

Chapter 12

(Senate Bill 812)

AN ACT concerning

Annual Corrective Bill

FOR the purpose of correcting certain errors or omissions in certain articles of the Annotated Code and in certain uncodified laws; clarifying language; correcting certain obsolete references; reorganizing certain sections of the Annotated Code; ratifying certain corrections made by the publishers of the Annotated Code; providing that this Act is not intended to affect any law other than to correct technical errors; providing for the correction of certain errors and obsolete provisions by the publishers of the Annotated Code; providing for the effect and construction of certain provisions of this Act; and making this Act an emergency measure.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–313.1(b)

Annotated Code of Maryland

(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 2–203(d)(4), 2–217(b)(1), 4–204, 6–311(b)(2), 18–1101(a), 18–1605(c),
20–2002(b)(1)(ii), 22–805(c), 25–903(i)(1)(iv), 26–1601(a)(1)(xxii),
31–701(c)(1), 31–1306(c)(2), 32–501(b), and 33–902(c)

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 4–304(f)(1)(ii) and 5–311(f)(2)

Annotated Code of Maryland

(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 5–503(e)(2) and 16.7–204(a)(1)(iv)2.

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 2–113.1(a), 4–203(d)(2)(ii) and (x), 7–206(5), 7–309(e)(4)(iii),
7–401(d)(4)(iv), 8–102, 8–604(a)(4), 9–201(a)(2)(i)2., and 10–801(a)(1)(ii)

Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–03(d)(4)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)
(As enacted by Chapter 213 of the Acts of the General Assembly of 2002)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 11–504(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–107(e)(2)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 1–203.1(c)(1)(i) and (2), 6–223(d), 6–224(c)(2)(iv), 10–110(a)(19),
11–912(a)(2)(v), and 16–210(d)(5)
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–301(j), 6–801(j), and 12–605(d)(1)
Annotated Code of Maryland
(2008 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–2A–05(a)(2), 3–1004(b)(1)(ii), 4–201(c)(1), 4–318(e)(1), 9.5–803(c)(5) and
(d), 11–105(c)(3), 16–310(e)(3), 18–407(a); the subtitle designation “Subtitle
19. Maryland 529 Program” immediately preceding Section 18–1901;
18–19A–01(c), 18–19B–01(c), and 23–109(b)(2), (5)(i), and (7)(iii) and (v)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Education

Section 18–1901(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 4–203(c)(2)(i), 5–305(c)(2), 5–701(3), 6–103(b)(1)(ii), 10–303(a)(2),
12–103(b)(1), 13–247(1)(ii)2., 13–307(e)(4), 13–309.1(c), and 13–336
Annotated Code of Maryland
(2017 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–202.1(c)(2)(i)2.
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–349(b)(1)(ii) and 9–1605.3(f)(2)(iv)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 4–503(a)(1)(ii)2., 7–602(c), 10–103(b)(1)(i), 13–711(b)(3), 14–402(b)(3), and
14.5–105(7)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 11–222
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–209(c), 5–505(a)(2), and 5–514(b)(3)
Annotated Code of Maryland
(2014 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–621, 13–1007(b)(2)(ii), 13–1008(c)(8), 16–201.3(d)(2)(i) and (h)(3),
19–347(d)(1)(ii), 20–1004(21), and 24–307(c)(3)

Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–301(c)(2)(viii)3., 1–302(e), 2–202(c), and 4–101(h)(2)(xi)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 3–101(f)(2)(iii), 9–312(c), 9–406(c)(2), 9–407(b)(2), 10–413(a)(2)(iv),
10–445(b), 10–507(b)(2), and 10–508(b)(2)
Annotated Code of Maryland
(2007 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 4–303(b), 5–306(e)(1)(iii)2., 8–419(a), 9–414(g)(3)(ii), 10–108(d)(1)(ii),
10–111(b), 10–118(i)(1)(ii), 15–121(a)(6)(ii)6., 15–123(a)(7)(ii)6.,
15–1212(b), 15–1309(b), 15–1402(b), 19–112(a), 19–804(c)(2), 24–211(a), and
31–113(q)(3)
Annotated Code of Maryland
(2017 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–413(b)(2), 8–806(e)(1)(ii), 9–234(b), and 11–902(b)(2)(ii)4., (iii)2., and (iv)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–617(f)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)
(As enacted by Chapter 8 of the Acts of the General Assembly of 1991)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–701(k)(4)(i), 5–101(f), and 8–403(a)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety

Section 3–511 and 3–512(a)(3)
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11B–111.1(a)(3) and 14–125.1(d)(3)(iv)1.
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–311(e)(2) and 13–212.1(b)(3)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–706(b)(1), 2–709(b)(4)(ii), 6.5–101(i), 9–1A–04(d)(11), 9–1A–36(l),
9–957(e)(1)(i), and 9–3001(g)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 27–403(c)(3)(iv) and 31–102
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–107(a)(2)(ix), 10–205(h)(1), 11–411(d)(4)(i), and 13–203(c)(7)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–210(c)(2) and 9–258(a)(2)
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–208(b–1)(1), (2)(i), (4), (5), and (6) and 8–402(b)(3)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–616(a)(3), 16–303(j)(2), 16–404.1(d)(1)(i)4. and (g), 21–406(b)(2)(ii), and
25–102(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY repealing

Chapter 445 of the Acts of the General Assembly of 1999

Section 2

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 4–304(a)(2)

Annotated Code of Maryland

(2010 Replacement Volume and 2017 Supplement)

(As enacted by Chapter 256 of the Acts of the General Assembly of 2017)

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

Article – Agriculture

2–313.1.

(b) A veterinary practitioner who makes a report under subsection (a) of this section shall include in the report:

- (1) The name, age, and location of the animal;
- (2) The name and home address of the owner or custodian of the animal;
- (3) [The location of the animal;

(4)] The nature and extent of the suspected animal cruelty or animal fighting, including any evidence or information available to the veterinary practitioner concerning possible previous instances of animal cruelty or animal fighting; and

[(5)] (4) Any other information that would help determine:

- (i) The cause of the suspected animal cruelty or animal fighting; and
- (ii) The identity of any individual responsible for the suspected animal cruelty or animal fighting.

DRAFTER'S NOTE:

Error: Duplicative provision in § 2–313.1(b) of the Agriculture Article.

Occurred: Ch. 417, Acts of 2017.

Article – Alcoholic Beverages

2–203.

(d) A holder of the limited distillery license may not:

(4) sell at retail on the premises of the Class D or Class B license, for [on–sale or off–sale] **ON–PREMISES OR OFF–PREMISES** consumption, more than 15,500 gallons of the products manufactured under the license each calendar year; and

DRAFTER'S NOTE:

Error: Stylistic error in § 2–203(d)(4) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

2–217.

(b) (1) A licensed manufacturer, resident dealer, or nonresident winery permit holder may not discriminate directly or indirectly in price, discounts, or the quality of merchandise sold between:

(i) one dispensary and another dispensary; [or]

(II) ONE WHOLESALER AND ANOTHER WHOLESALER; OR

[(ii)] (III) one retailer and another retailer that purchases alcoholic beverages that bear the same brand and trade name, and are similar in age and quality.

DRAFTER'S NOTE:

Error: Omitted item in § 2–217(b)(1) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages. Correction suggested by the Director of the Field Enforcement Division, Comptroller of Maryland in an e–mail to the Department of Legislative Services dated May 17, 2017.

4–204.

(A) Except as otherwise provided in Division II of this article **AND SUBSECTION (B) OF THIS SECTION**, a local licensing board may not issue more than one license for use at the same premises.

(B) THE PROHIBITION IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A LICENSE ISSUED IN ACCORDANCE WITH §§ 4–1201 THROUGH 4–1205 OF THIS TITLE.

DRAFTER’S NOTE:

Error: Omitted reference in § 4–204 of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages. Correction suggested by the General Counsel to the Comptroller in a letter to the Department of Legislative Services dated October 16, 2017.

6–311.

(b) A retail dealer may not:

(2) sell any alcoholic beverage to any other retail dealer except the holder of a Class C **PER DIEM** beer, beer and wine, or beer, wine, and liquor license; or

DRAFTER’S NOTE:

Error: Omitted language in § 6–311(b)(2) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

18–1101.

(a) The following [section] **SECTIONS** of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article [applies] **APPLY** in the county without exception or variation:

(1) § 4–1102 (“Corkage — Consuming wine not purchased from license holder on licensed premises”); and

(2) § 4–1103 (“Removal of partially consumed bottle of wine from licensed premises”).

DRAFTER’S NOTE:

Error: Grammatical error in § 18–1101(a) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

18–1605.

(c) A person may not have a direct or indirect interest **IN ANY COMBINATION** in more than six Class [B and Class BLX] **B–BLX** licenses [in any combination].

DRAFTER’S NOTE:

Error: Incorrect word usage in § 18–1605(c) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

20–2002.

(b) (1) A holder of a Class B beer license may sell beer:

(ii) on Sunday:

1. subject to paragraph (2) of this subsection, for on–premises consumption:

A. from 10 a.m. to 2 a.m. the following day; or

B. for a specific event that the Board has approved, the hours for the event that are set by the Board[.]; **AND**

2. for off–premises consumption, from 1 p.m. to 2 a.m. the following day.

DRAFTER’S NOTE:

Error: Incorrect punctuation and missing conjunction in § 20–2002(b)(1)(ii)1B of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

22–805.

(c) The Board shall set the maximum number of cafe licenses that it may issue

under this [paragraph] SECTION.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 22–805(c) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

25–903.

(i) On 7 days of the week, the hours of sale are:

(1) for on–premises consumption:

(iv) from 10 a.m. to 2 a.m. the following day, on a Sunday that is not referenced in item (iii) of this [paragraph] ITEM; and

DRAFTER'S NOTE:

Error: Stylistic error in § 25–903(i)(1)(iv) of the Alcoholic Beverages Article.

Occurred: Ch. 641, Acts of 2016.

26–1601.

(a) (1) Except as otherwise provided in this title, the number of licenses in a class issued by the Board may not exceed:

(xxii) Class C beer, wine, and liquor:

1. under § 26–1002 of this title, [30] 1;
2. under § 26–1005 of this title, [25] 12;
3. under § 26–1011 of this title, [12] 25;
4. under § 26–1017 of this title, [1] 30; and
5. under § 26–1019 of this title, 4.

DRAFTER'S NOTE:

Error: Incorrect amounts in § 26–1601(a)(1)(xxii) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

31–701.

