

# Laws of the State of Maryland

At the Session of the General Assembly Begun and Held in the  
City of Annapolis on the Eighth Day of January 2014  
and Ending on the Seventh Day of April 2014

Bills vetoed by the Governor appear after the Laws

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## VOLUME II

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## Chapter 102

(House Bill 658)

AN ACT concerning

### ~~Public Information Act — State Public Information Act Compliance Board — Establishment~~

### Joint Committee on Transparency and Open Government – Study on Appeals Under the Maryland Public Information Act

FOR the purpose of ~~establishing the State Public Information Act Compliance Board; providing for the composition, chair, terms, and meetings of the Board; prohibiting a member of the Board from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Office of the Attorney General to provide staff for the Board; providing for the powers and duties of the Board; authorizing any person to file a certain complaint with the Board; requiring that the complaint contain certain information and be signed by the complainant; requiring the Board to take certain action regarding a complaint; requiring a custodian who receives a complaint from the Board to file a certain response within a certain time period; requiring the Board to maintain the confidentiality of a certain public record; authorizing the Board, under certain circumstances, to hold a certain conference; providing that a certain conference held by the Board is not a contested case; providing that compliance by a custodian with an order of the Board is not a certain admission and may not be used as evidence in a certain proceeding; repealing certain provisions of law related to the administrative review of a decision to deny inspection of a public record; specifying the terms of the initial members of the Board; defining a certain term; and generally relating to the State Public Information Act Compliance Board~~ requiring the Joint Committee on Transparency and Open Government to conduct a study on how to improve the administrative process for resolving appeals under the Maryland Public Information Act; requiring that the study take into consideration certain factors; requiring the Joint Committee to report to certain committees on or before a certain date; providing for the termination of this Act; and generally relating to the Joint Committee on Transparency and Open Government and the Study on Appeals Under the Maryland Public Information Act.

~~BY repealing and reenacting, with amendments,~~

~~Article — General Provisions~~

~~Section 4-101; and the amended part designation “Part VI. Judicial Review” immediately preceding Section 4-361~~

~~Annotated Code of Maryland~~

~~(As enacted by Chapter \_\_\_\_\_ (H.B. 270) of the Acts of the General Assembly of 2014)~~

~~BY adding to~~

~~Article – General Provisions~~

~~Section 4-1A-01 through 4-1A-09 to be under the new subtitle “Subtitle 1A:  
State Public Information Act Compliance Board”~~

~~Annotated Code of Maryland~~

~~(As enacted by Chapter \_\_\_\_\_ (H.B. 270) of the Acts of the General Assembly of  
2014)~~

~~BY repealing~~

~~Article – General Provisions~~

~~Section 4-361~~

~~Annotated Code of Maryland~~

~~(As enacted by Chapter \_\_\_\_\_ (H.B. 270) of the Acts of the General Assembly of  
2014)~~

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

(a) The Joint Committee on Transparency and Open Government, as established under § 2-10A-14 of the State Government Article, shall conduct a study on how to improve the administrative process for resolving appeals under the Maryland Public Information Act.

(b) The study shall take into consideration:

(1) appeals from denials and fees charged under the Act;

(2) the administrative processes used by other states to resolve appeals;

(3) the costs to State government, local government, and the public associated with resolving appeals; and

(4) input from:

(i) the Office of the Attorney General;

(ii) the Maryland–Delaware–DC Press Association;

(iii) representatives of local and State government, including the Maryland Association of Counties and the Maryland Municipal League; and

(iv) other parties that express interest in participating in the study.

(c) On or before January 1, 2015, the Joint Committee shall report its findings and any recommended legislation to the Senate Education, Health, and

Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article.

~~Article — General Provisions~~

~~4-101.~~

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

~~(b) “Applicant” means a person or governmental unit that asks to inspect a public record.~~

~~(c) “BOARD” MEANS THE STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD.~~

~~[(c)] (D) “Custodian” means:~~

~~(1) the official custodian; or~~

~~(2) any other authorized individual who has physical custody and control of a public record.~~

~~[(d)] (E) “Official custodian” means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.~~

~~[(e)] (F) “Person in interest” means:~~

~~(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;~~

~~(2) if the person has a legal disability, the parent or legal representative of the person; or~~

~~(3) as to requests for correction of certificates of death under § 5-310(d)(2) of the Health General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased’s death.~~

~~[(f)] (G) (1) “Personal information” means information that identifies an individual.~~

~~(2) Except as provided in § 4-355 of this title, “personal information” includes an individual’s:~~

~~(i) name;~~

- ~~(ii) address;~~
- ~~(iii) driver's license number or any other identification number;~~
- ~~(iv) medical or disability information;~~
- ~~(v) photograph or computer-generated image;~~
- ~~(vi) Social Security number; and~~
- ~~(vii) telephone number.~~

~~(3) "Personal information" does not include an individual's:~~

- ~~(i) driver's status;~~
- ~~(ii) driving offenses;~~
- ~~(iii) five-digit zip code; or~~
- ~~(iv) information on vehicular accidents.~~

~~[(g)] (H) "Political subdivision" means:~~

- ~~(1) a county;~~
- ~~(2) a municipal corporation;~~
- ~~(3) an unincorporated town;~~
- ~~(4) a school district; or~~
- ~~(5) a special district.~~

~~[(h)] (I) (1) "Public record" means the original or any copy of any documentary material that:~~

~~(i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and~~

~~(ii) is in any form, including:~~

- ~~1. a card;~~
- ~~2. a computerized record;~~

- ~~3. correspondence;~~
- ~~4. a drawing;~~
- ~~5. film or microfilm;~~
- ~~6. a form;~~
- ~~7. a map;~~
- ~~8. a photograph or photostat;~~
- ~~9. a recording; or~~
- ~~10. a tape.~~

~~(2) "Public record" includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision.~~

~~(3) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration.~~

#### ~~SUBTITLE 1A. STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD.~~

##### ~~4-1A-01.~~

#### ~~THERE IS A STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD.~~

##### ~~4-1A-02.~~

~~(A) (1) THE BOARD CONSISTS OF THREE MEMBERS.~~

~~(2) AT LEAST ONE OF THE MEMBERS OF THE BOARD SHALL BE AN ATTORNEY ADMITTED TO THE MARYLAND BAR.~~

~~(3) THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE ADVICE AND CONSENT OF THE SENATE.~~

~~(B) FROM AMONG THE MEMBERS OF THE BOARD, THE GOVERNOR SHALL APPOINT A CHAIR.~~

~~(C) (1) THE TERM OF A MEMBER IS 3 YEARS.~~

~~(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2014.~~

~~(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.~~

~~(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED.~~

~~(5) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE 3-YEAR TERMS.~~

~~4-1A-03.~~

~~(A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD IS A QUORUM.~~

~~(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.~~

~~(C) A MEMBER OF THE BOARD:~~

~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT~~

~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(D) THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE STAFF FOR THE BOARD.~~

~~4-1A-04.~~

~~(A) THE BOARD SHALL:~~

~~(1) RECEIVE, REVIEW, AND, SUBJECT TO § 4-1A-07 OF THIS SUBTITLE, RESOLVE COMPLAINTS FROM ANY PERSON ALLEGING THAT A CUSTODIAN:~~

~~(i) DENIED INSPECTION OF A PUBLIC RECORD IN VIOLATION OF THIS TITLE; OR~~

~~(H) CHARGED AN UNREASONABLE FEE OF MORE THAN \$500 UNDER § 4-206 OF THIS TITLE;~~

~~(2) ISSUE A WRITTEN OPINION AS TO WHETHER A VIOLATION HAS OCCURRED; AND~~

~~(3) ORDER THE CUSTODIAN TO:~~

~~(I) IF THE BOARD FINDS THAT THE CUSTODIAN DENIED INSPECTION OF A PUBLIC RECORD IN VIOLATION OF THIS TITLE, PRODUCE THE PUBLIC RECORD FOR INSPECTION; OR~~

~~(H) IF THE BOARD FINDS THAT THE CUSTODIAN CHARGED AN UNREASONABLE FEE OF MORE THAN \$500 UNDER § 4-206 OF THIS TITLE, REDUCE THE FEE TO AN AMOUNT DETERMINED BY THE BOARD TO BE REASONABLE AND REFUND THE DIFFERENCE.~~

~~(B) THE BOARD SHALL:~~

~~(1) ADOPT REGULATIONS TO CARRY OUT THIS TITLE;~~

~~(2) STUDY ONGOING COMPLIANCE WITH THIS TITLE BY CUSTODIANS; AND~~

~~(3) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR IMPROVEMENTS IN THIS TITLE.~~

~~(C) (1) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE BOARD SHALL SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.~~

~~(2) THE REPORT SHALL:~~

~~(I) DESCRIBE THE ACTIVITIES OF THE BOARD;~~

~~(II) DESCRIBE THE OPINIONS OF THE BOARD;~~

~~(III) STATE THE NUMBER AND NATURE OF COMPLAINTS FILED WITH THE BOARD AND DISCUSS COMPLAINTS THAT THE INSPECTION OF PUBLIC RECORDS WAS DENIED; AND~~

~~(IV) RECOMMEND ANY IMPROVEMENTS TO THIS TITLE.~~

~~(A) ANY PERSON MAY FILE A WRITTEN COMPLAINT WITH THE BOARD SEEKING A WRITTEN OPINION AND ORDER FROM THE BOARD ALLEGING THAT A CUSTODIAN:~~

~~(1) DENIED INSPECTION OF A PUBLIC RECORD IN VIOLATION OF THIS TITLE; OR~~

~~(2) CHARGED AN UNREASONABLE FEE OF MORE THAN \$500 UNDER § 4-206 OF THIS TITLE.~~

~~(B) THE COMPLAINT SHALL:~~

~~(1) IDENTIFY THE CUSTODIAN THAT IS THE SUBJECT OF THE COMPLAINT;~~

~~(2) DESCRIBE THE ACTION OF THE CUSTODIAN, THE DATE OF THE ACTION, AND THE CIRCUMSTANCES OF THE ACTION; AND~~

~~(3) BE SIGNED BY THE COMPLAINANT.~~

~~4-1A-06.~~

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON RECEIPT OF THE WRITTEN COMPLAINT, THE BOARD PROMPTLY SHALL:~~

~~(1) SEND THE COMPLAINT TO THE CUSTODIAN IDENTIFIED IN THE COMPLAINT; AND~~

~~(2) REQUEST THAT A RESPONSE TO THE COMPLAINT BE SENT TO THE BOARD.~~

~~(B) (1) THE CUSTODIAN SHALL FILE A WRITTEN RESPONSE TO THE COMPLAINT WITHIN 30 DAYS AFTER THE CUSTODIAN RECEIVES THE COMPLAINT.~~

~~(2) ON REQUEST OF THE BOARD, THE CUSTODIAN SHALL INCLUDE WITH ITS WRITTEN RESPONSE TO THE COMPLAINT:~~

~~(i) IF THE COMPLAINT ALLEGES THAT THE CUSTODIAN DENIED INSPECTION OF A PUBLIC RECORD IN VIOLATION OF THIS TITLE;~~

~~1. A COPY OF THE PUBLIC RECORD; AND~~

~~2. THE PROVISION OF LAW THAT THE CUSTODIAN ALLEGES ALLOWS THE CUSTODIAN TO DENY INSPECTION OF THE PUBLIC RECORD; OR~~

~~(H) IF THE COMPLAINT ALLEGES THAT THE CUSTODIAN CHARGED AN UNREASONABLE FEE OF MORE THAN \$500 UNDER § 4-206 OF THIS TITLE, THE BASIS FOR THE FEE THAT WAS CHARGED.~~

~~(3) THE BOARD SHALL MAINTAIN THE CONFIDENTIALITY OF A PUBLIC RECORD SUBMITTED BY A CUSTODIAN UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(C) IF A WRITTEN RESPONSE IS NOT RECEIVED WITHIN 45 DAYS AFTER THE NOTICE IS SENT, THE BOARD SHALL DECIDE THE CASE ON THE FACTS BEFORE THE BOARD.~~

