than the qualifications  
20 required under this subtitle;

21 (iii) The manner of holding meetings of the board of directors; and

22 (iv) The manner of electing successors to directors who resign, die,  
23 or are otherwise incapable of acting.

24 (2) The bylaws may provide for the removal of directors from office and  
25 for the election of their successors.

26 [(c)] (D) If a husband and wife hold a joint membership in a cooperative,  
27 either one, but not both, may be elected a director.

28 [(d)] (E) A majority of the board of directors is a quorum.

29 [(e)] (F) (1) A director may not receive a salary for serving as a director.

1           (2)     Except in emergencies, a director may not be employed by the  
2 cooperative in any capacity involving compensation without the approval of the  
3 members.

4           (3)     The bylaws may authorize a fixed fee and expenses to be paid to each  
5 director for attending a meeting of the board of directors.

6    [(f)]   (G)     The board of directors may exercise all of the powers of a cooperative  
7 not conferred on the members by this subtitle or the cooperative's articles of  
8 incorporation or bylaws.

9 DRAFTER'S NOTE:

10    Error: Incorrect subsection designations in § 5-622 of the Corporations  
11    and Associations Article.

12    Occurred: Ch. 135, Acts of 2002. Correction by the publisher of the  
13    Annotated Code in the 2002 Supplement of the Corporations and  
14    Associations Article is ratified by this Act.

15 5-632.

16    (d)    (1)    (i)     On the Department's acceptance for record of the certificate of  
17 election to dissolve [and] AN affidavit, the cooperative shall cease doing business  
18 except to the extent necessary to wind up its business and affairs.

19 DRAFTER'S NOTE:

20    Error: Incorrect word in § 5-632(d)(1)(i) of the Corporations and  
21    Associations Article.

22    Occurred: Ch. 135, Acts of 2002.

23 5-6B-18.2.

24    (b)     Except as provided in subsection (c) of this section, a recorded covenant or  
25 restriction, a provision in a declaration, or a provision in the bylaws or rules of A  
26 cooperative housing corporation may not prohibit or restrict the display of:

27           (1)     A candidate sign; or

28           (2)     A sign that advertises the support or defeat of any question  
29 submitted to the voters in accordance with the Election Law Article.

30 DRAFTER'S NOTE:

31    Error: Omitted word in § 5-6B-18.2(b) of the Corporations and  
32    Associations Article.

33    Occurred: Ch. 303, Acts of 2002. Correction by the publisher of the  
34    Annotated Code in the 2002 Supplement of the Corporations and

1 Associations Article is ratified by this Act.

2 12-204.

3 (c) (1) A certificate of trust shall be canceled on the completion of winding  
4 up of the business trust and its termination. A certificate of cancellation shall be filed  
5 [in the office of the Secretary of State] WITH THE DEPARTMENT and set forth:

6 (i) The name of the business trust;

7 (ii) The date of filing of its certificate of trust; and

8 (iii) Any other information the trustees determine to include in the  
9 certificate of cancellation.

10 DRAFTER'S NOTE:

11 Error: Incorrect reference in § 12-204(c)(1) of the Corporations and  
12 Associations Article.

13 Occurred: Ch. 452, Acts of 1999.

14 **Article - Courts and Judicial Proceedings**

15 1-603.

16 (d) To assure that the services of the District Court are readily and practicably  
17 available in all areas of District 8, subject to the time limits contained in this  
18 subsection, and to assure that these services are provided to all citizens of District 8  
19 with a minimum of inconvenience and a maximum of availability, there shall be a  
20 court facility physically located in each of the following areas of that district, and at  
21 least one judge shall sit regularly in each location:

22 (1) The Towson area;

23 (2) The Catonsville area; AND

24 (3) [The Dundalk area until June 30, 1999;

25 (4)] The Essex area []; and

26 (5) The Owings Mills area until June 30, 1999].

27 DRAFTER'S NOTE:

28 Error: Obsolete language in § 1-603(d) of the Courts and Judicial  
29 Proceedings Article.

30 Occurred: As a result of Ch. 320, Acts of 1993.

1 1-703.

2 (a) Title 8, Subtitle 1 of the State Personnel and Pensions Article applies to  
3 judicial [salaries] SALARIES, EXCEPT FOR THE PROVISIONS OF § 8-108(C) OF THE  
4 STATE PERSONNEL AND PENSIONS ARTICLE.

5 DRAFTER'S NOTE:

6 Error: Erroneous deletion of a cross-reference in § 1-703(a) of the Courts  
7 and Judicial Proceedings Article.

8 Occurred: Ch. 19, Acts of 2002. Correction recommended by Attorney  
9 General J. Joseph Curran, Jr. in bill review letter for S.B. 305 of 2002 (Ch.  
10 19, Acts of 2002), April 4, 2002.

11 2-309.

12 (s) (1) (ii) The Sheriff shall appoint a chief deputy SHERIFF or the  
13 managerial equivalent, who shall:

14 1. Receive a salary set by the County Commissioners of at  
15 least \$4,500; and

16 2. Serve at the pleasure of the Sheriff.

17 DRAFTER'S NOTE:

18 Error: Omitted word in § 2-309 (s)(1)(ii) of the Courts and Judicial  
19 Proceedings Article.

20 Occurred: Ch. 566, Acts of 2002.

21 3-819.

22 (j) (1) (i) Each commitment order issued under subsection (h) or (i) of this  
23 section shall require the custodian to file progress reports with the court at intervals  
24 no greater than every 6 months during the life of the order.

25 (2) (i) If an individualized treatment plan developed under § 10-706 of  
26 the Health - General Article recommends that a child no longer meets the standards  
27 specified in subsection (h) of this section, the court shall grant a hearing to review the  
28 commitment order.

29 (ii) The court may grant a hearing at any other time to determine  
30 whether the standards specified in subsection (h) of this section continue to be met.

31 (3) (i) If an individualized plan of habilitation developed under §  
32 7-1006 of the Health - General Article recommends that a child no longer meets the  
33 standards specified in subsection (i) of this section, the court shall grant a hearing to  
34 review the commitment order.

1 (ii) The court may grant a hearing at any other time to determine  
2 whether the standards specified in subsection (i) of this section continue to be met.

3 DRAFTER'S NOTE:

4 Error: Erroneous internal references in § 3-819(j)(1)(i), (2), and (3) of the  
5 Courts and Judicial Proceedings Article.

6 Occurred: Ch. 151, Acts of 2002. Correction by the publisher of the  
7 Annotated Code in the 2002 Replacement Volume of the Courts and  
8 Judicial Proceedings Article is validated by this Act.

9 3-8A-08.

10 (d) If the alleged delinquent act is escape or attempted escape under § 9-404  
11 OR § 9-405 of the Criminal Law Article, the petition, if any, shall be filed and the  
12 adjudicatory hearing held in the county where the alleged escape or attempted escape  
13 occurred unless the court in the county of the child's domicile requests a transfer. For  
14 purposes of the disposition hearing, proceedings may be transferred as provided in §  
15 3-8A-09 of this subtitle to the court exercising jurisdiction over the child at the time  
16 of the alleged act.

17 DRAFTER'S NOTE:

18 Error: Omitted cross-reference in § 3-8A-08(d) of the Courts and  
19 Judicial Proceedings Article.

20 Occurred: Ch. 406, Acts of 2002. Correction recommended by Attorney  
21 General J. Joseph Curran, Jr. in bill review letter for H.B. 1081 of 2002  
22 (Ch. 406, Acts of 2002), April 22, 2002.

23 3-8A-09.

24 (a) (1) If a petition, peace order request, or citation is filed under this  
25 subtitle in a county other than the county where the child is living or domiciled, the  
26 court on its own motion or on motion of a party, may transfer the proceedings to the  
27 county of residence or domicile at any time prior to final termination of jurisdiction,  
28 except that the proceedings may not be transferred until after an adjudicatory  
29 hearing if the allegation is escape or attempted escape under § 9-404 OR § 9-405 of the  
30 Criminal Law Article.

31 DRAFTER'S NOTE:

32 Error: Omitted cross-reference in § 3-8A-09(a)(1) of the Courts and  
33 Judicial Proceedings Article.

34 Occurred: Ch. 406, Acts of 2002. Correction recommended by Attorney  
35 General J. Joseph Curran, Jr. in bill review letter for H.B. 1081 of 2002  
36 (Ch. 406, Acts of 2002), April 22, 2002.

1 3-8A-15.

2 (e) (3) (i) If the court has not specifically prohibited community  
3 detention, the Department of Juvenile Justice may release the child from detention  
4 into community detention and place the child in:

5 1. Shelter care; or

6 2. The custody of the child's parent, guardian, custodian, or  
7 other person able to provide supervision and care for the child and to return the child  
8 to court when required.

9 DRAFTER'S NOTE:

10 Error: Grammatical error in § 3-8A-15(e)(3)(i) of the Courts and Judicial  
11 Proceedings Article.

12 Occurred: Ch. 406, Acts of 2002. Correction by the publisher of the  
13 Annotated Code in the 2002 Replacement Volume of the Courts and  
14 Judicial Proceedings Article is validated by this Act.

15 4-301.

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

19 (15) Violation of §§ 10-604 through 10-608 of the Criminal Law Article,  
20 whether A felony or misdemeanor;

21 DRAFTER'S NOTE:

22 Error: Omitted word in § 4-301(b)(15) of the Courts and Judicial  
23 Proceedings Article.

24 Occurred: Chs. 592 and 593, Acts of 2001.

25 4-302.

26 (d) (1) Except as provided in paragraph (2) of this subsection, the  
27 jurisdiction of the District Court is concurrent with that of the circuit court in a  
28 criminal case:

29 (ii) [Which] THAT is a felony, as provided in § 4-301(b)(2), (6), (7),  
30 (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), and (18) of this subtitle.

31 DRAFTER'S NOTE:

32 Error: Grammatical error in § 4-302(d)(1)(ii) of the Courts and Judicial  
33 Proceedings Article.

1 Occurred: Ch. 566, Acts of 1978.

2 5-521.

3 (a) (3) "Eligible business" has the meaning stated in [Title 13, Subtitle 9 of  
4 the Financial Institutions Article] ARTICLE 83A, § 5-927 OF THE CODE.

5 (4) "Lender" has the meaning stated in [Title 13, Subtitle 9 of the  
6 Financial Institutions Article] ARTICLE 83A, § 5-927 OF THE CODE.

7 DRAFTER'S NOTE:

8 Error: Obsolete cross-references in § 5-521(a)(3) and (4) of the Courts  
9 and Judicial Proceedings Article.

10 Occurred: As a result of Ch. 120, Acts of 1995 and Ch. 305, Acts of 2000.

11 6-203.

12 (b) The venue of the following actions is in the county where all or any portion  
13 of the subject matter of the action is located:

14 (4) Trespass to land; and

15 (5) Waste.

16 DRAFTER'S NOTE:

17 Error: Missing conjunction between § 6-203(b)(4) and (5) of the Courts  
18 and Judicial Proceedings Article.

19 Occurred: Ch. 2, First Special Session, Acts of 1973. Correction by the  
20 publisher of the Annotated Code in the 2002 Replacement Volume of the  
21 Courts and Judicial Proceedings Article is validated by this Act.

22 10-408.

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

27 (ii) A full and complete statement of the facts and circumstances  
28 relied upon by the applicant, to justify his belief that an order should be issued,  
29 including:

30 4. The identity of the person, if known, committing the  
31 offense and whose communications are to be intercepted;

32 DRAFTER'S NOTE:

1 Error: Incorrect punctuation in § 10-408(a)(1)(ii)4 of the Courts and  
2 Judicial Proceedings Article.

3 Occurred: Ch. 100, Acts of 2002. Correction by the publisher of the  
4 Annotated Code in the 2002 Replacement Volume of the Courts and  
5 Judicial Proceedings Article is validated by this Act.

6 10-4A-04.

7 (a) (1) An investigative or law enforcement officer may require a provider of  
8 wire or electronic communication service to disclose the contents of wire or electronic  
9 communication that is in electronic storage in a wire or electronic communications  
10 system for 180 days or less, only in accordance with a search warrant issued by a  
11 court of competent jurisdiction.

12 DRAFTER'S NOTE:

13 Error: Omitted article in § 10-4A-04(a)(1) of the Courts and Judicial  
14 Proceedings Article.

15 Occurred: Ch. 100, Acts of 2002. Correction by the publisher of the  
16 Annotated Code in the 2002 Replacement Volume of the Courts and  
17 Judicial Proceedings Article is validated by this Act.

18 10-4A-06.

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

20 (2) "Supervisory official" means:

21 (i) The Secretary or Deputy Secretary of the State Police;

22 (ii) The chief of police, deputy chief of police, or equivalent official of  
23 a law enforcement agency of any political subdivision of the State;

24 (iii) The Attorney General of the State or a Deputy Attorney  
25 General;

26 (iv) The State Prosecutor or Deputy State Prosecutor; or

27 (v) A State's Attorney or Deputy State's Attorney.

28 (3) "Adverse result" means:

29 (i) Endangering the life or physical safety of an individual;

30 (ii) Flight from prosecution;

31 (iii) Destruction of or tampering with evidence;

32 (iv) Intimidation of potential witnesses; or

1 (v) Otherwise seriously jeopardizing an investigation or unduly  
2 delaying a trial.

3 [(4)] (B) An investigative or law enforcement officer acting under §  
4 10-4A-04 of this [subtitle,] SUBTITLE may:

5 [(i)] (1) If a court order is sought, include in the application a  
6 request for an order delaying the notification required under § 10-4A-05 of this  
7 subtitle for a period not to exceed 90 days, which the court shall grant, if the court  
8 determines that there is reason to believe that notification of the existence of the  
9 court order may have an adverse result; or

10 [(ii)] (2) If a subpoena issued by a court of competent jurisdiction or  
11 a grand jury subpoena is obtained, delay the notification required under § 10-4A-05  
12 of this subtitle for a period not to exceed 90 days, upon the execution of a written  
13 certification to a court of competent jurisdiction by a supervisory official that there is  
14 reason to believe that notification of the existence of the subpoena may have an  
15 adverse result.

16 [(5)] (C) The investigative or law enforcement officer shall maintain a  
17 true copy of a certification executed under [paragraph (4)(ii) of this] subsection (B)(2)  
18 OF THIS SECTION.

19 [(6)] (D) Extensions of a delay in notification may be granted by the  
20 court upon application or by certification by a supervisory official under [paragraph  
21 (4) of this] subsection (B) OF THIS SECTION. An extension may not exceed 90 days.

22 [(7)] (E) Upon expiration of the period of a delay of notification under  
23 [paragraph (4) or (6) of this] subsection (B) OR (D) OF THIS SECTION, the investigative  
24 or law enforcement officer shall serve upon, or deliver by registered or first class mail,  
25 to the customer or subscriber a copy of the process or request together with a notice  
26 that:

27 [(i)] (1) States with reasonable specificity the nature of the law  
28 enforcement inquiry; and

29 [(ii)] (2) Informs the customer or subscriber:

30 [1.] (I) That information maintained for the customer or  
31 subscriber by the service provider named in the process or request was supplied to or  
32 requested by that investigative or law enforcement officer and the date on which the  
33 information was supplied or the request was made;

34 [2.] (II) That notification of the customer or subscriber was  
35 delayed;

36 [3.] (III) Of the identity of the investigative or law  
37 enforcement officer or court that made the certification or determination authorizing  
38 the delay; and

1 [4.] (IV) Of the statutory authority for the delay.

2 [(b)] (F) If notice to the subscriber is not required under § 10-4A-04(b)(1) of  
 3 this subtitle or if notice is delayed under subsection [(a)] (B) OR (D) of this section, an  
 4 investigative or law enforcement officer acting under § 10-4A-04 of this subtitle may  
 5 apply to a court for an order requiring a provider of electronic communications service  
 6 or remote computing service to whom a warrant, subpoena, or court order is directed,  
 7 for such period as the court deems appropriate, not to notify any other person of the  
 8 existence of the warrant, subpoena, or court order. The court shall enter an order  
 9 under this subsection if the court determines that there is reason to believe that  
 10 notification of the existence of the warrant, subpoena, or court order will have an  
 11 adverse result.

12 DRAFTER'S NOTE:

13 Error: Stylistic errors and misplaced comma in § 10-4A-06(a)(4) through  
 14 (7) and (b) of the Courts and Judicial Proceedings Article.

15 Occurred: Ch. 607, Acts of 1988.

16 11-504.

17 (a) (2) "Value" means fair market value as of the date upon which the  
 18 execution or other judicial process becomes effective against the property of the  
 19 debtor, or the date of filing the petition under the [United States] FEDERAL  
 20 Bankruptcy Code.

21 (g) In any bankruptcy proceeding, a debtor is not entitled to the federal  
 22 exemptions provided by § 522(d) of the [United States] FEDERAL Bankruptcy Code.

23 DRAFTER'S NOTE:

24 Error: Misnomer in § 11-504(a)(2) and (g) of the Courts and Judicial  
 25 Proceedings Article.

26 Occurred: Ch. 765, Acts of 1981.

27 **Article - Criminal Law**

28 2-303.

29 (e) (1) The following type of evidence is admissible in a sentencing  
 30 proceeding:

31 (ii) evidence relating to an aggravating circumstance:

32 2. of which the State provided notice under § 2-202(a)(1)(ii)  
 33 of this [subtitle] TITLE;

34 DRAFTER'S NOTE:

1 Error: Stylistic error in § 2-303(e)(1)(ii)2 of the Criminal Law Article.

2 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
3 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
4 by this Act.

5 2-401.

6 (d) (2) With regard to the death sentence, the Court of Appeals shall  
7 determine whether:

8 (iii) the evidence supports a finding by the court or jury that the  
9 aggravating circumstances outweigh the mitigating circumstances under § 2-303(h)  
10 and (i)(1) of this [subtitle] TITLE.

11 DRAFTER'S NOTE:

12 Error: Stylistic error in § 2-401(d)(2)(iii) of the Criminal Law Article.

13 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
14 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
15 by this Act.

16 2-505.

17 (a) A person may not cause the death of another [person] as a result of the  
18 person's negligently driving, operating, or controlling a motor vehicle or vessel while  
19 the person is so far impaired by a drug, a combination of drugs, or a combination of  
20 one or more drugs and alcohol that the person cannot drive, operate, or control a  
21 motor vehicle or vessel safely.

22 DRAFTER'S NOTE:

23 Error: Extraneous word in § 2-505(a) of the Criminal Law Article.

24 Occurred: Chs. 26 and 420, Acts of 2002. Correction by the publisher of  
25 the Annotated Code in the 2002 Volume of the Criminal Law Article is  
26 ratified by this Act.

27 3-103.

28 (c) (1) Unless the family member knowingly administers a procedure or  
29 administers or dispenses a medication to cause death, a family member does not  
30 violate § 3-102 of this subtitle if the family member:

31 (i) is a caregiver for a patient enrolled in a licensed hospice  
32 program; and

33 DRAFTER'S NOTE:

34 Error: Misspelling in § 3-103(c)(1)(i) of the Criminal Law Article.

1 Occurred: Chs. 26 and 420, Acts of 2002. Correction by the publisher of  
2 the Annotated Code in the 2002 Volume of the Criminal Law Article is  
3 validated by this Act.

4 3-211.

5 (c) (1) A person may not cause a life-threatening injury to another as a  
6 result of the person's negligently driving, operating, or controlling [of] a motor  
7 vehicle or vessel while the person is:

8 (i) under the influence of alcohol; or

9 (ii) under the influence of alcohol per se.

10 DRAFTER'S NOTE:

11 Error: Extraneous word in § 3-211(c)(1) of the Criminal Law Article.

12 Occurred: Chs. 26 and 420, Acts of 2002. Correction by the publisher of  
13 the Annotated Code in the 2002 Volume of the Criminal Law Article is  
14 ratified by this Act.

15 3-212.

16 (a) An indictment, information, or other charging document for a crime  
17 described in § 3-211 of this subtitle is sufficient if it substantially states:

18 (1) "(name of defendant) on (date) in (county) caused a life-threatening  
19 injury to (name of victim) while under the influence of alcohol, in violation of §  
20 3-211(c)(1)(i) of the Criminal Law Article against the peace, government, and dignity  
21 of the State.";

22 (2) "(name of defendant) on (date) in (county) caused a life-threatening  
23 injury to (name of victim) while under the influence of alcohol per se, in violation of §  
24 3-211(c)(1)(ii) of the Criminal Law Article against the peace, government, and dignity  
25 of the State.";

26 (3) "(name of defendant) on (date) in (county) caused a life-threatening  
27 injury to (name of victim) while impaired by alcohol, in violation of § 3-211(d) of the  
28 Criminal Law Article against the peace, government, and dignity of the State.";

29 (4) "(name of defendant) on (date) in (county) caused a life-threatening  
30 injury to (name of victim) while impaired by drugs, in violation of § 3-211(e) of the  
31 Criminal Law Article against the peace, government, and dignity of the State."; or

32 DRAFTER'S NOTE:

33 Error: Extraneous commas in § 3-212(a)(1) through (4) of the Criminal  
34 Law Article.

35 Occurred: Chs. 26 and 44, Acts of 2002. Corrections by the publisher of

1 the Annotated Code in the 2002 Volume of the Criminal Law Article are  
2 validated by this Act.

3 3-303.

4 (b) (2) A person who violates this section is guilty of the felony of rape in the  
5 first degree and on conviction is subject to imprisonment not exceeding life without  
6 the possibility of parole if:

7 (i) the person is convicted in the same proceeding of violating §  
8 3-503(a)(2) of this [article] TITLE and the victim was a child under the age of 16  
9 years; or

10 DRAFTER'S NOTE:

11 Error: Stylistic error in § 3-303(b)(2)(i) of the Criminal Law Article.

12 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
13 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
14 by this Act.

15 3-305.

16 (b) (2) A person who violates this section is guilty of the felony of sexual  
17 offense in the first degree and on conviction is subject to imprisonment not exceeding  
18 life without the possibility of parole if:

19 (i) the person is convicted in the same proceeding of violating §  
20 3-503(a)(2) of this [article] TITLE and the victim was a child under the age of 16  
21 years; or

22 DRAFTER'S NOTE:

23 Error: Stylistic error in § 3-305(b)(2)(i) of the Criminal Law Article.

24 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
25 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
26 by this Act.

27 3-503.

28 (b) (2) (ii) 2. If the State intends to seek a sentence of imprisonment for  
29 life without the possibility of parole under [subparagraph (1)] SUB-SUBPARAGRAPH  
30 1 of this [paragraph] SUBPARAGRAPH, the State shall notify the person in writing of  
31 the State's intent at least 30 days before trial.

32 DRAFTER'S NOTE:

33 Error: Incorrect reference in § 3-503(b)(2)(ii)2 of the Criminal Law  
34 Article.

1 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
2 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
3 by this Act.

4 Subtitle 1. [In] General PROVISIONS.

5 4-101.

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

7 (d) (1) A person who violates [subsection (c)(1), (2), or (3) of] this section is  
8 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3  
9 years or a fine not exceeding \$1,000 or both.

10 DRAFTER'S NOTE:

11 Error: Stylistic error in the subtitle name immediately preceding §  
12 4-101 of the Criminal Law Article; extraneous language in § 4-101(d)(1) of  
13 the Criminal Law Article.

14 Occurred: Chs. 26 and 571, Acts of 2002. Corrections by the publisher of  
15 the Annotated Code in the 2002 Volume of the Criminal Law Article are  
16 ratified by this Act.

17 4-203.

18 (b) This section does not prohibit:

19 (3) the carrying of a handgun on the person or in a vehicle while the  
20 person is transporting the handgun to or from the place of legal purchase or sale, or  
21 to or from a bona fide repair shop, or between bona fide residences of the person, or  
22 between the bona fide residence and place of business of the person, if the business is  
23 operated and owned substantially by the person IF EACH HANDGUN IS UNLOADED  
24 AND CARRIED IN AN ENCLOSED CASE OR AN ENCLOSED HOLSTER;

25 (4) the wearing, carrying, or transporting by a person of a handgun used  
26 in connection with an organized military activity, a target shoot, formal or informal  
27 target practice, sport shooting event, hunting, a Department of Natural  
28 Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience  
29 training class or show, while the person is engaged in, on the way to, or returning  
30 from that activity IF EACH HANDGUN IS UNLOADED AND CARRIED IN AN ENCLOSED  
31 CASE OR AN ENCLOSED HOLSTER;

32 DRAFTER'S NOTE:

33 Error: Omitted language in § 4-203(b)(3) and (4) of the Criminal Law  
34 Article.

35 Occurred: Ch. 26, Acts of 2002. Correction recommended by Assistant  
36 Attorney General Kathryn M. Rowe, Office of Counsel to the General

1 Assembly, to accurately reflect the substance of the source law from which  
2 the revised language in § 4-203(b)(3) and (4) of the Criminal Law Article  
3 was derived.

4 4-306.

5 (b) (2) (i) For a first violation, the person shall be sentenced to  
6 imprisonment for not less than 5 YEARS and not exceeding 20 years.

7 (3) (i) For each subsequent violation, the person shall be sentenced to  
8 imprisonment for not less than 10 YEARS and not exceeding 20 years.

9 DRAFTER'S NOTE:

10 Error: Omitted words in § 4-303(b)(2)(i) and (3)(i) of the Criminal Law  
11 Article.

12 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
13 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
14 by this Act.

15 4-501.

16 (b) (1) "Destructive device" means explosive material, incendiary material,  
17 or toxic material that is:

18 (ii) deliberately modified, containerized, or otherwise equipped  
19 with a special delivery, activation, or detonation component that gives the material  
20 destructive characteristics of a military [ordinance] ORDNANCE.

21 DRAFTER'S NOTE:

22 Error: Misspelling in § 4-501(b)(1)(ii) of the Criminal Law Article.

23 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
24 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
25 by this Act.

26 5-405.