(c) (1) The license [authorized] **AUTHORIZES** the license holder to sell at retail at the place described in the license light wine produced at the winery.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 31–701(c)(1) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

31–1306.

(c) (2) During the event for which the license is issued, an individual, within the approved event area and [in] **WITH** a designated container unique to the event, may:

(i) purchase beer or wine from the license holder, or purchase beer or wine from, and consume on the premises of, any other license holder with on–sale privileges within the Arts and Entertainment District;

(ii) transport the beer or wine in the designated container to the premises of another license holder with on–sale privileges in the Arts and Entertainment District and within the approved event area; and

(iii) consume the beer or wine within the Arts and Entertainment District event area as approved by the Mayor and City Council, including the premises of any license holder with on–sale privileges.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 31–1306(c)(2) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

32–501.

(b) The following sections of Title 2, Subtitle 3 (“Wholesaler’s [licenses] **LICENSES**”) of Division I of this article apply in the county, subject to § 32–504 of this subtitle:

(1) § 2–302 (“Class 1 beer, wine, and liquor wholesaler’s license”); and

(2) § 2–303 (“Class 2 wine and liquor wholesaler’s license”).

DRAFTER'S NOTE:

Error: Capitalization error in § 32–501(b) of the Alcoholic Beverages Article.

Occurred: As a result of Ch. 41, § 2, Acts of 2016, which revised, restated, and recodified former Article 2B – Alcoholic Beverages.

33–902.

(c) A license under this section authorizes the license holder to sell beer, wine, and liquor, at retail, at the place described in the license, for **ON–PREMISES CONSUMPTION OR** on– and off–premises consumption.

DRAFTER'S NOTE:

Error: Omitted language in § 33–902(c) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016. Correction suggested by the counsel to the Board of License Commissioners for Worcester County in an e–mail to the Department of Legislative Services dated October 16, 2017.

Article – Business Occupations and Professions

4–304.

(f) Subject to § 2–110 of the Business Regulation Article, in the case of an applicant who demonstrates dyslexia or other reading impairment to the Board:

(1) the Board may grant 1 or both of the following:

(ii) oral examination for all or part of the written part of the examination[.]; **AND**

DRAFTER'S NOTE:

Error: Incorrect punctuation and missing conjunction in § 4–304(f)(1)(ii) of the Business Occupations and Professions Article.

Occurred: Ch. 612, Acts of 1989.

5–311.

(f) (2) If an individual who, on or before September 30, 1999, holds a limited license to provide manicuring services files an application to renew the license, the Board shall grant a waiver of the requirement for completion of hours of instruction under [§

5–305(d)(3)(ii)] **§ 5–305(B)(3)(II)** of this subtitle that are in addition to the hours of instruction required on or before that date.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 5–311(f)(2) of the Business Occupations and Professions Article.

Occurred: Ch. 455, Acts of 1999.

Article – Business Regulation

5–503.

(e) (2) Nothing [is] **IN** this section may be construed to prohibit a party responsible for a cemetery from maintaining or repairing a damaged memorial or monument.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 5–503(e)(2) of the Business Regulation Article.

Occurred: Ch. 477, Acts of 2017. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 50 (Ch. 477), dated April 10, 2017.

16.7–204.

(a) An electronic nicotine delivery systems manufacturer license authorizes the licensee to:

(1) sell electronic nicotine delivery systems to:

(iv) a consumer if:

2. the consumer purchases or orders the systems through the mail, a computer network, a telephonic network, or another electronic network; **[and]**

DRAFTER’S NOTE:

Error: Extraneous conjunction in § 16.7–204(a)(1)(iv)2 of the Business Regulation Article.

Occurred: Ch. 814, Acts of 2017.

Article – Correctional Services

2–113.1.

(a) The Secretary may subpoena, administer an oath to, and examine under [oath,] **OATH** any person if the Secretary considers it necessary for the effective administration of the Secretary’s duties.

DRAFTER’S NOTE:

Error: Extraneous comma in § 2–113.1(a) of the Correctional Services Article.

Occurred: Ch. 89, Acts of 2013.

4–203.

(d) (2) The annual report shall state:

(ii) the number of inmates and each inmate’s age, sex, race, place of [birth and] **BIRTH, PLACE OF** conviction, crime, and term of confinement;

(x) a summary of the reasons underlying [an] **EACH** individual’s transfer to the Division of Correction as described in item (ix) of this paragraph;

DRAFTER’S NOTE:

Error: Incorrect word usage in § 4–203(d)(2)(ii) and (x) of the Correctional Services Article.

Occurred: Ch. 54, § 2, Acts of 1999; Ch. 269, Acts of 2002.

7–206.

The Commission shall:

(5) arrange for psychiatric or psychological examination of applicants for parole whenever the Commission believes that an examination will better enable it to decide on the advisability of [parole] **PAROLE**, and include the expense for the examination in its annual budget.

DRAFTER’S NOTE:

Error: Omitted comma in § 7–206(5) of the Correctional Services Article.

Occurred: Ch. 54, § 2, Acts of 1999.

7–309.

(e) The information to be considered by the Commission before granting medical parole shall, at a minimum, include:

(4) case management information, including:

(iii) pending charges, sentences [and] IN other jurisdictions, and any other detainers; and

DRAFTER'S NOTE:

Error: Incorrect word usage in § 7–309(e)(4)(iii) of the Correctional Services Article.

Occurred: Ch. 299, Acts of 2008.

7–401.

(d) (4) (iv) A finding under subparagraph (ii) of this paragraph or an action under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or [Title 12,] Subtitle 4 of the Courts Article.

DRAFTER'S NOTE:

Error: Stylistic error in § 7–401(d)(4)(iv) of the Correctional Services Article.

Occurred: Ch. 515, § 2, Acts of 2016.

8–102.

The General Assembly finds that there is a need to improve the method of establishing standards for correctional facilities and programs and of [insuring] **ENSURING** compliance with these standards to better protect the health, safety, and welfare of the public by reducing incidents of crime.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 8–102 of the Correctional Services Article.

Occurred: Ch. 54, § 2, Acts of 1999.

8–604.

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

(4) delivery and retaking of inmates; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 8–604(a)(4) of the Correctional Services Article.

Occurred: Ch. 54, § 2, Acts of 1999.

9–201.

(a) (2) “Sexual offense” means:

(i) a violation of:

2. § 3–307, § 3–308, § 3–309, **OR** § 3–310[, § 3–311, or § 3–312] of the Criminal Law Article **OR THE FORMER § 3–311 OR § 3–312 OF THE CRIMINAL LAW ARTICLE AS THE SECTIONS EXISTED ON SEPTEMBER 30, 2017**; or

DRAFTER'S NOTE:

Error: Obsolete cross–references in § 9–201(a)(2)(i)2 of the Correctional Services Article.

Occurred: Chs. 161 and 162, Acts of 2017, which repealed sexual offense and attempted sexual offense in the first degree and sexual offense and attempted sexual offense in the second degree and re–categorized the offenses as elements of rape and attempted rape in the first degree and rape and attempted rape in the second degree, respectively.

10–801.

(a) In this section:

(1) “contraband” means any item, material, substance, or other thing of value that:

(ii) is brought into a State correctional facility in a manner prohibited by the Commissioner of Correction, the Director of Patuxent Institution, the Commissioner of Pretrial Detention and Services, or the warden of a State correctional [facility.] **FACILITY; AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 10–801(a)(1)(ii) of the Correctional Services Article.

Occurred: Ch. 224, Acts of 2000.

Article – Courts and Judicial Proceedings

3–8A–03.

(d) The court does not have jurisdiction over:

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

(i) Abduction;

(ii) Kidnapping;

(iii) Second degree murder;

(iv) Manslaughter, except involuntary manslaughter;

(v) Second degree rape;

(vi) Robbery under § 3–403 of the Criminal Law Article;

[(vii) Second degree sexual offense under § 3–306(a)(1) of the Criminal Law Article;]

[(viii) **(VII)** Third degree sexual offense under § 3–307(a)(1) of the Criminal Law Article;

[(ix) **(VIII)** A crime in violation of § 5–133, § 5–134, § 5–138, or § 5–203 of the Public Safety Article;

[(x) **(IX)** Using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime under § 5–621 of the Criminal Law Article;

[(xi) **(X)** Use of a firearm under § 5–622 of the Criminal Law Article;

[(xii) **(XI)** Carjacking or armed carjacking under § 3–405 of the Criminal Law Article;

[(xiii) **(XII)** Assault in the first degree under § 3–202 of the Criminal Law Article;

[(xiv) **(XIII)** Attempted murder in the second degree under § 2–206 of the Criminal Law Article;

[(xv)] **(XIV)** Attempted rape in the second degree under § 3–310 of the Criminal Law Article [or attempted sexual offense in the second degree under § 3–312 of the Criminal Law Article];

[(xvi)] **(XV)** Attempted robbery under § 3–403 of the Criminal Law Article; or

[(xvii)] **(XVI)** A violation of § 4–203, § 4–204, § 4–404, or § 4–405 of the Criminal Law Article;

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 3–8A–03(d)(4)(vii) and § 3–8A–03(d)(4)(xv) of the Courts and Judicial Proceedings Article.

Occurred: As a result of Chs. 161 and 162, Acts of 2017, which repealed sexual offense and attempted sexual offense in the first degree and sexual offense and attempted sexual offense in the second degree and re–categorized the offenses as elements of rape and attempted rape in the first degree and rape and attempted rape in the second degree, respectively. Correction by the publisher of the Annotated Code to remove reference to “or attempted sexual offense in the second degree under § 3–312 of the Criminal Law Article” from § 3–8A–03(d)(4)(xv) in the 2017 Supplement of the Courts and Judicial Proceedings Article is ratified by this Act.

11–504.

(a) [(1)] In this [section the following terms have the meanings indicated.

(2) “Value”] **SECTION, “VALUE”** means fair market value as of the date upon which the execution or other judicial process becomes effective against the property of the debtor, or the date of filing the petition under the federal Bankruptcy Code.

DRAFTER’S NOTE:

Error: Stylistic error in § 11–504(a) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 765, Acts of 1981.

Article – Criminal Law

10–107.

(e) (2) Enforcement of a civil penalty for a violation of this section precludes a prosecution for a violation of [this section] **§ 24–307 OF THE HEALTH – GENERAL**

ARTICLE arising out of the same violation.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 10–107(e)(2) of the Criminal Law Article.

