

SENATE BILL 547

M2

3lr2471
CF HB 708

By: **Senators Middleton and Frosh**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 2013

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Nuisance Organisms – Penalties**

3 FOR the purpose of creating a separate criminal offense for each nuisance organism
4 imported or possessed in violation of certain provisions of law or regulation;
5 establishing a certain total maximum fine for offenses arising out of the same
6 enforcement action; authorizing a judge to award a certain monetary reward to
7 a person who provides information leading to a certain conviction, under certain
8 circumstances; and generally relating to nuisance organisms.

9 BY repealing and reenacting, without amendments,
10 Article – Natural Resources
11 Section 4–205.1(a)(8)
12 Annotated Code of Maryland
13 (2012 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 4–205.1(i)
17 Annotated Code of Maryland
18 (2012 Replacement Volume)

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

21 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 4-205.1.

2 (a) (8) "Nuisance organism" means a nonnative aquatic organism that
 3 will foreseeably alter and threaten to harm the ecosystem or the abundance and
 4 diversity of native or naturalized fish and other organisms.

5 (i) (1) In addition to any other penalty provided under law, a person who
 6 violates a provision of this section **OR A REGULATION ADOPTED UNDER THIS**
 7 **SECTION** is guilty of a misdemeanor and on conviction is subject to imprisonment not
 8 exceeding 30 days or a fine not exceeding \$2,500 or both **FOR EACH OFFENSE, BUT**
 9 **NOT EXCEEDING A TOTAL OF \$25,000 FOR OFFENSES ARISING OUT OF THE SAME**
 10 **ENFORCEMENT ACTION.**

11 (2) **EACH NUISANCE ORGANISM IMPORTED OR POSSESSED IN**
 12 **VIOLATION OF THIS SECTION OR A REGULATION ADOPTED UNDER THIS SECTION**
 13 **CONSTITUTES A SEPARATE OFFENSE.**

14 (3) (i) **SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS**
 15 **PARAGRAPH, ON ENTERING A CONVICTION FOR A VIOLATION UNDER THIS**
 16 **SECTION, A JUDGE MAY AWARD A PORTION OF ANY FINES COLLECTED UNDER**
 17 **THIS SECTION TO A PERSON WHO PROVIDED INFORMATION LEADING TO THE**
 18 **CONVICTION.**

19 (ii) **AN AWARD THAT IS GRANTED UNDER THIS PARAGRAPH**
 20 **MAY NOT EXCEED ONE-HALF OF THE TOTAL FINES COLLECTED UNDER THIS**
 21 **SECTION.**

22 (iii) **AN AWARD UNDER THIS PARAGRAPH MAY NOT BE MADE**
 23 **TO A LAW ENFORCEMENT OFFICER OR TO AN EMPLOYEE OF THE DEPARTMENT.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 25 June 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.