27 (e) By regulation, the Department may exempt from this section a compound,  
28 mixture, or preparation that contains a depressant substance listed in subsection (b)  
29 of this section if:

30 (1) the compound, mixture, or preparation contains an active medicinal  
31 ingredient that does not have a depressant effect on the central nervous system; and

32 (2) the admixtures are included in combinations, quantity, proportion, or  
33 concentration that vitiate the potential for abuse of the substances that have a  
34 depressant effect on the central nervous system.

## 1 DRAFTER'S NOTE:

2 Error: Incorrect cross-reference in § 5-405(e) of the Criminal Law  
3 Article.

4 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
5 Annotated Code in the 2002 Volume of the Criminal Law Article is  
6 validated by this Act.

7 5-503.

8 (d) A person who violates this section is guilty of a misdemeanor and on  
9 conviction is subject to:

10 (1) for a first violation, a fine not exceeding \$1,000;

11 (2) for a second violation, a fine not exceeding \$2,000; or

## 12 DRAFTER'S NOTE:

13 Error: Stylistic errors in § 5-503(d)(1) and (2) of the Criminal Law  
14 Article.

15 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
16 Annotated Code in the 2002 Volume of the Criminal Law Article is  
17 validated by this Act.

18 Subtitle 6. Crimes Involving Controlled Dangerous Substances and Paraphernalia.

19 5-601.

20 (a) Except as otherwise provided in this title, a person may not:

21 (1) possess or administer to another a controlled dangerous substance,  
22 unless obtained directly or by prescription or order from an authorized provider  
23 acting in the course of professional practice; or

## 24 DRAFTER'S NOTE:

25 Error: Stylistic error in subtitle name immediately preceding § 5-601 of  
26 the Criminal Law Article.

27 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
28 Annotated Code in the 2002 Volume of the Criminal Law Article is  
29 validated by this Act.

30 5-608.

31 (a) Except as otherwise provided in this section, a person who violates a  
32 provision of §§ 5-602 through 5-606 of this subtitle with respect to a Schedule I or

1 SCHEDULE II narcotic drug is guilty of a felony and on conviction is subject to  
2 imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both.

3 (b) (1) A person who is convicted under subsection (a) of this section or of  
4 conspiracy to commit a crime included in subsection (a) of this section shall be  
5 sentenced to imprisonment for not less than 10 years and is subject to a fine not  
6 exceeding \$100,000 if the person previously has been convicted once:

7 (i) under subsection (a) of this section OR § 5-609 OF THIS  
8 SUBTITLE;

9 (ii) of conspiracy to commit a crime included in subsection (a) of this  
10 section OR § 5-609 OF THIS SUBTITLE; or

11 (iii) of a crime under the laws of another state or the United States  
12 that would be a crime included in subsection (a) of this section OR § 5-609 OF THIS  
13 SUBTITLE if committed in this State.

14 (c) (1) A person who is convicted under subsection (a) of this section or of  
15 conspiracy to commit a crime included in subsection (a) of this section shall be  
16 sentenced to imprisonment for not less than 25 years and is subject to a fine not  
17 exceeding \$100,000 if the person previously:

18 (i) has served at least one term of confinement of at least 180 days  
19 in a correctional institution as a result of a conviction under subsection (a) of this  
20 section, § 5-609 OF THIS SUBTITLE, or § 5-614 of this subtitle; and

21 (ii) has been convicted twice, if the convictions arise from separate  
22 occasions:

23 1. under subsection (a) of this section OR § 5-609 OF THIS  
24 SUBTITLE;

25 2. of conspiracy to commit a crime included in subsection (a)  
26 of this section OR § 5-609 OF THIS SUBTITLE;

27 3. of a crime under the laws of another state or the United  
28 States that would be a crime included in subsection (a) of this section OR § 5-609 OF  
29 THIS SUBTITLE if committed in this State; or

30 4. of any combination of these crimes.

31 (d) (1) A person who is convicted under subsection (a) of this section or of  
32 conspiracy to commit a crime included in subsection (a) of this section shall be  
33 sentenced to imprisonment for not less than 40 years and is subject to a fine not  
34 exceeding \$100,000 if the person previously has served three or more separate terms  
35 of confinement as a result of three or more separate convictions:

36 (i) under subsection (a) of this section OR § 5-609 OF THIS  
37 SUBTITLE;

1 (ii) of conspiracy to commit a crime included in subsection (a) of this  
2 section OR § 5-609 OF THIS SUBTITLE;

3 (iii) of a crime under the laws of another state or the United States  
4 that would be a crime included in subsection (a) of this section OR § 5-609 OF THIS  
5 SUBTITLE if committed in this State; or

6 (iv) of any combination of these crimes.

7 DRAFTER'S NOTE:

8 Error: Omitted word in § 5-608(a) of the Criminal Law Article; omitted  
9 reference in § 5-608(b)(1), (c)(1), and (d)(1) of the Criminal Law Article.

10 Occurred: Ch. 26, Acts of 2002. Correction of § 5-608(a) by the publisher  
11 of the Annotated Code in the 2002 Volume of the Criminal Law Article is  
12 ratified by this Act. Correction of § 5-608(b)(1), (c)(1), and (d)(1) originally  
13 suggested by Assistant State's Attorney William M. Katcef of Anne Arundel  
14 County, to accurately reflect the substance of the source law from which  
15 the revised language in § 5-608(b)(1), (c)(1), and (d)(1) of the Criminal Law  
16 Article was derived.

17 5-609.

18 (b) (1) A person who is convicted under subsection (a) of this section or of  
19 conspiracy to commit a crime included in subsection (a) of this section shall be  
20 sentenced to imprisonment for not less than 10 years and is subject to a fine not  
21 exceeding \$100,000 if the person previously has been convicted once:

22 (i) under subsection (a) of this section OR § 5-608 OF THIS  
23 SUBTITLE;

24 (ii) of conspiracy to commit a crime included in subsection (a) of this  
25 section OR § 5-608 OF THIS SUBTITLE; or

26 (iii) of a crime under the laws of another state or the United States  
27 that would be a crime included in subsection (a) of this section OR § 5-608 OF THIS  
28 SUBTITLE if committed in this State; or

29 (iv) of any combination of these crimes.

30 (c) (1) A person who is convicted under subsection (a) of this section or of  
31 conspiracy to commit a crime included in subsection (a) of this section shall be  
32 sentenced to imprisonment for not less than 25 years and is subject to a fine not  
33 exceeding \$100,000 if the person previously:

34 (i) has served at least one term of confinement of at least 180 days  
35 in a correctional institution as a result of a conviction under subsection (a) of this  
36 section, § 5-608 OF THIS SUBTITLE, or § 5-614 of this subtitle; and

1 (ii) if the convictions do not arise from a single incident, has been  
2 convicted twice:

3 1. under subsection (a) of this section OR § 5-608 OF THIS  
4 SUBTITLE;

5 2. of conspiracy to commit a crime included in subsection (a)  
6 of this section OR § 5-608 OF THIS SUBTITLE;

7 3. of a crime under the laws of another state or the United  
8 States that would be a crime included in subsection (a) of this section OR § 5-608 OF  
9 THIS SUBTITLE if committed in this State; or

10 4. of any combination of these crimes.

11 (d) (1) A person who is convicted under subsection (a) of this section or of  
12 conspiracy to commit a crime included in subsection (a) of this section shall be  
13 sentenced to imprisonment for not less than 40 years and is subject to a fine not  
14 exceeding \$100,000 if the person previously has served three separate terms of  
15 confinement as a result of three separate convictions:

16 (i) under subsection (a) of this section OR § 5-608 OF THIS  
17 SUBTITLE;

18 (ii) of conspiracy to commit a crime included in subsection (a) of this  
19 section OR § 5-608 OF THIS SUBTITLE;

20 (iii) of a crime under the laws of another state or the United States  
21 that would be a crime included in subsection (a) of this section OR § 5-608 OF THIS  
22 SUBTITLE if committed in this State; or

23 (iv) of any combination of these crimes.

24 DRAFTER'S NOTE:

25 Error: Omitted reference in § 5-609(b)(1), (c)(1), and (d)(1) of the  
26 Criminal Law Article.

27 Occurred: Ch. 26, Acts of 2002. Correction originally suggested by  
28 Assistant State's Attorney William M. Katcef of Anne Arundel County, to  
29 accurately reflect the substance of the source law from which the revised  
30 language in § 5-609(b)(1), (c)(1), and (d)(1) of the Criminal Law Article was  
31 derived.

32 5-614.

33 (a) (1) Unless authorized by law to possess the substance, a person may not  
34 bring into the State:

35 (xi) any mixture containing 28 grams or more of methamphetamine;  
36 OR

## 1 DRAFTER'S NOTE:

2 Error: Omitted conjunction in § 5-614(a)(1)(xi) of the Criminal Law  
3 Article.

4 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
5 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
6 by this Act.

7 5-623.

8 (b) Except for a financial transaction necessary to preserve a person's right to  
9 representation as guaranteed by the 6th Amendment to the United States  
10 Constitution and Article 21 of the Maryland Declaration of Rights, a person may not,  
11 with the intent to promote a drug crime or with the intent to conceal or disguise the  
12 nature, location, source, [ownership] OWNERSHIP, or control of proceeds of a drug  
13 crime:

14 (1) receive or acquire proceeds knowing that the proceeds are derived  
15 from a drug crime;

16 (2) engage in a financial transaction involving proceeds knowing that  
17 the proceeds are derived from a drug crime;

18 (3) give, sell, transfer, trade, invest, conceal, transport, or maintain an  
19 interest in proceeds knowing that the proceeds are derived from a drug crime;

20 (4) direct, promote, plan, organize, initiate, finance, manage, supervise,  
21 or facilitate the transportation or transfer of proceeds knowing that the proceeds are  
22 derived from a drug crime; or

23 (5) conduct a financial transaction involving proceeds knowing that the  
24 proceeds are derived from a drug crime.

## 25 DRAFTER'S NOTE:

26 Error: Omitted comma in § 5-623(b) of the Criminal Law Article.

27 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
28 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
29 by this Act.

30 5-805.

31 (e) Without a warrant, the Department may inspect books and records in  
32 accordance with this title and enter and conduct administrative inspections, including  
33 seizures of property:

34 (3) in a situation that involves inspection of a conveyance where there is  
35 reasonable cause to believe that the mobility of the conveyance makes it  
36 impracticable to obtain a warrant;

## 1 DRAFTER'S NOTE:

2 Error: Stylistic error in § 5-805(e)(3) of the Criminal Law Article.

3 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
4 Annotated Code in the 2002 Volume of the Criminal Law Article is  
5 validated by this Act.

6 6-203.

7 (b) A person may not break and enter the storehouse of another with the  
8 intent to steal, take, or carry away a firearm.

## 9 DRAFTER'S NOTE:

10 Error: Stylistic error in § 6-203(b) of the Criminal Law Article.

11 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
12 Annotated Code in the 2002 Volume of the Criminal Law Article is  
13 validated by this Act.

14 6-404.

15 (a) This section does not apply to:

16 (2) a military, fire, or law enforcement vehicle;

## 17 DRAFTER'S NOTE:

18 Error: Omitted comma in § 6-404(a)(2) of the Criminal Law Article.

19 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
20 Annotated Code in the 2002 Volume of the Criminal Law Article is  
21 validated by this Act.

22 6-405.

23 (b) This section does not apply to:

24 (2) a military, fire, or law enforcement vehicle;

## 25 DRAFTER'S NOTE:

26 Error: Omitted comma in § 6-405(b)(2) of the Criminal Law Article.

27 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
28 Annotated Code in the 2002 Volume of the Criminal Law Article is  
29 validated by this Act.

1 6-503.

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

3 DRAFTER'S NOTE:

4 Error: Extraneous comma in § 6-503(a)(1) of the Criminal Law Article.

5 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
6 Annotated Code in the 2002 Volume of the Criminal Law Article is  
7 validated by this Act.

8 7-113.

9 (b) A person who violates this section is guilty of the misdemeanor of  
10 embezzlement and on conviction is subject to imprisonment for not less than 1 year  
11 and not exceeding 5 years.

12 DRAFTER'S NOTE:

13 Error: Stylistic error in § 7-113(b) of the Criminal Law Article.

14 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
15 Annotated Code in the 2002 Volume of the Criminal Law Article is  
16 validated by this Act.

17 7-114.

18 (c) (2) On conviction, and unless the revenue officer pays the amount in  
19 default sooner, a revenue officer who violates this section:

20 (i) for each violation, is subject to imprisonment for not less than 1  
21 year and not exceeding 5 years; and

22 DRAFTER'S NOTE:

23 Error: Stylistic error in § 7-114(c)(2)(i) of the Criminal Law Article.

24 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
25 Annotated Code in the 2002 Volume of the Criminal Law Article is  
26 validated by this Act.

27 7-115.

28 (b) A person who violates this section is guilty of a misdemeanor and on  
29 conviction is subject to imprisonment not exceeding 5 years or a fine not less than  
30 \$500 and not exceeding \$5,000 or both.

31 DRAFTER'S NOTE:

32 Error: Stylistic error in § 7-115(b) of the Criminal Law Article.

1 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
2 Annotated Code in the 2002 Volume of the Criminal Law Article is  
3 validated by this Act.

4 7-116.

5 (c) A person who violates this section is guilty of a misdemeanor and on  
6 conviction is subject to imprisonment for not less than 1 year and not exceeding 10  
7 years or a fine not less than \$500 and not exceeding \$5,000 or both.

8 DRAFTER'S NOTE:

9 Error: Stylistic errors in § 7-116(c) of the Criminal Law Article.

10 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
11 Annotated Code in the 2002 Volume of the Criminal Law Article is  
12 validated by this Act.

13 7-203.

14 (b) A person who violates this section is guilty of a misdemeanor and on  
15 conviction:

16 (1) is subject to imprisonment for not less than 6 months and not  
17 exceeding 4 years or a fine not less than \$50 and not exceeding \$100 or both; and

18 DRAFTER'S NOTE:

19 Error: Stylistic errors in § 7-203(b)(1) of the Criminal Law Article.

20 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
21 Annotated Code in the 2002 Volume of the Criminal Law Article is  
22 validated by this Act.

23 8-301.

24 (d) (1) A person who violates this section where the benefit, credit, goods,  
25 services, or other [item] THING of value that is the subject of subsection (b) or  
26 [subsection] (c) OF THIS SECTION has a value of \$500 or greater is guilty of a felony  
27 and ON CONVICTION is subject to imprisonment not exceeding 5 years or a fine not  
28 exceeding \$5,000 or both.

29 (2) A person who violates this section where the benefit, credit, goods,  
30 services, or other [item] THING of value that is the subject of subsection (b) or  
31 [subsection] (c) OF THIS SECTION has a value of less than \$500 is guilty of a  
32 misdemeanor and ON CONVICTION is subject to imprisonment not exceeding 18  
33 months or a fine not exceeding \$5,000 or both.

34 (3) A person who violates this section [and the] UNDER circumstances  
35 THAT reasonably indicate that the person's intent was to manufacture, distribute, or  
36 dispense another individual's personal identifying information without that

1 individual's consent is guilty of a felony and ON CONVICTION is subject to  
2 imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

3 (4) A person who violates subsection (c)(1) OF THIS SECTION is guilty of a  
4 misdemeanor and ON CONVICTION is subject to imprisonment [for] not [more than]  
5 EXCEEDING 18 months or a fine not exceeding \$5,000 or both.

6 (5) When the violation of this section is pursuant to one scheme or  
7 continuing course of conduct, whether from the same or several sources, the conduct  
8 may be considered as one [offense] VIOLATION and the value of the benefit, credit,  
9 goods, services, or other [item] THING OF VALUE may be aggregated in determining  
10 whether the violation is a felony or misdemeanor.

11 (i) (2) The authority granted in paragraph (1) of this subsection may be  
12 exercised only in accordance with regulations that the [Secretary] DEPARTMENT of  
13 [the] State Police adopts.

14 DRAFTER'S NOTE:

15 Error: Stylistic errors in § 8-301(d); incorrect reference in § 8-301(i)(2) of  
16 the Criminal Law Article.

17 Occurred: Ch. 509, Acts of 2002. Corrections in § 8-301(d) by the  
18 publisher of the Annotated Code in the 2002 Volume of the Criminal Law  
19 Article are ratified by this Act. Correction in § 8-301(i)(2) requested by  
20 Assistant Attorney General Robert A. Zarnoch, Counsel to the General  
21 Assembly.

22 8-523.

23 (c) A person who violates this section is guilty of a misdemeanor and on  
24 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
25 \$5,000 or both.

26 DRAFTER'S NOTE:

27 Error: Stylistic error in § 8-523(c) of the Criminal Law Article.

28 Occurred: Ch. 556, Acts of 2002. Correction by the publisher of the  
29 Annotated Code in the 2002 Volume of the Criminal Law Article is  
30 validated by this Act.

31 8-610.

32 (a) In this [section] SECTION, "prescription" includes an order, paper, and  
33 recipe purported to have been made by an authorized provider, as defined in § 5-101  
34 of this article, for a drug, medicine, or alcoholic beverage.

35 DRAFTER'S NOTE:

36 Error: Omitted comma in § 8-610(a) of the Criminal Law Article.

1 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
2 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
3 by this Act.

4 Subtitle 3. Obstructing Justice.

5 9-301.

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

7 DRAFTER'S NOTE:

8 Error: Under inclusive subtitle name immediately preceding § 9-301 of  
9 the Criminal Law Article.

10 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
11 Annotated Code in the 2002 Volume of the Criminal Law Article is  
12 validated by this Act.

13 9-602.

14 (b) A person who violates this section is guilty of a misdemeanor and ON  
15 CONVICTION is subject to a fine not exceeding \$1,000.

16 DRAFTER'S NOTE:

17 Error: Omitted language in § 9-602(b) of the Criminal Law Article.

18 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
19 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
20 by this Act.

21 9-706.1.

22 (a) In this section, "security officer" means a proprietary or contractual  
23 security officer of a license holder of a nuclear power plant facility in the State.

24 DRAFTER'S NOTE:

25 Error: Incorrect codification in § 9-706.1(a) of the Criminal Law Article.

26 Occurred: Ch. 100, Acts of 2002. Correction by the publisher of the  
27 Annotated Code in the 2002 Volume of the Criminal Law Article is  
28 validated by this Act.

29 10-114.

30 An individual under the age of 21 years may not possess or have under the  
31 individual's charge or control an alcoholic beverage unless the individual is a bona  
32 fide employee of the license holder as defined in Article 2B, § 1-102 of the Code and  
33 the alcoholic beverage is in the possession or under the charge or control of the

1 individual in the course of the individual's employment and during regular working  
2 hours.

3 DRAFTER'S NOTE:

4 Error: Omitted cross-reference in § 10-114 of the Criminal Law Article.

5 Occurred: As a result of Ch. 26, § 4, and Ch. 213, § 1, Acts of 2002.

6 Correction by the publisher of the Annotated Code in the 2002 Volume of  
7 the Criminal Law Article is validated by this Act.

8 10-115.

9 An individual under the age of 21 years may not possess a card or document that  
10 falsely identifies the age of the individual under circumstances that reasonably  
11 indicate an intention to violate the provisions of this part.

12 DRAFTER'S NOTE:

13 Error: Incorrect reference in § 10-115 of the Criminal Law Article.

14 Occurred: As a result of recodification under Ch. 26, § 4, and Ch. 213, § 1,  
15 Acts of 2002. Correction by the publisher of the Annotated Code in the  
16 2002 Volume of the Criminal Law Article is validated by this Act.

17 Part III. Alcoholic Beverage Consumption or Possession of Open Container in  
18 Passenger Area of Motor Vehicle.

19 10-123.

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

21 DRAFTER'S NOTE:

22 Error: Incorrect numbering in Title 10, Subtitle 1, Part III of the  
23 Criminal Law Article.

24 Occurred: As a result of Chs. 108, 109, and 213, Acts of 2002, each of  
25 which added a "Part II" to Title 10, Subtitle 1 of the Criminal Law Article.  
26 Correction by the publisher of the Annotated Code in the 2002 Volume of  
27 the Criminal Law Article is validated by this Act.

28 10-401.

29 [(b)] (C) (1) "Burial site" means a natural or prepared physical location,  
30 whether originally located below, on, or above the surface of the earth, into which  
31 human remains or ASSOCIATED funerary objects are deposited as a part of a death  
32 ceremony of a culture, religion, or group.

1           (2)       "Burial site" includes the human remains and ASSOCIATED funerary  
2 objects that result from a shipwreck or accident and are left intentionally to remain  
3 at the site.

4       [(c)]   (B)    (1)       ["Funerary] "ASSOCIATED FUNERARY object" means an item of  
5 human manufacture or use that is intentionally placed:

6                   (i)       with human remains at the time of interment in a burial site; or

7                   (ii)      after interment, as a part of a death ceremony of a culture,  
8 religion, or group.

9           (2)       ["Funerary] "ASSOCIATED FUNERARY object" includes a gravestone,  
10 monument, tomb, or other structure in or directly associated with a burial site.

11 DRAFTER'S NOTE:

12       Error: Omitted words in § 10-401(b) and (c) of the Criminal Law Article.

13       Occurred: Ch. 26, Acts of 2002. Correction requested by Assistant  
14 Attorney General Philip J. Deters, Deputy Counsel to the Department of  
15 Housing and Community Development.

16 10-403.

17       (b)       A person may not knowingly sell, buy, or transport for sale or profit, or  
18 offer to buy, sell, or transport for sale or profit:

19           (2)       [a] AN ASSOCIATED funerary object obtained in violation of § 10-404  
20 of this subtitle.

21       (d)       The Maryland Historical Trust may appropriate all human remains and  
22 ASSOCIATED funerary objects obtained in violation of this subtitle for management,  
23 care, and administration until a determination of final disposition as provided by law.

24 DRAFTER'S NOTE:

25       Error: Omitted words in § 10-403(b)(2) and (d) of the Criminal Law  
26 Article.

27       Occurred: Ch. 26, Acts of 2002. Correction requested by Assistant  
28 Attorney General Philip J. Deters, Deputy Counsel to the Department of  
29 Housing and Community Development.

30 10-404.

31       (a)       A person may not willfully destroy, damage, deface, or remove:

32           (1)       [a] AN ASSOCIATED funerary object or another structure placed in a  
33 cemetery; or

## 1 DRAFTER'S NOTE:

2 Error: Omitted words in § 10-404(a)(1) of the Criminal Law Article.

3 Occurred: Ch. 26, Acts of 2002. Correction requested by Assistant  
4 Attorney General Philip J. Deters, Deputy Counsel to the Department of  
5 Housing and Community Development.

6 11-105.

7 (a) A person may not knowingly display for advertising purposes a picture,  
8 photograph, drawing, sculpture, or other visual representation or image of an  
9 individual or portion of a human body that:

10 (1) depicts sadomasochistic abuse;

## 11 DRAFTER'S NOTE:

12 Error: Omitted tabulation in § 11-105(a) of the Criminal Law Article.

13 Occurred: Ch. 45, Acts of 2002. Correction by the publisher of the  
14 Annotated Code in the 2002 Volume of the Criminal Law Article is  
15 validated by this Act.

16 11-207.

17 (a) A person may not:

18 (4) knowingly promote, distribute, or possess with the intent to  
19 distribute any matter, visual representation, or performance that depicts a minor  
20 engaged as a subject in sadomasochistic abuse or sexual conduct; or

21 (b) A person who violates this section is guilty of a felony and on conviction is  
22 subject to:

23 (1) for a first violation, imprisonment not exceeding 10 years or a fine  
24 not exceeding \$25,000 or both; and

## 25 DRAFTER'S NOTE:

26 Error: Omitted comma and stylistic error in § 11-207(a)(4) and (b)(1) of  
27 the Criminal Law Article.

28 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
29 Annotated Code in the 2002 Volume of the Criminal Law Article is  
30 validated by this Act.

31 12-103.

32 (a) For money or any other thing or consideration of value, a person may not  
33 play:

1 (3) dice or the game commonly called "craps"; or

2 DRAFTER'S NOTE:

3 Error: Misnomer in § 12-103(a)(3) of the Criminal Law Article.

4 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
5 Annotated Code in the 2002 Volume of the Criminal Law Article is  
6 validated by this Act.

7 12-304.

8 (c) (2) Notwithstanding any other provision of this subtitle, an eligible  
9 organization may own and operate a slot machine if the eligible organization:

10 (vi) uses:

11 1. at least one-half of the proceeds from its slot machines for  
12 the benefit of a charity; and

13 DRAFTER'S NOTE:

14 Error: Stylistic error in § 12-304(c)(2)(vi)1 of the Criminal Law Article.

15 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
16 Annotated Code in the 2002 Volume of the Criminal Law Article is  
17 validated by this Act.

18 13-201.

19 (c) "Qualified organization" means:

20 (1) a volunteer fire company; or

21 DRAFTER'S NOTE:

22 Error: Incorrect tabulation in § 13-201(c)(1) of the Criminal Law Article.

23 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
24 Annotated Code in the 2002 Volume of the Criminal Law Article is  
25 validated by this Act.

26 13-507.

27 (c) An organization that meets the conditions of subsection (i)(1) of this  
28 section may conduct bingo in Baltimore City if the organization is a bona fide:

29 (1) religious organization;

30 (2) fraternal organization;

- 1 (3) patriotic organization;
- 2 (4) educational organization; or
- 3 (5) charitable organization.

4 (d) An organization that meets the conditions of subsection (i)(2) of this  
5 section may conduct bingo in Baltimore City if the organization is:

- 6 (1) devoted exclusively to religious, charitable, or educational purposes;
- 7 (2) a service organization;
- 8 (3) a fraternal organization; or
- 9 (4) a veterans' organization.

10 DRAFTER'S NOTE:

11 Error: Incorrect cross-references in § 13-507(c) and (d) of the Criminal  
12 Law Article.

13 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
14 Annotated Code in the 2002 Volume of the Criminal Law Article is  
15 validated by this Act.