~~4-1A-07.~~

~~(A) (1) THE BOARD SHALL REVIEW THE COMPLAINT AND ANY RESPONSE.~~

~~(2) IF THE INFORMATION IN THE COMPLAINT AND RESPONSE IS SUFFICIENT FOR MAKING A DETERMINATION, WITHIN 30 DAYS AFTER RECEIVING THE RESPONSE, THE BOARD SHALL ISSUE A WRITTEN OPINION AS TO WHETHER A VIOLATION OF THIS TITLE HAS OCCURRED OR WILL OCCUR.~~

~~(B) (1) IF THE BOARD IS UNABLE TO REACH A DETERMINATION BASED ON THE WRITTEN SUBMISSIONS BEFORE IT, THE BOARD MAY SCHEDULE AN INFORMAL CONFERENCE TO HEAR FROM THE COMPLAINANT, THE CUSTODIAN, OR ANY OTHER PERSON WITH RELEVANT INFORMATION ABOUT THE SUBJECT OF THE COMPLAINT.~~

~~(2) AN INFORMAL CONFERENCE SCHEDULED BY THE BOARD IS NOT A CONTESTED CASE WITHIN THE MEANING OF § 10-202(D) OF THE STATE GOVERNMENT ARTICLE.~~

~~(3) THE BOARD SHALL ISSUE A WRITTEN OPINION WITHIN 30 DAYS AFTER THE INFORMAL CONFERENCE.~~

~~(C) (1) IF THE BOARD IS UNABLE TO RENDER AN OPINION ON A COMPLAINT WITHIN THE TIME PERIODS SPECIFIED IN SUBSECTION (A) OR (B) OF THIS SECTION, THE BOARD SHALL:~~

~~(I) STATE IN WRITING THE REASON FOR ITS INABILITY TO RENDER AN OPINION; AND~~

~~(H) ISSUE AN OPINION AS SOON AS POSSIBLE BUT NOT LATER THAN 90 DAYS AFTER THE FILING OF THE COMPLAINT.~~

~~(2) AN OPINION OF THE BOARD MAY STATE THAT THE BOARD IS UNABLE TO RESOLVE THE COMPLAINT.~~

~~(D) THE BOARD SHALL SEND A COPY OF THE WRITTEN OPINION TO THE COMPLAINANT AND THE AFFECTED CUSTODIAN.~~

#### ~~4-1A-08.~~

~~(A) THE BOARD MAY SEND TO ANY CUSTODIAN IN THE STATE ANY WRITTEN OPINION THAT WILL PROVIDE THE CUSTODIAN WITH GUIDANCE ON COMPLIANCE WITH THIS TITLE.~~

~~(B) ON REQUEST, THE BOARD SHALL PROVIDE A COPY OF A WRITTEN OPINION TO ANY PERSON.~~

#### ~~4-1A-09.~~

### ~~COMPLIANCE BY A CUSTODIAN WITH AN ORDER OF THE BOARD:~~

~~(1) IS NOT AN ADMISSION TO A VIOLATION OF THIS TITLE BY THE CUSTODIAN; AND~~

~~(2) MAY NOT BE USED AS EVIDENCE IN A PROCEEDING CONDUCTED IN ACCORDANCE WITH § 4-362 OF THIS TITLE.~~

### ~~Part VI. [Administrative and] Judicial Review.~~

#### ~~[4-361.~~

~~(a) This section does not apply when the official custodian denies inspection temporarily under § 4-358 of this subtitle.~~

~~(b) If a unit is subject to Title 10, Subtitle 2 of the State Government Article, a person or governmental unit may seek administrative review in accordance with that subtitle of a decision of the unit, under this subtitle, to deny inspection of any part of a public record.~~

~~(e) A person or governmental unit need not exhaust the remedy under this section before filing suit.]~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the State Public Information Act Compliance Board shall expire as follows:~~

- ~~(1) one member on June 30, 2016;~~
- ~~(2) one member on June 30, 2017; and~~
- ~~(3) one member on June 30, 2018.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2014. It shall remain effective for a period of 1 year and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 8, 2014.

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## Chapter 103

(House Bill 827)

AN ACT concerning

### **Municipal Elections – Campaign Finance Reports – Submission of Copies to the State Board of Elections**

FOR the purpose of requiring ~~a municipality~~ each candidate in certain municipal elections to submit, to the State Board of Elections, within a certain period of time after a certain deadline, ~~copies a copy of a certain campaign finance reports~~ report; and generally relating to campaign finance reports of candidates in municipal elections.

BY adding to

Article – Local Government  
Section 4–108.1  
Annotated Code of Maryland  
(2013 Volume)

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

### **Article – Local Government**

**4–108.1.**

**IF A MUNICIPALITY REQUIRES CANDIDATES IN A MUNICIPAL ELECTION TO FILE CAMPAIGN FINANCE REPORTS, WITHIN 10 DAYS AFTER THE FILING DEADLINE ~~THE MUNICIPALITY~~, EACH CANDIDATE IN THE MUNICIPAL ELECTION SHALL SUBMIT TO THE STATE BOARD OF ELECTIONS ~~COPIES~~ A COPY OF ALL THE CAMPAIGN FINANCE ~~REPORTS~~ REPORT THAT ~~WERE~~ WAS FILED BY THE CANDIDATE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, April 8, 2014.**

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## **Chapter 104**

**(House Bill 969)**

AN ACT concerning

### **General Provisions – Cross-References and Corrections**

FOR the purpose of correcting certain cross-references to the General Provisions Article in the Annotated Code of Maryland; correcting certain errors relating to the General Provisions Article; providing that certain powers of certain local governments shall be deemed to incorporate and include certain power and authority contained in certain provisions of the General Provisions Article; and generally relating to the General Provisions Article and cross-references and corrections.

BY renumbering

Article – State Government

Section 10–605, 10–606, 10–607, 10–608, 10–632, 10–634, 10–639, 10–640, 10–641, and 10–642, respectively

to be Section 10–602, 10–603, 10–604, 10–605, 10–609, 10–611, 10–616, 10–617, 10–618, and 10–619, respectively

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 7–101(a)(3), 15–112(d)(15), 15–201(b)(2)(ii), and 15–205(i)(4)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–102(e)(1) and 2–503(a)(4)

Annotated Code of Maryland

(2007 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 12–304(d)(3), 12.5–303(d)(3), and 17–1011(b)(5)(iii)

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 2–207(a), 2–309(j)(5)(vi)3., 5–106(i), 5–110, 6–410(a), and 8–105(a)

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3–708(a)(3)(i)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 10–407(a)(2), 10–814(a)(2), 11–408(a)(2), and 11–509(a)(2)

Annotated Code of Maryland

(2008 Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 3–304(c), 3–3A–06(b)(1), 3–5A–05(c), 3–5B–04(b), 3–704(c), 3–12A–05(c),  
5–302(a)(4)(i) and (f)(1), 12–104(j)(1), 12–113(c)(2), 13–305(c),  
14–104(d)(2), 14–110(c)(2), 14–404(c)(1), 15–104(b)(6), and 24–207(b)(3)(i)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 3–204(h)(3), 5–304(d)(3)(i), and 13–501 through 13–504

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 7–406(k) and 7–702(f)(1)

Annotated Code of Maryland  
(2013 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 2–402(c)(2), 4–528(a), 4–706(a) and (b), 4–707(a)(2), 5–203(b), and  
5–4B–06(c)(1)

Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 2–114(a)(3), 2–117(b)(1), 5–909(b)(1), 8–307(c) and (d)(1), 8–309(a)(2),  
11–620(a) and (d), 11–622(a), 12–408.1(a) and (d), 12–430.1(a)(1), and  
12–922(e)(2)

Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–406(c)

Annotated Code of Maryland

(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of  
2014)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 4–217(f), 4–304(c)(2)(i), 5–708(a) and (b), 5–709(a), 13–2003(c),  
15–103(b)(27)(ix), 15–147, 17–604(a), 20–108(b)(2)(ii), and 24–504(2)

Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14–411(c)(1) and 19–205(5)

Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 9–304(b), 12–309(a)(1), and 16–306(c)(2)

Annotated Code of Maryland  
(2006 Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 10–465(f) and 11–304(b)

Annotated Code of Maryland  
(2007 Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 2–209(g)(2)(ii), 4–401(f)(1), 4–405(a)(2)(ii), 10–118(i)(2)(ii),  
11–603(c)(3)(ii), 14–106(f)(2), 14–133(e)(2)(iii), 15–1902(c)(3)(ii)1.,  
19–112(e), 19–211(b)(1), 20–201(d)(3)(ii), 27–501(h)(4), 27–802(b),  
31–103(a), and 31–104(d)(1) and (n)

Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 3–906(g) and 10–104(b)(2)(i)

Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Land Use

Section 15–104(c)(1) and 16–205(b)(2)

Annotated Code of Maryland  
(2012 Volume and 2013 Supplement)

BY adding to

Article – Local Government

Section 5–218 and 10–103

Annotated Code of Maryland  
(2013 Volume)

BY repealing and reenacting, with amendments,

Article – Local Government

Section 9–405(b), 20–103(a)(1), 20–604(e)(1), and 29–108(d)(2)

Annotated Code of Maryland  
(2013 Volume)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–205(l)(2), 8–704.1(b)(4), and 8–1915(a)(3)

Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 12–101(h)(1), 18–205(c)(4), and 19–101

Annotated Code of Maryland  
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 14–126.1(g)(1)

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 2–201(a), 5–703(c), 7–229(i), 7–230(h), 10A–201(b)(1)(v),  
10A–203(b)(1)(i), 10A–204(b), 11–201(c), 13–202(a)(2), and  
13–223(b)(1)(ii)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–709(c)(2), 2–1224(f), 9–20B–07(d), and 10–117(a)(2)(i); 10–604 to be  
under the amended part “Part I. Forms Management”; 10–631 and  
10–633 to be under the amended part “Part II. Records Management”;  
10–637 and 10–638 to be under the amended part “Part III. Disposition of  
Records and Other Materials”; and 10–903(b), 10–905(c)(2)(ii), and  
18–114(a) and (d)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 3–208(c), 3–2A–08(c), 3–501(e), 5–214, 5–310(b)(2) and (3), and 5–314

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 1–201(a)(1)

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 1–303(a)(1)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 5–201.1(c)(1), 6–201.1(b)(1), 12–111(b)(1), 12–112(a) and (d)(1) and (5)(ii), 12–113(a)(1) and (4), and 12–302(b)(2)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY adding to  
The Charter of Baltimore City  
Article II – General Powers  
Section (68)  
(2007 Replacement Volume, as amended)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 10–605, 10–606, 10–607, 10–608, 10–632, 10–634, 10–639, 10–640, 10–641, and 10–642, respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 10–602, 10–603, 10–604, 10–605, 10–609, 10–611, 10–616, 10–617, 10–618, and 10–619, respectively.

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

### **Article 2B – Alcoholic Beverages**

7–101.

(a) (3) In Anne Arundel County, the provisions of §§ 10–103(b) and 10–202 of this article and [§ 10–501 of the State Government Article] **§ 3–102 OF THE GENERAL PROVISIONS ARTICLE** do not apply to an applicant for a special Class C beer license, special Class C beer and wine license, or special Class C beer, wine and liquor license for a period not to exceed 7 consecutive days from the effective date of the license.

15–112.

(d) (15) An action of a commissioner or employee of the Board is subject to State requirements for open or public meetings, including requirements for open sessions under [Title 10, Subtitle 5 of the State Government Article] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE**.

15–201.

(b) (2) (ii) Notwithstanding any other provision of the Code or local law, the members of the Harford County Liquor Control Board are subject to the provisions regarding financial disclosure, conflicts of interest, and lobbying activities under [Title 15, Subtitle 5, Part I, and Subtitles 6 and 7 of the State Government Article] **TITLE 5, SUBTITLE 5, PART I AND SUBTITLES 6 AND 7 OF THE GENERAL PROVISIONS ARTICLE**.

15–205.

Subject to § 16–407.1 of this article, the liquor control board of each county shall have full power and authority within its county:

(i) (4) Notwithstanding any other provision of the Code or local law, employees of the Harford County Liquor Control Board are subject to the provisions regarding conflicts of interest, and lobbying activities found in [Title 15, Subtitle 5, Part I, and Subtitle 7 of the State Government Article] **TITLE 5, SUBTITLE 5, PART I AND SUBTITLE 7 OF THE GENERAL PROVISIONS ARTICLE**, but may not be required to file the statement required by [§ 15–601 of the State Government Article] **§ 5–601 OF THE GENERAL PROVISIONS ARTICLE**.

### Article – Agriculture

2–102.