Occurred: Ch. 773, Acts of 2017. Chapter 773 erroneously referenced “§ 10–107 of the Criminal Law Article” in § 10–107(e)(2) of the Criminal Law Article. Subsequently, the publisher erroneously changed that language to “this section” in the 2017 Supplement to the Criminal Law Article.

Article – Criminal Procedure

1–203.1.

(c) (1) (i) The period of time during which location information may be obtained under the authority of an order under subsection (b) of this section may not exceed 30 days unless extended as provided in [subsection (c)(3) of this section] **PARAGRAPH (3) OF THIS SUBSECTION**.

(2) If neither of the events described in [subsection (c)(1)(ii) of this section] **PARAGRAPH (1)(II) OF THIS SUBSECTION** occurs within 10 calendar days of the issuance of the order, the order is void.

DRAFTER’S NOTE:

Error: Stylistic errors in § 1–203.1(c)(1)(i) and (2) of the Criminal Procedure Article.

Occurred: Ch. 191, Acts of 2014.

6–223.

(d) If, at the hearing, a circuit court or the District Court finds that the probationer or defendant has violated a condition of probation, the court may:

(1) revoke the probation granted or the suspension of sentence; and

(2) (i) subject to [paragraph (3) of this subsection] **SUBSECTION (E) OF THIS SECTION**, for a technical violation, impose a period of incarceration of:

1. not more than 15 days for a first technical violation;
2. not more than 30 days for a second technical violation; and
3. not more than 45 days for a third technical violation; and

(ii) for a fourth or subsequent technical violation or a violation that is not a technical violation, impose any sentence that might have originally been imposed for the crime of which the probationer or defendant was convicted or pleaded nolo contendere.

[(3)] (E) [(i)] (1) There is a rebuttable presumption that the limits on the period of incarceration that may be imposed for a technical violation established **[in paragraph (2) of this subsection] UNDER SUBSECTION (D)(2) OF THIS SECTION** are applicable.

[(ii)] (2) The presumption may be rebutted if the court finds and states on the record, after consideration of the following factors, that adhering to the limits on the period of incarceration established under **[paragraph (2) of this subsection] SUBSECTION (D)(2) OF THIS SECTION** would create a risk to public safety, a victim, or a witness:

[1.] (I) the nature of the probation violation;

[2.] (II) the facts and circumstances of the crime for which the probationer or defendant was convicted; and

[3.] (III) the probationer's or defendant's history.

[(iii)] (3) On finding that adhering to the limits would create a risk to public safety, a victim, or a witness under **[subparagraph (ii) of this paragraph] PARAGRAPH (2) OF THIS SUBSECTION**, the court may:

[1.] (I) direct imposition of a longer period of incarceration than provided **[in paragraph (2) of this subsection] UNDER SUBSECTION (D)(2) OF THIS SECTION**, but no more than the time remaining on the original sentence; or

[2.] (II) commit the probationer or defendant to the Maryland Department of Health for treatment under § 8–507 of the Health – General Article.

[(iv)] (4) A finding under **[subparagraph (ii) of this paragraph] PARAGRAPH (2) OF THIS SUBSECTION** or an action under **[subparagraph (iii) of this paragraph] PARAGRAPH (3) OF THIS SUBSECTION** is subject to appeal under Title 12, Subtitle 3 or **[Title 12,] Subtitle 4 of the Courts Article**.

DRAFTER'S NOTE:

Error: Stylistic and tabulation errors in § 6–223(d)(2)(i) and (3) of the Criminal Procedure Article.

Occurred: Ch. 515, § 2, Acts of 2016.

6–224.

(c) (2) (iv) A finding under subparagraph (ii) of this paragraph or an action under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or [Title 12,] Subtitle 4 of the Courts Article.

DRAFTER'S NOTE:

Error: Stylistic error in § 6–224(c)(2)(iv) of the Criminal Procedure Article.

Occurred: Ch. 515, § 2, Acts of 2016.

10–110.

(a) A person may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if the person is convicted of a misdemeanor that is a violation of:

(19) § 4–411 or § 4–2005 of the [Human Services] **HOUSING AND COMMUNITY DEVELOPMENT** Article;

DRAFTER'S NOTE:

Error: Incorrect cross–reference in § 10–110(a)(19) of the Criminal Procedure Article.

Occurred: Ch. 515, § 2, Acts of 2016.

11–912.

(a) The Board consists of the following 22 members:

(2) 14 persons appointed by the Governor as follows:

(v) one representative of the Maryland State [Sheriff's] **SHERIFFS'** Association; and

DRAFTER'S NOTE:

Error: Misnomer in § 11–912(a)(2)(v) of the Criminal Procedure Article.

Occurred: Ch. 10, § 2, Acts of 2001.

16–210.

(d) (5) If the commissioner makes a final determination under [item] **PARAGRAPH (4)(i)** of this subsection, the commissioner shall notify the individual in writing of the determination.

DRAFTER’S NOTE:

Error: Stylistic error in § 16–210(d)(5) of the Criminal Procedure Article.

Occurred: Ch. 606, Acts of 2017.

Article – Economic Development

5–301.

(j) “Child care facility” means a facility that is required to be licensed as a child care center under [Title 5, Subtitle 5, Part VII of the Family Law Article] **TITLE 9.5, SUBTITLE 4 OF THE EDUCATION ARTICLE**.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 5–301(j) of the Economic Development Article.

Occurred: As a result of Ch. 185, § 2, Acts of 2016, which transferred Title 5, Subtitle 5, Part VII of the Family Law Article to Title 9.5, Subtitle 4 of the Education Article.

6–801.

(j) “Tier I county” means:

(1) a qualified distressed county, as defined in § 1–101 of this article; or

(2) a county designated by the Department that is not a county described in [paragraph (1)] **ITEM (1)** of this subsection, not to exceed [3] **THREE** counties.

DRAFTER’S NOTE:

Error: Stylistic errors in § 6–801(j)(2) of the Economic Development Article.

Occurred: Ch. 149, Acts of 2017.

12–605.

(d) (1) A majority of the voting members of the board [are] **IS** a quorum.

DRAFTER’S NOTE:

Error: Grammatical error in § 12–605(d)(1) of the Economic Development Article.

Occurred: Ch. 444, Acts of 2017.

Article – Education

3–2A–05.

(a) The student member shall:

(2) Be selected in the student’s junior year by a method selected by the Chesapeake Regional Association of Student Councils of Anne Arundel County; **AND**

DRAFTER’S NOTE:

Error: Omitted conjunction in § 3–2A–05(a)(2) of the Education Article.

Occurred: Ch. 596, Acts of 1993.

3–1004.

(b) Subject to the provisions of § 4–403 of this article, the affirmative vote of the members of the county board for the passage of a motion by the county board shall be:

(1) Except as otherwise provided in item (2) of this subsection:

(ii) Seven members when the student member is not [voting.]

VOTING; OR

DRAFTER’S NOTE:

Error: Omitted conjunction in § 3–1004(b)(1)(ii) of the Education Article.

Occurred: Ch. 147, Acts of 2013.

4–201.

(c) (1) An individual may not be appointed as county superintendent unless [he] **THE INDIVIDUAL:**

(i) Is eligible to be issued a certificate for the office by the State Superintendent;

(ii) Has graduated from an accredited college or university; and

(iii) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.

DRAFTER'S NOTE:

Error: Obsolete terminology in § 4–201(c)(1) of the Education Article.

Occurred: Ch. 22, Acts of 1978.

4–318.

(e) (1) In consultation with the Maryland Police Training **AND STANDARDS** Commission, the Civil Service Commission of Baltimore City shall adopt:

(i) Requirements for education, training, human and public relations skills, and moral character that an applicant must meet to qualify for employment as a Baltimore City school police officer; and

(ii) Standards for the performance of duties.

DRAFTER'S NOTE:

Error: Obsolete terminology in § 4–318(e)(1) of the Education Article.

Occurred: As a result of Ch. 519, Acts of 2016.

9.5–803.

(c) (5) Any member who leaves the position with the organization or State agency that the member represents on the Council shall automatically lose **[their] THE MEMBER'S** appointment to the Council and the State Superintendent shall promptly appoint a successor.

(d) From among the members of the Council, the State Superintendent shall appoint a **[chairman] CHAIR**.

DRAFTER'S NOTE:

Error: Grammatical error in § 9.5–803(c)(5) of the Education Article and obsolete terminology in § 9.5–803(d) of the Education Article.

Occurred: Ch. 394, Acts of 1991.

11–105.

(c) With respect to the community colleges, the Commission:

(3) Shall assist and represent the community colleges in seeking and administering federal [moneys] **MONEY** available to them;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 11–105(c)(3) of the Education Article.

Occurred: Ch. 464, Acts of 1991.

16–310.

(e) (3) The Commission may make payments to effectuate the provisions of this [section] **SUBSECTION** from funds specifically appropriated for this purpose in the State budget or any supplemental budget request.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 16–310(e)(3) of the Education Article.

Occurred: Ch. 404, Acts of 1989.

18–407.

(a) Each Senator shall award all of **THE** Senator's senatorial scholarships on or before September 1 of each year.

DRAFTER'S NOTE:

Error: Omitted article in § 18–407(a) of the Education Article.

Occurred: As a result of a correction by the publisher of the Annotated Code made under Ch. 43, § 5, Acts of 2013. The term "his" was replaced with "Senator" but the necessary article was not included.

Subtitle 19. [College Savings Plans of Maryland] **MARYLAND 529 PROGRAM.**

18–1901.

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

DRAFTER'S NOTE:

Error: Obsolete language in the subtitle designation immediately preceding § 18–1901 of the Education Article.

Occurred: As a result of Ch. 39, Acts of 2016, which renamed the College Savings Plans of Maryland Program to be the Maryland 529 Program but failed to amend the subtitle designation to reflect the new name.

18–19A–01.

(c) “Board” means the [College Savings Plans of] Maryland **529** Board established under § 18–1904 of this title.

DRAFTER’S NOTE:

Error: Obsolete language in § 18–19A–01(c) of the Education Article.

Occurred: As a result of Ch. 39, Acts of 2016, which renamed the College Savings Plans of Maryland Board to be the Maryland 529 Board.

18–19B–01.

(c) “Board” means the [College Savings Plans of] Maryland **529** Board established under § 18–1904 of this title.

DRAFTER’S NOTE:

Error: Obsolete language in § 18–19B–01(c) of the Education Article.