16 13-603.

- 17 (d) (2) Except as provided in § 13-604 of this subtitle, a person may not:
- 18 (i) operate a card game, a dice game, or roulette; or
  - 19 (ii) conduct a casino event.

20 DRAFTER'S NOTE:

21 Error: Incorrect cross-reference in § 13-603(d)(2) of the Criminal Law  
22 Article.

23 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
24 Annotated Code in the 2002 Volume of the Criminal Law Article is  
25 validated by this Act.

26 13-707.

27 (b) (1) Except as provided under paragraphs (2) and (3) of this subsection, a  
28 license holder may not issue for one game a prize or award with a value exceeding  
29 \$100.

30 (2) A holder of a Class NG beach license may issue for one game a prize  
31 with a value exceeding \$100.

## 1 DRAFTER'S NOTE:

2 Error: Stylistic error in § 13-707(b)(1) and (2) of the Criminal Law  
3 Article.

4 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
5 Annotated Code in the 2002 Volume of the Criminal Law Article is  
6 validated by this Act.

7 13-903.

8 (e) (4) (iii) The maximum amount of a prize awarded in a paddle wheel or  
9 wheel of fortune game is governed by § 13-905(a) of this subtitle.

## 10 DRAFTER'S NOTE:

11 Error: Overly broad reference in § 13-903(e)(4)(iii) of the Criminal Law  
12 Article.

13 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
14 Annotated Code in the 2002 Volume of the Criminal Law Article is  
15 validated by this Act.

16 13-1101.

17 (f) (2) "Gaming event" includes:

18 (iii) a raffle involving prizes of cash exceeding \$1,000 or  
19 merchandise with a cash equivalent exceeding \$1,000.

## 20 DRAFTER'S NOTE:

21 Error: Stylistic error in § 13-1101(f)(2)(iii) of the Criminal Law Article.

22 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
23 Annotated Code in the 2002 Volume of the Criminal Law Article is  
24 validated by this Act.

25 13-1109.

26 (d) A fundraising organization or educational organization may not conduct  
27 bingo at one location [or] ON more than:

28 (1) 4 days in a 7-day period; or

29 (2) 3 consecutive days.

## 30 DRAFTER'S NOTE:

31 Error: Misspelling in § 13-1109(d) of the Criminal Law Article.

1 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
2 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
3 by this Act.

4 13-1814.

5 The county:

6 (1) may adopt regulations necessary for the conduct of a raffle; [or] AND

7 (2) after a public hearing, may revoke the permit of a holder for failure to  
8 comply with this subtitle or regulations adopted under this subtitle.

9 DRAFTER'S NOTE:

10 Error: Incorrect conjunction in § 13-1814(1) of the Criminal Law Article.

11 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
12 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
13 by this Act.

14 13-2104.

15 To be eligible for a bingo license, an organization must be:

16 (3) a nationally chartered veterans' organization, or an auxiliary unit  
17 whose members are associated directly with the organization; OR

18 DRAFTER'S NOTE:

19 Error: Omitted conjunction in § 13-2104(3) of the Criminal Law Article.

20 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
21 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
22 by this Act.

23 13-2437.

24 (c) Civil penalties collected under subsection (a) of this section shall be  
25 credited to the general fund of [Washington County] THE COUNTY.

26 DRAFTER'S NOTE:

27 Error: Stylistic error in § 13-2437(c) of the Criminal Law Article.

28 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
29 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
30 by this Act.

1 13-2503.

2 (g) The sheriff shall charge each applicant:

3 (2) the following additional amounts:

4 (i) except as provided in items (ii) through (v) of this item, \$1 for  
5 each gaming device to be operated each day;

6 DRAFTER'S NOTE:

7 Error: Stylistic error in § 13-2503(g)(2)(i) of the Criminal Law Article.

8 Occurred: Ch. 26, Acts of 2002. Correction by the publisher of the  
9 Annotated Code in the 2002 Volume of the Criminal Law Article is  
10 validated by this Act.

11 **Article - Criminal Procedure**

12 4-103.

13 (a) If a defendant is charged with a felony other than a felony within the  
14 jurisdiction of the District Court, at the time of the defendant's initial appearance, as  
15 required by Maryland Rule 4-213, a court or court commissioner shall advise the  
16 defendant of the defendant's right to request a preliminary hearing.

17 (b) (1) [A] IF A DEFENDANT IS CHARGED WITH A FELONY OTHER THAN A  
18 FELONY WITHIN THE JURISDICTION OF THE DISTRICT COURT, THE defendant may  
19 request a preliminary hearing at the defendant's initial appearance or at any time  
20 within 10 days after the initial appearance.

21 (2) If the defendant does not request a preliminary hearing within 10  
22 days after the initial appearance, the right to a preliminary hearing is waived.

23 (c) (1) [The] IF A DEFENDANT IS CHARGED WITH A FELONY OTHER THAN A  
24 FELONY WITHIN THE JURISDICTION OF THE DISTRICT COURT, THE right of a  
25 defendant to a preliminary hearing is absolute if:

26 (i) the defendant is charged by criminal information; and

27 (ii) the defendant requests a preliminary hearing in accordance  
28 with subsection (b) of this section.

29 (2) If the defendant is charged by grand jury indictment, the right of a  
30 defendant to a preliminary hearing is not absolute but the court may allow the  
31 defendant to have a preliminary hearing.

32 (3) In any other case, the right of a defendant to a preliminary hearing is  
33 not absolute, but on motion of the State's Attorney or the defendant, and subject to the  
34 Maryland Rules, the court may allow the defendant to have a preliminary hearing.

## 1 DRAFTER'S NOTE:

2 Error: Omitted language in § 4-103(b)(1) and (c)(1) of the Criminal  
3 Procedure Article.

4 Occurred: Ch. 10, Acts of 2001.

5 5-202.

6 (e) (1) A District Court commissioner may not authorize the pretrial release  
7 of a defendant charged with violating:

8 (i) the provisions of [an ex parte] A TEMPORARY PROTECTIVE  
9 order described in § 4-505(a)(2)(i) of the Family Law Article or the provisions of a  
10 protective order described in § 4-506(d)(1) of the Family Law Article that order the  
11 defendant to refrain from abusing or threatening to abuse a person eligible for relief;  
12 or

## 13 DRAFTER'S NOTE:

14 Error: Obsolete reference in § 5-202(a)(1)(i) of the Criminal Procedure  
15 Article.

16 Occurred: As a result of Ch. 235, Acts of 2002, which took effect on the  
17 taking effect of Ch. 587, Acts of 2002, a Constitutional Amendment  
18 (ratified by voters Nov. 5, 2002; election results certified Dec. 10, 2002).

19 11-304.

20 (d) (2) If the child victim does not testify, the child victim's out of court  
21 statement will be admissible only if there is corroborative evidence that:

22 (i) the defendant had the opportunity to commit the alleged crime;  
23 or

24 (ii) the child respondent OR THE ALLEGED OFFENDER had the  
25 opportunity to commit the alleged abuse or neglect.

26 (3) To provide the defendant [or], child respondent, OR ALLEGED  
27 OFFENDER with an opportunity to prepare a response to the statement, the  
28 prosecuting attorney shall serve on the defendant [or], child respondent, OR  
29 ALLEGED OFFENDER and the attorney for the defendant [or], child respondent, OR  
30 ALLEGED OFFENDER within a reasonable time before the juvenile court proceeding  
31 and at least 20 days before the criminal proceeding in which the statement is to be  
32 offered into evidence, notice of:

33 (i) the State's intention to introduce the statement; and

34 (ii) the content of the statement.

1 (4) (i) The defendant [or], child respondent, OR ALLEGED OFFENDER  
2 may depose a witness who will testify under this section.

3 (ii) Unless the State and the defendant [or], child respondent, OR  
4 ALLEGED OFFENDER agree or the court orders otherwise, the defendant [or], child  
5 respondent, OR ALLEGED OFFENDER shall file a notice of deposition:

6 1. in a criminal proceeding, at least 5 days before the date of  
7 the deposition; or

8 2. in a juvenile court proceeding, within a reasonable time  
9 before the date of the deposition.

10 (iii) Except where inconsistent with this paragraph, Maryland Rule  
11 4-261 applies to a deposition taken under this paragraph.

12 DRAFTER'S NOTE:

13 Error: Erroneous revision of former, unrevised language in §  
14 11-304(d)(2), (3), and (4) of the Criminal Procedure Article.

15 Occurred: Ch. 10, Acts of 2001.

16 11-701.

17 (i) "Supervising authority" means:

18 (3) the court that granted the probation or suspended sentence, except as  
19 provided in item [(11)] (12) of this subsection, if the registrant is granted probation  
20 before judgment, probation after judgment, or a suspended sentence;

21 (7) the Secretary, if the registrant is in the State under terms and  
22 conditions of the [Uniform Act for Out-of-State Parolee Supervision] INTERSTATE  
23 COMPACT FOR ADULT OFFENDER SUPERVISION, set forth in Title 6, Subtitle 2 of the  
24 Correctional Services Article, or the Interstate Corrections Compact, set forth in Title  
25 8, Subtitle 6 of the Correctional Services Article;

26 DRAFTER'S NOTE:

27 Error: Incorrect cross-reference in § 11-701(i)(3) of the Criminal  
28 Procedure Article; obsolete reference in § 11-701(i)(7) of the Criminal  
29 Procedure Article.

30 Occurred: Incorrect cross-reference in Ch. 194, Acts of 2002; obsolete  
31 reference as a result of Ch. 64, Acts of 1999.

32 11-721.

33 (a) A registrant may not knowingly fail to register, knowingly fail to provide  
34 the written notice required under § 11-705(d) or [§ 11-705(e)] (E) of this subtitle, or  
35 knowingly provide false information of a material fact as required by this subtitle.

1 DRAFTER'S NOTE:

2 Error: Stylistic error in § 11-721(a) of the Criminal Procedure Article.

3 Occurred: Ch. 194, Acts of 2002.

4 **Article - Education**

5 3-108.2.

6 (n) Beginning on July 1, 2004 and every 2 years thereafter, from among its  
7 voting [members] MEMBERS, the Board shall elect a chairman.

8 DRAFTER'S NOTE:

9 Error: Omitted comma in § 3-108.2(n) of the Education Article.

10 Occurred: Ch. 289, Acts of 2002.

11 4-201.

12 (b) [(6) (i) This paragraph applies only to Prince George's County.

13 (ii) In the selection process for the county superintendent, the  
14 Management Oversight Panel established under § 5-206(g) of this article shall  
15 participate in the search process to ensure that implementation of the audit  
16 recommendations is a key criterion in the selection of a new superintendent.

17 (iii) Prior to Board of Education approval of selection criteria to be  
18 used in evaluation of candidates for superintendent, the Management Oversight  
19 Panel shall receive a copy of the proposed criteria and make recommendations to the  
20 Board regarding how the audit recommendations are addressed in the criteria and  
21 how prospective candidates should be evaluated on this issue.

22 (iv) The Management Oversight Panel shall provide a brief  
23 description of the role of the Panel and the status of the audit recommendations,  
24 which shall be included in the materials provided to prospective candidates for  
25 superintendent.

26 (v) The Management Oversight Panel and the Board of Education  
27 shall jointly brief the final candidates for superintendent on the role of the  
28 Management Oversight Panel and the audit recommendations after the Board selects  
29 the final candidates and prior to the Board selecting a new superintendent.]

30 DRAFTER'S NOTE:

31 Error: Failure to make permanent the intended repeal of § 4-201(b)(6) of  
32 the Education Article.

33 Occurred: As a result of Ch. 289, Section 20, Acts of 2002.

1 4-205.

2 (k) [(2) In Prince George's County, the county superintendent also shall:

3 (i) Submit the proposed annual school budget to the Management  
4 Oversight Panel for its comments concurrent with submitting the budget to the  
5 county board; and

6 (ii) Submit supplemental information relating to information  
7 technology expenditures by State reporting categories.]

8 DRAFTER'S NOTE:

9 Error: Failure to make permanent the intended repeal of § 4-205(k)(2) of  
10 the Education Article.

11 Occurred: As a result of Ch. 289, Section 20, Acts of 2002.

12 4-318.

13 (d) (3) (ii) The [New] Baltimore City Board of School Commissioners  
14 shall establish policies to implement the provisions of subparagraph (i) of this  
15 paragraph.

16 DRAFTER'S NOTE:

17 Error: Misnomer in § 4-318(d)(3)(ii) of the Education Article.

18 Occurred: As a result of Ch. 545, Acts of 2002. Correction by the  
19 publisher of the Annotated Code in the 2002 Supplement of the Education  
20 Article is ratified by this Act.

21 4-407.

22 (a) (4) The General Assembly shall receive and consider the master plan,  
23 and the comments of the State Board of Education and State Superintendent of  
24 Schools regarding the plan and the achievements of the Board towards meeting the  
25 goals of this [Act] SECTION, before approving the fiscal year 2004 budget.

26 DRAFTER'S NOTE:

27 Error: Incorrect word usage in § 4-407(a)(4) of the Education Article.

28 Occurred: Ch. 289, Acts of 2002.

29 5-202.

30 (a) (7) "Local contribution rate" means the figure that is calculated as  
31 follows:

1 (ii) Multiply the statewide full-time equivalent enrollment by the  
2 amount that the annual per pupil foundation amount exceeds \$624, and multiply this  
3 product by [0.50.] 0.50;

4 DRAFTER'S NOTE:

5 Error: Incorrect punctuation in § 5-202(a)(7)(ii) of the Education Article.

6 Occurred: Ch. 288, Acts of 2002. Correction by the publisher of the  
7 Annotated Code in the 2002 Supplement of the Education Article is  
8 ratified by this Act.

9 (e) (1) In fiscal year 2004, the State shall distribute a partnership grant of  
10 \$28,186,032 to the [New] Baltimore City Board of School Commissioners.

11 (2) In fiscal year 2005, the State shall distribute a partnership grant of  
12 \$21,139,524 to the [New] Baltimore City Board of School Commissioners.

13 (3) In fiscal year 2006, the State shall distribute a partnership grant of  
14 \$14,093,016 to the [New] Baltimore City Board of School Commissioners.

15 DRAFTER'S NOTE:

16 Error: Misnomer in § 5-202(e)(1), (2), and (3) of the Education Article.

17 Occurred: As a result of Ch. 545, Acts of 2002. Correction by the  
18 publisher of the Annotated Code in the 2002 Supplement of the Education  
19 Article is ratified by this Act.

20 5-203.

21 (c) (3) (i) The local school system may appeal to the Office of  
22 Administrative Hearings a determination by the Secretary of [the Department of]  
23 Budget and Management regarding the amount, if any, of the State overpayment.

24 DRAFTER'S NOTE:

25 Error: Extraneous language in § 5-203(c)(3)(i) of the Education Article.

26 Occurred: Ch. 550, Acts of 1998.

27 5-209.

28 (d) (2) For purposes of paragraph (1) of this subsection, the minimum Tier II  
29 special education grant amount for each county is the result obtained by multiplying  
30 the Tier II special education per pupil amount by the county's [compensatory]  
31 SPECIAL education enrollment count, and multiplying this product by:

32 (i) 0.50 for fiscal year 2004;

33 (ii) 0.66 for fiscal year 2005;

- 1 (iii) 0.70 for fiscal year 2006;
- 2 (iv) 0.76 for fiscal year 2007; and
- 3 (v) 0.80 for fiscal year 2008 and each fiscal year thereafter.

4 DRAFTER'S NOTE:

5 Error: Incorrect word usage in § 5-209(d)(2) of the Education Article.

6 Occurred: Ch. 288, Acts of 2002.

7 5-402.

8 The State Board shall:

9 (7) By October 1, 1985 and by each October 1 for each fiscal year  
10 thereafter, require that the annual accountability report from each county board  
11 include:

12 (i) A report which relates to the funds described in paragraph (3) of  
13 this section and which reflects the actual amount of and the percentage of  
14 expenditure in the classifications provided under § 5-401(a)(2) of this [subtitle.]  
15 SUBTITLE; AND

16 DRAFTER'S NOTE:

17 Error: Incorrect punctuation and omitted conjunction in § 5-402(7)(i) of  
18 the Education Article.

19 Occurred: Ch. 288, Acts of 2002.

20 Subtitle 4. [Handicapped] Children WITH DISABILITIES.

21 8-401.

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

23 (2) "Child with a disability" means a child who has been determined  
24 through appropriate assessment as having autism, deaf-blindness, hearing  
25 impairment, including deafness, emotional disturbance, mental retardation, multiple  
26 disabilities, orthopedic impairment, other health impairment, specific learning  
27 disability, speech or language impairment, traumatic brain injury, visual impairment,  
28 including blindness, and who because of that impairment needs special education and  
29 related services.

30 (3) "Free appropriate public education" means special education and  
31 related services that:

32 (i) Are provided at public expense, under public supervision and  
33 direction, at no cost to the parents;

1 (ii) Meet the standards of the State Board regulations and the  
2 Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq. 1997);

3 (iii) Includes preschool, elementary, and secondary education; and

4 (iv) Are provided in conformance with the requirements of the  
5 child's individualized education program.

6 (4) "Special education" means specially designed instruction, at no cost  
7 to parents, to meet the unique needs of a child with a disability, including:

8 (i) Instruction in the classroom, in the home, in hospitals and  
9 institutions, and in other settings; and

10 (ii) Instruction in physical education.

11 (5) (i) "Related services" means transportation and such  
12 developmental, corrective, and other supportive services as may be required to assist  
13 a child with a disability to benefit from special education.

14 (ii) "Related services" includes the early identification and  
15 assessment of disabling conditions in children.

16 (b) In this subtitle the domicile of a child with a disability is the county in  
17 which the parent or guardian who has legal custody of the child is domiciled.

18 DRAFTER'S NOTE:

19 Error: Obsolete subtitle designation immediately preceding § 8-401 of  
20 the Education Article.

21 Occurred: As a result of Ch. 726, Acts of 1998.

22 8-412.1.

23 (a) When a child with a disability reaches the age of 18 years, all rights  
24 accorded to parents under the federal Individuals with Disabilities Education Act[, 20  
25 U.S.C. 1400 et seq. 1997,] shall transfer to the child if the child has not been  
26 adjudged incompetent under State law and if there is documentation that:

27 (1) The parents are unavailable or unknown as defined in § 8-412 of this  
28 subtitle, the child would be eligible for a parent surrogate, and the child requests that  
29 the parental rights be transferred to the child;

30 (2) The parents have not participated in the special education decision  
31 making process for the child after repeated attempts by the local school system to  
32 involve the parents over the previous year as described in COMAR 13A.05.01.07C(7);

33 (3) The parents have affirmatively rejected participation in the special  
34 education decision making process;

1           (4)     The parents cannot participate in the special education decision  
2 making process due to prolonged hospitalization, institutionalization, or serious  
3 illness or infirmity of one or both of the parents and the parents have consented to the  
4 transfer of rights to the child;

5           (5)     The parents cannot participate in the special education decision  
6 making process due to extraordinary circumstances beyond the control of the parents  
7 and the parents have consented to the transfer of rights to the child; or

8           (6)     The child is living outside of the parents' home and is not in the care  
9 or custody of another public agency as defined in § 8-412 of this subtitle.

10       (c)     If a child with disabilities who has reached the age of 18 years has been  
11 represented by a parent surrogate as defined in § 8-412 of this subtitle, any notice  
12 required by the FEDERAL Individuals with Disabilities Education Act[, 20 U.S.C.  
13 1400 et seq. 1997,] shall be provided to both the child and to the parent surrogate and  
14 all other rights accorded to the parent surrogate under that Act shall transfer to the  
15 child if the child has not been adjudged incompetent under State law and the child  
16 requests that the rights transfer to the child.

17 DRAFTER'S NOTE:

18       Error: Incorrect citation style in § 8-412.1(a); incorrect citation style and  
19 omitted word in § 8-412.1(c) of the Education Article.

20       Occurred: Ch. 113, Acts of 2002.

21 11-206.1.

22       (e)     (3)     If the Commission notifies a president of an institution under  
23 paragraph (2) of [the] THIS subsection, within 60 days the president of the institution  
24 shall provide to the Commission in writing:

25                   (i)     An action plan to abolish or modify the program; or

26                   (ii)    Justification for the continuation of the program.

27 DRAFTER'S NOTE:

28       Error: Incorrect word usage in § 11-206.1(e)(3) of the Education Article.

29       Occurred: Ch. 244, Acts of 2002.

30 15-106.1.

31       (b)     (2)     If a foster care recipient receives a scholarship or grant for  
32 postsecondary study and is enrolled before the recipient's 21st birthday as a candidate  
33 for an associate's degree or bachelor's degree at a public institution [for] OF higher  
34 education, the foster care recipient may not be required to pay the difference between  
35 the amount of the scholarship or grant and the amount of the tuition.

## 1 DRAFTER'S NOTE:

2 Error: Incorrect word usage in § 15-106.1(b)(2) of the Education Article.

3 Occurred: Ch. 506, Acts of 2000.

4 16-311.

5 (b) All procurements shall be by competitive sealed bids, as described in this  
6 section, unless one of the following methods is specifically authorized:

7 (1) Competitive sealed proposals under § 16-313 of this subtitle;

8 (2) Sole source procurement under § 16-314 of this subtitle; or

9 (3) [Competitive] NONCOMPETITIVE negotiation under [§ 16-314.5] §  
10 16-314.1 of this subtitle.

## 11 DRAFTER'S NOTE:

12 Error: Incorrect word usage and erroneous cross-reference in §  
13 16-311(b)(3) of the Education Article.

14 Occurred: As a result of Ch. 378, Acts of 2002. Correction of the erroneous  
15 cross-reference by the publisher of the Annotated Code in the 2002  
16 Supplement of the Education Article is ratified by this Act.

17 [16-314.5.] 16-314.1.

18 (a) This section applies to contracts in amounts not exceeding \$100,000.

19 (b) The Board of Trustees of the Community College for Baltimore County  
20 may award a procurement contract on the basis of noncompetitive negotiation:

21 (1) For unsolicited offers that:

22 (i) Are in writing;

23 (ii) Are sufficiently detailed to allow a judgment regarding the  
24 potential utility of the offer;

25 (iii) Are unique or innovative;

26 (iv) Demonstrate the proprietary character of the offering  
27 warranting consideration of the use of competitive negotiation;

28 (v) May be subject to testing under terms and conditions specified  
29 by the Director of Purchasing; and

30 (vi) Cannot be procured through competitive methodologies;

1 (2) For the procurement of goods or services related to instruction or  
2 curriculum development;

3 (3) For the procurement of services related to private fund-raising  
4 activities; or

5 (4) Under other circumstances when the Director of Purchasing  
6 determines that noncompetitive negotiation is in the best interests of the College and  
7 the State.

8 (c) (1) The Board of Trustees of the Community College for Baltimore  
9 County shall establish standards and procedures for the application of subsection  
10 [(a)] (B) of this section to a particular transaction.

11 (2) The standards and procedures shall require:

12 (i) The office, division, or department requesting noncompetitive  
13 negotiation to submit a written justification to the Director of Purchasing;

14 (ii) A written determination by the Director of Purchasing that  
15 noncompetitive negotiation is in the best interest of the College and the State; and

16 (iii) The written approval of the award of the contract on the basis of  
17 noncompetitive negotiation by the Board of Trustees.

18 DRAFTER'S NOTE:

19 Error: Codification error and erroneous cross-reference in § 16-314.5 of  
20 the Education Article.

21 Occurred: Ch. 378, Acts of 2002. Correction by the publisher of the  
22 Annotated Code in the 2002 Supplement of the Education Article is  
23 ratified by this Act.

24 18-303.

25 (c) A student in grade 9 or grade 10 who applies and qualifies for a  
26 Guaranteed Access Grant [Award] on the basis of financial need as established by  
27 the Commission shall prequalify for a Guaranteed Access [Award] GRANT to be used  
28 at the time of enrollment in an institution of higher education by agreeing in writing,  
29 as a secondary and undergraduate student, to:

30 (1) Satisfy the attendance policy of the applicable school;

31 (2) Refrain from substance abuse;

32 (3) Provide information required by the Commission or the State Board  
33 of Education;

34 (4) Complete and file on a timely basis applications for federal student  
35 aid for each year that the student plans to enroll in postsecondary education;

1 (5) Participate in the College Readiness Outreach Program established  
2 in § 18-303.1 of this subtitle until the student graduates from high school and  
3 matriculates at an institution of higher education; and

4 (6) Satisfy any other program requirements set by the Office, the  
5 Commission, the State Board of Education, or the State Department of Education.

6 DRAFTER'S NOTE:

7 Error: Misnomer in § 18-303(c) of the Education Article.

8 Occurred: Chs. 315 and 429, Acts of 2002.

9 18-303.1.

10 (c) The Program shall provide guidance to students who qualify for a  
11 Guaranteed Access [Award] GRANT in 9th or 10th grade to assist the students in  
12 successfully:

13 (1) Completing a college preparatory curriculum;

14 (2) Graduating from high school; and

15 (3) Matriculating at an institution of higher education as defined in §§  
16 18-305 and 18-308 of this subtitle.

17 DRAFTER'S NOTE:

18 Error: Misnomer in § 18-303.1(c) of the Education Article.

19 Occurred: Chs. 315 and 429, Acts of 2002.

20 18-2101.

21 (b) [(1)] "Community-based program" means:

22 [(i)] (1) Any community program licensed by the Developmental  
23 Disabilities Administration or approved by the Mental Hygiene Administration to  
24 provide habilitation, rehabilitation, residential, or related community support  
25 services to individuals with developmental disabilities or mental disorders; or

26 [(ii)] (2) Any residential childcare program licensed by the department  
27 of human resources or the department of juvenile justice.