(e) (1) Notwithstanding the provisions of [§§ 15–502 through 15–504 of the State Government Article] **§§ 5–502 THROUGH 5–504 OF THE GENERAL PROVISIONS ARTICLE**, an individual who owns or operates a farm that is subject to the regulatory authority of the Department may be employed within the Department, if the individual, with respect to the farm activities of the individual’s farm, does not exercise any regulatory or supervisory authority in the individual’s capacity as an employee of the Department.

2–503.

(a) (4) Notwithstanding the provisions of [§§ 15–502 through 15–504 of the State Government Article] **§§ 5–502 THROUGH 5–504 OF THE GENERAL PROVISIONS ARTICLE**, a person may be appointed to and serve on the board as an at-large member even if prior to the appointment the person sold an easement in the person’s agricultural land to the Foundation.

### Article – Business Regulation

12–304.

(d) The required information from a record submitted under this section:

(3) is not subject to [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**.

12.5–303.

(d) A copy of an invoice or receipt for services submitted under this section:

(3) is not subject to [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**.

17–1011.

(b) (5) A copy of a record submitted under paragraph (4) of this subsection:

(iii) is not subject to [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**.

### **Article – Courts and Judicial Proceedings**

2–207.

(a) For purposes of this section, “person in interest” has the meaning stated in [§ 10–611 of the State Government Article] **§ 4–101(E) OF THE GENERAL PROVISIONS ARTICLE**.

2–309.

(j) (5) (vi) 3. Negotiations or matters relating to negotiations shall be considered closed sessions under [§ 10–508 of the State Government Article] **§ 3–305 OF THE GENERAL PROVISIONS ARTICLE**.

5–106.

(i) A petition by the State Ethics Commission to seek a civil fine under [§ 15–902(b) of the State Government Article] **§ 5–902(B) OF THE GENERAL PROVISIONS ARTICLE** may not be initiated unless the complaint is filed by the Commission within 3 years from the time the conduct ended.

5–110.

An action to enforce any criminal or civil liability created under [Part III of Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE** may be brought within two years from the date on which the cause of action arises, except that if the defendant has materially and willfully misrepresented any information required under those sections to be disclosed to a person and the information so misrepresented is material to the establishment of liability of the defendant to the person under those sections, the action may be brought at any time within two years after discovery by the person of the misrepresentation.

6–410.

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

(2) “Custodian” has the meaning stated in [§ 10–611 of the State Government Article] **§ 4–101(C) OF THE GENERAL PROVISIONS ARTICLE**.

(3) “Public record” has the meaning stated in [§ 10–611 of the State Government Article] **§ 4–101(H) OF THE GENERAL PROVISIONS ARTICLE**.

8–105.

(a) A custodian, as defined in [§ 10–611 of the State Government Article] **§ 4–101(C) OF THE GENERAL PROVISIONS ARTICLE**, may allow access to information about prospective, qualified, and sworn jurors only in accordance with rules that the Court of Appeals adopts.

### **Article – Criminal Law**

3–708.

(a) (3) (i) “State official” has the meaning stated in [§ 15–102 of the State Government Article] **§ 5–101 OF THE GENERAL PROVISIONS ARTICLE**.

### **Article – Economic Development**

10–407.

(a) Except as provided in subsections (b), (c), and (e) of this section, the Corporation is exempt from:

(2) [§§ 10–505 and 10–507 of the State Government Article] **§§ 3–301 AND 3–303 OF THE GENERAL PROVISIONS ARTICLE**.

10–814.

(a) Except as provided in subsections (b), (c), and (e) of this section, the Center is exempt from:

(2) [§§ 10–505 and 10–507 of the State Government Article] **§§ 3–301 AND 3–303 OF THE GENERAL PROVISIONS ARTICLE**.

11–408.

(a) Except as otherwise provided in this section, in exercising its corporate powers, the Corporation:

(2) is not subject to:

(i) [the following provisions of the State Government Article:

1. §§ 10–505 and 10–507 (Open Meetings); and] §§  
**3–301 AND 3–303 OF THE GENERAL PROVISIONS ARTICLE (OPEN MEETINGS);**

**[2.] (II) Title 11 OF THE STATE GOVERNMENT  
 ARTICLE** (Consolidated Procedures for Development Permits); and

**[(ii)] (III)** the following provisions of the State Finance and  
 Procurement Article:

1. Title 2, Subtitles 2 (Gifts and Grants), 4 (Facsimile  
 Signatures and Seals), and 5 (Facilities for Handicapped);

2. Title 3 (Budget and Management);

3. Title 4 (Department of General Services);

4. § 5A–304 (Maryland Historical Trust Property  
 Acquisition);

5. Title 6, Subtitle 1 (Revenues: Studies and Estimates);

6. Title 7, Subtitles 1 (State Operating Budget), 2  
 (Disbursements and Expenditures), and 3 (Unspent Balances);

7. Title 8, Subtitle 1 (General Obligation Debt);

8. Title 10 (Board of Public Works – Miscellaneous  
 Provisions); and

9. Division II (General Procurement Law).

11–509.

(a) Except as otherwise provided in this section, in exercising its corporate  
 powers, the Corporation:

(2) is not subject to:

(i) [the following provisions of the State Government Article:

1. §§ 10–505 and 10–507 (Open Meetings); and] §§  
**3–301 AND 3–303 OF THE GENERAL PROVISIONS ARTICLE (OPEN MEETINGS);**

[2.] (II) Title 11 OF THE STATE GOVERNMENT  
ARTICLE (Consolidated Procedures for Development Permits); and

[(ii)] (III) the following provisions of the State Finance and  
Procurement Article:

1. Title 2, Subtitles 2 (Gifts and Grants), 4 (Facsimile  
Signatures and Seals), and 5 (Facilities for Handicapped);
2. Title 3 (Budget and Management);
3. Title 4 (Department of General Services);
4. § 5A–304 (Maryland Historical Trust Property  
Acquisition);
5. Title 6, Subtitle 1 (Revenues: Studies and Estimates);
6. Title 7, Subtitles 1 (State Operating Budget), 2  
(Disbursements and Expenditures), and 3 (Unspent Balances);
7. Title 8, Subtitle 1 (General Obligation Debt);
8. Title 10 (Board of Public Works – Miscellaneous  
Provisions); and
9. Division II (General Procurement Law).

#### Article – Education

3–304.

(c) The county board may take actions in closed session in accordance with [§  
10–508 of the State Government Article] **§ 3–305 OF THE GENERAL PROVISIONS  
ARTICLE.**

3–3A–06.

(b) (1) Each meeting of the county board shall be conducted in accordance  
with the provisions of the Maryland Open Meetings Act, [Title 10, Subtitle 5 of the  
State Government Article] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE.**

3–5A–05.

(c) The county board may take actions in executive session in accordance with [§ 10-508 of the State Government Article] **§ 3-305 OF THE GENERAL PROVISIONS ARTICLE.**

3-5B-04.

(b) The county board may take actions in closed session in accordance with [§ 10-508 of the State Government Article] **§ 3-305 OF THE GENERAL PROVISIONS ARTICLE.**

3-704.

(c) The county board may take actions in closed session in accordance with [§ 10-508 of the State Government Article] **§ 3-305 OF THE GENERAL PROVISIONS ARTICLE**, including action to close a meeting.

3-12A-05.

(c) The county board may take actions in executive session in accordance with [§ 10-508 of the State Government Article] **§ 3-305 OF THE GENERAL PROVISIONS ARTICLE.**

5-302.

(a) (4) A member of the Interagency Committee on School Construction may not be:

(i) An individual who is a regulated lobbyist as described in [§ 15-701(a)(1), (2), (3), or (4) of the State Government Article] **§ 5-702(A)(1), (2), (3), OR (4) OF THE GENERAL PROVISIONS ARTICLE;**

(f) (1) The Interagency Committee on School Construction is a public body and subject to [the Open Meetings Law under Title 10, Subtitle 5 of the State Government Article] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE.**

12-104.

(j) (1) Subject to [Title 10, Subtitle 5 of the State Government Article (“Open Meetings” Law)] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE**, the Board may make rules and regulations, and prescribe policies and procedures, for the management, maintenance, operation, and control of the University System of Maryland.

12-113.

(c) (2) Notwithstanding the provisions of [§§ 15–501 through 15–504 of the State Government Article] **§§ 5–501 THROUGH 5–504 OF THE GENERAL PROVISIONS ARTICLE** and subject to [§ 15–523 of the State Government Article] **§ 5–525 OF THE GENERAL PROVISIONS ARTICLE**, an official or employee of a public institution of higher education may be a director, official, or employee of an entity intended to support a high impact economic development activity, if the individual’s participation advances the interests of the institution.

13–305.

(c) [Sections 15–501 through 15–504 of the State Government Article] **SECTIONS 5–501 THROUGH 5–504 OF THE GENERAL PROVISIONS ARTICLE** shall not bar an official or employee of the University from becoming a director, official, or employee of the Medical System Corporation or participating in matters involving the Corporation and shall not prevent the Executive Director of the Maryland Institute for Emergency Medical Services Systems from becoming a voting Director of the Medical System Corporation.

14–104.

(d) (2) Subject to [Title 10, Subtitle 5 of the State Government Article (“Meetings”)] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE**, the Board of Regents may adopt rules and regulations and prescribe policies and procedures for the management, maintenance, operation, and control of the University.

14–110.

(c) (2) Notwithstanding the provisions of [§§ 15–501 through 15–504 of the State Government Article] **§§ 5–501 THROUGH 5–504 OF THE GENERAL PROVISIONS ARTICLE** and subject to [§ 15–523 of the State Government Article] **§ 5–525 OF THE GENERAL PROVISIONS ARTICLE**, an official or employee of a public institution of higher education may be a director, official, or employee of an entity intended to support a high impact economic development activity, if the individual’s participation advances the interests of the University.

14–404.

(c) (1) Subject to [Title 10, Subtitle 5 of the State Government Article “Open Meetings” Law] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE**, the Board may make rules and regulations, and prescribe policies and procedures, for the management, maintenance, operation, and control of the College.

15–104.

(b) (6) [Sections 15–501 through 15–504 of the State Government Article] **SECTIONS 5–501 THROUGH 5–504 OF THE GENERAL PROVISIONS ARTICLE** do

not bar an official or employee of a public institution of higher education from becoming a director, official, or employee of an independent foundation organized to foster fundraising and provide related services for the benefit of the institution.

24–207.

(b) (3) (i) [Sections 15–501 through 15–504 of the State Government Article] **SECTIONS 5–501 THROUGH 5–504 OF THE GENERAL PROVISIONS ARTICLE** do not bar an official or employee of the Commission from becoming a director or official of an independent foundation organized to foster fund-raising and provide related services for the benefit of the Commission.

#### Article – Election Law

3–204.

(h) (3) Notwithstanding § 3–501 of this title and [§ 10–611 of the State Government Article] **§ 4–401 OF THE GENERAL PROVISIONS ARTICLE**, the identity of a voter registration agency through which a particular voter has registered may not be disclosed to the public.

5–304.

(d) The certificate of candidacy shall be accompanied by:

(3) evidence that the individual has filed:

(i) a financial disclosure statement with the State Ethics Commission in accordance with the requirements of [Title 15, Subtitle 6 of the State Government Article] **TITLE 5, SUBTITLE 6 OF THE GENERAL PROVISIONS ARTICLE**; or

13–501.

As to contributions to the Prince George's County Executive, a member of the Prince George's County Council, or a candidate for either of those offices, [Title 15, Subtitle 8, Part IV of the State Government Article] **TITLE 5, SUBTITLE 8, PART V OF THE GENERAL PROVISIONS ARTICLE** may apply.

13–502.

As to contributions to the Montgomery County Executive, a member of the County Council of Montgomery County, or a candidate for either of those offices, [Title 15, Subtitle 8, Part V of the State Government Article] **TITLE 5, SUBTITLE 8, PART VI OF THE GENERAL PROVISIONS ARTICLE** may apply.

13–503.

As to contributions to the Howard County Executive, a member of the County Council of Howard County, or a candidate for either of those offices, [Title 15, Subtitle 8, Part VII of the State Government Article] **TITLE 5, SUBTITLE 8, PART VIII OF THE GENERAL PROVISIONS ARTICLE** may apply.

13–504.