Occurred: As a result of Ch. 39, Acts of 2016, which renamed the College Savings Plans of Maryland Board to be the Maryland 529 Board.

23–109.

(b) The Deaf Culture Digital Library shall:

(2) In coordination with the Governor’s Office of **THE** Deaf and Hard of Hearing, develop and provide sensitivity training for State and county library staff to help them better understand deaf patrons and their needs;

(5) Develop partnerships and strategic alliances with other entities, including:

(i) The Governor’s Office [for] **OF** the Deaf and Hard of Hearing;

(7) Form a Deaf Culture Digital Library Advisory Board to provide advice on initiatives that further advance the mission and goals of the Deaf Culture Digital Library and the majority of whose members are deaf or hard of hearing and selected from the following entities:

(iii) The Governor's Office [for] **OF** the Deaf and Hard of Hearing;

(v) Other organizations as agreed on by the Governor's Office [for] **OF** the Deaf and Hard of Hearing and the State Library Agency; and

DRAFTER'S NOTE:

Error: Omitted article in § 23–109(b)(2) of the Education Article; and misnomer in § 23–109(b)(5)(i) and (7)(iii) and (v) of the Education Article.

Occurred: Ch. 606, Acts of 2014.

Article – Election Law

4–203.

(c) (2) For the Baltimore County Democratic Party Central Committee:

(i) [twenty] **20** members, five from each district, shall be elected from legislative districts 6, 8, 10, and 11, each district being located wholly within Baltimore County;

DRAFTER'S NOTE:

Error: Stylistic error in § 4–203(c)(2)(i) of the Election Law Article.

Occurred: Ch. 691, Acts of 2013.

5–305.

(c) (2) Judicial review of any petition that is filed under subsection (b) of this section shall be expedited by the circuit court that hears the cause to the extent necessary in consideration of the deadlines established by law, and in no [case,] **CASE** longer than 7 days from the date the petition is filed.

DRAFTER'S NOTE:

Error: Extraneous comma in § 5–305(c)(2) of the Election Law Article.

Occurred: Ch. 338, Acts of 2004.

5–701.

Nominations for public offices that are filled by elections governed by this article shall be made:

(3) in accordance with the constitution and [by-laws] **BYLAWS** of the political party, for candidates of a political party that does not nominate by party primary.

DRAFTER'S NOTE:

Error: Extraneous hyphen in § 5–701(3) of the Election Law Article.

Occurred: Ch. 120, Acts of 2006.

6–103.

(b) (1) The State Board shall:

(ii) design and arrange to have sample forms available to the public conforming to this [subtitle] **TITLE** for each purpose for which a petition is authorized by law.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 6–103(b)(1)(ii) of the Election Law Article.

Occurred: Ch. 291, § 4, Acts of 2002.

10–303.

(a) Under the supervision of a chief judge, an election judge shall:

(2) take measures throughout election day to [assure] **ENSURE** that:

- (i) each voter's right to cast a ballot in privacy is maintained;
- (ii) the integrity of the voting process is preserved;
- (iii) the accuracy of the counting process is protected;
- (iv) order in the polling place is maintained; and
- (v) all election laws are observed.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 10–303(a)(2) of the Election Law Article.

Occurred: Ch. 291, § 4, Acts of 2002.

12–103.

(b) The petition shall specify that the recount be conducted:

(1) in all of the precincts in which the [office] **QUESTION** was on the ballot;

or

DRAFTER'S NOTE:

Error: Incorrect word in § 12–103(b)(1) of the Election Law Article.

Occurred: Ch. 291, § 4, Acts of 2002.

13–247.

After all campaign expenditures have been made and before filing a final campaign finance report under Subtitle 3 of this title, any remaining balance in the account of a campaign finance entity shall be returned pro rata to the contributors or paid to:

(1) if the campaign finance entity is a political committee formed to support a candidate or act for a political party:

(ii) the local central committee of the political party:

2. for which the political committee is acting; **OR**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 13–247(1)(ii)2 of the Election Law Article.

Occurred: Ch. 291, § 4, Acts of 2002.

13–307.

(e) An electioneering communication report shall include the following information:

(4) the candidate or ballot issue to which the electioneering communications relate; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 13–307(e)(4) of the Election Law Article.

Occurred: Ch. 575, Acts of 2011.

13–309.1.

(c) For purposes of this section, a political action committee shall be considered to have made an expenditure if the political **ACTION** committee has executed a contract to make an expenditure.

DRAFTER'S NOTE:

Error: Misnomer in § 13–309.1(c) of the Election Law Article.

Occurred: Ch. 419, Acts of 2013.

13–336.

Subject to § 13–337 of this subtitle, the provisions of [Part VI and this Part VII] **THIS PART AND PART VI** of this subtitle and the provisions of this subtitle governing the filing of campaign finance reports are mandatory and not directory.

DRAFTER'S NOTE:

Error: Stylistic error in § 13–336 of the Election Law Article.

Occurred: Ch. 291, § 4, Acts of 2002.

Article – Environment

4–202.1.

(c) (2) (i) If a county or municipality established a stormwater remediation fee under this section on or before July 1, 2013, the county or municipality may repeal or reduce the fee before July 1, 2016, if:

2. Subject to [subparagraph (iii)] **ITEM 3** of this [paragraph] **SUBPARAGRAPH**, the county or municipality has filed with the Department a financial assurance plan in accordance with subsection (j) of this section; and

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 4–202.1(c)(2)(i)2 of the Environment Article.

Occurred: Ch. 124, Acts of 2015.

9–349.

(b) Loan assistance may be awarded to a person under this section if:

(1) An agreement is executed by the person that:

(ii) Obligates the person to construct, install, and operate the pretreatment project in a manner [which insures] **THAT ENSURES** compliance with all pretreatment requirements and technical specifications, to maintain the project for its expected life span, and to bind any successor in title; and

DRAFTER'S NOTE:

Error: Grammatical error and incorrect word usage in § 9–349(b)(1)(ii) of the Environment Article.

Occurred: Ch. 795, Acts of 1984.

9–1605.3.

(f) (2) For financial assistance over \$500,000 awarded under the Fund, the grantee shall demonstrate, to the satisfaction of the Department, that steps were taken to include small businesses, certified minority business enterprises, and certified minority business enterprises classified as women–owned businesses by:

(iv) Establishing delivery schedules, where the requirement permits, that encourage participation by small businesses, certified minority business enterprises, **AND CERTIFIED MINORITY BUSINESS ENTERPRISES** classified as women–owned businesses; and

DRAFTER'S NOTE:

Error: Omitted words in § 9–1605.3(f)(2)(iv) of the Environment Article.

Occurred: Ch. 653, Acts of 2010.

Article – Estates and Trusts

4–503.

(a) Subject to § 4–506 of this subtitle, an anatomical gift may be made during the life of a donor for the purpose of transplantation, therapy, research, or education by:

(1) (ii) A donor who is a minor, if the minor is:

2. Authorized under [state] **STATE** law to apply for a driver's license because the donor is at least 15 years and 9 months old;

DRAFTER'S NOTE:

Error: Capitalization error in § 4–503(a)(1)(ii)2 of the Estates and Trusts Article.

Occurred: Ch. 541, § 2, Acts of 2011.

7–602.

(c) If the court shall allow a counsel fee to one or more attorneys, it shall take into consideration in making its [determination,] **DETERMINATION** what would be a fair and reasonable total charge for the cost of administering the estate under this article, and it shall not allow aggregate compensation in excess of that figure.

DRAFTER’S NOTE:

Error: Extraneous comma in § 7–602(c) of the Estates and Trusts Article.

Occurred: Ch. 11, § 2, Acts of 1974.

10–103.

(b) (1) Except as provided in § 10–102 of this subtitle and § 7–308 of the Tax – General Article, the right of a person seeking to recover property improperly distributed, or the value of it, from a person to whom property has been distributed is forever barred at the later of:

(i) Three years from the death of **THE** decedent; or

DRAFTER’S NOTE:

Error: Omitted article in § 10–103(b)(1)(i) of the Estates and Trusts Article.

Occurred: Ch. 11, § 2, Acts of 1974.

13–711.

(b) “Best interest” means that the benefits to the disabled person resulting from a treatment outweigh the burdens to the disabled person resulting from that treatment, taking into account:

(3) The degree to which the disabled person’s medical condition, the treatment, or the withholding or withdrawal of treatment[, result] **RESULTS** in a severe and continuing impairment of the dignity of the disabled person by subjecting the individual to a condition of extreme humiliation and dependency;

DRAFTER’S NOTE:

Error: Extraneous comma and grammatical error in § 13–711(b)(3) of the Estates and Trusts Article.

Occurred: Ch. 372, § 2, Acts of 1993.

14–402.

(b) (3) A trust may be used to [assure] **ENSURE** that trust property is available to provide for the needs of the beneficiary to the extent not provided for by other sources, including public and private benefit programs for which the beneficiary would or might be eligible if the trust did not exist.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 14–402(b)(3) of the Estates and Trusts Article.

Occurred: Ch. 418, Acts of 1994.

14.5–105.

The terms of a trust prevail over a provision of this title, except:

(7) The power of the court under § 14.5–702 of this title to require, dispense with, [modify] **MODIFY**, or terminate a bond;

DRAFTER’S NOTE:

Error: Omitted comma in § 14.5–105(7) of the Estates and Trusts Article.

Occurred: Ch. 585, Acts of 2014.

Article – Financial Institutions

11–222.

Any person who violates any provision of [§ 11–204(a)] **§ 11–203.1(A)** of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 3 years or both.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 11–222 of the Financial Institutions Article.

Occurred: As a result of Ch. 253, Acts of 2017.

Article – General Provisions

5–209.

(c) Notwithstanding any other provision of this title, the records of the Ethics Commission in any matter in which an exemption is granted under this [section] **TITLE** shall be available for public inspection.

DRAFTER'S NOTE:

Error: Erroneous reference in § 5–209(c) of the General Provisions Article.

Occurred: Ch. 94, § 2, Acts of 2014, which revised without substantive change the Maryland Public Ethics Law codified under Title 5 of the General Provisions Article (GP). GP, § 5–209 authorizes the State Ethics Commission to exempt from the Maryland Public Ethics Law a board, board member, or municipality after making specified findings. Other provisions of GP, Title 5 authorize the Commission to grant various other exemptions from the Public Ethics Law (see, e.g., GP, § 5–502(d), authorizing the Commission to grant public officials or employees of the Executive Branch an exemption from certain employment restrictions if it makes specified determinations).