28 DRAFTER'S NOTE:

29 Error: Incorrect tabulation in § 18-2101(b) of the Education Article.

30 Occurred: Ch. 302, Acts of 2002. Correction by the publisher of the  
31 Annotated Code in the 2002 Supplement of the Education Article is  
32 ratified by this Act.

1 26-104.

2 (a) This section applies only in Baltimore [City,] CITY and Caroline,  
3 Dorchester, Somerset, Talbot, Wicomico, and Worcester counties.

4 DRAFTER'S NOTE:

5 Error: Incorrect punctuation in § 26-104(a) of the Education Article.

6 Occurred: Ch. 19, Acts of 2002. Correction by the publisher of the  
7 Annotated Code in the 2002 Supplement of the Education Article is  
8 ratified by this Act.

9 **Article - Election Law**

10 2-202.

11 (b) Each local board, in accordance with the provisions of this article and  
12 regulations adopted by the State Board, shall:

13 (3) maintain an office and be open for business as provided in this  
14 article, and provide the supplies and equipment necessary for the proper and efficient  
15 conduct of voter registration and election, including:

16 (i) supplies and equipment required by the State Board; and

17 (ii) office and polling place equipment expenses;

18 DRAFTER'S NOTE:

19 Error: Incorrect punctuation in § 2-202(b)(3)(ii) of the Election Law  
20 Article.

21 Occurred: Ch. 291, Acts of 2002. Correction by the publisher of the  
22 Annotated Code in the 2003 Volume of the Election Law Article is  
23 validated by this Act.

24 2-301.

25 (a) This section applies to:

26 (4) an employee of the State Board or of a local board, including the  
27 election director of a board;

28 DRAFTER'S NOTE:

29 Error: Incorrect punctuation in § 2-301(a)(4) of the Election Law Article.

30 Occurred: Ch. 291, Acts of 2002. Correction by the publisher of the  
31 Annotated Code in the 2003 Volume of the Election Law Article is  
32 validated by this Act.

1 3-504.

2 (d) Upon receipt of a return card, the election director shall make any needed  
3 corrections in the [Board's] LOCAL BOARD'S records to reflect the voter's current  
4 residence.

5 DRAFTER'S NOTE:

6 Error: Misnomer in § 3-504(d) of the Election Law Article.

7 Occurred: Ch. 291, Acts of 2002.

8 4-203.

9 (c) (3) The Baltimore County Democratic Party Central Committee shall  
10 consist of five members elected from each councilmanic district in Baltimore County.

11 DRAFTER'S NOTE:

12 Error: Obsolete language in § 4-203(c)(3) of the Election Law Article.

13 Occurred: As a result of Ch. 276, Acts of 2002 and the June 2002 decision  
14 of the Maryland Court of Appeals that struck down the 2002 Legislative  
15 Districting Plan. Correction by the publisher of the Annotated Code in the  
16 2003 Volume of the Election Law Article is validated by this Act.

17 8-701.

18 (b) (1) The descriptions of congressional districts in this subtitle include the  
19 references indicated.

20 (2) [Election] THE REFERENCES TO:

21 (I) ELECTION districts and wards are to the geographical  
22 boundaries of the election districts and wards as they existed on April 1, 2000; and

23 [(3)] (II) Precincts are to the geographical boundaries of the precincts as  
24 reviewed and certified by the [local boards of supervisors of elections] LOCAL  
25 BOARDS or their designees, before they were reported to the U.S. Bureau of the  
26 Census as part of the 2000 census redistricting data program and as those precinct  
27 lines are specifically indicated in the P.L. 94-171 data or shown on the P.L. 94-171  
28 census block maps provided by the U.S. Bureau of the Census and as reviewed and  
29 corrected by the Maryland Department of Planning.

30 DRAFTER'S NOTE:

31 Error: Grammatical and stylistic errors in § 8-701(b)(2) and (3) of the  
32 Election Law Article; misnomer in § 8-701(b)(3) of the Election Law  
33 Article.

34 Occurred: Ch. 340, Acts of 2002.

1 8-702.

2 (d) The district also includes the following parts of Harford County:

3 (7) that part of election district 5, precinct 1 that consists of census tract  
4 3053.00, block 2023.

5 DRAFTER'S NOTE:

6 Error: Incorrect word usage in § 8-702(d)(7) of the Election Law Article.

7 Occurred: Ch. 340, Acts of 2002. Correction by the publisher of the  
8 Annotated Code in the 2003 Volume of the Election Law Article is  
9 validated by this Act.

10 9-202.

11 (b) Each local board shall place questions, NAMES OF candidates, and other  
12 material on the ballot in that county in accordance with the content and arrangement  
13 prescribed by the State Board.

14 DRAFTER'S NOTE:

15 Error: Omitted words in § 9-202(b) of the Election Law Article.

16 Occurred: Ch. 291, Acts of 2002.

17 10-201.

18 (b) (2) (i) If the total number of election judges for a precinct is six or  
19 more:

20 1. a local board may provide one or more election judges who  
21 are not registered with either the majority [political] party or principal minority  
22 political party; and

23 2. a local board may provide one or more election judges who  
24 are minors.

25 DRAFTER'S NOTE:

26 Error: Misnomer in § 10-201(b)(2)(i)1 of the Election Law Article.

27 Occurred: Ch. 291, Acts of 2002.

28 11-303.

29 (e) (1) Within 10 days after any election, an individual who voted by  
30 provisional ballot may request confirmation from the local [election] board that the  
31 ballot submitted by the individual is either accepted or rejected by the local [election]  
32 board.

1           (2)     Upon receiving a request under paragraph (1) of this subsection, the  
2 local [election] board is required to provide confirmation that the individual's ballot  
3 is either accepted or rejected.

4           (3)     If the ballot is rejected, at the request of the individual the local  
5 [election] board shall state in writing the basis for rejecting the ballot.

6 DRAFTER'S NOTE:

7     Error: Misnomer in § 11-303(e) of the Election Law Article.

8     Occurred: Ch. 547, Acts of 2002.

9 11-308.

10     (c)     (1)     If a member of a [local] board of canvassers dissents from a  
11 determination of an election result or reasonably believes that the conduct of a local  
12 board member or local board proceeding was not in compliance with applicable law or  
13 regulation or was otherwise illegal or irregular, the member shall prepare and file  
14 with the local board a distinct written statement of the reasons for the dissent or  
15 concern.

16 DRAFTER'S NOTE:

17     Error: Misnomer in § 11-308(c)(1) of the Election Law Article.

18     Occurred: Ch. 291, Acts of 2002.

19 11-401.

20     (a)     (1)     After each election, each board of canvassers shall transmit one  
21 certified copy of the election results in its county, attested by the signatures of the  
22 chairperson and secretary of the board of canvassers, to:

23                   (i)     the Governor;

24                   (ii)    the State Board [of Elections]; and

25                   (iii)   the clerk of the circuit court for the appropriate county.

26           (2)     The statement may be mailed or delivered in person.

27 DRAFTER'S NOTE:

28     Error: Stylistic error in § 11-401(a)(1)(ii) of the Election Law Article.

29     Occurred: Ch. 291, Acts of 2002.

1 11-501.

2 (a) Following each gubernatorial primary or special primary election in the  
3 State, the State Board shall:

4 (4) prepare and certify statewide election results based on the certified  
5 copies of the statements made by the [county] boards of canvassers.

6 DRAFTER'S NOTE:

7 Error: Misnomer in § 11-501(a)(4) of the Election Law Article.

8 Occurred: Ch. 291, Acts of 2002.

9 11-503.

10 (a) The Board of State Canvassers shall:

11 (3) prepare statewide election results for each candidate and question,  
12 based on the certified copies of the statements made by the [county] boards of  
13 canvassers; and

14 DRAFTER'S NOTE:

15 Error: Misnomer in § 11-503(a)(3) of the Election Law Article.

16 Occurred: Ch. 291, Acts of 2002.

17 11-604.

18 A certificate issued by the State Board [of Elections] to the Secretary and  
19 presiding officer of the United States Senate or to the Clerk and presiding officer of  
20 the House of Representatives of the United States under § 11- 603(b)(1)(iii) and (iv) of  
21 this subtitle constitutes prima facie evidence of the right of the individual certified to  
22 be seated for office in the United States Congress.

23 DRAFTER'S NOTE:

24 Error: Stylistic error in § 11-604 of the Election Law Article.

25 Occurred: Ch. 291, Acts of 2002.

26 13-242.

27 (b) If an employer withholds from employees by payroll deduction the  
28 employees' dues to an employee membership entity, an employee may contribute by  
29 payroll deduction to one or more affiliated political action committees selected by the  
30 employee.

31 DRAFTER'S NOTE:

1 Error: Grammatical error in § 13-242(b) of the Election Law Article.

2 Occurred: Ch. 416, Acts of 2002. Correction by the publisher of the  
3 Annotated Code in the 2003 Volume of the Election Law Article is  
4 validated by this Act.

5 13-304.

6 (a) From the date of its organization until its termination under the provisions  
7 of this title, a campaign finance entity, except a political club, shall file a campaign  
8 finance report at the times, for the periods, and at the locations required by §§  
9 13-309, 13-312, and [13-315] 13-316 of this subtitle.

10 DRAFTER'S NOTE:

11 Error: Erroneous cross-reference in § 13-304(a) of the Election Law  
12 Article.

13 Occurred: Ch. 291, Acts of 2002.

14 13-401.

15 (a) (1) Except as otherwise provided in this section, each item of campaign  
16 material shall contain, set apart from any other message, an authority line that  
17 states:

18 (i) as to campaign material published or distributed by a campaign  
19 finance entity:

20 1. the name and address of the treasurer of each campaign  
21 finance entity responsible for the campaign material; and

22 2. as to each treasurer named under item 1 of this  
23 [paragraph] ITEM, the name of each campaign finance entity for which the treasurer  
24 is acting; and

25 (ii) as to campaign material published or distributed by any other  
26 person, the name and address of the person responsible for the campaign material.

27 DRAFTER'S NOTE:

28 Error: Stylistic error in § 13-401(a)(1)(i)2 of the Election Law Article.

29 Occurred: Ch. 291, Acts of 2002.

30 14-104.

31 (b) (1) When a contract is made that causes a person to be doing public  
32 business, an initial statement shall be filed:

1 (i) at that time, covering the preceding 24 months, if the person  
2 has made an applicable contribution within that period; or

3 (ii) if [subparagraph] ITEM (i) of this paragraph does not apply, but  
4 the person subsequently makes an applicable contribution during a reporting period  
5 specified in paragraph (2) of this subsection, as required by that paragraph.

6 DRAFTER'S NOTE:

7 Error: Stylistic error in § 14-104(b)(1)(ii) of the Election Law Article.

8 Occurred: Ch. 291, Acts of 2002.

9 16-201.

10 (b) A person who violates this section is guilty of a misdemeanor and ON  
11 CONVICTION IS subject to a fine of not more than \$2,500 or imprisonment for not  
12 more than 5 years or both.

13 DRAFTER'S NOTE:

14 Error: Omitted standard language in § 16-201(b) of the Election Law  
15 Article.

16 Occurred: Ch. 291, Acts of 2002.

17 16-804.

18 (b) A person who violates this section is guilty of a felony and ON CONVICTION  
19 shall be subject to a fine of not more than \$50,000 or imprisonment for not more than  
20 10 years or both.

21 DRAFTER'S NOTE:

22 Error: Omitted standard language in § 16-804(b) of the Election Law  
23 Article.

24 Occurred: Ch. 291, Acts of 2002.

25 16-901.

26 (b) A person who violates this section is GUILTY OF A MISDEMEANOR AND ON  
27 CONVICTION IS subject to a fine of not less than \$100 nor more than \$1,000 or  
28 imprisonment for not more than 3 years or both.

29 DRAFTER'S NOTE:

30 Error: Omitted standard language in § 16-901(b) of the Election Law  
31 Article.

32 Occurred: Ch. 291, Acts of 2002.

1 16-902.

2 (b) A person who violates this section is guilty of a misdemeanor and ON  
3 CONVICTION is subject to a fine of not less than \$50 nor more than \$500 to be paid to  
4 the State.

5 DRAFTER'S NOTE:

6 Error: Omitted standard language in § 16-902(b) of the Election Law  
7 Article.

8 Occurred: Ch. 291, Acts of 2002.

9 **Article - Environment**

10 2-901.

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

12 [(1)] (2) "Business entity" means:

13 (i) A person conducting or operating a trade or business in  
14 Maryland; or

15 (ii) An organization operating in Maryland that is exempt from  
16 taxation under § 501(c)(3) or (4) of the Internal Revenue Code.

17 [(2)] (3) "Cash in lieu of parking program" means an employer-funded  
18 program under which an employer offers to provide a cash allowance to an employee  
19 in an amount equal to the parking subsidy that the employer would otherwise pay or  
20 incur to provide the employee a parking space.

21 [(3)] (4) "Guaranteed ride home" means immediate transportation  
22 provided by a business entity for an employee who:

23 (i) Receives any of the commuter benefits described in subsection  
24 (b)(1) or (2) of this section or commutes by way of a nonmotorized method of  
25 transportation; and

26 (ii) Is required to leave work early for illness or other verifiable  
27 reason.

28 [(4)] (5) "Instrument" means a pass, token, fare card, voucher, or similar  
29 item.

30 [(5)] (6) "Parking subsidy" means:

31 (i) The difference between the out-of-pocket amount paid by an  
32 employer on a regular basis to secure the availability of an employee parking space  
33 not owned by the employer and the price charged to the employee for use of that  
34 space; or

1 (ii) For parking owned or leased by the employer as an integral part  
2 of a larger facility, the fair market value of a parking space provided by the employer  
3 for parking commuter vehicles, as determined:

4 1. By considering typical costs paid or incurred by users of  
5 nearby equivalent paid parking spaces, by evaluating the annual amortized cost of  
6 constructing and operating the parking space divided by the number of work days per  
7 year the space is ordinarily used; or

8 2. By other reasonable and justifiable means.

9 DRAFTER'S NOTE:

10 Error: Stylistic error in § 2-901(a) of the Environment Article.

11 Occurred: Chs. 559 and 560, Acts of 1999.

12 7-604.

13 (c) The Department shall:

14 (1) Establish an annual fee for facilities required to report to the State or  
15 its instrumentalities under the federal Act; and

16 (2) Base the annual fee on the cost to the Department for processing the  
17 information submitted to the Department under [subsection (b) of section 7-602] §  
18 7-602(B) of this subtitle.

19 DRAFTER'S NOTE:

20 Error: Stylistic error in § 7-604(c)(2) of the Environment Article.

21 Occurred: Ch. 434, Acts of 2002. Correction by the publisher of the  
22 Annotated Code in the 2002 Supplement of the Environment Article is  
23 ratified by this Act.

24 (f) (1) The following persons and entities are exempt from paying any fees  
25 under this section:

26 (i) Governmental agencies;

27 (ii) Farmers whose principal residence is located on their farm;

28 (iii) Charitable organizations as defined under § 6-101(d) of the  
29 Business Regulation [Article] ARTICLE;

30 (iv) Petroleum retail facilities with less than 75,000 gallons of  
31 gasoline and less than 100,000 gallons of diesel or similar fuel; and

32 (v) Entities that are exempt from reporting under the federal Act.

1           (2)     The Secretary may adopt regulations that exempt additional entities  
2 from the requirement to pay the fees to the Department required by this section.

3 DRAFTER'S NOTE:

4     Error: Omitted semicolon in § 7-604(f)(1)(iii) of the Environment Article.

5     Occurred: Ch. 434, Acts of 2002. Correction by the publisher of the  
6 Annotated Code in the 2002 Supplement of the Environment Article is  
7 ratified by this Act.

8 9-204.

9     (m)     (5)     Beginning September 1, 2000, the Department shall annually  
10 submit, in accordance with § 2-1246 of the State Government Article, a report of the  
11 activities undertaken and the progress made in accordance with this section to:

12                   (i)     The House Environmental Matters Committee; and

13                   (ii)    The Senate [Economic and Environmental] EDUCATION,  
14 HEALTH, AND ENVIRONMENTAL Affairs Committee.

15 DRAFTER'S NOTE:

16     Error: Obsolete reference in § 9-204(m)(5)(ii) of the Environment Article.

17     Occurred: As a result of a change to Rule 18 of the Rules of the Senate of  
18 Maryland, adopted January 24, 2001.

19 16-104.

20     (b)     (3)     The Board of Public Works may issue a license for a project involving  
21 the construction of a dwelling unit or other non-water dependent structure on a pier  
22 located on State wetlands if:

23                   (iv)    The project is located in an intensely developed area, as  
24 designated in programs adopted or approved by the [Chesapeake Bay] Critical Area  
25 Commission FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS under Title 8,  
26 Subtitle 18 of the Natural Resources Article; and

27     (c)     (2)     The Secretary may issue a permit for a project involving the  
28 construction of a dwelling unit or other non-water dependent structure on a pier  
29 located on private wetlands if:

30                   (iv)    The project is located in an intensely developed area, as  
31 designated in programs adopted or approved by the [Chesapeake Bay] Critical Area  
32 Commission FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS under Title 8,  
33 Subtitle 18 of the Natural Resources Article; and

34 DRAFTER'S NOTE:

1 Error: Misnomer in § 16-104(b)(3)(iv) and (c)(2)(iv) of the Environment  
2 Article.

3 Occurred: As a result of Ch. 433, Acts of 2002.

4 16-105.

5 (a) The Department, jointly with the [Chesapeake Bay] Critical Area  
6 Commission FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, shall:

7 (1) Review existing regulations applicable to the construction of piers  
8 and bulkheads in the tidal wetlands of the State and in the Chesapeake Bay Critical  
9 Area; and

10 (2) By regulation, develop a procedure to avoid duplication of regulatory  
11 jurisdiction by the State and local jurisdictions concerning the construction of piers  
12 and bulkheads in the tidal wetlands of the State and in the Chesapeake Bay Critical  
13 Area.

14 DRAFTER'S NOTE:

15 Error: Misnomer in § 16-105(a) of the Environment Article.

16 Occurred: As a result of Ch. 433, Acts of 2002.

17 **Article - Estates and Trusts**

18 15-502.2.

19 (a) A trustee may adjust between principal and income to the extent the  
20 trustee considers necessary if:

21 (6) (i) The trustee complies with the notice requirements of § 15-502.3  
22 of this subtitle and all qualified beneficiaries consent; or

23 (ii) A court reviews a petition filed under [15-502.3] § 15-502.3 of  
24 this subtitle and approves the adjustment.

25 DRAFTER'S NOTE:

26 Error: Omitted section symbol in § 15-502.2(a)(6)(ii).

27 Occurred: Ch. 478, Acts of 2002. Correction by the publisher of the  
28 Annotated Code in the 2002 Supplement of the Estates and Trusts Article  
29 is ratified by this Act.

1 **Article - Family Law**

2 4-501.

3 (e) "Commissioner" means a District Court Commissioner appointed in  
4 accordance with Article [IV] IV, § 41G of the Maryland Constitution.

5 DRAFTER'S NOTE:

6 Error: Omitted comma in § 4-501(e) of the Family Law Article.

7 Occurred: Ch. 235, Acts of 2002. Correction by the publisher of the  
8 Annotated Code in the 2002 Supplement of the Family Law Article is  
9 ratified by this Act.

10 5-313.

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

16 (iv) 1. A. the child was born exposed to cocaine, heroin, or a  
17 derivative thereof as evidenced by any appropriate tests of the mother or child; or

18 B. upon admission to a hospital for delivery of the child, the  
19 mother tested positive for cocaine, heroin, or a derivative of cocaine or heroin as  
20 evidenced by any appropriate toxicology test; and

21 2. the natural parent refuses the recommended level of drug  
22 treatment, or fails to fully participate in the recommended level of drug treatment; or

23 DRAFTER'S NOTE:

24 Error: Omitted item designation in § 5-313(d)(1)(iv)1 of the Family Law  
25 Article.

26 Occurred: Ch. 320, Acts of 2002. Correction by the publisher of the  
27 Annotated Code in the 2002 Supplement of the Family Law Article is  
28 ratified by this Act.

29 5-1206.

30 (a) On or before December 15, 2000, and annually thereafter until December  
31 15, 2004, the Secretary of Human Resources and the Secretary of Health and Mental  
32 Hygiene shall report to the Governor and, subject to § 2-1246 of the State  
33 Government Article, the Senate Budget and Taxation Committee, the Senate  
34 [Economic] EDUCATION, HEALTH, and Environmental Affairs Committee, the House  
35 Appropriations Committee, and the House Environmental Matters Committee, on  
36 their progress in complying with the provisions of this subtitle.

## 1 DRAFTER'S NOTE:

2 Error: Obsolete reference in § 5-1206(a) of the Family Law Article.

3 Occurred: As a result of a change to Rule 18 of the Rules of the Senate of  
4 Maryland, adopted January 24, 2001.

5 10-108.2.

6 (d) (2) The report described in paragraph (1)(ii) of this subsection shall  
7 contain, to the extent reflected in the records of the financial institution:

8 (iii) the Social Security NUMBER or other taxpayer identification  
9 number of the obligor;

## 10 DRAFTER'S NOTE:

11 Error: Omitted word in § 10-108.2(d)(2)(iii) of the Family Law Article.

12 Occurred: Ch. 609, Acts of 1997.

13 **Article - Financial Institutions**

14 7-116.

15 The Corporation is exempt from all taxes imposed by this State or any OF its  
16 political subdivisions under Title 9 of Article 24 of the Code, Title 6, Subtitle 1 of the  
17 Insurance Article, the Tax - General Article, or the Tax - Property Article.

## 18 DRAFTER'S NOTE:

19 Error: Omitted word in § 7-116 of the Financial Institutions Article.

20 Occurred: Ch. 540, Acts of 2002.

21 7-210.

22 (a) (2) The Commissioner may enter into agreements with [third-parties]  
23 THIRD PARTIES and delegate the authority to conduct an examination required or  
24 permitted under this subsection.

## 25 DRAFTER'S NOTE:

26 Error: Extraneous hyphen in § 7-210(a)(2) of the Financial Institutions  
27 Article.

28 Occurred: Ch. 540, Acts of 2002.

1 7-216.

2 (f) (1) If a participating credit union fails to pay an annual capital  
3 contribution, premium, fee, or assessment when due, the credit union share guaranty  
4 corporation:

5 (ii) After 30 [days] DAYS' notice, may revoke the participating  
6 credit union's participation in the credit union share guaranty corporation, unless  
7 good cause is shown for the failure.

8 DRAFTER'S NOTE:

9 Error: Grammatical error in § 7-216(f)(1)(ii) of the Financial Institutions  
10 Article.

11 Occurred: Ch. 540, Acts of 2002.

12 12-401.

13 (o) "Permissible investment" means:

14 (3) Unless found by the Commissioner to be unacceptable:

15 (iii) Any demand borrowing agreement or agreements in an amount  
16 or aggregate amount which does not exceed 10% of the net worth of the company  
17 liable for payment under the agreement or agreements as shown on financial  
18 statements certified by a certified public accountant acceptable to the Commissioner,  
19 provided that the company is a corporation or a subsidiary of a corporation whose  
20 capital stock is listed on a national exchange and is not a licensee or authorized  
21 delegate of a licensee under this subtitle[.];

22 DRAFTER'S NOTE:

23 Error: Extraneous period in § 12-401(o)(3)(iii) of the Financial  
24 Institutions Article.

25 Occurred: Ch. 539, Acts of 2002. Correction by the publisher of the  
26 Annotated Code in the 2002 Supplement of the Financial Institutions  
27 Article is ratified by this Act.

28 12-412.

29 (d) (1) A deposit in lieu of a surety bond made to satisfy the provisions of  
30 subsection (b) of this section shall:

31 (i) Have a market value equal to the amount required UNDER  
32 subsection (e) of this section; and

33 DRAFTER'S NOTE:

34 Error: Omitted word in § 12-412(d)(1)(i) of the Financial Institutions

1 Article.

2 Occurred: Ch. 539, Acts of 2002. Correction by the publisher of the  
3 Annotated Code in the 2002 Supplement of the Financial Institutions  
4 Article is ratified by this Act.

5 12-413.

6 (b) Each authorized delegate that a licensee appoints under a license shall be  
7 authorized by an express written contract, which shall provide:

8 (2) That neither the licensee nor the authorized delegate may authorize  
9 subagents or [subauthorized delegates] SUBDELEGATES without written consent of  
10 the Commissioner;

11 DRAFTER'S NOTE:

12 Error: Incorrect word usage in § 12-413(b)(2) of the Financial  
13 Institutions Article.

14 Occurred: Ch. 539, Acts of 2002.

15 12-416.

16 (a) Within 45 days of the end of each calendar semiannual period ending June  
17 30 and December 31, the licensee shall file with the Commissioner a report that  
18 includes the following information on a form that the Commissioner requires:

19 (4) A report of all authorized delegates that includes:

20 (i) An alphabetical list of all currently authorized delegates  
21 appointed by the licensee that includes the name, business address, business phone  
22 number, and business [e-mail] ELECTRONIC MAIL address, if known to the licensee,  
23 of each authorized delegate;

24 (ii) An alphabetical list of all authorized delegates appointed by the  
25 licensee during the previous 6 months that includes the name, business address,  
26 business phone number, business [e-mail] ELECTRONIC MAIL address, if known to  
27 the licensee, and date of appointment of each authorized delegate; and

28 (iii) An alphabetical list of all authorized delegates terminated by  
29 the licensee during the previous 6 months that includes the name, business address,  
30 business phone number, business [e-mail] ELECTRONIC MAIL address, if known to  
31 the licensee, and date of termination of each authorized delegate; and

32 DRAFTER'S NOTE:

33 Error: Stylistic error in § 12-416(a)(4)(i), (ii), and (iii) of the Financial  
34 Institutions Article.

35 Occurred: Ch. 539, Acts of 2002. Correction by the publisher of the

1 Annotated Code in the 2002 Supplement of the Financial Institutions  
2 Article is ratified by this Act.

3 12-426.