As to contributions to the Frederick County Board of County Commissioners or a candidate for that office, [Title 15, Subtitle 8, Part VIII of the State Government Article] **TITLE 5, SUBTITLE 8, PART IX OF THE GENERAL PROVISIONS ARTICLE** may apply.

### **Article – Environment**

7–406.

(k) The Board shall maintain records of its transactions including the applications and supporting data submitted by those seeking certificates from the Board and any other technical data considered in issuing or denying a certificate. These records are public records for the purposes of [Part III of Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**.

7–702.

(f) (1) The analyses prepared and submissions required under subsection (c) of this section, or documents prepared under § 7–703 of this subtitle to comply with subsection (c) of this section, and their supporting documents are confidential and are not public documents that may be disclosed without prior written permission of the person subject to this subtitle in accordance with [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**.

### **Article – Family Law**

2–402.

(c) The Social Security numbers of the parties:

(2) except as provided in [§ 10–617 of the State Government Article] **§ 4–334 OF THE GENERAL PROVISIONS ARTICLE**, may not be disclosed as part of the public record of the marriage license application.

4–528.

(a) Except as otherwise provided by this part, a Program participant's actual address and telephone number maintained by the Secretary of State or a State or local agency is not a public record within the meaning of [§ 10–611 of the State Government Article] **§ 4–101 OF THE GENERAL PROVISIONS ARTICLE**.

4–706.

(a) Meetings of a local team shall be closed to the public and not subject to [Title 10, Subtitle 5 of the State Government Article] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE** when the local team is discussing individual cases.

(b) Except as provided in subsection (c) of this section, meetings of a local team shall be open to the public and subject to [Title 10, Subtitle 5 of the State Government Article] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE** when the local team is not discussing individual cases.

4–707.

(a) Except as provided in subsections (b) and (c) of this section, all information and records acquired by a local team in the exercise of its purpose and duties under this subtitle:

(2) are exempt from disclosure under [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**; and

5–203.

(b) The parents of a minor child, as defined in [Article 1, § 24 of the Code] **§ 1–103 OF THE GENERAL PROVISIONS ARTICLE**:

(1) are jointly and severally responsible for the child's support, care, nurture, welfare, and education; and

(2) have the same powers and duties in relation to the child.

5–4B–06.

(c) (1) Subject to paragraph (2) of this subsection, a confidential intermediary may access any information that is contained in a public record, as defined in [§ 10–611 of the State Government Article] **§ 4–101 OF THE GENERAL PROVISIONS ARTICLE**, including a court record.

## **Article – Financial Institutions**

2–114.

(a) The Commissioner may:

(3) Subject to the provisions of [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**, publish information concerning a violation of a law, regulation, rule, or order over which the Commissioner has jurisdiction.

2–117.

(b) If the Commissioner receives a record from an agency under a cooperative and information sharing agreement authorized by subsection (a)(1) of this section and the agency expressly retains ownership of the record, either in writing or by law or regulation, the Commissioner:

(1) May not disclose the record to any person that requests the record under [§§ 10–611 through 10–628 of the State Government Article] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE**; and

5–909.

(b) If the Commissioner receives a record from a bank supervisory agency under a cooperative or an information–sharing agreement authorized by subsection (a)(2) of this section and the bank supervisory agency expressly retains ownership of the record, either in writing or by law or regulation, the Commissioner:

(1) May not disclose the record to any person that requests the record under [§§ 10–611 through 10–628 of the State Government Article] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE**; and

8–307.

(c) The Division Director, Division staff, and members of the immediate families of the Division Director and Division staff, as defined in [§ 15–102 of the State Government Article] **§ 5–101 OF THE GENERAL PROVISIONS ARTICLE** may not accept, directly or indirectly, any gift, gratuity, or remuneration of any type from any savings and loan association or related entity or from any director, officer, controlling person, employee, or agent of any savings and loan association or related entity.

(d) (1) The Division Director, Division staff, and members of the immediate families of the Division Director and Division staff as defined in [§ 15–102 of the State Government Article] **§ 5–101 OF THE GENERAL PROVISIONS ARTICLE** may not become indebted to any association or related entity that is subject to the jurisdiction of the Division Director.

8–309.

(a) (2) The report is confidential and is not subject to disclosure in accordance with the provisions of [§ 10–617 of the State Government Article] **TITLE 4, SUBTITLE 3, PART III OF THE GENERAL PROVISIONS ARTICLE**.

11–620.

(a) (1) Except as otherwise provided in 12 U.S.C. § 5111, the requirements under any federal law and [§§ 10–611 through 10–628 of the State Government Article] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE** regarding the privacy or confidentiality of information or material provided to the Nationwide Mortgage Licensing System and Registry, and any privilege arising under federal or state law, including the rules of any federal or state court with respect to that information or material, shall continue to apply to that information or material after the information or material has been disclosed to the Nationwide Mortgage Licensing System and Registry.

(2) The information and material may be shared with all state and federal regulatory officials having mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or [§§ 10–611 through 10–628 of the State Government Article] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE**.

(d) Any provisions of [§§ 10–611 through 10–628 of the State Government Article] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE** relating to the disclosure of any information or material described in subsection (a) of this section that are inconsistent with subsection (a) of this section shall be superseded by the requirements of this section.

11–622.

(a) Notwithstanding [§§ 10–611 through 10–628 of the State Government Article] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE**, and subject to § 11–620 of this subtitle, the Commissioner shall report adjudicated enforcement actions and other relevant information to the Nationwide Mortgage Licensing System and Registry.

12–408.1.

(a) (1) The requirements under any federal law and [§§ 10–611 through 10–628 of the State Government Article] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE** regarding the privacy or confidentiality of information or material provided to the nationwide licensing system, and any privilege arising under federal or state law, including the rules of any federal or state court with respect to that information or material, shall continue to apply to that information or

material after the information or material has been disclosed to the nationwide licensing system.

(2) The information and material may be shared with all state and federal regulatory officials having oversight authority over the money transmission industry, including the Financial Crimes Enforcement Network, without the loss of privilege or the loss of confidentiality protections provided by federal law or [§§ 10–611 through 10–628 of the State Government Article] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE**.

(d) Any provisions of [§§ 10–611 through 10–628 of the State Government Article] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE** relating to the disclosure of any information or material described in subsection (a) of this section that are inconsistent with subsection (a) of this section shall be superseded by the requirements of this section.

12–430.1.

(a) (1) Notwithstanding [§§ 10–611 through 10–628 of the State Government Article] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE**, and subject to § 12–408.1 of this subtitle, the Commissioner shall report adjudicated enforcement actions against a money transmitter or its authorized delegate and other relevant information to the nationwide licensing system.

12–922.

(e) (2) A duly authorized government official may disclose information obtained under paragraph (1) of this subsection only in accordance with [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**.

#### Article – General Provisions

5–406.

(c) The Ethics Commission may seek judicial enforcement and other relief as provided under [Subtitle 8] **SUBTITLE 9** of this title.

#### Article – Health – General

4–217.

(f) The Secretary shall include with every copy of a death certificate that is completed by the Chief Medical Examiner a notice that advises a person in interest, as defined in [§ 10–611(f)(3) of the State Government Article] **§ 4–101(E) OF THE**

**GENERAL PROVISIONS ARTICLE**, of the right to appeal a denial by the Chief Medical Examiner of a request to correct findings and conclusions as to the cause and manner of death recorded on a death certificate as provided under § 5–310(d) of this article.

4–304.

(c) (2) A health care provider may require a person in interest or any other authorized person who requests a copy of a medical record to pay the cost of copying:

(i) For State facilities regulated by the Department of Health and Mental Hygiene, as provided in [§ 10–621 of the State Government Article] **§ 4–206 OF THE GENERAL PROVISIONS ARTICLE**; or

5–708.

(a) Meetings of the State Team and of local teams shall be closed to the public and not subject to [Title 10, Subtitle 5 of the State Government Article] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE** when the State Team or local teams are discussing individual cases of child deaths.

(b) Except as provided in subsection (c) of this section, meetings of the State Team and of local teams shall be open to the public and subject to [Title 10, Subtitle 5 of the State Government Article] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE** when the State Team or local team is not discussing individual cases of child deaths.

5–709.

(a) All information and records acquired by the State Team or by a local team, in the exercise of its purpose and duties under this subtitle, are confidential, exempt from disclosure under [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**, and may only be disclosed as necessary to carry out the team's duties and purposes.

13–2003.

(c) The minutes of a meeting of an institutional review board are not public records under [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**.

15–103.

(b) (27) (ix) The Secretary shall appoint nonvoting members from managed care organizations who may participate in Committee meetings, unless the

Committee meets in closed session as provided in [§ 10–508 of the State Government Article] **§ 3–305 OF THE GENERAL PROVISIONS ARTICLE.**

15–147.

Notwithstanding [§ 15–504 of the State Government Article] **§ 5–504 OF THE GENERAL PROVISIONS ARTICLE**, a former official or employee may not be considered to have participated significantly in a contract if the former official or employee:

- (1) Did not develop a request for proposals resulting in the contract;
- (2) Did not participate in an evaluation committee or other State entity charged with selecting a contractor for the contract; and
- (3) Participated only by providing support or other assistance as directed by a senior manager after contract award as part of the transition process from a State–run Medicaid Management Information System to a private contracted operation.

17–604.

(a) Except as otherwise provided in this subtitle, information prepared for or maintained in the Biological Agents Registry shall be confidential and is not subject to [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.**

20–108.

(b) (2) (ii) The information collected under this section is confidential and not open to inspection nor considered a public record. The information shall only be used statistically for the use of the Department in the performance of its duties, except that the identities of individuals reported may be disclosed for research purposes in accordance with the criteria set forth in [§ 10–624(e) of the State Government Article] **§ 4–501(E) OF THE GENERAL PROVISIONS ARTICLE.**

24–504.

Except as provided in § 24–505 of this subtitle, beginning on February 1, 2008, a person may not smoke in:

(2) An indoor place in which meetings are open to the public in accordance with [Title 10, Subtitle 5 of the State Government Article] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE;**

14-411.

(c) Nothing in this section shall be construed to prevent or limit the disclosure of:

(1) General licensure, certification, or registration information maintained by the Board, if the request for release complies with the criteria of [§ 10-617(h) of the State Government Article] **§ 4-333 OF THE GENERAL PROVISIONS ARTICLE**;

19-205.

In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:

(5) To issue a list annually of all currently licensed social workers and all social workers disciplined by the Board in the past year in accordance with [§ 10-617(h) of the State Government Article] **§ 4-333 OF THE GENERAL PROVISIONS ARTICLE**; and

### **Article – Housing and Community Development**

9-304.

(b) Meetings of the Board or its members or of employees or agents of the Fund are not subject to State requirements for open or public meetings, including any requirements for open sessions under [Title 10, Subtitle 5 of the State Government Article] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE**.

12-309.

(a) Each commissioner, the executive director, and each employee of an authority is:

(1) a local official for the purposes of [Title 15, Subtitle 8, Part I of the State Government Article] **TITLE 5, SUBTITLE 8, PART II OF THE GENERAL PROVISIONS ARTICLE** and subject to local ethics laws; and

16-306.

(c) (2) Providing a list under this subsection by the Montgomery Commission, the labor relations administrator, or any Montgomery Commission officials, employees, or other agents does not violate [§ 10-617(e) of the State Government Article] **§ 4-331 OF THE GENERAL PROVISIONS ARTICLE** or any State or local law.

### Article – Human Services

10–465.

(f) A member may not participate in a review of a provider's financial condition if that member has an interest, as defined under the Maryland Public Ethics Law in [§ 15–102 of the State Government Article] **§ 5–101 OF THE GENERAL PROVISIONS ARTICLE**, in the provider.

11–304.

(b) Except as provided in [§ 10–508 of the State Government Article] **§ 3–305 OF THE GENERAL PROVISIONS ARTICLE**, a meeting of the Board shall be open to the public.

### Article – Insurance

2–209.

(g) (2) A document, material, or information that is subject to this subsection:

(ii) is not subject to [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**;

4–401.

(f) (1) Subject to paragraph (2) of this subsection, a report filed in accordance with this section shall be treated as a personal record under [§ 10–624(e) of the State Government Article] **§ 4–501(E) OF THE GENERAL PROVISIONS ARTICLE**.

4–405.