Under GP, § 5–209(c), records of an exemption granted by the Commission to a board, board member, or municipality are subject to public inspection. This public inspection requirement does not expressly apply to other exemptions that the Commission may grant. Under the source law for GP, § 5–209(c) (former § 15–209 of the State Government Article), however, the public inspection requirement applied to “an exemption ... granted under this title [former Title 15 of the State Government Article, the Public Ethics Law]” and was interpreted by the Commission to apply to all exemptions granted by the Commission. Section 4 of Chapter 94 of 2014 stated expressly that “... this Act shall be construed as a nonsubstantive revision, and may not otherwise be construed to render any substantive change in the law of the State”. As a result, the application of the public inspection requirement under GP, § 5–209(c) is amended to apply to all exemptions granted by the Commission under the Public Ethics Law, to be consistent with Commission interpretation of the Public Ethics Law before enactment of Chapter 94 of 2014 and to conform to current and past practice.

5–505.

(a) (2) An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist described in [§ 5–701(a)(1)] **§ 5–702(A)(1)** of this title.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 5–505(a)(2) of the General Provisions Article.

Occurred: As a result of Ch. 94, § 2, Acts of 2014, which added a new § 5–701 to the General Provisions Article that resulted in the renumbering of the succeeding sections.

5–514.

(b) (3) The Joint Ethics Committee may adopt procedures to keep confidential the name of the person represented in a report filed under [subsection (b)(1)(i) of this section] **PARAGRAPH (1)(I) OF THIS SUBSECTION** if that information is privileged or confidential under any law governing proceedings before that State or local government agency.

DRAFTER'S NOTE:

Error: Stylistic error in § 5–514(b)(3) of the General Provisions Article.

Occurred: Ch. 94, § 2, Acts of 2014.

Article – Health – General

5–621.

The Secretary may adopt regulations to ensure the efficient operation of the **ADVANCE DIRECTIVE** Program.

DRAFTER'S NOTE:

Error: Stylistic error in § 5–621 of the Health – General Article.

Occurred: Ch. 510, Acts of 2016.

13–1007.

(b) Subject to subsections (c) through (e) of this section and §§ 13–1008 through 13–1012 of this subtitle, the Department shall distribute a Local Public Health Tobacco Grant to each county that is equal to the sum of:

(2) The product of:

(ii) The number of individuals in the county [under the age of 18 years] **ATTENDING MIDDLE SCHOOL OR HIGH SCHOOL** who smoke or otherwise use tobacco products divided by the number of individuals in the State [under the age of 18 years] **ATTENDING MIDDLE SCHOOL OR HIGH SCHOOL** who smoke or otherwise use tobacco products; and

DRAFTER'S NOTE:

Error: Inconsistent language in § 13–1007(b)(2)(ii) of the Health – General Article.

Occurred: As a result of Ch. 139, Acts of 2017.

13–1008.

(c) A Comprehensive Plan for Tobacco Use Prevention and Cessation shall:

(8) Describe how the Plan will help to reduce tobacco use among women, minority individuals, and individuals [under the age of 18 years] **ATTENDING MIDDLE SCHOOL OR HIGH SCHOOL**, with particular emphasis on how the Plan seeks to address the relevant findings and recommendations of the Task Force Report;

DRAFTER’S NOTE:

Error: Inconsistent language in § 13–1008(c)(8) of the Health – General Article.

Occurred: As a result of Ch. 139, Acts of 2017.

16–201.3.

(d) (2) If the Behavioral Health Administration does not implement the payment system required under subsection (e) of this section for use in fiscal year 2021, the Governor’s proposed budget for fiscal year 2021 shall include a 3% rate increase for community providers over the funding provided in the legislative appropriation for the immediately preceding fiscal year for each of the following:

(i) Object 08 Contractual Services in Program [M00Q01.01] **M00Q01.10** Medicaid Behavioral Health Provider Reimbursement – Medical Care Programs Administration;

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 16–201.3(d)(2)(i) of the Health – General Article.

Occurred: Chs. 571 and 572, § 2, Acts of 2017.

(h) (3) The Department may require a community provider to submit, in the form and manner required by the Department, information that the Department considers necessary for completion of the report required under paragraph [(1)] **(2)** of this subsection.

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 16–201.3(h)(3) of the Health – General Article.

Occurred: Chs. 571 and 572, § 2, Acts of 2017.

19–347.

(d) (1) Unless otherwise provided, the law enforcement agency, with the assistance of the Secretary, shall:

(ii) Attempt to [insure] **ENSURE** the protection of the alleged victim.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 19–347(d)(1)(ii) of the Health – General Article.

Occurred: Ch. 21, § 2, Acts of 1982.

20–1004.

The Office shall:

(21) Work collaboratively with the **GOVERNOR’S** Office of Small, Minority, and Women Business Affairs as the Office determines necessary; and

DRAFTER’S NOTE:

Error: Omitted word in § 20–1004(21) of the Health – General Article.

Occurred: Chs. 633 and 634, Acts of 2017.

24–307.

(c) (3) A conviction for a violation of this section precludes a proceeding for a civil penalty under [§ 24–307 of the Health – General Article] **§ 10–107 OF THE CRIMINAL LAW ARTICLE** arising out of the same violation.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 24–307(c)(3) of the Health – General Article.

Occurred: Ch. 773, Acts of 2017.

Article – Health Occupations

1–301.

(c) (2) “Compensation arrangement” does not include:

(viii) Payments made for the sale of property or a health care practice if the payments are:

3. [The remuneration is provided] **PROVIDED** in accordance with an agreement that would be commercially reasonable even if no referrals were made.

DRAFTER'S NOTE:

Error: Extraneous language in § 1–301(c)(2)(viii)3 of the Health Occupations Article.

Occurred: Ch. 229, Acts of 2000.

1–302.

(e) A health care practitioner exempted from the provisions of this section in accordance with subsection (d) **OF THIS SECTION** shall be subject to the disclosure provisions of § 1–303 of this subtitle.

DRAFTER'S NOTE:

Error: Stylistic error in § 1–302(e) of the Health Occupations Article.

Occurred: Ch. 376, § 2, Acts of 1993.

2–202.

(c) [The] **A** consumer [members] **MEMBER** of the Board:

(1) Shall be a member of the general public;

(2) May not be or ever have been an audiologist, hearing aid dispenser, speech–language pathologist, or speech–language pathology assistant, or in training to become an audiologist, hearing aid dispenser, speech–language pathologist, or speech–language pathology assistant;

(3) May not have a household member who is an audiologist, hearing aid dispenser, or speech–language pathologist or in training to become an audiologist, hearing aid dispenser, or speech–language pathologist;

(4) May not participate or ever have participated in a commercial or professional field related to audiology, hearing aid dispensing, or speech–language pathology;

(5) May not have a household member who participates in a commercial or professional field related to audiology, hearing aid dispensing, or speech–language pathology; and

(6) May not have had within 2 years before appointment a substantial

financial interest in a person regulated by the Board.

DRAFTER’S NOTE:

Error: Grammatical error in § 2–202(c) of the Health Occupations Article.

Occurred: Ch. 326, § 3, Acts of 1992.

4–101.

(h) (2) “License” includes, unless the context requires otherwise:

(xi) A temporary **VOLUNTEER** dental hygienist’s license to practice dental hygiene.

DRAFTER’S NOTE:

Error: Omitted word in § 4–101(h)(2)(xi) of the Health Occupations Article.

Occurred: Chs. 496 and 497, Acts of 2011.

Article – Human Services

3–101.

(f) “Local governing authority” means:

(2) in references to purely legislative authority:

(iii) the City Council of Baltimore City; **OR**

DRAFTER’S NOTE:

Error: Omitted conjunction in § 3–101(f)(2)(iii) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

9–312.

(c) The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the Compact, its duly promulgated rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable [attorneys’] **ATTORNEY’S** fees.

DRAFTER'S NOTE:

Error: Grammatical error in § 9–312(c) of the Human Services Article.

Occurred: Ch. 500, § 2, Acts of 2007.

9–406.

(c) The State is entitled to recover the sum of:

(2) all costs and reasonable [attorneys'] ATTORNEY'S fees incurred in the recovery proceedings.

DRAFTER'S NOTE:

Error: Grammatical error in § 9–406(c)(2) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

9–407.

(b) (2) The temporary lien shall be in the amount of the State's claim, plus any additional amount estimated to be necessary to cover the costs and reasonable [attorneys'] ATTORNEY'S fees incurred by the State, or another amount that the court determines is reasonable.

DRAFTER'S NOTE:

Error: Grammatical error in § 9–407(b)(2) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

10–413.

(a) (2) A renewal application shall contain:

(iv) a cash flow projection for the current fiscal year and the next [two] 2 fiscal years;

DRAFTER'S NOTE:

Error: Stylistic error in § 10–413(a)(2)(iv) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

10–445.

(b) The provider shall maintain the continuing care agreement at the facility and make it available for inspection by the Maryland Department of Health under Title 19, Subtitle 18[, of the Health – General Article] and Title 10, Subtitle 3 of the Health – General Article.

DRAFTER’S NOTE:

Error: Stylistic error in § 10–445(b) of the Human Services Article.

Occurred: Ch. 750, Acts of 2009.

10–507.

(b) The State is entitled to recover the sum of:

(2) costs, including reasonable [attorneys’] **ATTORNEY’S** fees that the State incurs in recovery proceedings.

DRAFTER’S NOTE:

Error: Grammatical error in § 10–507(b)(2) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

10–508.

(b) (2) The temporary lien shall be in the amount of the State’s claim, plus any additional amount estimated to be necessary to cover the costs and reasonable [attorneys’] **ATTORNEY’S** fees incurred by the State, or another amount that the court determines is reasonable.

DRAFTER’S NOTE:

Error: Grammatical error in § 10–508(b)(2) of the Human Services Article.

Occurred: Ch. 3, § 2, Acts of 2007.

Article – Insurance

4–303.

(b) If a domestic insurer files an RBC report that, in the judgment of the [Commissioner] **COMMISSIONER**, is inaccurate, the Commissioner shall:

(1) adjust the RBC report to correct the inaccuracy; and

(2) notify the insurer of the adjustment, including a statement of the reason for the adjustment.

DRAFTER'S NOTE:

Error: Omitted comma in § 4–303(b) of the Insurance Article.

Occurred: Ch. 339, Acts of 1995.

5–306.