4 (b) In determining whether a license should be suspended or revoked for a  
5 reason identified in [section] SUBSECTION (a)(1)(v) of this section, the Commissioner  
6 shall consider:

7 (1) The nature of the crime;

8 (2) The relationship of the crime to the activities authorized by the  
9 license;

10 (3) With respect to a felony, the relevance of the conviction to the fitness  
11 and qualification of the licensee to engage in the business of money transmission;

12 (4) The length of time since the conviction; and

13 (5) The behavior and activities of the licensee since the conviction.

14 DRAFTER'S NOTE:

15 Error: Stylistic error in § 12-426(b) of the Financial Institutions Article.

16 Occurred: Ch. 539, Acts of 2002.

17 **Article - Health - General**

18 4-211.

19 (g) Upon receipt of a report or decree of annulment of adoption, the original  
20 certificate of birth shall be restored to its place in the files, and the adoption  
21 certificate and any accompanying documents [is] ARE not subject to inspection  
22 except upon order of a court of competent jurisdiction or as provided by regulation.

23 DRAFTER'S NOTE:

24 Error: Grammatical error in § 4-211(g) of the Health - General Article.

25 Occurred: Ch. 97, Acts of 1995.

26 8-401.

27 (a) (3) The Administration shall:

28 (ii) Promptly give the Administrative Office of the Courts notice of  
29 each program approved under this [subparagraph] PARAGRAPH;

30 (iii) Monitor and biennially review each program approved under  
31 this [subparagraph] PARAGRAPH;

## 1 DRAFTER'S NOTE:

2 Error: Stylistic errors in § 8-401(a)(3)(ii) and (iii) of the Health -  
3 General Article.

4 Occurred: Ch. 758, Acts of 1988.

5 10-809.

6 (c) (1) In this [subsection] SUBSECTION, "aftercare services" means  
7 services:

8 (i) For individuals who no longer receive inpatient services for a  
9 mental disorder; and

10 (ii) That enhance the opportunity to maintain a mentally ill  
11 individual in the community and to assist in the prevention of homelessness.

## 12 DRAFTER'S NOTE:

13 Error: Omitted comma in § 10-809(c)(1) of the Health - General Article.

14 Occurred: Ch. 576, Acts of 1987.

15 13-1602.

16 (b) (4) A member who serves two consecutive 4-year terms may not be  
17 reappointed for [four] 4 years after the completion of those terms.

## 18 DRAFTER'S NOTE:

19 Error: Stylistic error in § 13-1602(b)(4) of the Health - General Article.

20 Occurred: Ch. 265, Acts of 2002.

21 13-1902.

22 (g) The Task Force shall make recommendations to the Department about:

23 (4) Developing professional education programs for health care providers  
24 to assist providers in understanding research findings and the matters specified in  
25 [paragraph] ITEM (2) of this subsection;

## 26 DRAFTER'S NOTE:

27 Error: Stylistic error in § 13-902(g)(4) of the Health - General Article.

28 Occurred: Chs. 443 and 444, Acts of 2002. Correction by the publisher of  
29 the Annotated Code in the 2002 Supplement of the Health - General  
30 Article is ratified by this Act.

1 15-109.

2 (e) (3) The personal needs allowance for each resident of a nursing home  
3 who is a recipient of medical assistance shall be:

4 (i) If on or before June 30, 2002, the federal Centers for Medicare  
5 and Medicaid Services approve the Department's application for an amendment to the  
6 State's existing § 1115 demonstration waiver necessary to implement the Maryland  
7 Pharmacy Discount Program established under § 15-124.1 of the Health - General  
8 Article:

9 3. Beginning July 1, 2005, adjusted annually by an amount  
10 not exceeding 5% to reflect the percentage by which benefits under Title II of the  
11 Social Security Act (42 U.S.C. 401 through 433) are increased by the federal  
12 government to reflect changes in the cost of living, as that percentage change is  
13 reported in the Federal Register in accordance with 42 U.S.C. 415(a)(1)(D); or

14 DRAFTER'S NOTE:

15 Error: Omitted citation in § 15-109(e)(3)(i)3 of the Health - General  
16 Article.

17 Occurred: Chs. 292 and 293, Acts of 2002. Correction by the publisher of  
18 the Annotated Code in the 2002 Supplement of the Health - General  
19 Article is ratified by this Act.

20 15-135.

21 (d) The long-term care case manager at a local department of social services  
22 shall:

23 (1) Provide assistance to residents and make referrals to persons that  
24 may help IN OBTAINING additional information, case management services, or  
25 evaluation services related to Medical Assistance waiver programs or other options  
26 for receiving long-term care services in the community;

27 (e) When a resident indicates an interest in receiving long-term care services  
28 in the community, the [long term] LONG-TERM care case manager at a local  
29 department of social services shall refer the resident within 10 days to persons that  
30 will provide information or case management services that will enable the resident to  
31 consider the options that may be available and apply for benefits if the resident  
32 chooses.

33 DRAFTER'S NOTE:

34 Error: Omitted words in § 15-135(d)(1) of the Health - General Article;  
35 omitted hyphen in § 15-135(e) of the Health - General Article.

36 Occurred: Ch. 84, Acts of 2002. Correction of the omitted hyphen by the  
37 publisher of the Annotated Code in the 2002 Supplement of the Health -

1 General Article is ratified by this Act.

2 17-603.

3 (a) Except as provided in subsection (b) of this section, any person that  
4 possesses and maintains any biological agent shall report to the Department the  
5 information required by the Department for inclusion in the Biological [Agent]  
6 AGENTS Registry.

7 DRAFTER'S NOTE:

8 Error: Misnomer in § 17-603(a) of the Health - General Article.

9 Occurred: Ch. 361, Acts of 2002. Correction by the publisher of the  
10 Annotated Code in the 2002 Supplement of the Health - General Article is  
11 ratified by this Act.

12 18-214.

13 (d) The Secretary of the Department of Health and Mental Hygiene shall  
14 appoint the membership of the Commission, based on the recommendation of the  
15 appropriate medical society or [agency;] AGENCY.

16 (i) On or before December 15 of each year, the Commission shall submit a  
17 report on its findings and recommendations to the Governor and, in accordance with  
18 § 2-1246 of the State Government Article, to the Senate Education, Health, and  
19 Environmental Affairs Committee and the HOUSE Environmental Matters  
20 Committee.

21 DRAFTER'S NOTE:

22 Error: Incorrect punctuation in § 18-214(d) of the Health - General  
23 Article; misnomer in § 18-214(i) of the Health - General Article.

24 Occurred: Ch. 337, Acts of 2002. Correction of the incorrect punctuation  
25 in § 18-214(d) by the publisher of the Annotated Code in the 2002  
26 Supplement of the Health - General Article is ratified by this Act.

27 18-901.

28 (b) "Catastrophic health emergency" has the meaning stated in Article 41, §  
29 [2-104] 2-201 of the Code.

30 (c) "Deadly agent" has the meaning stated in Article 41, § [2-104] 2-201 of the  
31 Code.

32 (d) "Exposure to a deadly agent" has the meaning stated in Article 41, §  
33 [2-104] 2-201 of the Code.

34 DRAFTER'S NOTE:

1 Error: Erroneous cross-references in § 18-901(b), (c), and (d) of the  
2 Health - General Article.

3 Occurred: Ch. 1, Acts of 2002.

4 18-905.

5 (b) The Secretary may issue an order under subsection (a) of this section:

6 (1) If, prior to the issuance of a proclamation under Article 41, § [2-104]  
7 2-202 of the Code, the Secretary determines that the disease or outbreak can be  
8 medically contained by the Department and appropriate health care providers; and

9 (2) As necessary to implement an order issued by the Governor under  
10 Article 41, § [2-104] 2-201 of the Code.

11 DRAFTER'S NOTE:

12 Error: Erroneous cross-references in § 18-905(b) of the Health -  
13 General Article.

14 Occurred: Ch. 1, Acts of 2002.

15 18-906.

16 (a) (1) [(i)] If the Secretary requires an individual or a group of individuals  
17 to go to and remain in places of isolation or quarantine under [subsection] § 18-905  
18 of this subtitle, the Secretary shall issue a directive to the individual or group of  
19 individuals.

20 [(ii)] (2) The directive shall specify:

21 [1.] (I) The identity of the individual or group of individuals  
22 subject to isolation or quarantine;

23 [2.] (II) The premises subject to isolation or quarantine;

24 [3.] (III) The date and time at which isolation or quarantine  
25 commences;

26 [4.] (IV) The suspected deadly agent causing the outbreak or  
27 disease, if known;

28 [5.] (V) The basis upon which isolation or quarantine is  
29 justified; and

30 [6.] (VI) The availability of a hearing to contest the directive.

31 [(iii)] (3) [1.] (I) Except as provided in [sub-subparagraph 2]  
32 SUBPARAGRAPH (II) of this [subparagraph] PARAGRAPH, the directive shall be in  
33 writing and given to the individual or group of individuals prior to the individual or

1 group of individuals being required to go to and remain in places of isolation and  
2 quarantine.

3 [2.] (II) [A.] 1. If the Secretary determines that the  
4 notice required under [sub-subparagraph 1] SUBPARAGRAPH (I) of this  
5 [subparagraph] PARAGRAPH is impractical because of the number of individuals or  
6 geographical areas affected, the [secretary] SECRETARY shall ensure that the  
7 affected individuals are fully informed of the directive using the best possible means  
8 available.

9 [B.] 2. If the directive applies to a group of individuals and  
10 it is impractical to provide written individual copies under [sub-subparagraph 1]  
11 SUBPARAGRAPH (I) of this [subparagraph] PARAGRAPH, the written directive may be  
12 posted in a conspicuous place in the isolation or quarantine premises.

13 (b) (5) (ii) 2. If the court determines that the notice required in  
14 sub-subparagraph [1c] 1C of this subparagraph is impractical because of the number  
15 of individuals or geographical areas affected, the court shall ensure that the affected  
16 individuals are fully informed of the order using the best possible means available.

17 DRAFTER'S NOTE:

18 Error: Incorrect numbering, extraneous word, capitalization error, and  
19 stylistic errors in § 18-906(a) of the Health - General Article; stylistic  
20 error in § 18-906(b)(5)(ii)2 of the Health - General Article.

21 Occurred: Ch. 1, Acts of 2002. Correction of the errors in § 18-906(a) by  
22 the publisher of the Annotated Code in the 2002 Supplement of the Health  
23 - General Article is ratified by this Act.

24 19-111.

25 (h) The Commission shall:

26 (1) (i) Assess fees on payors in a manner that apportions the total  
27 amount of the fees to be assessed on payors under subsection [(d)(2)] (D)(1) of this  
28 section among each payor based on the ratio of each payor's total premiums earned in  
29 the State for health benefit plans to the total earned premiums of all payors earned in  
30 the State; and

31 (ii) On or before June 30 of each year, assess each payor a fee in  
32 accordance with item (i) of this item;

33 (2) (i) Assess fees for each hospital equal to the sum of:

34 1. The amount equal to one-half of the total fees to be  
35 assessed on hospitals under subsection [(d)(1)(i)] (D)(1) of this section times the ratio  
36 of admissions of the hospital to total admissions of all hospitals; and



1 (iii) A formal, written reappointment process to be conducted at  
2 least every 2 years. The reappointment process shall document the physician's  
3 pattern of performance by analyzing claims filed against the physician, data dealing  
4 with utilization, quality, and risk, a review of clinical skills, adherence to hospital  
5 bylaws, policies and procedures, compliance with continuing education requirements,  
6 and mental and physical status.

7 (4) If a hospital fails to establish or maintain a [credentialling]  
8 CREDENTIALING process required under this subsection, the Secretary may impose  
9 the following penalties:

10 (i) Delicensure of the hospital; or

11 (ii) \$500 per day for each day the violation continues.

12 DRAFTER'S NOTE:

13 Error: Misspelling in § 19-319(e)(1), (2), and (4) of the Health - General  
14 Article.

15 Occurred: Ch. 642, Acts of 1986.

16 19-319.

17 (e) (4) The Secretary shall, by regulation and in consultation with hospitals,  
18 physicians, interested community and advocacy groups, and representatives of the  
19 Maryland Defense Bar and Plaintiffs' Bar, establish minimum standards for a  
20 [credentialling] CREDENTIALING process which shall include:

21 (i) A formal written appointment process documenting the  
22 physician's education, clinical expertise, licensure history, insurance history, medical  
23 history, claims history, and professional experience.

24 (ii) A requirement that an initial appointment to staff not be  
25 complete until the physician has successfully completed a probationary period.

26 (iii) A formal, written reappointment process to be conducted at  
27 least every 2 years. The reappointment process shall document the physician's  
28 pattern of performance by analyzing claims filed against the physician, data dealing  
29 with utilization, quality, and risk, a review of clinical skills, adherence to hospital  
30 bylaws, policies and procedures, compliance with continuing education requirements,  
31 and mental and physical status.

32 DRAFTER'S NOTE:

33 Error: Misspelling in § 19-319(e)(4) of the Health - General Article.

34 Occurred: Ch. 189, Acts of 2002.

1 19-1406.

2 (c) (2) The Secretary shall have the burden of proof with respect to the  
3 imposition of civil money penalties under §§ 19-1404 or § 19-1413.1 of this subtitle.

4 DRAFTER'S NOTE:

5 Error: Stylistic error in § 19-1406(c)(2) of the Health - General Article.

6 Occurred: Ch. 47, Acts of 2002. Correction by the publisher of the  
7 Annotated Code in the 2002 Supplement of the Health - General Article is  
8 ratified by this Act.

9 19-1409.

10 (b) The Oversight Committee shall consist of the following members:

11 (2) Two members of the Senate [Economic and Environmental]  
12 EDUCATION, HEALTH, AND ENVIRONMENTAL Affairs Committee, appointed by the  
13 President of the Senate;

14 DRAFTER'S NOTE:

15 Error: Obsolete reference in § 19-1409(b)(2) of the Health - General  
16 Article.

17 Occurred: As a result of a change to Rule 18 of the Rules of the Senate of  
18 Maryland, adopted January 24, 2001.

19 20-506.

20 (a) The Foundation shall:

21 (2) Provide grants to programs that:

22 (i) Promote public awareness of the need to provide more timely  
23 and cost-effective care for uninsured Marylanders AND REDUCE HEALTH CARE  
24 DISPARITIES ASSOCIATED WITH POVERTY, GENDER, AND RACE;

25 (5) Develop criteria for awarding grants to health care delivery  
26 programs[,] THAT MAY INCLUDE PROGRAMS ADDRESSING HEALTH CARE  
27 DISPARITIES IN insurance coverage programs[,] or corporate sponsorship programs;

28 DRAFTER'S NOTE:

29 Error: Omitted language in current § 20-506(a)(2)(i) and (5) of the Health  
30 - General Article, intended to conform with future version of §  
31 20-506(a)(2)(i) and (5) of the Health - General Article.

32 Occurred: Ch. 162, Acts of 2002. Correction by the publisher of the  
33 Annotated Code in the 2002 Supplement of the Health - General Article is

1 ratified by this Act.

2 21-1113.

3 (a) (8) "Prescription drug" means a drug that under § 21-220 of [the Health  
4 - General Article] THIS ARTICLE may be dispensed only on the prescription of a  
5 health practitioner who is authorized by law to prescribe the drug.

6 DRAFTER'S NOTE:

7 Error: Stylistic error in § 21-1113(a)(8) of the Health - General Article.

8 Occurred: Ch. 476, Acts of 2001.

9 **Article - Health Occupations**

10 4-308.

11 (c) While it is effective, a retired volunteer dentist's license to practice  
12 dentistry issued under this title authorizes the licensee to practice dentistry:

13 (3) If the dentist signs a written statement agreeing to donate at least  
14 100 hours of dental services without compensation in a facility that satisfies the  
15 requirements of [subsections] SUBSECTION (d)(1) and (2) of this section;

16 DRAFTER'S NOTE:

17 Error: Stylistic error in § 4-308(c)(3) of the Health Occupations Article.

18 Occurred: Ch. 83, Acts of 2000.

19 4-315.

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

25 (25) (i) Except as provided in subparagraph (ii) of this paragraph,  
26 divides a fee with another dentist if the division is not in proportion to the services  
27 performed and the responsibility assumed by each dentist[.];

28 DRAFTER'S NOTE:

29 Error: Incorrect punctuation in § 4-315(a)(25)(i) of the Health  
30 Occupations Article.

31 Occurred: Ch. 488, Acts of 1987.

1 6-312.

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

5 (7) Is disciplined by a licensing or disciplinary authority of any state or  
6 country, convicted or disciplined by a court of any state or country, or disciplined by  
7 any branch of the United States [Uniformed Services] UNIFORMED SERVICES or the  
8 Veterans Administration for an act that would be grounds for disciplinary action  
9 under the Board's disciplinary statutes;

10 DRAFTER'S NOTE:

11 Error: Capitalization error in § 6-312(a)(7) of the Health Occupations  
12 Article.

13 Occurred: Ch. 509, Acts of 1998.

14 7-308.1.

15 (d) Except as provided in subsection (c) of this section, while an executor  
16 license is effective, it authorizes the licensee to:

17 (1) Continue operation of the mortuary science business that had been  
18 operated and wholly or partly owned by the deceased mortician or funeral director[.];  
19 AND

20 (2) Assist with the planning and conducting of funeral services for that  
21 mortuary science business.

22 DRAFTER'S NOTE:

23 Error: Incorrect punctuation and omitted conjunction in § 7-308.1(d)(1)  
24 of the Health Occupations Article.

25 Occurred: Ch. 525, Acts of 2002.

26 8-208.

27 (d) (1) The Board shall determine the term of a member of [a] THE  
28 Committee.

29 DRAFTER'S NOTE:

30 Error: Incorrect word usage in § 8-208(d)(1) of the Health Occupations  
31 Article.

32 Occurred: Ch. 508, Acts of 1988.

1 8-7B-01.

2 (c) (1) The Secretary of Health and Mental Hygiene shall:

3 (iii) Appoint as vice chairs:

4 1. Two deans from [university based] UNIVERSITY-BASED  
5 schools of nursing;

6 2. A dean of an independent college or university school of  
7 nursing;

8 3. A director of a community college nursing program;

9 4. The Executive Director of the STATE Board of Nursing;

10 5. A nurse executive;

11 6. A practicing registered nurse;

12 7. A practicing licensed practical nurse; and

13 8. The project director of the Colleagues in Care Project;

14 (d) The Commission shall:

15 (2) In addition to the issues identified and prioritized as a result of the  
16 summit convened under item (1) of this subsection, determine the current extent and  
17 long-term implications of the growing nursing personnel shortage in the State,  
18 including:

19 (i) An evaluation of mechanisms currently available in the State  
20 and elsewhere intended to enhance education, recruitment, and retention of nurses in  
21 the workforce and to improve quality of care; AND

22 (ii) An assessment of the impact of shortages in nursing personnel  
23 on access to, and the delivery of, quality patient care;

24 (e) The STATE Board of Nursing shall provide staff support for the  
25 Commission.

26 DRAFTER'S NOTE:

27 Error: Omitted hyphen and misnomer in § 8-7B-01(c)(1)(iii)1 and 4;  
28 omitted conjunction in § 8-7B-01(d)(2)(i); misnomer in § 8-7B-01(e) of the  
29 Health Occupations Article.

30 Occurred: Chs. 257 and 258, Acts of 2000.

1 10-315.

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

7 (8) Provides professional services while:

8 (i) Under the influence of alcohol; or

9 (ii) Using any narcotic or controlled dangerous [substances]  
10 SUBSTANCE, AS defined in § 5-101 of the Criminal Law Article, or other drug that is  
11 in excess of therapeutic amounts or without valid medical indication;

12 DRAFTER'S NOTE:

13 Error: Incorrect word usage in § 10-315(8)(ii) of the Health Occupations  
14 Article.

15 Occurred: Ch. 390, Acts of 1983.

16 12-6A-07.

17 (b) A therapy management contract shall terminate [one] 1 year from the  
18 date of its signing, unless renewed by the licensed physician, licensed pharmacist,  
19 and patient.

20 DRAFTER'S NOTE:

21 Error: Stylistic error in § 12-6A-07(b) of the Health Occupations Article.

22 Occurred: Ch. 249, Acts of 2002.

23 [14-4B-06.] 14-5B-06.

24 In addition to the powers set forth elsewhere in this subtitle, the Committee  
25 shall:

26 (1) Make recommendations to the Board on regulations necessary to  
27 carry out the provisions of this subtitle;

28 (2) Make recommendations to the Board on the requirements for  
29 radiation oncology/therapy technologist, medical radiation technologist, or nuclear  
30 medicine technologist;

31 (3) Review applications for certification as a radiation oncology/therapy  
32 technologist, medical radiation technologist, or nuclear medicine technologist, if  
33 requested, and make recommendations to the Board;

1 (4) At the request of the Board, investigate complaints against certified  
2 radiation oncology/therapy technologists, certified medical radiation technologists,  
3 and certified nuclear medicine technologists;

4 (5) Advise the Board on matters related to the practice of radiation  
5 oncology/therapy technology, the practice of medical radiation technology, and the  
6 practice of nuclear medicine technology;

7 (6) Keep a record of its proceedings; and

8 (7) Submit an annual report to the Board.

9 DRAFTER'S NOTE:

10 Error: Incorrect section number in § 14-4B-06 of the Health Occupations  
11 Article.

12 Occurred: Ch. 373, Acts of 2002. Correction by the publisher of the  
13 Annotated Code in the 2002 Supplement of the Health Occupations Article  
14 is ratified by this Act.

15 14-506.

16 (a) In this section, "the Maryland Institute for Emergency Medical Services  
17 Systems" means the State agency described in § 13-503 of the Education Article.

18 (b) The following records and other information are confidential records:

19 (1) Any record and other information obtained by the Faculty, a  
20 component society of the Faculty, the Maryland Institute for Emergency Medical  
21 Services Systems, a hospital staff committee, or a national medical society or group  
22 organized for research, if that record or information identifies any person; and

23 (2) Any record of a proceeding or transaction before the Faculty or one of  
24 its committees that relates to any investigation or report under § 14-401 of this title  
25 as to an allegation of grounds for disciplinary or other action.

26 (c) Access to and use of any confidential record described in subsection (b) of  
27 this section is regulated by §§ 5-601 and 10-205(b) of the Courts Article.

28 (d) This section does not restrict the publication of any statistics or other  
29 information that does not disclose the identity of any person.

30 DRAFTER'S NOTE:

31 Error: Improper codification of § 14-506 of the Health Occupations  
32 Article.

33 Occurred: Ch. 158, Acts of 2002. Correction by the publisher of the  
34 Annotated Code in the 2002 Supplement of the Health Occupations Article  
35 is validated by this Act.

1 14-5A-17.

2 (b) Except as otherwise provided in the Administrative Procedure Act, before  
3 the Board takes any action under [14-5A-17(a)] SUBSECTION (A) of this section, it  
4 shall give the individual against whom the action is contemplated an opportunity for  
5 a hearing before the Board in accordance with the hearing requirements of § 14-405  
6 of this title.

7 DRAFTER'S NOTE:

8 Error: Stylistic error in § 14-5A-17(b) of the Health Occupations Article.

9 Occurred: Ch. 479, Acts of 2001.

10 14-5B-14.

11 (a) Subject to the hearing provisions of § 14-405 of this title, the Board may  
12 deny a certificate to any applicant for a certificate, reprimand any certified radiation  
13 oncology/therapy technologist, certified medical radiation technologist, or certified  
14 nuclear medicine technologist, place any certified radiation oncology/therapy  
15 technologist, certified medical radiation technologist, or certified nuclear medicine  
16 technologist on probation, or suspend or revoke a certificate if the applicant, certified  
17 radiation oncology/therapy technologist, certified medical radiation technologist, or  
18 certified nuclear medicine technologist:

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

22 (8) Provides professional services while:

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

27 DRAFTER'S NOTE:

28 Error: Obsolete cross-reference in § 14-5B-14(a)(7) and (8)(ii) of the  
29 Health Occupations Article.

30 Occurred: Ch. 373, Acts of 2002.

31 [14-5B-16.] 14-5B-17.

32 (a) Except as otherwise provided in this subtitle, a person may not practice,  
33 attempt to practice, or offer to practice medical radiation technology in this State  
34 unless certified to practice medical radiation technology by the Board.

1 (b) Except as otherwise provided in this subtitle, a person may not practice,  
2 attempt to practice, or offer to practice nuclear medicine technology in this State  
3 unless certified to practice nuclear medicine technology by the Board.

4 (c) Except as otherwise provided in this subtitle, a person may not practice,  
5 attempt to practice, or offer to practice radiation oncology/therapy technology in this  
6 State unless certified to practice radiation oncology/therapy technology by the Board.

7 DRAFTER'S NOTE:

8 Error: Incorrect section number in § 14-5B-16 of the Health Occupations  
9 Article.

10 Occurred: Ch. 373, Acts of 2002. Correction by the publisher of the  
11 Annotated Code in the 2002 Supplement of the Health Occupations Article  
12 is ratified by this Act.

13 17-3A-02.1.

14 (g) Any individual who violates subsection [(g)] (F) of this section is guilty of  
15 a misdemeanor and on conviction is subject to a fine not exceeding \$500 or  
16 imprisonment not exceeding 6 months or both.

17 DRAFTER'S NOTE:

18 Error: Erroneous cross-reference in § 17-3A-02.1(g) of the Health  
19 Occupations Article.

20 Occurred: Ch. 367, Acts of 2002. Correction by the publisher of the  
21 Annotated Code in the 2002 Supplement of the Health Occupations Article  
22 is ratified by this Act.

23 19-311.