(a) (2) (ii) In accordance with [§ 10–617(d) of the State Government Article] **§ 4–335 OF THE GENERAL PROVISIONS ARTICLE**, the Commissioner shall deny inspection of any part of a report submitted under paragraph (1) of this subsection that the Commissioner determines contains confidential commercial information or confidential financial information.

10–118.

(i) (2) Any document, material, or other information that is subject to this subsection is:

(ii) not subject to [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**;

11–603.

(c) (3) (ii) A carrier may request a finding by the Commissioner that certain information filed with the Commissioner be considered confidential commercial information under [§ 10–617(d) of the State Government Article] **§ 4–335 OF THE GENERAL PROVISIONS ARTICLE** and not subject to public inspection.

14–106.

(f) (2) In accordance with [§ 10–617(d) of the State Government Article] **§ 4–335 OF THE GENERAL PROVISIONS ARTICLE**, the Commissioner shall deny inspection of any part of a report filed under subsection (b) of this section that the Commissioner determines contains confidential commercial information or confidential financial information.

14–133.

(e) (2) The plan of divestiture or liquidation:

(iii) is proprietary and confidential commercial information under [§ 10–617(d) of the State Government Article] **§ 4–335 OF THE GENERAL PROVISIONS ARTICLE**.

15–1902.

(c) (3) Notwithstanding any other provision of law, a copy of a contract filed with the Commissioner or provided by the Commissioner to the executive director of the Maryland Health Care Commission under this subsection, is:

(ii) not subject to:

1. [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**;

19–112.

(e) At least 15 days prior to granting an application under [§ 10–614 of the State Government Article] **§ 4–203 OF THE GENERAL PROVISIONS ARTICLE** to inspect company-specific data that was requested by bulletin under this section, the Commissioner shall notify the insurer that supplied the data:

(1) that the Commissioner has received an application to inspect data filed by the insurer;

(2) which data the Commissioner intends to disclose in granting the application; and

(3) that, within 7 days of receipt of the notice, the insurer has the opportunity to provide any reason why the data is confidential commercial data or is otherwise protected from disclosure under the Public Information Act.

19–211.

(b) (1) The information filed under subsection (a) of this section is proprietary and confidential commercial information under [§ 10–617(d) of the State Government Article] **§ 4–335 OF THE GENERAL PROVISIONS ARTICLE**.

20–201.

(d) (3) The Fund is subject to:

(ii) [Title 10, Subtitle 5 of the State Government Article] **TITLE 3 OF THE GENERAL PROVISIONS ARTICLE**;

27–501.

(h) (4) Each insurer, nonprofit health service plan, and health maintenance organization may request a finding by the Commissioner that its underwriting standards filed with the Commissioner be considered confidential commercial information under [§ 10–617(d) of the State Government Article] **§ 4–335 OF THE GENERAL PROVISIONS ARTICLE**.

27–802.

(b) In addition to any protection provided under [§ 10–618 of the State Government Article] **TITLE 4, SUBTITLE 4, PART IV OF THE GENERAL PROVISIONS ARTICLE**, any information, documentation, or other evidence provided under this section by an insurer, its employees, fund producers, or insurance producers, a viatical settlement provider, a viatical settlement broker, an independent insurance producer, or a registered premium finance company to the Commissioner, the Fraud Division, or a federal, State, or local law enforcement authority in connection with an investigation of suspected insurance fraud is not subject to public inspection for as long as the Commissioner, Fraud Division, or law enforcement authority considers the withholding to be necessary to complete an investigation of the suspected fraud or to protect the person investigated from unwarranted injury.

31–103.

(a) The Exchange is subject to:

**ARTICLE:** (1) THE FOLLOWING PROVISIONS OF THE GENERAL PROVISIONS

(I) TITLE 3 (OPEN MEETINGS ACT);

(II) TITLE 4 (PUBLIC INFORMATION ACT); AND

(III) TITLE 5 (MARYLAND PUBLIC ETHICS LAW);

[(1)] (2) the following provisions of the State Finance and Procurement Article:

(i) Title 12, Subtitle 4 (Policies and Procedures for Exempt Units); and

(ii) Title 14, Subtitle 3 (Minority Business Participation);

[(2)] (3) the following provisions of the State Government Article:

(i) Title 10, Subtitle 1 (Administrative Procedure Act – Regulations); AND

(ii) [Title 10, Subtitle 5 (Meetings);

(iii) Title 10, Subtitle 6, Part III (Access to Public Records);

(iv)] Title 12 (Immunity and Liability); and

[(v) Title 15 (Public Ethics); and]

[(3)] (4) Title 5, Subtitle 3 of the State Personnel and Pensions Article.

31–104.

(d) (1) For purposes of this subsection, “affiliation” means:

(i) a financial interest, as defined in [§ 15–102 of the State Government Article] **§ 5–101 OF THE GENERAL PROVISIONS ARTICLE;**

(ii) a position of governance, including membership on a board of directors, regardless of compensation;

(iii) a relationship through which compensation, as defined in [§ 15–102 of the State Government Article] **§ 5–101 OF THE GENERAL PROVISIONS ARTICLE**, is received; or

(iv) a relationship for the provision of services as a regulated lobbyist, as defined in [§ 15–102 of the State Government Article] **§ 5–101 OF THE GENERAL PROVISIONS ARTICLE**.

(n) (1) (i) A member of the Board shall be subject to the [State] **MARYLAND PUBLIC Ethics Law, [Title 15, Subtitles 1 through 7 of the State Government Article] TITLE 5, SUBTITLES 1 THROUGH 7 OF THE GENERAL PROVISIONS ARTICLE**.

(ii) In addition to the disclosure required under [Title 15, Subtitle 6 of the State Government Article] **TITLE 5, SUBTITLE 6 OF THE GENERAL PROVISIONS ARTICLE**, a member of the Board shall disclose to the Board and to the public any relationship not addressed in the required financial disclosure that the member has with a carrier, insurance producer, third-party administrator, managed care organization, or other entity in an industry involved in matters likely to come before the Board.

(2) On all matters that come before the Board, the member shall:

(i) adhere strictly to the conflict of interest provisions under [Title 15, Subtitle 5 of the State Government Article] **TITLE 5, SUBTITLE 5 OF THE GENERAL PROVISIONS ARTICLE** relating to restrictions on participation, employment, and financial interests; and

(ii) provide full disclosure to the Board and the public on:

1. any matter that gives rise to a potential conflict of interest; and

2. the manner in which the member will comply with the provisions of [Title 15, Subtitle 5 of the State Government Article] **TITLE 5, SUBTITLE 5 OF THE GENERAL PROVISIONS ARTICLE** to avoid any conflict of interest or appearance of a conflict of interest.

### **Article – Labor and Employment**

3–906.

(g) Within 15 days after a request, in accordance with [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE** and the applicable regulations of the Department and the Office of Administrative

Hearings, the Commissioner shall provide copies of all relevant evidence, including a list of potential witnesses, on which the Commissioner intends to rely at any administrative hearing under this subtitle.

10–104.

(b) (2) The Fund is subject to:

(i) [Title 10, Subtitle 6, Part III of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE;**

#### **Article – Land Use**

15–104.

(c) An applicant may not be appointed unless the applicant:

(1) has filed a financial disclosure statement as required by [§ 15–820 of the State Government Article] **§ 5–824 OF THE GENERAL PROVISIONS ARTICLE;** and

16–205.

(b) (2) The provision of a list under this subsection by the Commission, the labor relations administrator, or a Commission official, employee, or other agent does not constitute a violation of [§ 10–617(e) of the State Government Article] **§ 4–331 OF THE GENERAL PROVISIONS ARTICLE** or any State or local law.

#### **Article – Local Government**

**5–218.**

**THE EXPRESS POWERS CONTAINED IN THIS SUBTITLE ARE INTENDED TO AND SHALL BE DEEMED TO INCORPORATE AND INCLUDE THE POWER AND AUTHORITY CONTAINED IN TITLE 5, SUBTITLE 8, PART II OF THE GENERAL PROVISIONS ARTICLE.**

9–405.

(b) This section does not apply to a county that has adopted local ethics laws under [§§ 15–804 and 15–805 of the State Government Article] **§§ 5–808 AND 5–809 OF THE GENERAL PROVISIONS ARTICLE** if the local ethics laws have been approved by the State Ethics Commission.

**10–103.**

**THE EXPRESS POWERS CONTAINED IN THIS TITLE ARE INTENDED TO AND SHALL BE DEEMED TO INCORPORATE AND INCLUDE THE POWER AND AUTHORITY CONTAINED IN TITLE 5, SUBTITLE 8, PART II OF THE GENERAL PROVISIONS ARTICLE.**

20–103.

(a) In this section, “legal holiday” means:

(1) the day on which a legal holiday, as defined under [Article 1, § 27 of the Code] **§ 1–111 OF THE GENERAL PROVISIONS ARTICLE**, is observed; or

20–604.

(e) The net proceeds of the tax imposed under this section shall be used only for funding of:

(1) the public ethics provisions under [Title 15, Subtitle 8, Part IV of the State Government Article] **TITLE 5, SUBTITLE 8, PART V OF THE GENERAL PROVISIONS ARTICLE**; or

29–108.

(d) (2) Statistical information may be made available for public inspection under [§ 10–624(e) of the State Government Article] **§ 4–501(E) OF THE GENERAL PROVISIONS ARTICLE**.

### **Article – Natural Resources**

4–205.

(l) (2) Except as provided in [§ 10–617 of the State Government Article] **§ 4–334 OF THE GENERAL PROVISIONS ARTICLE**, the Social Security number of an applicant may not be disclosed as part of the public record of the application.

8–704.1.

(b) This section does not prevent the Department from furnishing information under this section:

(4) To a financial institution, as defined in § 1–101(i) of the Financial Institutions Article, or its agents, employees, or contractors, requesting information under [§ 10–616(s) of the State Government Article] **§ 4–317 OF THE GENERAL PROVISIONS ARTICLE**.

8–1915.

(a) (3) If a regulated lobbyist is appointed to serve as a member of the Corps Board, the lobbyist is not subject to:

(i) [§ 15–504(d) of the State Government Article] **§ 5–504(D) OF THE GENERAL PROVISIONS ARTICLE**; or

(ii) [§ 15–703(f)(3) of the State Government Article] **§ 5–704(F)(3) OF THE GENERAL PROVISIONS ARTICLE** as a result of that service.

#### Article – Public Utilities

12–101.

(h) “Legal holiday” means:

(1) the day on which a legal holiday, as defined in [Article 1, § 27 of the Code] **§ 1–111 OF THE GENERAL PROVISIONS ARTICLE**, is observed; or

18–205.

(c) (4) The provision of the eligible employee voting list under this subsection by the Commission, the labor relations administrator, or a Commission official, employee, or other agent does not constitute a violation of [§ 10–617(e) of the State Government Article] **§ 4–331 OF THE GENERAL PROVISIONS ARTICLE** or any State or local law, regulation, or ordinance.

19–101.

In this title, “Board” means the Board of Ethics established by the Commission under regulations adopted in accordance with [Title 15, Subtitle 8, Part III of the State Government Article] **TITLE 5, SUBTITLE 8, PART IV OF THE GENERAL PROVISIONS ARTICLE**.

#### Article – Real Property

14–126.1.

(g) (1) The Foreclosed Property Registry:

(i) Is not a public record as defined by [§ 10–611 of the State Government Article] **§ 4–101 OF THE GENERAL PROVISIONS ARTICLE**; and

(ii) Is not subject to [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**.

**Article – State Finance and Procurement**

2–201.

(a) In this section, “gift” has the meaning stated in [Article 1, § 22 of the Code] **§ 1–109 OF THE GENERAL PROVISIONS ARTICLE**.

5–703.

(c) If the Governor appoints a regulated lobbyist to serve as a member of the Commission, the lobbyist:

(1) is not subject to [§ 15–504(d) of the State Government Article] **§ 5–504(D) OF THE GENERAL PROVISIONS ARTICLE** with respect to that service; and

(2) is not subject to [§ 15–703(f)(3) of the State Government Article] **§ 5–704(F)(3) OF THE GENERAL PROVISIONS ARTICLE** as a result of that service.

7–229.

(i) Notwithstanding [§ 10–617 of the State Government Article] **TITLE 4, SUBTITLE 3, PART III OF THE GENERAL PROVISIONS ARTICLE**, at the end of each fiscal year, the Treasurer may electronically publish on the Treasurer’s website the names of payees of checks that have remained unclaimed for 2 years or more.