(e) (1) (iii) “Plan Type B” means a plan type under which:

2. at the end of **THE** interest rate guarantee, the policyholder may withdraw funds without the adjustment required by item 1A of this subparagraph in a single sum or installments over less than 5 years.

DRAFTER'S NOTE:

Error: Omitted article in § 5–306(e)(1)(iii)2 of the Insurance Article.

Occurred: Ch. 36, Acts of 1995.

8–419.

(a) A society may amend **THE SOCIETY'S LAWS**, in accordance with [their] **THE** provisions[, its laws] **OF THOSE LAWS**, by:

(1) action of its supreme legislative or governing body at a regular or special meeting of the body; or

(2) referendum.

DRAFTER'S NOTE:

Error: Stylistic errors in § 8–419(a) of the Insurance Article.

Occurred: As result of Ch. 183, Acts of 1997.

9–414.

(g) (3) (ii) A person that was an affiliate that controlled the insurer when the distributions described under paragraph (1) of this subsection were [declared,] **DECLARED** is liable up to the amount of distributions the person would have received if

[they] **THE DISTRIBUTIONS** had been paid immediately.

DRAFTER'S NOTE:

Error: Extraneous comma and stylistic error in § 9–414(g)(3)(ii) of the Insurance Article.

Occurred: Ch. 11, Acts of 1996.

10–108.

(d) Before taking a written examination, an individual applicant shall:

(1) (ii) submit to the Commissioner at the time of the examination an affidavit from the employer of the applicant stating facts that show compliance with the applicable requirements of [§ 10–104(f)(2) or (3)] **§ 10–104(H)(2) OR (3)** of this subtitle, if the applicant qualifies by meeting the experience requirements of [§ 10–104(f)(2) or (3)] **§ 10–104(H)(2) OR (3)** of this subtitle; and

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 10–108(d)(1)(ii) of the Insurance Article.

Occurred: As a result of Ch. 731, Acts of 2001, which renumbered § 10–104(e) of the Insurance Article to be § 10–104(h), and erroneous correction by the publisher in the 2017 Supplement to the Insurance Article under Ch. 62, § 6, Acts of 2017, in which the cross–reference was changed from § 10–104(e)(2) or (3) of the Insurance Article to § 10–104(f)(2) or (3).

10–111.

(b) An applicant who has experience in the armed forces of the United States and qualifies under [§ 10–104(f)(3)] **§ 10–104(H)(3)** of this subtitle must file an application within 1 year after the date of discharge from the armed forces.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 10–111(b) of the Insurance Article.

Occurred: As a result of Ch. 731, Acts of 2001, which renumbered § 10–104(e) of the Insurance Article to § 10–104(h), and erroneous correction by the publisher in the 2017 Supplement to the Insurance Article under Ch. 62, § 6, Acts of 2017, in which the cross–reference was changed from § 10–104(e)(3) of the Insurance Article to § 10–104(f)(3).

10–118.

(i) (1) This subsection applies only to any document, material, or other information in the control or possession of the Insurance Administration that is:

(ii) otherwise obtained by the [Insurance] Commissioner in an investigation under this section.

DRAFTER'S NOTE:

Error: Extraneous language in § 10–118(i)(1)(ii) of the Insurance Article.

Occurred: Ch. 731, Acts of 2001.

15–121.

(a) (6) (ii) “Provider” includes:

6. a professional office; [or] AND

DRAFTER'S NOTE:

Error: Stylistic error in § 15–121(a)(6)(ii)6 of the Insurance Article.

Occurred: Ch. 145, Acts of 1997.

15–123.

(a) (7) (ii) “Provider” includes:

6. a professional office; [or] AND

DRAFTER'S NOTE:

Error: Stylistic error in § 15–123(a)(7)(ii)6 of the Insurance Article.

Occurred: Ch. 332, Acts of 1997.

15–1212.

(b) Changes in benefits made in accordance with federal or State requirements are not subject to the plus or minus 2 percentage points referenced in [subsection (a)(4)(ii)5 of this section] **45 C.F.R. § 147.106(E)(3)(V)**.

DRAFTER'S NOTE:

Error: Obsolete cross–reference in § 15–1212(b) of the Insurance Article.

Occurred: As a result of Ch. 720, Acts of 2017.

15–1309.

(b) Changes in benefits made to comply with federal or State requirements are not subject to the plus or minus 2 percentage points referenced in [subsection (a)(4)(ii)5 of this section] **45 C.F.R. § 147.106(E)(3)(V)**.

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 15–1309(b) of the Insurance Article.

Occurred: As a result of Ch. 720, Acts of 2017.

15–1402.

(b) [Except as provided in § 15–1403 of this subtitle, this] **THIS** subtitle does not apply to policies issued under Subtitle 12 of this title.

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 15–1402(b) of the Insurance Article.

Occurred: As a result of Ch. 363, Acts of 2015.

19–112.

(a) The Commissioner may request by bulletin from a property and casualty [insurer,] **INSURER** data that relates to policies written by the insurer.

DRAFTER'S NOTE:

Error: Extraneous comma in § 19–112(a) of the Insurance Article.

Occurred: Ch. 693, Acts of 2000.

19–804.

(c) (2) Any disbursements from the Rate Stabilization Account to a medical professional liability insurer that [is] **ARE** not used to provide a rate reduction, credit, or refund to a health care provider shall be returned to the State Treasurer for reversion to the Fund.

DRAFTER'S NOTE:

Error: Grammatical error in § 19–804(c)(2) of the Insurance Article.

Occurred: Ch. 1, Acts of 2005.

24–211.

(a) **(1)** Not later than June 30 of each year, the Society shall report to the Commissioner and to the General Assembly:

[(1)] **(I)** salaries and other compensation paid to officers, executives, and directors for the preceding calendar year;

[(2)] **(II)** A summary and detailed financial statement for the four preceding calendar years indicating amounts for and changes in:

[(i)] **1.** insurance reserves and losses;

[(ii)] **2.** assets and liabilities;

[(iii)] **3.** income and expenses; and

[(iv)] **4.** return on invested surplus; and

[(3)] **(III)** management’s evaluation of the financial position of the Society [which].

(2) THE EVALUATION UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION shall include an analysis indicating whether sufficient resources exist to justify providing a dividend or similar distribution to members in the current year and, if not, how the current circumstances vary from prior years in which such distributions have been made.

DRAFTER’S NOTE:

Error: Tabulation error and omitted article in § 24–211(a) of the Insurance Article.

Occurred: Ch. 5, Acts of the Special Session of 2004.

31–113.

(q) Nothing in this section shall prohibit a community–based organization or a unit of State or local government from providing the consumer assistance services described in subsection (c) of this section that are not required to be provided by an Individual Exchange navigator, if the entity providing the services and its employees do not:

(3) identify themselves to the public as [an] Individual Exchange connector

entities or Individual Exchange navigators.

DRAFTER'S NOTE:

Error: Extraneous article in § 31–113(q)(3) of the Insurance Article.

Occurred: Ch. 152, § 3, Acts of 2012.

Article – Labor and Employment

3–413.

(b) Except as provided in subsection (d) of this section and § 3–414 of this subtitle, each employer shall pay:

(2) **TO** each other employee who is subject to this subtitle, at least:

(i) the greater of:

1. the highest minimum wage under the federal Act; or

2. the State minimum wage rate set under subsection (c) of

this section; or

(ii) a training wage under regulations that the Commissioner adopts that include the conditions and limitations authorized under the federal Fair Labor Standards Amendments of 1989.

DRAFTER'S NOTE:

Error: Grammatical error in § 3–413(b)(2) of the Labor and Employment Article.

Occurred: Ch. 22, Acts of 1992.

8–617.

(f) [(1)] In accordance with regulations adopted to carry out this title, the Secretary shall notify each not for profit organization of any determination that the Secretary makes about:

[(i)] (1) its status as an employing unit; or

[(ii)] (2) the effective date of an election or termination of election.

DRAFTER'S NOTE:

Error: Stylistic error in § 8–617(f) of the Labor and Employment Article.

Occurred: Ch. 8, § 2, Acts of 1991. Correction by the publisher of the Annotated Code in the 2017 Supplement of the Labor and Employment Article is ratified by this Act.

8–806.

(e) (1) A determination is final as to a claimant and an employer who is entitled to notice of the determination unless:

(ii) after the time for an appeal on an initial determination has passed, the Secretary [may make] **MAKES** a redetermination under subsection (f) of this section.

DRAFTER'S NOTE:

Error: Grammatical error in § 8–806(e)(1)(ii) of the Labor and Employment Article.

Occurred: Ch. 8, § 2, Acts of 1991.

9–234.

(b) An individual who is a covered employee under subsection (h)(2), (k), (n), (o)(2), (p)(1)(ii), [(r)(3),] **(R)(2)**, (v), or (x)(1) of this section continues to be a covered employee while:

(1) accompanying an accident or fire victim who is being transported to a hospital in a helicopter; and

(2) returning to the home station of the individual after accompanying a victim under item (1) of this subsection.

DRAFTER'S NOTE:

Error: Obsolete cross–reference in § 9–234(b) of the Labor and Employment Article.

Occurred: As a result of Ch. 36, Acts of 2008. Correction suggested by the Office of the Attorney General, Counsel to the General Assembly in a memorandum dated September 15, 2017.

11–902.

(b) (2) The regulations adopted by the Council shall:

(ii) apply only to any inmate who:

4. does not possess a General Educational Development (GED) diploma or a verified high school diploma; **AND**

(iii) require any inmate who is not exempted under item (ii)3 of this paragraph to participate in:

2. a workforce skills training program[; and].

[(iv)] (3) [the] THE Division of Correction shall report to the Parole Commission the academic progress of an inmate in the mandatory education program.

DRAFTER'S NOTE:

Error: Incorrect tabulation in § 11-902(b)(2)(iv) of the Labor and Employment Article.

Occurred: Ch. 134, Acts of 2008.

Article – Natural Resources

4-701.

(k) (4) (i) On the death of a licensee, the Department shall review and may approve the permanent transfer of a license or authorization to the person indicated on the beneficiary form submitted by the deceased licensee at the time of issuance **[on] OF** the license.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4-701(k)(4)(i) of the Natural Resources Article.

Occurred: Ch. 435, Acts of 2012.

5-101.

(f) “Forest stewardship plan” means a document written by a professional forester who is licensed under Title 7, Subtitle 3 of the Business Occupations and Professions Article, regarding a parcel of land **[comprised of] COMPRISING** not less than 5 contiguous forested acres that lists activities that enhance or improve forest resources, including soil, water, timber, recreation, and aesthetics over a 15-year period.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 5-101(f) of the Natural Resources Article.