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

27 (10) Is disciplined by a licensing or disciplinary authority of any state,  
28 country, OR branch of the armed services, or THE Veterans' Administration for an act  
29 that would be grounds for disciplinary action under this section;

30 DRAFTER'S NOTE:

31 Error: Omitted words in § 19-311(10) of the Health Occupations Article.

32 Occurred: Ch. 554, Acts of 2000.

1 **Article - Insurance**

2 2-112.

3 (b) A court may award reimbursement of a service of process fee imposed  
4 under subsection [(a)(12)] (A)(11) of this section to a prevailing plaintiff in any  
5 proceeding against an insurer or surplus lines broker.

6 DRAFTER'S NOTE:

7 Error: Erroneous cross-reference in § 2-112(b) of the Insurance Article.

8 Occurred: As a result of Ch. 317, Acts of 2002. Correction by the  
9 publisher of the Annotated Code in the 2002 Supplement of the Insurance  
10 Article is ratified by this Act.

11 11-215.

12 (e) For purposes of reclassifying an insured in a classification that entails a  
13 higher premium, an insurer under an automobile insurance policy may not consider a  
14 probation before judgment disposition of a motor vehicle law offense, a civil penalty  
15 imposed pursuant to § 21-202.1 of the Transportation Article, or a first offense of  
16 driving with an alcohol concentration of [0.10] 0.08 or more under § 16-205.1 of the  
17 Transportation Article on record with the Motor Vehicle Administration, as provided  
18 in § 16-117(b) of the Transportation Article.

19 DRAFTER'S NOTE:

20 Error: Obsolete reference in § 11-215(e) of the Insurance Article.

21 Occurred: As a result of Chs. 4 and 5, Acts of 2001.

22 11-318.

23 (e) For purposes of reclassifying an insured in a classification that entails a  
24 higher premium, an insurer under an automobile insurance policy may not consider a  
25 probation before judgment disposition of a motor vehicle law offense, a civil penalty  
26 imposed pursuant to § 21-202.1 of the Transportation Article, or a first offense of  
27 driving with an alcohol concentration of [0.10] 0.08 or more under § 16-205.1 of the  
28 Transportation Article on record with the Motor Vehicle Administration, as provided  
29 in § 16-117(b) of the Transportation Article.

30 DRAFTER'S NOTE:

31 Error: Obsolete reference in § 11-318(e) of the Insurance Article.

32 Occurred: As a result of Chs. 4 and 5, Acts of 2001.

33 14-505.

34 (c) (2) The premium rate for Plan coverage:

1 (i) may not be less than 110% of the standard risk rate established  
2 under paragraph (1) of this subsection; [and.] AND

3 (ii) may not exceed 200% of the standard risk rate.

4 DRAFTER'S NOTE:

5 Error: Extraneous period in § 14-505(c)(2)(i) of the Insurance Article.

6 Occurred: Ch. 153, Acts of 2002. Correction by the publisher of the  
7 Annotated Code in the 2002 Supplement of the Insurance Article is ratified  
8 by this Act.

9 14-506.

10 (a) (2) The Administrator shall be selected based on criteria adopted by the  
11 Board in regulation, which shall include:

12 (iii) an estimate of total charges for administering the [Fund]  
13 PLAN;

14 DRAFTER'S NOTE:

15 Error: Incorrect word usage in § 14-506(a)(2)(iii) of the Insurance Article.

16 Occurred: Ch. 153, Acts of 2002.

17 14-513.

18 (b) In addition to premium income, the segregated account shall include:

19 [(i)] (1) interest and investment income attributable to Program funds;  
20 and

21 [(ii)] (2) money deposited to the account by the carrier that administers  
22 the Program in accordance with subsection (c) of this section.

23 DRAFTER'S NOTE:

24 Error: Stylistic errors in § 14-513(b) of the Insurance Article.

25 Occurred: Ch. 153, Acts of 2002. Correction by the publisher of the  
26 Annotated Code in the 2002 Supplement of the Insurance Article is ratified  
27 by this Act.

28 15-10D-02.

29 (e) (2) Notice of the coverage decision required to be sent under paragraph  
30 (1) of this subsection shall:

31 (ii) include the following information:

1 5. the address, telephone number, facsimile number, and  
2 [email] ELECTRONIC MAIL address of the Health Advocacy Unit.

3 DRAFTER'S NOTE:

4 Error: Incorrect terminology in § 15-10D-02(e)(2)(ii)5 of the Insurance  
5 Article.

6 Occurred: Ch. 371, Acts of 2000.

7 15-1308.

8 (a) In this [section] SECTION, "affiliate" means a person that directly or  
9 indirectly, through one or more intermediaries, controls, is controlled by, or is under  
10 common control with another person.

11 DRAFTER'S NOTE:

12 Error: Omitted comma in § 15-1308(a) of the Insurance Article.

13 Occurred: Ch. 247, Acts of 2002.

14 16-408.

15 (c) Each contract for a reversionary or survivorship annuity shall contain a  
16 provision that the contract may be reinstated within 3 years after the date of default  
17 in making stipulated payments to the insurer, on:

18 (2) (i) the payment of all overdue payments and any indebtedness to  
19 the insurer on the contract with interest at a rate specified in the contract not  
20 exceeding 6% per year compounded annually; or

21 (ii) the reinstatement as indebtedness on the contract of the  
22 amount stated in [subitem] ITEM (i) of this item, if this amount is within the limits  
23 allowed by the then cash value of the contract.

24 DRAFTER'S NOTE:

25 Error: Stylistic error in § 16-408(c)(2)(ii) of the Insurance Article.

26 Occurred: Ch. 11, Acts of 1996.

27 18-114.

28 (b) (1) A carrier may not offer a policy or certificate of long-term care  
29 insurance unless, at the time of purchase, the carrier also offers the applicant the  
30 option to purchase a policy or certificate with an inflation protection feature as  
31 described under [item] PARAGRAPH (2) of this subsection.

32 DRAFTER'S NOTE:

1 Error: Stylistic error in § 18-114(b)(1) of the Insurance Article.

2 Occurred: Ch. 35, § 2, Acts of 1997.

3 20-601.

4 (b) To the extent that a policy of motor vehicle liability insurance does not  
5 provide coverage, a claim that arises out of circumstances described in [subsections]  
6 SUBSECTION (c), (d), or (e) of this section may be made against the Fund if:

7 (1) the claim is for:

8 (i) damage to property greater than \$250; or

9 (ii) the death of or personal injury to a qualified person;

10 (2) (i) at the time of the accident, the claimant was not driving or  
11 riding in an uninsured motor vehicle owned by the claimant or a member of the  
12 claimant's family who resides in the claimant's household; and

13 (ii) the claimant is not the personal representative of the individual  
14 who was driving or riding in the uninsured motor vehicle; and

15 (3) (i) at the time of the accident, the claimant was not driving a motor  
16 vehicle with a certificate of registration that was suspended, canceled, or revoked, or  
17 was holding a driver's license that was suspended, canceled, or revoked; and

18 (ii) the claimant is not the personal representative or a member of  
19 the family who resides in the household of the individual who was driving the motor  
20 vehicle.

21 DRAFTER'S NOTE:

22 Error: Grammatical error in § 20-601(b) of the Insurance Article.

23 Occurred: Ch. 11, Acts of 1996.

24 23-301.

25 (b) A premium finance agreement shall contain:

26 (5) if applicable, the following items:

27 (iii) the principal balance (the difference between [subitems] ITEMS  
28 (i) and (ii) of this item);

29 (v) the balance payable by the insured (the sum of [subitems]  
30 ITEMS (iii) and (iv) of this item);

31 DRAFTER'S NOTE:

1 Error: Stylistic errors in § 23-301(b)(5)(iii) and (v) of the Insurance  
2 Article.

3 Occurred: Ch. 11, Acts of 1996.

4 24-206.

5 On approval of the application for a certificate of authority, the Commissioner  
6 shall issue to the Society a certificate of authority that authorizes the Society to issue:

7 (1) the following policies of casualty insurance:

8 (i) insurance against the liability of physicians or other health care  
9 providers for injury arising out of the rendering of or failure to render professional  
10 services by the insured;

11 (ii) insurance against the liability of a person for whose acts or  
12 omissions a physician or other health care provider is responsible under [subitem]  
13 ITEM (i) of this item or with whom the physician or other health care provider is  
14 associated, including partners, employees, employers, associates, consultants, or a  
15 professional service corporation whose stock the insured owns; and

16 (iii) insurance against other liability for injury by persons employed  
17 in, by property used in, or by activities incidental to, practicing medicine or practicing  
18 another health occupation by the named insured, when issued as incidental coverage  
19 with or supplemental to insurance specified in [subitem] ITEM (i) of this item; and

20 (2) policies of property insurance and casualty insurance that are related  
21 to the provision of health care or to health care facilities that physicians or other  
22 health care providers use where health care is practiced on a regular basis.

23 DRAFTER'S NOTE:

24 Error: Stylistic errors in § 24-206(1)(ii) and (iii) of the Insurance Article.

25 Occurred: Ch. 11, Acts of 1996.

26 27-501.

27 (e-2) (1) In this [subsection] SUBSECTION, "credit history" means any  
28 written, oral, or other communication of any information by a consumer reporting  
29 agency bearing on a consumer's creditworthiness, credit standing, or credit capacity  
30 that is used or expected to be used, or collected in whole or in part, for the purpose of  
31 determining personal lines insurance premiums or eligibility for coverage.

32 DRAFTER'S NOTE:

33 Error: Omitted comma in § 27-501(e-2) (1) of the Insurance Article.

34 Occurred: Ch. 580, Acts of 2002.

1 27-605.

2 (c) (3) The notice must state in clear and specific terms:

3 (vi) the right of the insured to protest the proposed action of the  
4 insurer and, except in the case of a premium increase of 15% OR less for the entire  
5 policy, request a hearing before the Commissioner on the proposed action by signing  
6 two copies of the notice and sending them to the Commissioner within 30 days after  
7 the mailing date of the notice;

8 DRAFTER'S NOTE:

9 Error: Omitted word in § 27-605(c)(3)(vi) of the Insurance Article.

10 Occurred: Ch. 553, Acts of 2002. Correction by the publisher of the  
11 Annotated Code in the 2002 Supplement of the Insurance Article is ratified  
12 by this Act.

13 **Article - Labor and Employment**

14 5-308.1.

15 (b) The Commissioner shall submit notice regarding any modifications made  
16 to, or directives issued interpreting, the federal Bloodborne Pathogen Standard after  
17 November 5, 1999 and, subject to § 2-1246 of the State Government Article, make  
18 recommendations for any legislative changes to the House Environmental Matters  
19 Committee, the Senate [Economic and Environmental Affairs] EDUCATION, HEALTH,  
20 AND ENVIRONMENTAL AFFAIRS Committee, and the General Assembly within 30  
21 days of the issuance of modifications to the Bloodborne Pathogen Standard.

22 DRAFTER'S NOTE:

23 Error: Obsolete reference in § 5-308.1(b) of the Labor and Employment  
24 Article.

25 Occurred: As a result of a change to Rule 18 of the Rules of the Senate of  
26 Maryland, adopted January 24, 2001.

27 9-316.

28 (d) (2) First, the Commission shall calculate the assessment percentage by:

29 (ii) dividing the amount determined under ITEM (i) of this  
30 paragraph by the total insured payroll of all insurers.

31 DRAFTER'S NOTE:

32 Error: Omitted word in § 9-316(d)(2)(ii) of the Labor and Employment  
33 Article.

34 Occurred: Ch. 8, Acts of 1991.

1

**Article - Natural Resources**

2 3-302.

3 (b) (3) The Comptroller shall maintain the method of collection of the  
4 surcharge from the companies and the collections shall accrue to the Fund. The  
5 Department shall credit against the amount required to be paid into the  
6 Environmental Trust Fund by each electric company an amount equal to [1 1/2%]  
7 0.75% of the total surcharge attributed to each company on the basis of the electricity  
8 distributed within Maryland.

9 DRAFTER'S NOTE:

10 Error: Erroneous percentage in § 3-302(b)(3) of the Natural Resources  
11 Article.

12 Occurred: As a result of Ch. 440, Acts of 2002.

13 4-215.

14 (f) The Department shall present the management plans under this section in  
15 the form of an annual report, subject to § 2-1246 of the State Government Article, to:

16 (2) The [Economic] EDUCATION, HEALTH, and Environmental Affairs  
17 Committee; and

18 DRAFTER'S NOTE:

19 Error: Obsolete reference in § 4-215(f)(2) of the Natural Resources  
20 Article.

21 Occurred: As a result of a change to Rule 18 of the Rules of the Senate of  
22 Maryland, adopted January 24, 2001.

23 4-603.

24 Pursuant to § 4-602(a) OF THIS SUBTITLE, the Department shall establish and  
25 publish by October 25 each year open seasons to catch the following game and  
26 freshwater fish for the ensuing year:

27 (1) [Bass (largemouth bass, smallmouth bass)] LARGEMOUTH BASS AND  
28 SMALLMOUTH BASS;

29 (2) Pike[, pickerel] AND PICKEREL;

30 (3) [Walleye] WALLEYE;

31 (4) [Rockfish (striped bass)] ROCKFISH, ALSO KNOWN AS STRIPED BASS;

32 (5) [Trout (brook, brown, rainbow)] BROOK TROUT, BROWN TROUT, AND  
33 RAINBOW TROUT;

- 1 (6) [Shad] AMERICAN SHAD, hickory [shad and herring] SHAD, AND  
 2 HERRING;
- 3 (7) Suckers, catfish, carp, eel, AND gudgeon; [all]
- 4 (8) ALL species of sunfish, including [bluegills,] BLUEGILL;
- 5 (9) [rock bass (commonly known as redeye), fallfish, crappie, perch  
 6 (white and yellow)] ROCK BASS, ALSO KNOWN AS REDEYE;
- 7 (10) FALLFISH;
- 8 (11) CRAPPIE; AND
- 9 (12) WHITE PERCH AND YELLOW PERCH.

## 10 DRAFTER'S NOTE:

11 Error: Stylistic error, misnomers, incorrect and omitted punctuation, and  
 12 omitted conjunctions in § 4-603 of the Natural Resources Article.

13 Occurred: Ch. 4, Acts of the First Special Session of 1973.

14 4-604.

15 (h) A person designated to sell an angler's license shall issue the license and  
 16 collect the fee prescribed in subsection (g) of this section. The Department shall  
 17 furnish the licenses to the designated persons. An angler's license shall bear the  
 18 Secretary's facsimile signature and the [counter-signature] COUNTERSIGNATURE of  
 19 the issuing person. The person who issues the license shall enter the name and  
 20 address of the licensee. The collected money shall be transmitted to the Department  
 21 as prescribed by the Department. As compensation, the agent shall retain \$1 for each  
 22 license issued.

## 23 DRAFTER'S NOTE:

24 Error: Extraneous hyphen in § 4-604(h) of the Natural Resources Article.

25 Occurred: Ch. 4, Acts of the First Special Session of 1973.

26 4-701.

27 (k) (3) The following are grounds for suspension under this section:

28 (ii) Conviction of a person for violations under this title so often as  
 29 to indicate an intent to disregard the fish and fisheries laws of the State, provided  
 30 that proceedings for revocation on this ground are based on no fewer than:

31 1. 3 convictions for violations occurring on separate days  
 32 within any 365-day period, of provisions under [this] ANY ONE subtitle OF THIS  
 33 TITLE; or



1 5-1613.

2 On or before July 1 of each year, the Department shall submit, subject to §  
3 2-1246 of the State Government Article, to the Senate [Economic] EDUCATION,  
4 HEALTH, and Environmental Affairs Committee and the House Environmental  
5 Matters Committee a statewide report, compiled from local authorities' reports to the  
6 Department, on:

7 (1) The number, location, and type of projects subject to the provisions of  
8 this subtitle;

9 (2) The amount and location of acres cleared, conserved, and planted,  
10 including any areas which utilize forest mitigation bank credits, in connection with a  
11 development project;

12 (3) The amount of reforestation and afforestation fees and  
13 noncompliance penalties collected and expended;

14 (4) The costs of implementing the forest conservation program; and

15 (5) The size, location, and protection of any local forest mitigation banks  
16 which are created under a local or State program.

17 DRAFTER'S NOTE:

18 Error: Obsolete reference in § 5-1613 of the Natural Resources Article.

19 Occurred: As a result of a change to Rule 18 of the Rules of the Senate of  
20 Maryland, adopted January 24, 2001.

21 5-1702.

22 (a) Before the Board of Public Works may solicit bids for or award any lease  
23 for production of oil or natural gas from beneath lands or waters of the State, and  
24 after receiving the written recommendation of the [Chesapeake Bay] Critical Area  
25 Commission FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS (if the leased area  
26 is located in the State's critical areas) and the advisory comments of the Secretaries of  
27 Budget and Management, Natural Resources, the Environment, and Business and  
28 Economic Development and the Director of Planning, the Board of Public Works shall  
29 direct the Secretary of Natural Resources in consultation with the Secretaries of the  
30 Environment, Business and Economic Development, and Budget and Management  
31 and the Director of Planning to prepare a statement of environmental, fiscal, and  
32 economic impact of the proposed lease.

33 DRAFTER'S NOTE:

34 Error: Misnomer in § 5-1702(a) of the Natural Resources Article.

35 Occurred: As a result of Ch. 433, Acts of 2002.

1 8-708.

2 (e) The contribution of the Waterway Improvement Fund shall be limited to  
3 not more than 50% of the cost of each acquisition, and the total amount of funds  
4 expended in any fiscal year for acquisitions and projects specified in § 8-707(7) and  
5 (9) of this subtitle may not exceed the amount of the motor fuel tax revenue paid to  
6 the Waterway Improvement Fund in the preceding fiscal year, as provided for in [§  
7 2-1004] § 2-1104 of the Tax - General Article.

8 DRAFTER'S NOTE:

9 Error: Erroneous cross-reference in § 8-708(e) of the Natural Resources  
10 Article.

11 Occurred: As a result of Ch. 643, Acts of 1988.

12 8-1808.3.

13 (d) (4) If an individual lot [1] ONE acre or less in size is part of a subdivision  
14 approved after December 1, 1985 in the Chesapeake Bay Critical Area or after June  
15 1, 2002 in the Atlantic Coastal Bays Critical Area, then man-made impervious  
16 surfaces of the lot may not exceed 25% of the lot. However, the total of the impervious  
17 surfaces over the entire subdivision may not exceed 15%.

18 DRAFTER'S NOTE:

19 Error: Stylistic error in § 8-1808.3(d)(4) of the Natural Resources Article.

20 Occurred: Ch. 648, Acts of 1990.

21 8-1810.

22 (b) Where a local jurisdiction failed to adopt or obtain Commission approval of  
23 a program, the Commission shall adopt a program for that jurisdiction by adopting  
24 regulations in accordance with Title 2, Subtitle 5 (Joint Committee on Administrative,  
25 Executive, and Legislative Review) and Title 10, Subtitle 1 (Administrative Procedure  
26 Act) of the State Government [article] ARTICLE. Before the full Commission adopts a  
27 program under this subsection, the Commission shall appoint a panel of 3 of the  
28 Commission's members to conduct in the affected jurisdiction at least 2 public  
29 hearings at least 10 days apart on the proposed program, for which 2 weeks notice  
30 shall be published in a newspaper of general circulation in the local jurisdiction. A  
31 program adopted by the Commission under this subsection shall supersede any  
32 inconsistent local laws, ordinances, or plans.

33 DRAFTER'S NOTE:

34 Error: Capitalization error in § 8-1810(b) of the Natural Resources  
35 Article.

36 Occurred: Ch. 433, Acts of 2002. Correction by the publisher of the

1 Annotated Code in the 2002 Supplement of the Natural Resources Article  
2 is ratified by this Act.

3 (d) If, at any time after the Commission has adopted a program for a local  
4 jurisdiction, the local jurisdiction submits an alternative program of its own that  
5 satisfies the criteria adopted under § 8-1808 OF this subtitle and is approved by the  
6 Commission, the alternative program supersedes the program adopted by the  
7 Commission.

8 DRAFTER'S NOTE:

9 Error: Omitted word in § 8-1810(d) of the Natural Resources Article.

10 Occurred: Ch. 433, Acts of 2002. Correction by the publisher of the  
11 Annotated Code in the 2002 Supplement of the Natural Resources Article  
12 is ratified by this Act.

13 8-1813.

14 (a) From June 1, 1984 with regard to any subdivision plat approval or  
15 approval of a zoning amendment, variance, special [exemption] EXCEPTION,  
16 conditional use permit, or use of a floating zone, affecting any land or water area  
17 located within the initial planning area identified in § 8-1807(a) of this subtitle, for  
18 which application is completed after that date, the approving authority of the local  
19 jurisdiction in rendering its decision to approve an application shall make specific  
20 findings that:

21 (1) The proposed development will minimize adverse impacts on water  
22 quality that result from pollutants that are discharged from structures or  
23 conveyances or that have run off from surrounding lands; and

24 (2) The applicant has identified fish, wildlife, and plant habitat which  
25 may be adversely affected by the proposed development and has designed the  
26 development so as to protect those identified habitats whose loss would substantially  
27 diminish the continued ability of populations of affected species to sustain  
28 themselves.

29 (b) On or after June 1, 2002, with regard to any subdivision plat approval or  
30 approval of a zoning amendment, variance, special [exemption] EXCEPTION,  
31 conditional use permit, or use of a floating zone, affecting any land or water area  
32 located within the initial planning area identified in § 8-1807(b) of this subtitle, for  
33 which application is completed after that date, the approving authority of the local  
34 jurisdiction in rendering its decision to approve an application shall make specific  
35 findings that:

36 (1) The proposed development will minimize adverse impacts on water  
37 quality that result from pollutants that are discharged from structures or  
38 conveyances or that have run off from surrounding lands; and

1           (2)     The applicant has identified fish, wildlife, and plant habitat which  
2 may be adversely affected by the proposed development and has designed the  
3 development so as to protect those identified habitats whose loss would substantially  
4 diminish the continued ability of populations of affected species to sustain  
5 themselves.

6 DRAFTER'S NOTE:

7     Error: Incorrect word usage in § 8-1813(a) and (b) of the Natural  
8     Resources Article.

9     Occurred: Ch. 433, Acts of 2002.

10 8-1815.1.

11     (b)     If a person cuts or clears or plans to cut or clear trees within the  
12 Chesapeake Bay [critical] CRITICAL Area or Atlantic Coastal Bays Critical Area in  
13 violation of regulations adopted by the Commission, the local jurisdiction may bring  
14 an action:

15           (1)     To require the person to replant trees where the cutting or clearing  
16 occurred in accordance with a plan prepared by the State Forester, a registered  
17 professional forester, or a registered landscape architect;

18           (2)     To restrain the planned violation; or

19           (3)     For damages:

20                   (i)     To be assessed by a circuit court in an amount equal to the  
21 estimated cost of replanting trees; and

22                   (ii)    To be paid to the Department by the person found to have  
23 violated the provisions of this subsection.

24 DRAFTER'S NOTE:

25     Error: Capitalization error in § 8-1815.1(b) of the Natural Resources  
26     Article.

27     Occurred: Ch. 433, Acts of 2002. Correction by the publisher of the  
28     Annotated Code in the 2002 Supplement of the Natural Resources Article  
29     is ratified by this Act.

30 8-2103.

31     (c)     (1)     The Department shall annually submit a report under subsections (a)  
32 and (b) of this section to:

33                   (i)     The Environmental Matters Committee of the House of  
34 Delegates of Maryland; and

1 (ii) The [Economic] EDUCATION, HEALTH, and Environmental  
2 Affairs Committee of the Senate of Maryland.

3 (2) Beginning in 2000, the Department shall submit every 5 years a  
4 report on the extent of infestation of phragmites to:

5 (i) The Environmental Matters Committee of the House of  
6 Delegates of Maryland; and

7 (ii) The [Economic] EDUCATION, HEALTH, and Environmental  
8 Affairs Committee of the Senate of Maryland.

9 DRAFTER'S NOTE:

10 Error: Obsolete references in § 8-2103(c)(1)(ii) and (2)(ii) of the Natural  
11 Resources Article.

12 Occurred: As a result of a change to Rule 18 of the Rules of the Senate of  
13 Maryland, adopted January 24, 2001.

14 10-301.

15 (1) (1) Except as provided in paragraph (2) of this subsection, the  
16 Department shall use \$10.50 of each fee charged for each hunting license for a  
17 nonresident under subsection [(f)(5)(iv) and (v)] (F)(4)(IV) AND (V) and \$10.00 of each  
18 fee charged under subsection [(f)(5)(vii)] (F)(4)(VII) of this section only for the purpose  
19 of planting food or cover for upland game birds and mammals and wetland game birds  
20 in the State.

21 DRAFTER'S NOTE:

22 Error: Erroneous cross-references in § 10-301(l)(1) of the Natural  
23 Resources Article.

24 Occurred: As a result of Ch. 177, Acts of 2002.

25 10-608.

26 (b) An applicant for a license shall:

27 (2) [Pays] PAY to the Department an application fee of \$20 for each  
28 license requested.

29 DRAFTER'S NOTE:

30 Error: Incorrect word usage in § 10-608(b)(2) of the Natural Resources  
31 Article.

32 Occurred: Ch. 703, Acts of 1999.

1

**Article - Public Utility Companies**

2 8-501.

3 (a) The Commission may, after notice and public hearing, adopt policies and  
4 regulations governing the development of competition in the telecommunications  
5 [service] SERVICES market.

6 DRAFTER'S NOTE:

7 Error: Incorrect word usage in § 8-501(a) of the Public Utility  
8 Companies Article.

9 Occurred: Ch. 560, Acts of 2002.

10

**Article - Real Property**

11 10-606.

12 (c) (1) Unless the Division determines that a shorter notice period is needed  
13 to protect the interests of the builders and owners, the Division shall give a new home  
14 warranty security plan at least 90 [days] DAYS' notice that the Division's approval of  
15 the plan is being revoked or suspended; and

16 DRAFTER'S NOTE:

17 Error: Grammatical error in § 10-606 (c)(1) of the Real Property Article.

18 Occurred: Ch. 223, Acts of 1990.

19 14-117.