7–230.

(h) Notwithstanding [§ 10–617 of the State Government Article] **TITLE 4, SUBTITLE 3, PART III OF THE GENERAL PROVISIONS ARTICLE**, at the end of each fiscal year, the Treasurer may electronically publish on the Treasurer’s website the names of payees of checks that have remained unrepresented for 2 years or more.

10A–201.

(b) (1) A presolicitation report shall:

(v) withhold information deemed confidential, proprietary, or otherwise exempt from disclosure under applicable law, in accordance with [§ 10–617(d) of the State Government Article] **§ 4–335 OF THE GENERAL PROVISIONS ARTICLE**, relating to:

1. confidential commercial information;
2. confidential financial information; and

3. trade secrets; and

10A-203.

(b) (1) The proposed public-private partnership agreement made available to the public shall:

(i) after consultation with the private entity, withhold information deemed confidential, proprietary, or otherwise exempt from disclosure under applicable law, including in accordance with [§ 10-617(d) of the State Government Article] **§ 4-335 OF THE GENERAL PROVISIONS ARTICLE**, relating to:

1. confidential commercial information;
2. confidential financial information; and
3. trade secrets; and

10A-204.

(b) Information deemed confidential, proprietary, or otherwise exempt from disclosure under applicable law shall be withheld from the posted version of the final public-private partnership agreement in accordance with [§ 10-617(d) of the State Government Article] **§ 4-335 OF THE GENERAL PROVISIONS ARTICLE** relating to:

- (1) a trade secret;
- (2) confidential commercial information; and
- (3) confidential financial information.

11-201.

(c) If a provision of this Division II is inconsistent with a federal law, regulation, or grant agreement or other federal requirement that governs procurement or a procurement contract or with the terms of a gift, as defined in [Article 1, § 22 of the Code] **§ 1-109 OF THE GENERAL PROVISIONS ARTICLE**, the federal requirement or the terms of the gift control the procurement or procurement contract.

13-202.

(a) After a solicitation is issued and until a recommendation is made by a procurement officer, a procurement officer may disclose to a person outside the Executive Department only:

(2) information that is available to the public under [§§ 10–611 through 10–628 of the State Government Article] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE**.

13–223.

(b) (1) (ii) A regulated lobbyist, who is described in [§ 15–701(a)(1), (2), or (3) of the State Government Article] **§ 5–702(A)(1), (2), OR (3) OF THE GENERAL PROVISIONS ARTICLE**, may not offer or agree to solicit or secure a procurement contract under this subtitle if the lobbyist’s fee is contingent on, or results from, the making of the procurement contract.

#### Article – State Government

2–709.

(c) The assistance of the Counsel to members of the General Assembly:

(2) is subject to confidentiality under [§ 15–516 of this article] **§ 5–517 OF THE GENERAL PROVISIONS ARTICLE**; and

2–1224.

(f) After the expiration of any period that the Joint Audit Committee specifies, a report of the Legislative Auditor is available to the public under [§§ 10–602 and 10–611 through 10–628 of this article] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE**.

9–20B–07.

(d) If a regulated lobbyist is appointed to serve as a member of the Board, the lobbyist:

(1) is not subject to [§ 15–504(d) of this article] **§ 5–504(D) OF THE GENERAL PROVISIONS ARTICLE** with respect to that service; and

(2) is not subject to [§ 15–703(f)(3) of this article] **§ 5–704(F)(3) OF THE GENERAL PROVISIONS ARTICLE** as a result of that service.

10–117.

(a) (2) For calculation of the effective date under this subsection:

(i) [Article 1, § 36 of the Code] **§ 1–302 OF THE GENERAL PROVISIONS ARTICLE** does not apply;

[Part II.] **PART I.** Forms Management.

[10-604.] **10-601.**

(a) In this [Part II] **PART I** of this subtitle the following words have the meanings indicated.

(b) “Department” means a principal department of the Executive Branch of the State government.

(c) “Division” means the Records Management Division of the Department of General Services.

(d) “Form” means a document that has a standard format for the systematic and repetitive collection, maintenance, or transmission of information.

(e) “Independent unit” means a unit of the State government that is not in a department.

(f) “Plan” means a forms management plan for a department or independent unit.

[Part IV.] **PART II.** Records Management.

[10-631.] **10-608.**

(a) In this [Part IV] **PART II** of this subtitle the following words have the meanings indicated.

(b) “Division” means the Records Management Division of the Department of General Services.

(c) “Program” means a program for the management of the records of a unit of the State government.

[10-633.] **10-610.**

(a) Each unit of the State government shall have a program for the continual, economical, and efficient management of the records of the unit.

(b) The program shall include procedures:

(1) to ensure the security of the records;

(2) to establish and to revise, in accordance with the regulations, record retention and disposal schedules that ensure the prompt and orderly disposition of records that the unit no longer needs for its operation; and

(3) to facilitate compliance with [Part V] **PART III** of this subtitle.

[Part V.] **PART III**. Disposition of Records and Other Materials.

[10–637.] **10–614**.

(a) In this [Part V] **PART III** of this subtitle the following words have the meanings indicated.

(b) “Archives” means the State Archives.

(c) “Commission” means the Hall of Records Commission.

(d) “Public official” includes an official of the State or of a county, city, or town in the State.

[10–638.] **10–615**.

Except as expressly provided in [§ 10–642] **§ 10–619** of this subtitle, this [Part V] **PART III** of this subtitle does not authorize:

(1) the destruction of a permanent book of account;

(2) the destruction of a land record of a clerk of a circuit court;

(3) the destruction of any record that relates to the financial operation of a unit of the State government or to collection of State taxes until the requirements of §§ 2–1220 through 2–1227 of this article are met;

(4) the destruction of any record until the expiration of the period that a statute expressly sets for that record to be kept;

(5) the destruction of any public record that a statute expressly requires to be kept permanently; or

(6) the destruction of any record of a court of record unless:

(i) the destruction is authorized under § 1–605(d)(6) or § 2–205 of the Courts Article;

(ii) an accurate transcript of the record is in use; or

(iii) the record relates to the internal management of or otherwise is a housekeeping record for an office of a clerk of court or register of wills.

10-903.

(b) Except as otherwise provided in this subtitle, to the extent of any inconsistency, [§§ 10-611 through 10-628 of this title] **TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE** do not apply to this subtitle.

10-905.

(c) Online access:

(2) may not include:

(ii) access to information that would be denied under [§§ 10-615 through 10-619 of this title] **TITLE 4, SUBTITLE 3, PARTS I THROUGH V OF THE GENERAL PROVISIONS ARTICLE**.

18-114.

(a) Subject to [§ 10-617(j) of this article] **§ 4-332 OF THE GENERAL PROVISIONS ARTICLE**, the Secretary of State may provide lists of public information in its records to those persons who request them if the Secretary of State approves of the purpose for which the information is requested.

(d) The Secretary of State may not disclose information under this section for use in telephone solicitations as defined in [§ 10-611(i) of this article] **§ 4-320(A) OF THE GENERAL PROVISIONS ARTICLE**.

#### **Article – State Personnel and Pensions**

3-208.

(c) Names or lists of employees provided to the Board in connection with an election under this title are not subject to disclosure in accordance with [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**.

3-2A-08.

(c) Names or lists of employees provided to the Board in connection with an election under this title are not subject to disclosure in accordance with [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**.

3–501.

(e) Negotiations for a memorandum of understanding shall be considered closed sessions under [§ 10–508 of the State Government Article] **§ 3–305 OF THE GENERAL PROVISIONS ARTICLE**.

5–214.

Information obtained as part of an investigation conducted under this subtitle is confidential within the meaning of [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**.

5–310.

(b) (2) A record that is protected from disclosure under [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE** may be used as evidence in a hearing only if:

(i) the material is essential to the conduct of the hearing; and

(ii) names and other identifying information are deleted to the extent necessary to maintain confidentiality.

(3) The confidentiality of records and information protected from disclosure under [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE** shall be maintained in each hearing.

5–314.

Information obtained as part of an investigation conducted under this subtitle is confidential within the meaning of [Title 10, Subtitle 6 of the State Government Article] **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE**.

#### **Article – Tax – General**

1–201.

(a) In this section, “legal holiday” means:

(1) the day on which a legal holiday, as defined in [Article 1, § 27 of the Code] **§ 1–111 OF THE GENERAL PROVISIONS ARTICLE**, is observed; or

#### **Article – Tax – Property**

1–303.

(a) In this section, “legal holiday” means:

(1) the day on which a legal holiday, as defined in [Article 1, § 27 of the Code] **§ 1-111 OF THE GENERAL PROVISIONS ARTICLE**, is observed; or

### **Article – Transportation**

5-201.1.

(c) The Chairman of the Commission shall:

(1) Based on the advice of the Commission and subject to the approval of the Governor, appoint the Executive Director of the Administration in accordance with [§ 15-501 of the State Government Article] **§ 5-501 OF THE GENERAL PROVISIONS ARTICLE**; and

6-201.1.

(b) The Chairman of the Commission shall:

(1) Subject to the approval of the Governor, appoint the Executive Director of the Administration in accordance with [§ 15-501 of the State Government Article] **§ 5-501 OF THE GENERAL PROVISIONS ARTICLE**; and

12-111.

(b) (1) Subject to [§ 10-616(p) of the State Government Article] **§ 4-320 OF THE GENERAL PROVISIONS ARTICLE**, and except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours.

12-112.

(a) Unless the information is classified as confidential under § 12-111 of this subtitle or otherwise as provided by law, and subject to [§ 10-616(p) of the State Government Article] **§ 4-320 OF THE GENERAL PROVISIONS ARTICLE**, the Administration may furnish listings of vehicle registration and other public information in its records to those persons who request them, but only if the Administration approves of the purpose for which the information is requested.

(d) (1) (i) In this subsection the following terms have the meanings indicated.

(ii) “Personal information” has the meaning indicated in [§ 10-611(f) of the State Government Article] **§ 4-101(E) OF THE GENERAL PROVISIONS ARTICLE**.

(iii) “Telephone solicitation” has the meaning indicated in [§ 10–611(h) of the State Government Article] **§ 4–320(A) OF THE GENERAL PROVISIONS ARTICLE**.

(5) This subsection does not prevent the Administration from furnishing personal information under this section:

(ii) For another purpose permissible under [§ 10–616(p) of the State Government Article] **§ 4–320 OF THE GENERAL PROVISIONS ARTICLE**.

12–113.

(a) (1) Subject to § 12–111 of this subtitle and [§ 10–616(p) of the State Government Article] **§ 4–320 OF THE GENERAL PROVISIONS ARTICLE**, the Administrator or any other officer or employee of the Administration designated by the Administrator may furnish on request a copy or a certified copy of any record of the Administration.

(4) The fee established and charged under this section may exceed the amounts authorized under [§ 10–621 of the State Government Article] **§ 4–206 OF THE GENERAL PROVISIONS ARTICLE**.

12–302.

(b) (2) In accordance with [§ 10–616 of the State Government Article] **§§ 4–304 THROUGH 4–325 OF THE GENERAL PROVISIONS ARTICLE** and any other applicable law, and on request by an Executive Branch agency, the Administration shall electronically transmit to the Executive Branch agency appropriate information about each applicant who consents in accordance with paragraph (1) of this subsection.

## **The Charter of Baltimore City**

### **Article II – General Powers**

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

**(68) MARYLAND PUBLIC ETHICS LAW.**

TO EXERCISE THE POWER AND AUTHORITY CONTAINED IN TITLE 5, SUBTITLE 8, PART II OF THE GENERAL PROVISIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 8, 2014.

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## Chapter 105

(House Bill 991)

AN ACT concerning

### **Queen Anne's County and Talbot County – Board of Elections – Membership**

FOR the purpose of altering the number of regular members of the Queen Anne's County Board of Elections and the Talbot County Board of Elections; requiring the members of the local ~~board~~ boards to be of certain political parties; requiring that a vacancy on the local ~~board~~ boards be filled in a certain manner; providing for a delayed effective date; and generally relating to the membership of the Queen Anne's County Board of Elections and the Talbot County Board of Elections.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 2–201(l)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2013 Supplement)

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

### **Article – Election Law**

2–201.