Occurred: Ch. 175, Acts of 2009.

8–403.

(a) (1) There is a Scenic and Wild Rivers Review Board. The Board consists of the Secretaries of Natural Resources, Agriculture, [and] the [Environment] **ENVIRONMENT**, and [the Director of Planning] **PLANNING**, and a member of the Garrett County Commissioners, who shall be a voting member of the Board only on matters pertaining to the wild portion of the Youghiogheny River.

DRAFTER’S NOTE:

Error: Stylistic error and misnomer in § 8–403(a)(1) of the Natural Resources Article.

Occurred: As a result of Ch. 209, Acts of 2000, which renamed the Office of Planning to be the Department of Planning and specified that the head of the department is the Secretary of Planning.

Article – Public Safety

3–511.

On or before January 1, 2016, the Maryland Police Training **AND STANDARDS** Commission shall develop and publish online a policy for the issuance and use of a body–worn camera by a law enforcement officer that addresses:

- (1) the testing of body–worn cameras to ensure adequate functioning;
- (2) the procedure for the law enforcement officer to follow if the camera fails to properly operate at the beginning of or during the law enforcement officer’s shift;
- (3) when recording is mandatory;
- (4) when recording is prohibited;
- (5) when recording is discretionary;
- (6) when recording may require consent of a subject being recorded;
- (7) when a recording may be ended;
- (8) providing notice of recording;
- (9) access to and confidentiality of recordings;
- (10) the secure storage of data from a body–worn camera;

- (11) review and use of recordings;
- (12) retention of recordings;
- (13) dissemination and release of recordings;
- (14) consequences for violations of the agency’s body–worn camera policy;
- (15) notification requirements when another individual becomes a party to the communication following the initial notification;
- (16) specific protections for individuals when there is an expectation of privacy in private or public places; and
- (17) any additional issues determined to be relevant in the implementation and use of body–worn cameras by law enforcement officers.

DRAFTER’S NOTE:

Error: Misnomer in § 3–511 of the Public Safety Article.

Occurred: Chs. 128 and 129, Acts of 2015.

3–512.

(a) On or before February 1 of each year, the Police Commissioner of Baltimore City shall report the following information concerning the Baltimore Police Department to the Mayor and City Council of Baltimore and, in accordance with § 2–1246 of the State Government Article, the members of the Baltimore City Delegation to the General Assembly for the previous calendar year:

- (3) the number of sworn female police officers in the Department; [and]

DRAFTER’S NOTE:

Error: Extraneous conjunction in § 3–512(a)(3) of the Public Safety Article.

Occurred: Ch. 599, Acts of 2017.

Article – Real Property

11B–111.1.

(a) (3) “Family child care home” means a unit registered under [Title 5, Subtitle 5 of the Family Law Article] **TITLE 9.5, SUBTITLE 3 OF THE EDUCATION ARTICLE.**

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 11B-111.1(a)(3) of the Real Property Article.

Occurred: As a result of Ch. 185, § 2, Acts of 2016, which transferred provisions relating to early childhood development from the Family Law Article to the Education Article.

14-125.1.

(d) (3) (iv) 1. In addition to any service of process required by the Maryland Rules, the plaintiff shall cause to be posted in a conspicuous place on the property no later than 48 hours before the hearing the notice required under [sub-subparagraph] **SUBSUBPARAGRAPH 2** of this subparagraph.

DRAFTER'S NOTE:

Error: Extraneous hyphen in § 14-125.1(d)(3)(iv)1 of the Real Property Article.

Occurred: Ch. 553, Acts of 2001.

Article – State Finance and Procurement

7-311.

(e) (2) At the end of fiscal year 2020 and each fiscal year thereafter, if the amount of nonwithholding income tax revenues exceeds the capped estimate determined under § 6-104(e) of this article, the State Comptroller shall distribute funds as provided in § 7-329(c) and [(d)(1)] **(D)** of this subtitle.

DRAFTER'S NOTE:

Error: Incorrect cross-reference in § 7-311(e)(2) of the State Finance and Procurement Article.

Occurred: Chs. 4 and 550, Acts of 2017. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 503 (Ch. 4) and H.B. 1109 (Ch. 5) of 2017 (footnote 1), dated March 31, 2017.

13-212.1.

(b) For purposes of subsection (a) of this section, assisting in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement does not include:

(3) providing specifications for a sole source procurement made in accordance with § 13–107 of this [article] **TITLE**;

DRAFTER’S NOTE:

Error: Stylistic error in § 13–212.1(b)(3) of the State Finance and Procurement Article.

Occurred: Ch. 271, Acts of 2015.

Article – State Government

2–706.

(b) (1) The Committee shall maintain the statements filed by members of the General Assembly under [Title 15, Subtitle 5 of this article] **TITLE 5, SUBTITLE 5 OF THE GENERAL PROVISIONS ARTICLE** and, during normal office hours, make the statements available to the public for examination and copying.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 2–706(b)(1) of the State Government Article.

Occurred: As a result of Ch. 94, Acts of 2014, which repealed the title “Title 15. Public Ethics” of the State Government Article and enacted the new title “Title 5. Maryland Public Ethics Law” of the General Provisions Article.

2–709.

(b) The Counsel:

(4) shall meet individually with each member of the General Assembly each year to:

(ii) assist the member in preparing statements and reports required to be filed with the Committee under [Title 15, Subtitle 5, Part II of this article] **TITLE 5, SUBTITLE 5, PART II OF THE GENERAL PROVISIONS ARTICLE**; and

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 2–709(b)(4)(ii) of the State Government Article.

Occurred: As a result of Ch. 94, Acts of 2014, which repealed the title “Title 15. Public Ethics” of the State Government Article and enacted the new title “Title 5. Maryland Public Ethics Law” of the General Provisions Article.

6.5–101.

- (i) “Public assets” [include] **INCLUDES**:
- (1) assets held for the benefit of the public or the community;
 - (2) assets in which the public has an ownership interest; and
 - (3) assets owned by a governmental entity.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 6.5–101(i) of the State Government Article.

Occurred: Chs. 123 and 124, Acts of 1998.

9–1A–04.

(d) The Commission shall adopt regulations that include the following specific provisions in accordance with this subtitle:

(11) providing for minimum uniform standards of accountancy methods, procedures, and forms as are necessary to [assure] **ENSURE** consistency, comparability, and effective disclosure of all financial information, including percentages of profit for video lottery terminals and table games;

DRAFTER’S NOTE:

Error: Incorrect word usage in § 9–1A–04(d)(11) of the State Government Article.

Occurred: Ch. 4, Acts of the Special Session of 2007.

9–1A–36.

(l) (1) If an applicant is seeking investors in the entity applying for a video lottery operation license, it shall take the following steps before being awarded a license by the Video Lottery Facility Location Commission:

(i) make serious, good–faith efforts to solicit and interview a reasonable number of minority investors; **AND**

(ii) as part of the application, submit a statement that lists the names and addresses of all minority investors interviewed and whether or not any of those investors have purchased an equity share in the entity submitting an [application; and] **APPLICATION.**

[(iii)] (2) **[if] IF** an applicant is awarded a license by the Video Lottery Facility Location Commission, the applicant shall sign a memorandum of understanding with the Video Lottery Facility Location Commission that requires the awardee to again make serious, good-faith efforts to interview minority investors in any future attempts to raise venture capital or attract new investors to the entity awarded the license.

[(2)] (3) The Governor's Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority investors to satisfy the requirements under **[paragraph] PARAGRAPHS (1)(i) and [(iii)] (2)** of this subsection.

DRAFTER'S NOTE:

Error: Tabulation error in § 9-1A-36(l) of the State Government Article.

Occurred: Ch. 1, Acts of the Second Special Session of 2012.

9-957.

(e) (1) A nonprofit training entity may disqualify a Program participant from participation in the Program if the nonprofit training entity determines that the Program participant's involvement in the Program:

(i) presents a danger to the Program participant's mental or physical **[wellbeing] WELL-BEING**;

DRAFTER'S NOTE:

Error: Omitted hyphen in § 9-957(e)(1)(i) of the State Government Article.

Occurred: Ch. 416, Acts of 2017.

9-3001.

(g) On or before December 31, 2014, and annually thereafter for the following 5 years, the Commission shall report its activities, findings, and recommendations to the Governor and, in accordance with § 2-1246 of **[the State Government Article] THIS ARTICLE**, the General Assembly.

DRAFTER'S NOTE:

Error: Incorrect internal reference in § 9-3001(g) of the State Government Article.

Occurred: Ch. 603, Acts of 2013.

Article – State Personnel and Pensions

27–403.

(c) (3) (iv) If more than one surviving child is disabled, as defined under § 72(m)(7) of the Internal Revenue Code, the allowance payable under subparagraph [(ii)] **(III)** of this paragraph shall be divided equally among the disabled children.

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 27–403(c)(3)(iv) of the State Personnel and Pensions Article.

Occurred: Chs. 277 and 278, Acts of 2017.

31–102.

Subject to [§§ 22–202(b) and 31–109 of this article,] **§ 22–202(B) OF THIS ARTICLE AND § 31–109 OF THIS SUBTITLE**, the governmental units that are eligible to participate in the employees’ systems are:

- (1) a political subdivision of the State, including:
 - (i) a county;
 - (ii) a municipal corporation; and
 - (iii) a special taxing area; and
- (2) the following governmental units:
 - (i) an agency on aging, as designated by the legislative body of the agency on aging;
 - (ii) the Allegany County Transit Authority;
 - (iii) subject to § 31–104 of this subtitle, the Baltimore Metropolitan Council;
 - (iv) a board or commission created by an Act of the General Assembly for public purpose and not for the profit of a private person;
 - (v) subject to § 31–105 of this subtitle, the Canal Place Preservation and Development Authority;

- (vi) the Chesapeake Bay Commission;
- (vii) a cooperative library commission;
- (viii) subject to § 31–103 of this subtitle, a community action agency, as designated by the legislative body of the community action agency;
- (ix) a fire department that receives any of its funds from or through a county, municipal corporation, special taxing area, or other political subdivision of the State;
- (x) the Health Planning Council of Appalachia;
- (xi) the Howard County Economic Development Authority;
- (xii) the Interstate Commission on the Potomac River Basin;
- (xiii) the Lower Shore Private Industry Council, Inc.;
- (xiv) the Maryland Environmental Service;
- (xv) subject to § 31–106 of this subtitle, the Maryland Stadium Authority;
- (xvi) a public library association or organization;
- (xvii) subject to § 31–106.2 of this subtitle, the St. Mary’s Nursing Center, Inc.;
- (xviii) the Tri–County Council for Western Maryland, Inc.;
- (xix) the Tri–County Council for Southern Maryland;
- (xx) subject to § 31–107 of this subtitle, the University of Maryland Medical System Corporation;
- (xxi) the Upper Potomac River Commission;
- (xxii) subject to § 31–106.1 of this subtitle, the Maryland African American Museum Corporation;
- (xxiii) the Garrett County Office for Children, Youth and Families;
- (xxiv) the Somerset County Economic Development Commission; and
- (xxv) the Dorchester County Sanitary Commission.