20 (f) A contract of sale shall also comply with the following provisions, if  
21 applicable:

22 (1) Section 17-405 of the Business Occupations and Professions Article  
23 (notice of purchaser's protection by THE Real Estate Guaranty Fund in an amount not  
24 to exceed \$25,000);

25 DRAFTER'S NOTE:

26 Error: Omitted word in § 14-117 (f)(1) of the Real Property Article.

27 Occurred: Ch. 756, Acts of 1989.

28

**Article - State Finance and Procurement**

29 7-122.

30 (a) (1) For each fiscal year, General Fund capital appropriations shall be  
31 budgeted in the operating budget in separate [eight digit] EIGHT-DIGIT programs.

## 1 DRAFTER'S NOTE:

2 Error: Omitted hyphen in § 7-122(a)(1) of the State Finance and  
3 Procurement Article.

4 Occurred: Ch. 440, Acts of 2002.

5 11-203.

6 (a) Except as provided in subsection (b) of this section, this Division II does  
7 not apply to:

8 (1) procurement by:

9 (xvii) the Maryland Health Insurance Plan established under Title  
10 14, Subtitle 5 of the Insurance [Article.] ARTICLE;

## 11 DRAFTER'S NOTE:

12 Error: Incorrect punctuation in § 11-203(a)(1)(xvii) of the State Finance  
13 and Procurement Article.

14 Occurred: Ch. 153, Acts of 2002. Correction by the publisher of the  
15 Annotated Code in the 2002 Supplement of the State Finance and  
16 Procurement Article is ratified by this Act.

17

**Article - State Government**

18 2-403.

19 (a) The Legislative Policy Committee consists of the following 28 members:

20 (1) from the Senate:

21 (i) the President;

22 (ii) the President Pro Tem;

23 (iii) the Majority Leader;

24 (iv) the Chairman of the Budget and Taxation Committee;

25 (v) the Chairman of the [Economic] EDUCATION, HEALTH, and  
26 Environmental Affairs Committee;

27 (vi) the Chairman of the Finance Committee;

28 (vii) the Chairman of the Judicial Proceedings Committee;

29 (viii) the Minority Leader; and

1 (ix) 1. 6 other Senators, appointed by the President and  
2 approved by majority vote of the Senate; or

3 2. if a Senator simultaneously serves in 2 of the positions set  
4 forth in items (ii) through (vii), inclusive, of this paragraph, 7 other Senators,  
5 appointed by the President and approved by majority vote of the Senate; and

6 DRAFTER'S NOTE:

7 Error: Obsolete reference in § 2-403(a)(1)(v) of the State Government  
8 Article.

9 Occurred: As a result of a change to Rule 18 of the Rules of the Senate of  
10 Maryland, adopted January 24, 2001.

11 (2) from the House:

12 (i) the Speaker;

13 (ii) the Speaker Pro Tem;

14 (iii) the Majority Leader;

15 (iv) the Chairman of the Appropriations Committee;

16 (v) the Chairman of the [Commerce and Government Matters]  
17 HEALTH AND GOVERNMENT OPERATIONS Committee;

18 (vi) the Chairman of the Economic Matters Committee;

19 (vii) the Chairman of the Environmental Matters Committee;

20 (viii) the Chairman of the Judiciary Committee;

21 (ix) the Chairman of the Ways and Means Committee;

22 (x) the Minority Leader; and

23 (xi) 1. 4 other Delegates, appointed by the Speaker and approved  
24 by majority vote of the House; or

25 2. if a Delegate simultaneously serves in 2 of the positions  
26 set forth in items (ii) through (ix), inclusive, of this paragraph, 5 other Delegates,  
27 appointed by the Speaker and approved by majority vote of the House.

28 DRAFTER'S NOTE:

29 Error: Misnomer in § 2-403(a)(2)(v) of the State Government Article.

30 Occurred: As a result of Committee name change effective as of the 2003  
31 Session of the General Assembly.

1 2-10A-01.

2 (a) There is a Joint Committee on THE Chesapeake [Bay] AND ATLANTIC  
3 COASTAL BAYS Critical [Areas] AREA.

4 (b) (1) The Committee consists of 10 members.

5 (2) Of the 10 members:

6 (i) 5 shall be members of the Senate appointed by the President of  
7 the Senate; and

8 (ii) 5 shall be members of the House of Delegates appointed by the  
9 Speaker of the House.

10 (c) The members of the Committee serve at the pleasure of the presiding  
11 officer who appointed them.

12 (d) The President and the Speaker shall jointly appoint a Senator and a  
13 Delegate each to serve as cochairman.

14 (e) The Department of Legislative Services shall provide staff assistance to  
15 the Committee.

16 (f) The [Chesapeake Bay] Critical Area Commission FOR THE CHESAPEAKE  
17 AND ATLANTIC COASTAL BAYS shall meet with the Committee periodically as the  
18 Committee requests to review development and implementation of the criteria for  
19 program development.

20 (g) The Committee may study and make recommendations to the Legislative  
21 Policy Committee on any other area of the Chesapeake [Bay] AND ATLANTIC  
22 COASTAL BAYS Critical Area Protection Program the Committee considers  
23 appropriate.

24 (h) The Committee shall meet with the Critical Area Commission FOR THE  
25 CHESAPEAKE AND ATLANTIC COASTAL BAYS, representatives of counties and  
26 municipalities having land within the critical areas, and any other interested parties  
27 to study and determine:

28 (1) whether adequate flexibility exists under the current criteria to meet  
29 the special characteristics and needs of the individual counties and municipalities  
30 having land within the critical areas;

31 (2) whether the current timetable for review of approved local critical  
32 area protection programs is adequate to meet the special characteristics and needs of  
33 the individual counties and municipalities having land within the critical areas; and

34 (3) whether the criteria need to be strengthened in any area so as to  
35 make the Chesapeake [Bay] AND ATLANTIC COASTAL BAYS Critical Area Protection

1 Program more effective in the protection of the water quality and habitat of the  
2 Chesapeake Bay and its tributaries.

3 (i) The Committee shall study and determine the appropriate future role of  
4 the [Chesapeake Bay] Critical Area Commission FOR THE CHESAPEAKE AND  
5 ATLANTIC COASTAL BAYS, including:

6 (1) whether the [Chesapeake Bay] Critical Area Commission FOR THE  
7 CHESAPEAKE AND ATLANTIC COASTAL BAYS should remain an autonomous  
8 organization or be incorporated into an existing executive agency;

9 (2) how long the current oversight role of the [Chesapeake Bay] Critical  
10 Area Commission FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS should  
11 continue; and

12 (3) whether the current appeal process is the most effective appeal  
13 process to meet the goals of the Chesapeake [Bay] AND ATLANTIC COASTAL BAYS  
14 Critical Area protection law.

15 (j) (1) The Committee shall report its preliminary findings and  
16 recommendations to the Legislative Policy Committee on or before January 1, 1989.

17 (2) The Committee shall report its final findings and recommendations  
18 to the Legislative Policy Committee on or before January 1, 1990.

19 DRAFTER'S NOTE:

20 Error: Misnomer in § 2-10A-01 of the State Government Article.

21 Occurred: As a result of Ch. 433, Acts of 2002.

22 9-1405.

23 (b) The Office shall:

24 (7) provide effective public information on smart growth programs and  
25 educational activities, including relationships with the National Center for Smart  
26 Growth Education and Research at the University of [Maryland] MARYLAND, College  
27 Park, and coordination of smart growth outreach efforts to local governments, the  
28 general public, and other interest groups;

29 DRAFTER'S NOTE:

30 Error: Omitted comma in § 9-1405(b)(7) of the State Government Article.

31 Occurred: Ch. 566, Acts of 2001.

1 9-1406.

2 (c) The Executive Director of the National Center for Smart Growth,  
3 Education and Research at the University of [Maryland] MARYLAND, College Park  
4 shall serve as an ex officio member of the Subcabinet.

5 DRAFTER'S NOTE:

6 Error: Omitted comma in § 9-1406(c) of the State Government Article.

7 Occurred: Ch. 566, Acts of 2001.

8 9-2509.

9 On or before December 1, 2002 and on or before December 1 of each subsequent  
10 year, the Council shall submit a report to the Governor and, in accordance with §  
11 2-1246 of [the State Government Article] THIS ARTICLE, to the General Assembly  
12 concerning its activities and recommendations.

13 DRAFTER'S NOTE:

14 Error: Stylistic error in § 9-2509 of the State Government Article.

15 Occurred: Ch. 4, Acts of 2002.

16 10-502.4.

17 (e) (1) On or before October 1 of each year, the Board shall submit an annual  
18 report to the Governor and the General Assembly IN ACCORDANCE WITH § 2-1246 OF  
19 THIS ARTICLE.

20 DRAFTER'S NOTE:

21 Error: Omitted cross-reference in § 10-502.4(e)(1) of the State  
22 Government Article.

23 Occurred: Ch. 56, Acts of 2002.

24 10-1105.

25 The Department of Human Resources, in consultation with the Office of the  
26 Attorney General, shall provide central coordination and technical assistance to State  
27 departments, [agencies] AGENCIES, and programs to aid compliance with this  
28 subtitle.

29 DRAFTER'S NOTE:

30 Error: Omitted comma in § 10-1105 of the State Government Article.

31 Occurred: Ch. 141, Acts of 2002. Correction by the publisher of the  
32 Annotated Code in the 2002 Supplement of the State Government Article

1 is ratified by this Act.

2 15-715.

3 (f) If the person filing the statement is a business entity:

4 (1) (i) an applicable contribution made by an officer, director, or  
5 partner of the business entity shall be attributed to the business entity; or

6 (ii) a contribution, regardless of amount, if made at the suggestion  
7 or direction of the business entity, by an officer, director, partner, employee, agent, or  
8 other person, shall be attributed to the business [entity.] ENTITY;

9 DRAFTER'S NOTE:

10 Error: Incorrect punctuation in § 15-715(f)(1)(ii) of the State Government  
11 Article.

12 Occurred: Ch. 405, Acts of 2002. Correction by the publisher of the  
13 Annotated Code in the 2002 Supplement of the State Government Article  
14 is ratified by this Act.

15 **Article - State Personnel and Pensions**

16 2-304.

17 (b) Notwithstanding any other law of the State effective on or before June 30,  
18 1973, the restrictions imposed by subsection (c) of this section are the only restrictions  
19 on the political activities of an employee, except for:

20 (1) the restrictions imposed on employees of a LOCAL board of  
21 [supervisors of] elections by § 2-301 of the Election Law Article; and

22 DRAFTER'S NOTE:

23 Error: Misnomer in § 2-304(b)(1) of the State Personnel and Pensions  
24 Article.

25 Occurred: As a result of an administratively changed board name arising  
26 from the revision of the Election Law Article.

27 21-304.

28 (b) (3) For the purpose of making the determinations required under this  
29 section:

30 (i) the Employees' Retirement System, the Employees' Pension  
31 System, the Correctional Officers' RETIREMENT System, and the Legislative Pension  
32 Plan shall be considered together as one State system; and

1 (d) (1) Beginning July 1, 2001, each year the Board of Trustees shall set  
2 contribution rates for each State system that shall amortize:

3 [(1)] (I) all unfunded liabilities or surpluses accrued as of June 30, 2000,  
4 over 20 years; and

5 [(2)] (II) any new unfunded liabilities or surpluses that have accrued  
6 from July 1 of the preceding fiscal year over 25 years to reflect:

7 [(i)] 1. experience gains and losses;

8 [(ii)] 2. the effect of changes in actuarial assumptions; and

9 [(iii)] 3. the effect of legislation effective on or after July 1, 2001.

10 [(3)] (2) If the accrued liability is increased by legislation that provides  
11 for early retirement of State employees, the additional liability shall be funded over a  
12 period of 5 years beginning on:

13 (i) July 1, 1997 for legislation effective June 1, 1996; and

14 (ii) July 1, 1998 for legislation effective June 1, 1997.

15 [(4)] (3) If the accrued liability is increased by legislation effective June  
16 1, 1998, that provides for the early retirement of employees of the University System  
17 of Maryland who are members of the Employees' Pension System or the Employees'  
18 Retirement System, the additional liability shall be determined by the actuary and  
19 funded over a period of 5 years beginning on July 1, 1999 by payment of an annual  
20 accrued liability contribution by the University System of Maryland and the Medical  
21 System as provided in § 21-307(i) and (j) of this subtitle.

22 (f) (1) When the funding ratio for the teachers' systems is between 90% and  
23 110%, the teachers' system contribution rate is the rate [certified by the Board of  
24 Trustees] for the previous fiscal year, adjusted to reflect legislative changes that  
25 result in changes in normal cost and to amortize over 25 years any actuarial liabilities  
26 of the teachers' systems.

27 (3) When the funding ratio for the teachers' systems is above 110%, the  
28 teachers' system contribution rate shall be the difference between:

29 [1.] (I) the teachers' system contribution rate for the previous  
30 fiscal year; and

31 [2.] (II) 20% of the difference between the teachers' system  
32 contribution rate for the previous fiscal year and the full funding rate for the current  
33 fiscal year.

34 DRAFTER'S NOTE:

35 Error: Misnomer in § 21-304(b)(3)(i) of the State Personnel and Pensions  
36 Article.

1 Occurred: Ch. 440, Acts of 2002.

2 Error: Stylistic tabulation error in § 21-304(d) of the State Personnel and  
3 Pensions Article.

4 Occurred: As a result of the merger of Chapters 19 and 440, Acts of 2002.  
5 Correction by the publisher of the Annotated Code in the 2002 Supplement  
6 of the State Personnel and Pensions Article is ratified by this Act.

7 Error: Erroneous language in § 21-304(f)(1) of the State Personnel and  
8 Pensions Article.

9 Occurred: Ch. 440, Acts of 2002.

10 Error: Stylistic tabulation error in § 21-304(f)(3) of the State Personnel  
11 and Pensions Article.

12 Occurred: Ch. 440, Acts of 2002. Correction by the publisher of the  
13 Annotated Code in the 2002 Supplement of the State Personnel and  
14 Pensions Article is ratified by this Act.

15 22-201.

16 (b) Sections 22-202 through 22-204 of this subtitle do not apply to:

17 (6) an employee of a LOCAL board of [supervisors of] elections who  
18 chooses to stay in a local merit system under § 2-207 of the Election Law Article.

19 DRAFTER'S NOTE:

20 Error: Misnomer in § 22-201(b)(6) of the State Personnel and Pensions  
21 Article.

22 Occurred: As a result of an administratively changed board name arising  
23 from the revision of the Election Law Article.

24 22-216.

25 (a) This section applies to an individual who is:

26 (2) an employee of the [New] Baltimore City Board of School  
27 Commissioners or another county board of education; and

28 (c) An individual who is hired by a third party contractor and subsequently  
29 becomes employed by the [New] Baltimore City Board of School Commissioners or  
30 another county board of education at any time while the order of reconstitution is in  
31 effect and on termination of the contract with the third party contractor:

32 (1) is not subject to the provisions of § 22-217 of this subtitle;

33 (2) shall be reinstated as a member of the Teachers' Retirement System;

1 (3) shall be entitled to restoration of any service credit to which the  
2 individual was entitled before employment by the third party contractor whether or  
3 not the individual was vested; and

4 (4) shall redeposit any of the amounts withdrawn under subsection (b) of  
5 this section with regular interest to the date of redeposit or, on retirement, the  
6 individual's retirement allowance shall be reduced by the actuarial equivalent of the  
7 accumulated contributions withdrawn with regular interest to the date of retirement.

8 DRAFTER'S NOTE:

9 Error: Misnomer in § 22-216(a)(2) and (c) of the State Personnel and  
10 Pensions Article.

11 Occurred: As a result of Ch. 545, Acts of 2002.

12 23-201.

13 (b) Sections 23-202 through 23-205 of this subtitle do not apply to:

14 (5) an employee of a LOCAL board of [supervisors of] elections who  
15 chooses to stay in a local merit system under § 2-207 of the Election Law Article;

16 DRAFTER'S NOTE:

17 Error: Misnomer in § 23-201(b)(5) of the State Personnel and Pensions  
18 Article.

19 Occurred: As a result of an administratively changed board name arising  
20 from the revision of the Election Law Article.

21 23-214.

22 (a) This section applies to an individual who is:

23 (2) an employee of the [New] Baltimore City Board of School  
24 Commissioners or another county board of education; and

25 (c) An individual who is hired by a third party contractor and subsequently  
26 becomes employed by the [New] Baltimore City Board of School Commissioners or  
27 another county board of education at any time while the order of reconstitution is in  
28 effect and on termination of the contract with the third party contractor:

29 (1) is not subject to the provisions of § 23-215 of this subtitle;

30 (2) shall be reinstated as a member of the Teachers' Pension System;

31 (3) shall be entitled to restoration of any service credit to which the  
32 individual was entitled before employment by the third party contractor whether or  
33 not the individual was vested; and

1 (4) shall redeposit any of the amounts withdrawn under subsection (b) of  
2 this section with regular interest to the date of redeposit or, on retirement, the  
3 individual's retirement allowance shall be reduced by the actuarial equivalent of the  
4 accumulated contributions withdrawn with regular interest to the date of retirement.

5 DRAFTER'S NOTE:

6 Error: Misnomer in § 23-214(a)(2) and (c) of the State Personnel and  
7 Pensions Article.

8 Occurred: As a result of Ch. 545, Acts of 2002.

9 29-104.

10 (c) (1) Except as provided in paragraphs (2) [and (3)] THROUGH (4) of this  
11 subsection, the Board of Trustees may accept an application for ordinary, accidental,  
12 or special disability retirement from a former member within 36 months after the  
13 month membership ended if the former member proves to the satisfaction of the  
14 medical board that failure to submit an application while a member was attributable  
15 solely to physical or mental incapacity during the filing period.

16 DRAFTER'S NOTE:

17 Error: Erroneous cross-reference in § 29-104(c)(1) of the State Personnel  
18 and Pensions Article.

19 Occurred: As a result of the merging of Chs. 395 and 396, Acts of 2000.

20

#### **Article - Tax - General**

21 9-203.

22 The motor carrier tax imposed under § 9-202 of this subtitle does not apply to a  
23 commercial motor vehicle that:

24 (1) is operated by a motor carrier that leases the commercial motor  
25 vehicle from another motor carrier who provides or pays for the motor fuel; OR

26 (2) is operated by a motor carrier that has obtained a trip permit under  
27 § 9-219(c) of this subtitle [; or

28 (3) is exempt under § 9-208(c) of this subtitle from reporting].

29 DRAFTER'S NOTE:

30 Error: Obsolete cross-reference in § 9-203 of the Tax - General Article.

31 Occurred: As a result of Ch. 411, Acts of 1997.

1 10-707.

2 (a) An individual may claim a credit against the State income tax for a taxable  
3 year in the amount specified in subsection (b) of this section for property tax paid in  
4 that taxable year for owner-occupied, residential real property that is granted a  
5 property tax credit under § 9-317(e), [§ 9-318(d)] § 9-318(D), or § 9-326 of the Tax -  
6 Property Article.

7 (b) The credit shall equal the amount of the property tax credit granted for  
8 property tax paid under § 9-317(e), [§ 9-318(d)] § 9-318(D), or § 9-326 of the Tax -  
9 Property Article.

10 DRAFTER'S NOTE:

11 Error: Omitted commas in § 10-707(a) and (b) of the Tax - General  
12 Article.

13 Occurred: As a result of Chs. 653 and 662, Acts of 2000. Correction by the  
14 publisher of the Annotated Code in the 2002 Supplement to the Tax -  
15 General Article is ratified by this Act.

16 10-906.

17 (d) If an employer or payor negligently fails to withhold or to pay income tax  
18 in accordance with subsection (a) of this section, personal liability for that income tax  
19 extends:

20 (3) if the employer or payor is a limited liability company as defined  
21 under Title 4A of the Corporations and Associations Article or a limited liability  
22 partnership as defined under [Title 9 or] Title 9A of the Corporations and  
23 Associations Article, including a limited partnership registered as a limited liability  
24 limited partnership, to:

25 (i) any person who exercises direct control over its fiscal  
26 management; and

27 (ii) any agent of the limited liability company or limited liability  
28 partnership who is required to withhold and pay the income tax.

29 DRAFTER'S NOTE:

30 Error: Obsolete cross-reference in § 10-906(d)(3) of the Tax - General  
31 Article.

32 Occurred: As a result of Ch. 743, Acts of 1998.

33 13-508.

34 (d) The Department promptly:

1 (1) (I) shall act on a person's public service company franchise tax or  
 2 financial institution franchise tax application for revision under subsection (a) of this  
 3 section; or

4 [(2) (i)] (II) 1. shall hold an informal hearing after giving reasonable  
 5 notice to the person; and

6 [(ii)] 2. after the hearing:

7 [1.] A. shall act on the application for revision; and

8 [2.] B. may assess any additional tax, penalty, and interest  
 9 due; and

10 [3.] (2) shall mail to the person a notice of final  
 11 determination.

12 DRAFTER'S NOTE:

13 Error: Tabulation and stylistic errors in § 13-508(d) of the Tax - General  
 14 Article.

15 Occurred: Ch. 2, Acts of 1988 and Ch. 210, Acts of 2002. Erroneous  
 16 attempted correction by the publisher of the Annotated Code in the 2002  
 17 Supplement of the Tax - General Article is corrected by this Act.

18 **Article - Tax - Property**

19 8-415.

20 The owner of REAL property may submit a petition for review[:

21 (1) for real property,] as provided by § 14-503(a) of this [article; and

22 (2) for personal property, as provided by §§ 14-503(b) and 14-505 of  
 23 this] article.

24 DRAFTER'S NOTE:

25 Error: Obsolete references in § 8-415 of the Tax - Property Article.

26 Occurred: As the result of the merger of Chs. 120 and 529, Acts of 2002.  
 27 Correction by the publisher of the Annotated Code in the 2002 Supplement  
 28 of the Tax - Property Article is ratified by this Act.

29 9-210.

30 (a) (2) (i) "Dwelling" means real property that:

31 2. is occupied by not more than [2] TWO families.

## 1 DRAFTER'S NOTE:

2 Error: Stylistic error in § 9-210(a)(2)(i)2 of the Tax - Property Article.

3 Occurred: Ch. 489, Acts of 2002. Correction by the publisher of the  
4 Annotated Code in the 2002 Supplement of the Tax - Property Article is  
5 ratified by this Act.

6 9-326.

7 (a) The Mayor and City Council of Baltimore City and the governing body of  
8 Baltimore County shall grant a property tax credit against the county property tax  
9 imposed on owner-occupied, residential real property that:

10 (1) (i) is purchased from July 1, 1996 through June 30, 2002 in a  
11 geographic area of Baltimore City, that contains between 800 and [1500] 1,500  
12 single-family dwellings; or

13 (ii) is purchased from July 1, 1996 through June 30, 2005 in either  
14 of two geographic areas of Baltimore County, that contain between:

15 1. 800 and [1400] 1,400 single-family dwellings in one  
16 geographic area; and

17 2. [2000] 2,000 and [2400] 2,400 single-family dwellings in  
18 another geographic area; and

19 (2) is designated by the Mayor of Baltimore City or the County Executive  
20 of Baltimore County, respectively, for participation in a demonstration project for  
21 neighborhood preservation and stabilization.

## 22 DRAFTER'S NOTE:

23 Error: Stylistic errors in § 9-326(a)(1)(i) and (ii)1 and 2 of the Tax -  
24 Property Article.

25 Occurred: Ch. 167, Acts of 2002.

26 **Article - Transportation**

27 4-208.

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

30 (i) The Chairman of the Maryland Transportation Authority, with  
31 the approval of the Governor, determines on the basis of specific and articulable facts  
32 that the exercise of the powers is reasonable to protect against actual or threatened  
33 physical injury or damage to State employees or State property or assets and provides  
34 notice of the exercise of the powers to the:



1 Occurred: Ch. 512, Acts of 2002.

2 13-202.

3 (c) (2) If, at the time the security interest attached, the parties to the  
4 transaction understood that the vehicle would be kept in this State, and if, within 30  
5 days after the security interest attached, the vehicle was brought into this State for  
6 purposes other than transportation through this State, the validity of the security  
7 interest in this State is determined by the [law] LAWS of this State.

8 DRAFTER'S NOTE:

9 Error: Incorrect word usage in § 13-202(c)(2) of the Transportation  
10 Article.

11 Occurred: Ch. 14, Acts of 1977.

12 13-406.1.

13 (a) (4) "Primary law enforcement officer" means:

14 (v) The Secretary of THE State Police; or

15 DRAFTER'S NOTE:

16 Error: Omitted article in § 13-406.1(a)(4)(v) of the Transportation  
17 Article.

18 Occurred: Ch. 683, Acts of 2000.

19 13-616.

20 (g) (1) In this [subsection] SUBSECTION, "special types of vehicles" means:

21 (i) Emergency vehicles defined under § 11-118 of this article;

22 (ii) Service vehicles defined under § 22-201 of this article;

23 (iii) Class B (for hire) vehicles;

24 (iv) Class C (funeral and ambulance) vehicles;

25 (v) Class H (school) vehicles;

26 (vi) Class I (charter bus) vehicles;

27 (vii) Class J (vanpool) vehicles;

28 (viii) Class P (passenger bus) vehicles;

29 (ix) Class Q (limousine) vehicles; and

1 (x) State or local government vehicles.

2 DRAFTER'S NOTE:

3 Error: Omitted comma in § 13-616(g)(1) of the Transportation Article.

4 Occurred: Ch. 634, Acts of 1985.

5 15-304.