(l) (1) In Allegany County, Baltimore City, Caroline County, Charles County, Frederick County, Harford County, **QUEEN ANNE'S COUNTY**, Somerset County, **TALBOT COUNTY**, Washington County, Wicomico County, and Worcester County, the local board consists of five regular members.

(2) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.

(3) (i) If a vacancy occurs on the local board, the Governor shall appoint an eligible person from the same political party as the predecessor member to fill the vacancy in accordance with subsection (g) of this section for the remainder of the unexpired term and until a successor is appointed and qualifies.

(ii) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

**Approved by the Governor, April 8, 2014.**

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## **Chapter 106**

### **(House Bill 999)**

AN ACT concerning

#### **Code Revision – Miscellaneous Provisions**

FOR the purpose of revising, without substantive changes, certain provisions of the Annotated Code of Maryland in order to effectuate the purposes of the Code Revision process; repealing as obsolete provisions of law relating to the time allowed for clerks of court and registers of wills to complete unfinished business on retirement; revising, without substantive change, certain provisions relating to operation of certain stores by mining companies, the DNA Technology Fund, the State Aid for Police Protection Fund, open meetings of State boards and commissions, and certain State-issued licenses and sanctions for certain drug crimes; specifying that this Act may not be deemed to constitute a substantive change in the law; specifying that certain catchlines, captions, and notes are not law and may not be considered to have been enacted as part of this Act; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct certain cross-references and terminology and to follow a certain procedure; and generally relating to the formal revision of the Annotated Code of Maryland.

BY repealing

Article 23 – Miscellaneous Companies

Section 235 and the subheading “Railroad Companies” and the heading “III. Particular Classes of Corporations”; and the article designation “Article 23 – Miscellaneous Companies”

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing

Article 41 – Governor – Executive and Administrative Departments

Section 1–205 and the subtitle “Subtitle 2. Units, Boards, and Commission”; 1–501 through 1–507 and the subtitle “Subtitle 5. Licensing – Controlled Dangerous Substance Offenses” and the title “Title 1. General Provisions; 4–301 and the subtitle “Subtitle 3. DNA Technology Fund”; 4–401 through 4–406 and the subtitle “Subtitle 4. State Aid for Police Protection Fund” and the title “Title 4. Law Enforcement, Public Safety, and Correctional Services”; and the article designation “Article 41 – Governor – Executive and Administrative Departments”

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing

Article 36 – Fees of Officers

Section 8 and 9 and the subheading “Execution for Fees”; and the article designation “Article 36 – Fees of Officers”

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY adding to

Article – Business Regulation

Section 19–801 to be under the new subtitle “Subtitle 8. Mining Companies”

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY adding to

Article – Public Safety

Section 4–401 through 4–404 to be under the new subtitle “Subtitle 4. DNA Technology Fund”; and 4–501 through 4–509 to be under the new subtitle “Subtitle 5. State Aid for Police Protection Fund” and the amended title “Title 4. Law Enforcement Funds and Grant Programs”

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article – State Government

Section 8–505; and 10–1401 through 10–1407 to be under the new subtitle “Subtitle 14. Licensing – Controlled Dangerous Substance Offenses”

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the following Section(s) of the Annotated Code of Maryland be repealed:

Article 23 – Miscellaneous Companies

Section 235 and the subheading “Railroad Companies” and the heading “III. Particular Classes of Corporations”; and the article designation “Article 23 – Miscellaneous Companies”

Article 41 – Governor – Executive and Administrative Departments

Section 1–205 and the subtitle “Subtitle 2. Units, Boards, and Commission”; 1–501 through 1–507 and the subtitle “Subtitle 5. Licensing – Controlled Dangerous Substance Offenses” and the title “Title 1. General Provisions; 4–301 and the subtitle “Subtitle 3. DNA Technology Fund”; 4–401 through 4–406 and the subtitle “Subtitle 4. State Aid for Police Protection Fund” and the title “Title 4. Law Enforcement, Public Safety, and Correctional Services”; and the article designation “Article 41 – Governor – Executive and Administrative Departments”

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

**[Article 36 – Fees of Officers]**

**[Execution for Fees]**

[8.

Each clerk and register of wills shall have six months from the time he retires from office to complete the unfinished business of his office and shall have, during that period, a right, on receipting therefor to his successor, to all needful papers, in order to enable him to complete and finish his business.]

[9.

Each clerk and register of wills on coming into office shall complete all the unfinished business which shall be in his office unfinished by his predecessor within the six months given in § 8, and such clerk or register shall be allowed the usual fees for so doing, the same to be paid by said predecessor; and the last official bond of said predecessor shall be responsible for the same in cases where said predecessor has received the fees therefor; and in cases where the fees have not been received by his said predecessor, such clerk or register completing said business shall be entitled to said fees therefor and shall collect the same from the parties owing the same in the like manner that he collects other fees for similar services.]

REVISOR'S NOTE: Former Article 36, §§ 8 and 9, which provided for the procedures for completing unfinished business to be followed when a clerk or register of wills retires from office, are repealed based on the opinion from the Office of the Attorney General that these sections have been rendered obsolete by the subsequent enactment of § 2-103 of the Courts Article, which allocates responsibility for the completion of unfinished business to the incoming clerk or register, and by other enactments that alter the manner in which clerks and registers are compensated. *See 98 Opinions of the Attorney General 98 (2013).*

## **Article – Business Regulation**

### **SUBTITLE 8. MINING COMPANIES.**

#### **19-801. OPERATION OF STORES.**

##### **(A) MINING COMPANIES.**

**A MINING COMPANY FORMED OR ORGANIZED IN THE STATE MAY NOT OWN, OPERATE, HOLD ANY INTEREST IN, OR RECEIVE PROFITS FROM ANY STORE.**

##### **(B) EMPLOYEE COOPERATIVES.**

**THIS SECTION DOES NOT PROHIBIT THE EMPLOYEES OF A MINING COMPANY FROM FORMING A COOPERATIVE STORE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23, § 235.

In subsection (a) of this section, the reference to a mining company formed or organized “in the State” is substituted for the former reference to a mining company formed or organized “under any of the provisions of this article, or which has organized under any existing laws, charter or act of the General Assembly of this State” for brevity.

Also in subsection (a) of this section, the reference to “operat[ing]” a store is substituted for the former reference to “conduct[ing] or carry[ing] on” a store for clarity and brevity.

Also in subsection (a) of this section, the former reference to receiving “any portion of the” profits from a store is deleted as surplusage.

In subsection (b) of this section, the phrase “[t]his section does not prohibit” is substituted for the former phrase “nothing herein contained shall prevent” for clarity.

Also in subsection (b) of this section, the reference to the employees of “a mining company” is substituted for the former reference to the employees of “any corporation” for clarity.

## **Article – Public Safety**

### **Title 4. Law Enforcement Funds AND GRANT PROGRAMS.**

#### **SUBTITLE 4. DNA TECHNOLOGY FUND.**

##### **4–401. DEFINITIONS.**

###### **(A) IN GENERAL.**

**IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–301(a)(1).

The only changes are in style.

###### **(B) DNA.**

**“DNA” MEANS DEOXYRIBONUCLEIC ACID.**

REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–301(a)(2).

No changes are made.

###### **(C) DNA TECHNOLOGY EQUIPMENT.**

**“DNA TECHNOLOGY EQUIPMENT” MEANS EQUIPMENT USED FOR DNA TESTING PURPOSES, INCLUDING THE PURPOSES LISTED IN § 2–505 OF THIS ARTICLE.**

REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–301(a)(3).

The only changes are in style.

Defined term: “DNA” § 4–401

###### **(D) EXECUTIVE DIRECTOR.**

**“EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.**

REVISOR'S NOTE: This subsection formerly was Art. 41, § 4-301(a)(4).

No changes are made.

**(E) FUND.**

**“FUND” MEANS THE DNA TECHNOLOGY FUND.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4-301(a)(5).

The former reference to the Fund “established under this section” is deleted as surplusage.

**(F) LOCAL LAW ENFORCEMENT AGENCY.**

**“LOCAL LAW ENFORCEMENT AGENCY” MEANS AN AGENCY OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE THAT PERFORMS POLICE PROTECTION FUNCTIONS.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4-301(a)(6).

The former phrase “including Baltimore City” is deleted in light of § 1-107 of the General Provisions Article, which provides that the word “county” is to be construed to include Baltimore City.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that it is unclear whether sheriffs are included in the definition of “local law enforcement agency”. According to the Governor's Office for Crime Control and Prevention, sheriff's offices are considered to fall under the definition of “local law enforcement agency” when the office is performing police protection functions. The General Assembly may wish to clarify the extent to which sheriff's offices are included in the definition of “local law enforcement agency”.

**4-402. DNA TECHNOLOGY FUND.**

**(A) ESTABLISHED.**

**THERE IS A DNA TECHNOLOGY FUND.**

**(B) PURPOSE.**

**THE PURPOSE OF THE FUND IS TO ASSIST THE DEPARTMENT OF STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES IN ACQUIRING DNA TECHNOLOGY EQUIPMENT NEEDED TO TEST DNA SAMPLES.**

**(C) ADMINISTRATION.**

**THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.**

**(D) STATUS.**

**(1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN CONJUNCTION WITH THE EXECUTIVE DIRECTOR.**

**(E) COMPOSITION.**

**THE FUND CONSISTS OF MONEY RECEIVED FROM ANY PRIVATE ENTITY OR FEDERAL AGENCY FOR THE PURPOSE OF COLLECTING AND TESTING DNA SAMPLES.**

**(F) INVESTMENTS.**

**THE STATE TREASURER MAY INVEST THE MONEY IN THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

**(G) PAYMENTS.**

**THE STATE TREASURER SHALL MAKE PAYMENTS OUT OF THE FUND TO THE DEPARTMENT OF STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES IF THE EXECUTIVE DIRECTOR AUTHORIZES THE PAYMENTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-301(b) and (c).

In subsection (c) of this section, the former reference to administering the Fund "in accordance with this section and other applicable law" is deleted as surplusage.

In subsection (d)(1) of this section, the reference to a "special" nonlapsing fund is substituted for the former reference to a "continuing" nonlapsing fund for accuracy.

Defined terms: "DNA" § 4-401

"DNA technology equipment" § 4-401

"Executive Director" § 4-401

"Fund" § 4-401

"Local law enforcement agency" § 4-401

#### **4-403. GRANTS FROM FUND.**

##### **(A) APPLICATION PROCEDURES.**

**THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR THE DEPARTMENT OF STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES TO USE WHEN APPLYING FOR MONEY FROM THE FUND.**

##### **(B) CONTENT OF APPLICATION.**

**AN APPLICANT SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH ANY INFORMATION THE EXECUTIVE DIRECTOR CONSIDERS NECESSARY TO MAKE GRANTS FOR DNA TECHNOLOGY EQUIPMENT.**

##### **(C) COMPARATIVE NEEDS OF LOCAL LAW ENFORCEMENT AGENCIES.**

**THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS TO THE DEPARTMENT OF STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES TO PURCHASE OR REPLACE DNA TECHNOLOGY EQUIPMENT BASED ON THE NEEDS OF THE DEPARTMENT OF STATE POLICE AND THE COMPARATIVE NEED OF EACH LOCAL LAW ENFORCEMENT AGENCY AS DETERMINED FROM THE INFORMATION PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.**

##### **(D) PROOF OF EXPENDITURES.**

**AFTER THE DEPARTMENT OF STATE POLICE OR A LOCAL LAW ENFORCEMENT AGENCY RECEIVES NOTICE FROM THE EXECUTIVE DIRECTOR OF A GRANT AWARD, THE DEPARTMENT OF STATE POLICE OR THE LOCAL LAW ENFORCEMENT AGENCY SHALL SUBMIT PROOF OF EXPENDITURES ON DNA TECHNOLOGY EQUIPMENT TO THE EXECUTIVE DIRECTOR.**

~~[NOTE TO COMMITTEE: The Committee asked staff to ask GOCPP how subsection (d) is applied. According to GOCPP, grants for the DNA Technology Fund run for a period of 1 year and grantees receive notice of the award shortly before the start date of January 1. The grantee submits quarterly reports on expenditures at which point GOCPP provides reimbursement. Given this information, staff does not recommend amending the statute since GOCPP has established a mechanism through which grantees are providing proof of expenditures.]~~

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-301(d), (e), and (f).