DRAFTER'S NOTE:

Error: Stylistic error in § 31–102 of the State Personnel and Pensions Article.

Occurred: Chs. 271 and 272, Acts of 2017.

Article – Tax – General

2–107.

(a) Authorized employees of the Field Enforcement Bureau of the Comptroller's Office:

(2) have all the powers, duties, and responsibilities of a peace officer for the purpose of enforcing the laws pertaining to:

(ix) transient vendors within the meaning of **TITLE 17**, Subtitle 20A [of Title 17] of the Business Regulation Article.

DRAFTER'S NOTE:

Error: Stylistic error in § 2–107(a)(2)(ix) of the Tax – General Article.

Occurred: Ch. 597, Acts of 1996.

10–205.

(h) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Account holder” means an account holder as defined in § 18–1901, § 18–19A–01, or § 18–19B–01 of the Education Article.

[(iii) “Qualified designated beneficiary” means a qualified designated beneficiary as defined in § 18–19A–01 or § 18–19B–01 of the Education Article.]

[(iv)] **(III)** “Qualified beneficiary” has the meaning stated in § 18–1901 of the Education Article.

(IV) “QUALIFIED DESIGNATED BENEFICIARY” MEANS A QUALIFIED DESIGNATED BENEFICIARY AS DEFINED IN § 18–19A–01 OR § 18–19B–01 OF THE EDUCATION ARTICLE.

(v) “Qualified higher education expenses” has the meaning stated in

§ 529 of the Internal Revenue Code.

DRAFTER'S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 10–205(h)(1) of the Tax – General Article.

Occurred: Ch. 5, Acts of 2007.

11–411.

(d) (4) (i) Except as otherwise provided in this [subparagraph] **PARAGRAPH**, for any fiscal year, the Department may not issue sales and use tax refunds in amounts in the aggregate totaling more than \$1,000,000 in a fiscal year.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 11–411(d)(4)(i) of the Tax – General Article.

Occurred: Ch. 149, Acts of 2017.

13–203.

(c) Tax information may be disclosed to:

(7) a federal official as defined in § 13–930 of this title to the extent necessary to administer **SUBTITLE 9**, Part VI of this [subtitle] **TITLE**;

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 13–203(c)(7) of the Tax – General Article.

Occurred: Ch. 577, Acts of 2006.

Article – Tax – Property

9–210.

(c) A county or municipal corporation may provide, by law, for:

(2) any additional limitation to the number of years the dwelling was acquired within the date of [being adjudged to be disabled or of death] **AN ADJUDICATION OF DISABILITY OR DEATH**; and

DRAFTER'S NOTE:

Error: Grammatical error in § 9–210(c)(2) of the Tax – Property Article.

Occurred: Chs. 173 and 174, Acts of 2017.

9–258.

(a) (2) “Dwelling” has the meaning stated in § 9–105 of this [title:] **TITLE**.

DRAFTER’S NOTE:

Error: Incorrect punctuation in § 9–258(a)(2) of the Tax – Property Article.

Occurred: Ch. 498, Acts of 2016.

Article – Transportation

7–208.

(b–1) Subject to § 7–506 of this title, the Administration:

(1) Subject to [paragraphs] **ITEMS** (2), (3), (4), (5), and (6) of this subsection, shall set the fare prices and collect other operating revenues in accordance with this section;

(2) Beginning in fiscal year 2015, shall:

(i) On a biennial basis, increase base fare prices and the cost of multiuse passes to the nearest 10 cents for all transit services except those services listed in [subparagraph] **ITEM** (ii) of this [paragraph] **ITEM** by the same percentage as the biennial increase in the Consumer Price Index for all urban consumers, as determined from January 1, 2012, to December 31, 2013, and each subsequent 2–year period for which the amount is being calculated;

(4) May not increase fares for all transit services except those services listed in [paragraph] **ITEM** (2)(ii) of this subsection by more than the amount required under [paragraph] **ITEM** (2)(i) of this subsection;

(5) May not increase fares under [paragraph] **ITEM** (2)(i) and (ii)1 of this subsection if there is a decline or no growth in the Consumer Price Index; and

(6) Shall include the amount of any increase in fares that would have occurred previously in the absence of rounding to the nearest 10 cents or nearest dollar when calculating fare increases for subsequent periods under [paragraph] **ITEM** (2)(i) and (ii)1 of this subsection.

DRAFTER'S NOTE:

Error: Stylistic errors in § 7–208(b–1) of the Transportation Article.

Occurred: Ch. 429, § 3, Acts of 2013.

8–402.

(b) All revenues collected from the following, after deductions provided by law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

(3) Except for revenues collected under [Parts III and IV of Title 13, Subtitle 9] **TITLE 13, SUBTITLE 9, PARTS III AND IV** of this article, vehicle registration fees;

DRAFTER'S NOTE:

Error: Stylistic error in § 8–402(b)(3) of the Transportation Article.

Occurred: Ch. 2, Acts of the First Special Session of 1991.

13–616.

(a) (3) “Licensed chiropractor” means a chiropractor who is licensed by the State Board of Chiropractic [and Massage Therapy] Examiners to practice chiropractic or chiropractic with the right to practice physical therapy as described in § 3–301 of the Health Occupations Article.

DRAFTER'S NOTE:

Error: Obsolete language in § 13–616(a)(3) of the Transportation Article.

Occurred: As a result of Ch. 739, Acts of 2016, which established the State Board of Massage Therapy Examiners.

16–303.

(j) (2) Any individual who violates a provision of subsection (h) or [subsection] (i) of this section shall be assessed the points as provided for in § 16–402(a)(14) of this title.

DRAFTER'S NOTE:

Error: Extraneous language in § 16–303(j)(2) of the Transportation Article.

Occurred: Ch. 374, Acts of 1990.

16–404.1.

(d) (1) (i) Notwithstanding subsection (c) of this section, an individual shall be a participant if:

4. The individual’s license is revoked under § 16–205(b) **OF THIS TITLE** or suspended or revoked for an accumulation of points under § 16–402(a)(36) of this [title] **SUBTITLE** for:

A. Homicide by motor vehicle while under the influence of alcohol or alcohol per se, homicide by motor vehicle while impaired by alcohol, or homicide by motor vehicle while impaired by a combination of one or more drugs and alcohol; or

B. Life–threatening injury by motor vehicle while under the influence of alcohol or alcohol per se, life–threatening injury by motor vehicle while impaired by alcohol, or life–threatening injury by motor vehicle while impaired by one or more drugs and alcohol; or

DRAFTER’S NOTE:

Error: Stylistic error in § 16–404.1(d)(1)(i)4 of the Transportation Article.

Occurred: Ch. 62, Acts of 2017.

(g) Subject to [§ 27–107(g)(2)] **§ 21–902.2(G)(2)** of this article, the Administration shall impose a restriction on the individual’s license that prohibits the individual from driving a motor vehicle that is not equipped with an ignition interlock system for the period of time that the individual is required to participate in the Program under this section.

DRAFTER’S NOTE:

Error: Incorrect cross–reference in § 16–404.1(g) of the Transportation Article.

Occurred: As a result of Ch. 55, Acts of 2017, which transferred the provisions of former § 27–107 of the Transportation Article to the new § 21–902.2 of the Transportation Article.

21–406.

(b) (2) (ii) In accordance with Title 12, [Subtitle 12] **SUBTITLE 2** of this article, a licensee may request a hearing on a license suspension imposed under this paragraph.

DRAFTER’S NOTE:

Error: Erroneous cross-reference in § 21–406(b)(2)(ii) of the Transportation Article.

Occurred: Ch. 55, Acts of 2017. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 165 (Ch. 55) of 2017 (footnote 2), dated April 10, 2017.

25–102.

(c) An ordinance or regulation adopted under [items (4),] **SUBSECTION (A)(4)**, (5), (6), (7), or (10) of [subsection (a) of] this section is not effective until a traffic control device giving notice of the local traffic regulations is placed on or at the entrances to the highway or its affected part.

DRAFTER'S NOTE:

Error: Stylistic error in § 25–102(c) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977.

Chapter 445 of the Acts of 1999

[SECTION 2. AND BE IT FURTHER ENACTED, That on or before October 1 of each year, the Office of Crime Control and Prevention shall provide a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, that lists and describes all programs receiving grants from the Maryland Drug and Alcohol Grants Program Fund during the preceding fiscal year.]

DRAFTER'S NOTE:

Error: Obsolete language in Ch. 445, § 2, Acts of 1999.

Occurred: As a result of Ch. 9, Acts of 2017, which repealed §§ 5–1001 and 5–1002 of the Criminal Law Article.

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

Article – Business Occupations and Professions

4–304.

(a) Except as otherwise provided in § 4–304.1 of this subtitle, an applicant is entitled to be examined as provided in this section if the applicant:

(2) pays an examination fee established by the Board in accordance with § 4–303 of this [title] **SUBTITLE** to the Board or the Board's designee.

DRAFTER'S NOTE:

Error: Stylistic error in § 4–304(a)(2) of the Business Occupations and Professions Article.

Occurred: As a result of Ch. 256, Acts of 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, subject to the approval of the Department of Legislative Services, shall make any changes in the text of the Annotated Code necessary to effectuate any termination provision that was enacted by the General Assembly and has taken effect or will take effect prior to October 1, 2018. Any enactment of the 2018 Session of the General Assembly that negates or extends the effect of a previously enacted termination provision shall prevail over the provisions of this section.

SECTION 6. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect contingent on the taking effect of Chapter 256 of the Acts of the General Assembly of 2017, and if Chapter 256 does not take effect, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and, except as provided in Section 7 of this Act, shall take effect from the date it is enacted.

Approved by the Governor, April 5, 2018.