6 (b) (2) A wholesale dealer may be licensed under this subtitle regardless of  
7 whether the wholesale dealer meets the requirements of [paragraphs] SUBSECTION  
8 (a)(1) and (3) of this section, but a wholesale dealer shall be subject to any reasonable  
9 location requirements determined by the Administration by rule or regulation.

10 DRAFTER'S NOTE:

11 Error: Stylistic error in § 15-304(b)(2) of the Transportation Article.

12 Occurred: Ch. 639, Acts of 1985.

13 17-209.

14 (d) Except as provided for in subsection (e) OF THIS SECTION, after default  
15 and on due notice to the judgment creditor, if past-due installments have been paid,  
16 the judgment debtor again may apply to the court that allowed the installment  
17 payments for the resumption of the privilege of installment payments. In its  
18 discretion, the court may order resumption of the installment payments as provided  
19 in subsection (a) of this section.

20 (e) A judgment debtor under Title 20, Subtitle 6 of the Insurance Article who  
21 has been suspended at least 3 times under subsection (c) OF THIS SECTION may not  
22 resume the privilege of installment payments unless:

23 (1) The Fund receives payment in an amount satisfactory to the Fund;  
24 and

25 (2) The Fund consents to the resumption of installment payments.

26 DRAFTER'S NOTE:

27 Error: Stylistic errors in § 17-209(d) and (e) of the Transportation  
28 Article.

29 Occurred: Ch. 638, Acts of 1987.

30 19-103.

31 (a) (1) In this [section,] SECTION the following words have the meanings  
32 indicated.

## 1 DRAFTER'S NOTE:

2 Error: Extraneous comma in § 19-103(a)(1) of the Transportation  
3 Article.

4 Occurred: Ch. 539, Acts of 1983.

5 22-106.

6 (a) In this [title] TITLE, "police officer" means:

7 (1) Any uniformed police officer; or

8 (2) Any civilian employee of the Department of State Police or of the  
9 Maryland Transportation Authority Police Force assigned to enforce this title or any  
10 rule or regulation adopted under this title, but only while acting under written  
11 authorization of the Secretary of the State Police.

## 12 DRAFTER'S NOTE:

13 Error: Omitted comma in § 22-106(a) of the Transportation Article.

14 Occurred: Ch. 142, Acts of 1994.

15 22-405.2.

16 (c) From November 1 through March 31, owners of vehicles registered in  
17 Allegany COUNTY, Carroll COUNTY, Frederick COUNTY, Garrett COUNTY, or  
18 Washington [counties] COUNTY are exempt from the prohibition of the use of tires  
19 described in subsection (b) of this section.

## 20 DRAFTER'S NOTE:

21 Error: Grammatical error in § 22-405.2(c) of the Transportation Article.

22 Occurred: Ch. 19, Acts of 2002.

23 25-111.

24 (j) (2) (I) The Secretary or the Secretary's designee may declare a utility  
25 or transportation emergency.

26 [(i)] (II) During the time in which a declared utility or  
27 transportation emergency exists, the Secretary or the Secretary's designee shall  
28 waive the maximum hours-of-service time limits contained in this section, or in  
29 regulations promulgated pursuant thereto for all interstate and intrastate drivers  
30 providing direct assistance in restoring utility services affected by a utility  
31 emergency.

32 [(ii)] (III) This waiver shall include the hours of duty status accrued  
33 by, and shall apply only to, drivers providing direct assistance in restoring utility

1 services affected by a utility emergency in the State, or to drivers of emergency  
2 vehicles operated under the direction of State and local governments or their agents  
3 when providing direct assistance in clearing and opening State highways and local  
4 streets and roads to allow free flow of traffic.

5 DRAFTER'S NOTE:

6 Error: Stylistic error in § 25-111(j)(2) of the Transportation Article.

7 Occurred: Ch. 308, Acts of 1995.

8 **Chapter 704 of the Acts of 1998, as amended by Chapter 420 of the Acts of**  
9 **2001**

10 SECTION 5. AND BE IT FURTHER ENACTED, That:

11 (a) Except as provided in [subsection (b)] SUBSECTIONS (B) AND (C) of this  
12 section and Section 6 of this Act, this Act shall remain effective until June 30, 2003,  
13 and, at the end of June 30, 2003, with no further action required by the General  
14 Assembly, this Act shall be abrogated and of no further force and effect.

15 DRAFTER'S NOTE:

16 Error: Incomplete cross-reference in Section 5(a) of Ch. 704, Acts of 1998,  
17 as amended by Ch. 420, Acts of 2001.

18 Occurred: Ch. 420, Acts of 2001.

19 **Chapter 26 of the Acts of 2002**

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the following Section(s) of the Annotated Code of Maryland be  
22 repealed:

23 Article 27 - Crimes and Punishments

24 Section 2 and the subheading "Abduction"; 2A and the subheading "Accessory  
25 After the Fact"; 3 and the subheading "Adultery"; 4 and the subheading  
26 "Appropriating Property by Bailee"; 5 through 11 and the subheading "Arson and  
27 Burning"; 12 through 12A-7 and the subheading "Assault"; 18 and 19 and the  
28 subheading "Bigamy"; 20 and the subheading "Blasphemy"; 21 and the subheading  
29 "Boating"; 22 through 27 and the subheading "Bribery; Obstructing Justice"; 27A  
30 through 27C and the subheading "Bulletproof Body Armor"; 28 through 35B and the  
31 subheading "Burglary and Related Offenses"; 35C and 35D and the subheading  
32 "Abuse of Children or Vulnerable Adults"; 35E and the subheading "Child Selling"; 36  
33 and the subheading "Carrying or Wearing Weapon"; 36A and the subheading  
34 "Carrying Deadly Weapons on Public School Property"; 36A-1 and the subheading  
35 "Disarming a Law Enforcement Officer"; 36B, 36D, 36E(l), 36F(c) through (g), (i), and  
36 (k), 36G, and 36H; 36H-1 through 36H-6 and 36K; 38 through 40 and the subheading  
37 "Conspiracy"; 40A and the subheading "Clove Cigarettes - Sales Prohibited"; 40B and

1 the subheading "Code Grabbing"; 41 and 41A and the subheading "Contraceptives -  
2 Sale by Vending Machines"; 44 through 58 and the subheading "Counterfeiting and  
3 Forgery"; 59 through 70E and the subheading "Cruelty to Animals"; 79A and the  
4 subheading "Debt Adjustment"; 80 and the subheading "Defaulters"; 81 through 87  
5 and the subheading "Desecration of the National or State Flag"; 111 through 118 and  
6 the subheading "Destroying, Injuring, etc., Property Maliciously"; 120A and the  
7 subheading "Grocery Carts"; 120B and the subheading "Food Packages or  
8 Containers"; 121 and 122 and the subheading "Disturbing the Public Peace and  
9 Disorderly Conduct"; 123 and 124 and the subheading "Harassment and Stalking";  
10 125 1/2 and the subheading "Interference in Athletic Events"; 125A and the  
11 subheading "Emergency Communications - Interference"; 126 through 135 and the  
12 subheading "Embezzling Property and Writings"; 136 through 139 and the  
13 subheading "Escape and Contraband in Places of Confinement"; 139A through 139D  
14 and the subheading "Destructive Devices"; 140 through 144 and the subheading "Bad  
15 Checks"; 145 and 146 and the subheading "Credit Card Offenses"; 150 through 151C  
16 and the subheading "False Statements"; 152 and 153 and the subheading "Female  
17 Sitters"; 156 and the subheading "Fire - False Alarms"; 156A through [156C] 156E  
18 and the subheading "Burglary and Robbery False Alarm"; 158A and the subheading  
19 "Fortune-Telling"; 159 and the subheading "Fraud - Beer"; 163 and the subheading  
20 "Fraud - Breach of Trust, Bills of Lading, Elevator or Warehouse Receipts"; 170  
21 through 172 and the subheading "Fraud - Conversion by Factors of Consigned  
22 Goods"; 173 and the subheading "Fraud - Conversion of Money or Securities"; 174  
23 and the subheading "Fraud - Corporate Misrepresentation"; 181 through [189] 190  
24 and the subheading "Fraud - False Insignia"; 191A and the subheading "Fraud -  
25 Unlawful Use of Food Commodities Donated by the United States"; 192 and the  
26 subheading "Fraud - Upon Gas Companies"; 194 and the subheading "Fraud - Upon  
27 Electric Companies, and Damaging, Interfering or Tampering With the Property of  
28 Such Companies"; 194A and the subheading "Fraud - Telecommunication Service  
29 Providers"; 194B and the subheading "Fraud - Upon Cable Television Companies";  
30 195 and 198 and the subheading "Fraud - False Advertisements"; 199 and the  
31 subheading "Fraud - Use of Simulated Court Process"; 200 and the subheading  
32 "Fraud - Transfers"; 206 and 207 and the subheading "Fraud - By Hirers"; 208 and  
33 the subheading "Fraud - Unlawful Subleasing of Motor Vehicles"; 211 and the  
34 subheading "Fraud - Livestock"; 214 and the subheading "Fraud - By Mortgagors,  
35 etc., of Personal Property"; 214B and the subheading "Fraud - Representation by  
36 Public Defender"; 215 and the subheading "Fraud - Rehypothecation of Personal  
37 Securities"; 216 and the subheading "Fraud - Special Partnership"; 229 and the  
38 subheading "Fraud - Neglect to Deliver Draft, etc., for Merchandise Stored"; 230 and  
39 the subheading "Fraud - Wood Alcohol"; 230A and the subheading "Fraud - Welfare";  
40 230B through 230H and the subheading "Fraud - State Health Plans"; 231 and the  
41 subheading "Fraud - Personal Identifying Information"; 233A and the subheading  
42 "Fraud - Misrepresentations in Fund-Raising Campaigns"; 233B and the subheading  
43 "Fraud - Horse Races"; 233C and the subheading "Fraud - Pari-Mutuel Tickets";  
44 233D and the subheading "Fraud - Pyramid Promotional Schemes"; 233E and the  
45 subheading "Age Identification Cards and Documents"; 236 through 264A and the  
46 subheading "Gaming"; 264B and 264C and the subheading "Slot Machines"; 265 and  
47 the subheading "Removal of Human Remains from Burial Sites"; 267 and the  
48 subheading "Graveyard Desecration"; 267A and the subheading "Trading in Human

1 Remains and Associated Funerary Objects"; 268E through 268G and the subheading  
 2 "Harboring"; 268H and the subheading "Hazing"; [277] 276 through [305] 280, 281(A),  
 3 (B), (C), (D), (E), (F), (G), (H), AND (J), 302(D) THROUGH (H), AND 303 THROUGH 305 and the  
 4 subheading "Health - Controlled Dangerous Substances"; 322 and 323 and the  
 5 subheading "Health - Venereal Disease Remedies"; 333A through 333D and the  
 6 subheading "Humane Slaughter of Livestock"; 334 and the subheading "Iceboxes";  
 7 335 and the subheading "Incest"; 335A and the subheading "Indecent Exposure"; 336  
 8 and 336A and the subheading "Injuries - Reports of"; 336B and the subheading "Key  
 9 Regulations - State Department of General Services"; 337 and 338 and the  
 10 subheading "Kidnapping"; 339 and the subheading "Knives - Switchblades"; 340  
 11 through 345 and the subheading "Theft"; 348A and 349 and the subheading "Larceny  
 12 - Livestock, Boats, or Vehicle"; 353 and the subheading "Laser Pointers"; 354 and the  
 13 subheading "Letters - Wrongfully Opening"; 356 through 371A and the subheading  
 14 "Lotteries"; 372 through 383 and the subheading "Machine Guns"; 387 through 388C  
 15 and the subheading "Manslaughter"; 389 and the subheading "Manufactured  
 16 Articles"; 399 and the subheading "Minors - Care and Protection of"; 399A and the  
 17 subheading "Miscellaneous Alcoholic Beverages Offenses"; 400 through 403A and the  
 18 subheading "Alcoholic Beverages Offenses and Misrepresentation of Age"; 404  
 19 through 406 and the subheading "Minors - Sale of Cigars and Tobacco to"; 407  
 20 through 414A and the subheading "Murder"; 415 and the subheading "Homicide -  
 21 Prosecution"; 416 and the subheading "Assisted Suicide"; 416A through 416G and the  
 22 subheading "Nudity and Sexual Displays"; 417 through 425 and the subheading  
 23 "Obscene Matter"; 426 through 431 and the subheading "Prostitution and Related  
 24 Crimes"; 434 and the subheading "Passenger Boats"; 435 through 439 and the  
 25 subheading "Perjury"; 450 and 451 and the subheading "Poison - Attempting to"; 453  
 26 through 460 and the subheading "Railroads"; 461 through 465 and the subheading  
 27 "Sexual Offenses"; 465A and the subheading "Real Estate Settlements"; 467A and the  
 28 subheading "Recorded Material - Unauthorized Copies"; 468 and the subheading  
 29 "Litter Control Law"; 469 and the subheading "Junkyards, etc."; 470A and the  
 30 subheading "Religious and Ethnic Crimes"; 471 through 480A and the subheading  
 31 "Returnable Containers and Marked Articles of Linen Suppliers"; 482 through 484  
 32 and the subheading "Rivers, Harbors, Etc."; 486 through 488 and the subheading  
 33 "Robbery"; 535 through 541 and the subheading "Sabotage and Related Crimes"; 553  
 34 and 554 and the subheading "Sodomy"; 555A through 555C and the subheading  
 35 "Telephone and Electronic Mail Misuse"; 556 through 557B and the subheading  
 36 "Telegraphs and Telephones"; 558 through 560 and the subheading "Thieves and  
 37 Pickpockets"; 561 through 563 and the subheading "Threats and Threatening  
 38 Letters"; 576 through 579B and the subheading "Trespass"; 580A and the subheading  
 39 "Picketing of Dwelling Places"; 582 and the subheading "Vessels - Displaying of  
 40 Number, Name, Etc."; 583 and the subheading "Video Tape Distributors"; 610, 612,  
 41 and 616 and the subheading "Indictments"; 626, 627, 643, 643B, and 644A and the  
 42 subheading "Sentence and Punishment"; and 760 through 763 and the subheading  
 43 "Influencing or Intimidating Victims and Witnesses"

44 Article - Agriculture

45 Section 4-123.1

46 Article - Commercial Law

1 Section 11-904; 14-1401 through 14-1405, inclusive, and the subtitle

2 "Subtitle 14. Credit Card Number Protection Act"

3 Article - Family Law

4 Section 5-503

5 SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 281(i) of  
6 Article 27 - Crimes and Punishments of the Annotated Code of Maryland be repealed  
7 and reenacted, with amendments, and transferred to the Session Laws, to read as  
8 follows:

9 1. The Department of Health and Mental Hygiene shall initially permit  
10 persons to register under Title 5, Subtitle 3 of the Criminal Law Article if the persons  
11 own or operate any establishment engaged in the manufacture, distribution or  
12 dispensing of any controlled dangerous substances prior to July 1, 1970, and who are  
13 registered or licensed by the State.

14 SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 302(a)  
15 through (c), inclusive, of Article 27 - Crimes and Punishments of the Annotated Code  
16 of Maryland be repealed and reenacted, with amendments, and transferred to the  
17 Session Laws, to read as follows:

18 (a) Prosecutions for any violation of law occurring prior to July 1, 1970, shall  
19 not be affected by these repealers or amendments, or abated by reason thereof.

20 (b) Civil seizures or forfeitures and injunctive proceedings commenced prior to  
21 July 1, 1970, shall not be affected by these repealers or amendments, or abated by  
22 reason thereof.

23 (c) All administrative proceedings pending before the Department of Health  
24 and Mental Hygiene on July 1, 1970, shall be continued and brought to final  
25 determination in accord with laws and regulations in effect prior to July 1, 1970. Such  
26 drugs placed under control prior to July 1, 1970, which are not listed within  
27 Schedules I through V shall automatically be controlled and listed in the appropriate  
28 schedule.

29 DRAFTER'S NOTE:

30 Error: In Section 1 of Ch. 26 of the Acts of 2002 (Criminal Law Revision):

31 (1) erroneous indication that Article 27, §§ 281(i) and 302(a)  
32 through (c) were "repealed" in addition to being revised and transferred to the Session  
33 Laws in accordance with Sections 5 and 6 of Ch. 26; and

34 (2) inadvertent failure to properly list the following sections as  
35 "repealed":

1 (i) Article 27, §§ 156D, 156E, and 276 (revised by Ch. 26,  
2 Section 2 as §§ 9-610, 9-611, and 5-102, respectively, of the Criminal Law Article);  
3 and

4 (ii) Article 27, § 190 (revised by Ch. 26, Section 4 as § 19-204  
5 of the Business Regulation Article).

6 Occurred: Ch. 26, Acts of 2002. Corrected codification by the publisher of  
7 the Annotated Code in the 2002 Volume of the Criminal Law Article and in  
8 the 2002 Supplement of the Business Regulation Article is validated by  
9 this Act.

#### 10 **Chapter 165 of the Acts of 2002**

11 SECTION 2. AND BE IT FURTHER ENACTED, That the [Maryland] STATE  
12 Board of Nursing shall report to the Senate Education, Health, and Environmental  
13 Affairs Committee and the House Environmental Matters Committee on or before  
14 October 1, 2002, in accordance with § 2-1246 of the State Government Article, on the  
15 implementation of the recommendations of the Department of Legislative Services  
16 contained in the sunset evaluation report dated October 31, 2001. This report shall  
17 include an evaluation of the development, implementation, and effectiveness of an  
18 action plan to reduce the backlog in complaints, and a description of the efforts of the  
19 Board to reduce operating costs through enhanced efficiency in the use of technology  
20 and personnel.

#### 21 DRAFTER'S NOTE:

22 Error: Misnomer in Section 2 of Ch. 165, Acts of 2002.

23 Occurred: Ch. 165, Acts of 2002.

#### 24 **Chapter 440 of the Acts of 2002**

25 SECTION 21. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That:

27 (a) Notwithstanding § 11-1206 of the Business Regulation Article, cumulative  
28 receipts not to exceed \$4.5 million for fiscal [year 2002 and fiscal year] YEARS 2001,  
29 2002, AND 2003 in the Racing Facility Redevelopment Bond Fund placed from the  
30 takeout allocation under § 11-1206(c)(1) and (2) of the Business Regulation Article  
31 shall be distributed to a special fund that shall be created to be used only to increase  
32 purses at harness racing tracks, mile thoroughbred tracks, and Timonium Race  
33 Course and to supplement existing bred funds in accordance with this Act.

#### 34 DRAFTER'S NOTE:

35 Error: Incomplete reference to appropriate fiscal years in Section 21(a) of  
36 Ch. 440, Acts of 2002.

37 Occurred: Ch. 440, Acts of 2002. Suggested by Senior Assistant Attorney

1 General Bruce C. Spizler in letter of advice dated May 15, 2002, to Louis J.  
2 Ulman, Chairman, Maryland Racing Commission.

3 **Article 6 - Caroline County**

4 CHAPTER 110

5 FORTUNE TELLING

6 [109.] 110-1.

7 (a) Prohibited.

8 In Caroline County, a person may not demand or accept payment or a gratuity to  
9 forecast or foretell, or pretend to forecast or foretell, the future of another person by:

10 (1) reading a card;

11 (2) reading the palm of a hand; or

12 (3) any other scheme, practice, or device.

13 (b) Penalty.

14 A person who violates this section is guilty of a misdemeanor and on conviction  
15 is subject to imprisonment in the Caroline County Detention Center not exceeding 6  
16 months or a fine not exceeding \$100 or both.

17 DRAFTER'S NOTE:

18 Error: Incorrect codification in § 109 of the Public Local Laws of Caroline  
19 County.

20 Occurred: Ch. 26, Acts of 2002.

21 **Article 8 - Cecil County**

22 15-2.

23 The Board of County Commissioners of Cecil County shall be elected by the  
24 voters of the county at large and hold office in accordance with the following  
25 provisions:

26 A. (6) Commissioner District 5 consists of:

27 (a) That part of Cecil County Election District 3, Precinct 2 that  
28 consists of census tract 305.01, blocks [1025] 1026 and 1027; and

29 DRAFTER'S NOTE:

30 Error: Typographical error in § 15-2 A.(6)(a) of the Public Local Laws of

1 Cecil County.

2 Occurred: Ch. 95, Acts of 2002.

3

**Article 16 - Montgomery County**

4 52-20.

5 (c) No transfer of any interest in such property shall be taxed hereunder  
6 where the transfer is to any nonprofit hospital or nonprofit religious or charitable  
7 organization, association or corporation, nor to any municipal, county or State  
8 government, or instrumentalities, agencies or political subdivisions thereof; provided,  
9 that no exemption shall be granted hereunder to a transfer under paragraph [(a)(1)]  
10 (B)(1) of this section unless the transferor is a nonprofit hospital or nonprofit religious  
11 or charitable organization, association or corporation, or a municipal, county or State  
12 government, or instrumentality, agency or political subdivision thereof. The county  
13 council may provide for any additional exemptions from the provisions of this section.

14 DRAFTER'S NOTE:

15 Error: Erroneous cross-reference in § 52-20(c) of the Public Local Laws  
16 of Montgomery County.

17 Occurred: Ch. 694, Acts of 1988.

18

**Article 20 - Somerset County**

19

**Title 12. Detention Center WARDEN**

20 12-101.

21 (a) The detention center warden shall keep a correct and full statement or  
22 schedule of all prisoners committed to the detention center warden's custody showing:

23 (1) By what authority the prisoner is held;

24 (2) The offense charged;

25 (3) The time the prisoner was received; and

26 (4) The time of discharge.

27 DRAFTER'S NOTE:

28 Error: Erroneous title designation immediately preceding § 12-101 of the  
29 Public Local Laws of Somerset County.

30 Occurred: Ch. 575, Acts of 2002.

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

3 **Article - Criminal Law**

4 13-2430.

5 (a) A [person with] HOLDER OF a wholesaler's license may not sell a tip jar  
6 packet to a person who does not have a tip jar license.

7 (b) Before selling a tip jar packet, a [person with] HOLDER OF a wholesaler's  
8 license shall:

9 (1) obtain a gaming sticker from the agency; and

10 (2) affix the gaming sticker to the tip jar packet in the manner the  
11 county commissioners require.

12 DRAFTER'S NOTE:

13 Error: Inconsistency between current and reversion texts of § 13-2430(a)  
14 and (b) of the Criminal Law Article.

15 Occurred: Ch. 26, § 3, Acts of 2002. Correction by the publisher of the  
16 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
17 by this Act.

18 13-2435.

19 (d) (1) This subsection only applies to a person who [qualifies for] HOLDS a  
20 tip jar license [issued] under § 13-2420(b)(7), (8), or (9) of this subtitle.

21 (4) To offset the costs of operating a tip jar, a person with a tip jar license  
22 may retain [the lesser of \$45 or] THE LESSER OF \$45 OR 50% of the gross profits from  
23 each tip jar game.

24 (e) (1) This subsection only applies to a person who [qualifies for] HOLDS a  
25 tip jar license under § 13-2420(b)(1) through (6) of this subtitle.

26 DRAFTER'S NOTE:

27 Error: Inconsistency between current and reversion texts of §  
28 13-2435(d)(1) and (e)(1) of the Criminal Law Article and incorrect  
29 symbology (failure to show new language in CAPS) in reversion text of §  
30 13-2435(d)(4) of the Criminal Law Article.

31 Occurred: Ch. 26, § 3, Acts of 2002. Correction by the publisher of the  
32 Annotated Code in the 2002 Volume of the Criminal Law Article is ratified  
33 by this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the publisher of the  
2 Annotated Code of Maryland, subject to the approval of the Department of Legislative  
3 Services, shall make any changes in the text of the Annotated Code necessary to  
4 effectuate any termination provision that was enacted by the General Assembly and  
5 has taken effect or will take effect prior to October 1, 2003. Any enactment of the 2003  
6 Session of the General Assembly that negates or extends the effect of a previously  
7 enacted termination provision shall prevail over the provisions of this section.

8 SECTION 4. AND BE IT FURTHER ENACTED, That the Drafter's Notes  
9 contained in this Act are not law and may not be considered to have been enacted as  
10 part of this Act.

11 SECTION 5. AND BE IT FURTHER ENACTED, That the provisions of this  
12 Act are intended solely to correct technical errors in the law and that there is no  
13 intent to revive or otherwise affect law that is the subject of other acts, whether those  
14 acts were signed by the Governor prior to or after the signing of this Act.

15 SECTION 6. AND BE IT FURTHER ENACTED, That any reference in the  
16 Annotated Code of Maryland rendered obsolete by an Act of the General Assembly of  
17 2003 shall be corrected by the publisher of the Annotated Code, in consultation with  
18 and subject to the approval of the Department of Legislative Services, with no further  
19 action required by the General Assembly. The publisher shall adequately describe any  
20 such correction in an editor's note following the section affected.

21 SECTION 7. AND BE IT FURTHER ENACTED, That the publisher of the  
22 Annotated Code of Maryland, in consultation with and subject to the approval of the  
23 Department of Legislative Services, at the time of publication of a new volume or a  
24 replacement volume of the Annotated Code, shall make nonsubstantive corrections to  
25 codification, style, capitalization, punctuation, grammar, spelling, and any reference  
26 rendered obsolete by an Act of the General Assembly, with no further action required  
27 by the General Assembly.

28 SECTION 8. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
29 take effect July 1, 2003, contingent on the taking effect of Chapter 26, Section 3 of the  
30 Acts of the General Assembly of 2002, and if Chapter 26, Section 3 does not become  
31 effective, Section 2 of this Act shall be null and void without the necessity of further  
32 action by the General Assembly.

33 SECTION 9. AND BE IT FURTHER ENACTED, That this Act is an  
34 emergency measure, is necessary for the immediate preservation of the public health  
35 or safety, has been passed by a ye and nay vote supported by three-fifths of all the  
36 members elected to each of the two Houses of the General Assembly, and except as  
37 provided in Section 8 of this Act, shall take effect from the date it is enacted.