In subsections (a) and (b) of this section, the references to “money” from the Fund are substituted for the former references to “aid” from the Fund for clarity.

In subsection (b) of this section, the reference to “[a]n applicant” is substituted for the former reference to “[t]he Department of State Police and a local law enforcement agency applying for aid from the Fund” for brevity.

Also in subsection (b) of this section, the reference to “grants” is substituted for the former reference to “awards” for consistency with subsection (c) of this section.

Defined terms: “DNA technology equipment” § 4-401

“Executive Director” § 4-401

“Fund” § 4-401

“Local law enforcement agency” § 4-401

#### **4-404. ANNUAL REPORT.**

**ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE EXECUTIVE DIRECTOR SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE DISTRIBUTION OF MONEY UNDER THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-301(g).

The reference to “money” is substituted for the former reference to “aid” for clarity.

Defined term: “Executive Director” § 4-401

#### **SUBTITLE 5. STATE AID FOR POLICE PROTECTION FUND.**

#### **4-501. DEFINITIONS.**

##### **(A) IN GENERAL.**

**IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from the introductory language of former Art. 41, § 4-403(a).

The phrase "the following words have the meanings indicated" is substituted for the former phrase "[a]s used in" as standard language for a definition section.

**(B) ADJUSTED ASSESSED VALUATION OF REAL PROPERTY.**

**"ADJUSTED ASSESSED VALUATION OF REAL PROPERTY" MEANS THE SUM OF:**

**(1) 100% OF THE ASSESSED VALUATION OF THE OPERATING REAL PROPERTY OF PUBLIC UTILITIES;**

**(2) 40% OF THE ASSESSED VALUATION OF ALL OTHER REAL PROPERTY FOR STATE PURPOSES, AS REPORTED BY THE DEPARTMENT OF ASSESSMENTS AND TAXATION AS OF JULY 1 OF THE SECOND FISCAL YEAR PRECEDING THE FISCAL YEAR FOR WHICH THE CALCULATION OF STATE AID IS TO BE MADE; AND**

**(3) 20% OF NEW PROPERTY ASSESSED BETWEEN JULY 1 AND DECEMBER 31 OF THE SECOND PRECEDING FISCAL YEAR.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from the first sentence of former Art. 41, § 4-403(a)(4).

Defined term: "Real property" § 4-501

**(C) AGGREGATE EXPENDITURES FOR POLICE PROTECTION.**

**"AGGREGATE EXPENDITURES FOR POLICE PROTECTION" MEANS THE SUM OF EXPENDITURES FOR POLICE PROTECTION OF A COUNTY AND OF EVERY QUALIFYING MUNICIPALITY IN THE COUNTY.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4-403(a)(10).

The former reference to aggregate expenditures for police protection "for a subdivision" is deleted as surplusage.

The former phrase " , as defined above," is deleted as surplusage.

Defined terms: "County" § 4-501

“Expenditures for police protection” § 4–501

“Qualifying municipality” § 4–501

**(D) COUNTY.**

**“COUNTY” DOES NOT INCLUDE BALTIMORE CITY.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4–403(a)(1).

The term “county” is substituted for the former defined term “[s]ubdivision’ means any county of Maryland” for brevity, clarity, and specificity because a subdivision could include a county and a municipality.

The former phrase “or where the context requires, the governing body thereof” is deleted as implicit in the reference to a county.

**(E) EXECUTIVE DIRECTOR.**

**“EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.**

REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–403(a)(7).

The only changes are in style.

**(F) EXPENDITURES FOR POLICE PROTECTION.**

**(1) “EXPENDITURES FOR POLICE PROTECTION” MEANS EXPENSES FOR THE FISCAL YEAR IMMEDIATELY PRECEDING THE FISCAL YEAR FOR WHICH THE CALCULATION OF STATE AID UNDER THIS SUBTITLE IS TO BE MADE FOR:**

**(I) SALARIES, WAGES, AND OTHER OPERATING EXPENSES FOR POLICE PROTECTION;**

**(II) CAPITAL OUTLAYS FROM CURRENT OPERATING FUNDS FOR POLICE PROTECTION;**

**(III) DEBT SERVICE IDENTIFIABLE FOR POLICE PROTECTION;**

**(IV) OFFICERS OF A SHERIFF’S OFFICE TO THE EXTENT THAT THE OFFICERS PERFORM POLICE PROTECTION FUNCTIONS; AND**

**(V) TRAFFIC CONTROL, PARK POLICE, AND A SHARE OF THE COST OF A CENTRAL ALARM SYSTEM PROPORTIONATE TO ITS POLICE USE.**

**(2) “EXPENDITURES FOR POLICE PROTECTION” DOES NOT INCLUDE EXPENSES FOR COLLECTING FROM OR SERVICING PARKING METERS OR CONSTRUCTING OR OPERATING LOCAL CORRECTIONAL FACILITIES.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from the first and third through sixth sentences of former Art. 41, § 4–403(a)(3).

In the introductory language of paragraph (1) of this subsection, the reference to State aid “under this subtitle” is added for clarity.

Also in the introductory language of paragraph (1) of this subsection, the phrase “means expenses” is substituted for the former phrase “shall be those” for clarity.

In paragraph (1)(iii) of this subsection, the former reference to “properly” identifiable debt service is deleted as surplusage.

In paragraph (1)(iv) of this subsection, the reference to “officers of a sheriff's office” is substituted for the former reference to “sheriffs” for accuracy because there is only one sheriff for each county and the other officers are deputy sheriffs or officers with other ranks or titles.

Also in paragraph (1)(iv) of this subsection, the former reference to “constables” is deleted as obsolete. According to the Governor's Office of Crime Control and Protection, no counties use constables for police protection.

In paragraph (2) of this subsection, the reference to “local correctional facilities” is substituted for the former reference to “jails” to use more modern terminology.

The second sentence of former Art. 41, § 403(a)(3), which gave examples from fiscal years 1969 and 1970 on how to calculate “expenditures for police protection”, is deleted as unnecessary.

**(G) FUND.**

**“FUND” MEANS THE STATE AID FOR POLICE PROTECTION FUND.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full name of the State Aid for Police Protection Fund.

The General Provisions Article Review committee notes, for consideration by the General Assembly, that the State Aid for Police Protection Fund is not a traditional fund since the statute creating the fund does not provide for a funding source. According to the Governor's Office for Crime Control and Prevention, general funds are used to provide grants. The committee chose to retain the term "Fund" in order to avoid an interpretation among grantees that changes have been made to the Fund. The General Assembly may wish to further clarify the name of the program.

**(H) MUNICIPALITY.**

**(1) "MUNICIPALITY" MEANS AN INCORPORATED CITY OR TOWN.**

**(2) "MUNICIPALITY" DOES NOT INCLUDE BALTIMORE CITY.**

~~[NOTE TO COMMITTEE: Staff checked to see if Chevy Chase is a special taxing district. It is not.]~~

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4-403(a)(2).

In this subsection, the former phrase "or where the context requires, the governing body thereof" is deleted as implicit in the reference to a municipality.

In paragraph (1) of this subsection, the former phrase " , within Maryland" is deleted as surplusage.

**(I) NET TAXABLE INCOME.**

**"NET TAXABLE INCOME" MEANS THE TAXABLE INCOME OF INDIVIDUALS UNDER TITLE 10 OF THE TAX – GENERAL ARTICLE, AS CERTIFIED BY THE COMPTROLLER FOR THE THIRD COMPLETED CALENDAR YEAR PRECEDING THE FISCAL YEAR FOR WHICH THE CALCULATION OF STATE AID IS TO BE MADE.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from the first sentence of former Art. 41, § 4-403(a)(5).

The second sentence of former Art. 41, § 4-403(a)(5), which gave an example for how to calculate net taxable income, is deleted as unnecessary.

**(J) QUALIFIED POLICE OFFICER.**

**“QUALIFIED POLICE OFFICER” MEANS A POLICE OFFICER THAT THE EXECUTIVE DIRECTOR DETERMINES TO BE QUALIFIED UNDER § 4-504(D) OF THIS SUBTITLE.**

REVISOR'S NOTE: This subsection is new language added to avoid the lengthy reference to a police officer that the Executive Director determines to be qualified under § 4-504(d) of this subtitle.

Defined term: “Executive Director” § 4-501

**(K) QUALIFYING MUNICIPALITY.**

**“QUALIFYING MUNICIPALITY” MEANS A MUNICIPALITY THAT:**

**(1) (I) HAS EXPENDITURES FOR POLICE PROTECTION THAT EXCEED \$5,000; AND**

**(II) EMPLOYS AT LEAST ONE FULL-TIME QUALIFIED POLICE OFFICER; OR**

**(2) (I) HAS EXPENDITURES FOR POLICE PROTECTION THAT EXCEED \$80,000; AND**

**(II) EMPLOYS AT LEAST TWO PART-TIME QUALIFIED POLICE OFFICERS FROM A COUNTY POLICE DEPARTMENT OR COUNTY SHERIFF'S DEPARTMENT.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4-403(a)(8).

In paragraphs (1)(i) and (2)(i) of this subsection, the former phrases “, as defined above,” are deleted as surplusage.

In paragraphs (1)(ii) and (2)(ii) of this subsection, the former references to qualified police officers “, as determined by the executive director” are deleted as unnecessary in light of the defined term “qualified police officer”.

Defined terms: “County” § 4-501

“Expenditures for police protection” § 4-501

“Municipality” § 4-501

“Qualified police officer” § 4-501

**(L) REAL PROPERTY.**

**“REAL PROPERTY” MEANS ALL PROPERTY CLASSIFIED AS REAL PROPERTY UNDER § 8–101(B) OF THE TAX – PROPERTY ARTICLE.**

REVISOR’S NOTE: This subsection formerly was the second sentence of Art. 41, § 4–403(a)(4).

No changes are made.

**(M) SWORN OFFICER.**

**“SWORN OFFICER” MEANS:**

**(1) A LAW ENFORCEMENT OFFICER CERTIFIED BY THE POLICE TRAINING COMMISSION; OR**

**(2) A FULL-TIME PROBATIONARY EMPLOYEE OF A LOCAL GOVERNMENT WHO:**

**(I) IS HIRED TO ATTEND A POLICE TRAINING ACADEMY TO BECOME A CERTIFIED LAW ENFORCEMENT OFFICER; AND**

**(II) IS IN TRAINING OR IS FUNCTIONING AS A LAW ENFORCEMENT OFFICER PENDING TRAINING.**

REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–403(a)(12).

No changes are made.

**(N) WEALTH BASE.**

**“WEALTH BASE” MEANS THE SUM OF THE ADJUSTED ASSESSED VALUATION OF REAL PROPERTY AND NET TAXABLE INCOME.**

REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–403(a)(9).

The former reference to the wealth base “of a subdivision” is deleted as surplusage.

The only other changes are in style.

Defined terms: “Adjusted assessed valuation of real property” § 4–501

“Net taxable income” § 4–501

“Real property” § 4–501

GENERAL REVISOR’S NOTE TO SECTION

Former Art. 41, § 4-403(a)(11), which provided a definition for “[e]quivalent of X dollars per capita”, is deleted as unnecessary because that term is no longer used in this revised article.

#### **4-502. LIMITS ON SPENDING REQUIREMENTS.**

**NOTHING IN THIS SUBTITLE MAY BE CONSTRUED AS REQUIRING A COUNTY OR QUALIFYING MUNICIPALITY TO SPEND MORE FOR POLICE PROTECTION THAN THE GREATER OF:**

**(1) THE ACTUAL EXPENDITURES FOR POLICE PROTECTION, NOT INCLUDING CAPITAL EXPENDITURES; OR**

**(2) THE SUM OF:**

**(I) THE AMOUNT RECEIVED IN STATE AID UNDER THIS SUBTITLE; AND**

**(II) LOCAL FUNDS EQUAL TO THE PERCENTAGE OF LOCAL WEALTH USED IN CALCULATING THE STATE SHARE IN BASIC EXPENDITURES UNDER § 4-506(B) OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-402(b).

In the introductory language of this section, the reference to “this subtitle” is substituted for the former reference to “herein” for clarity.

In item (1) of this section, the former reference to expenditures for police protection “, as defined in § [4-501] of this subtitle,” is deleted as surplusage.

In item (2)(i) of this section, the reference to this “subtitle” is substituted for the former reference to this “program” for clarity.

Defined terms: “County” § 4-501

“Expenditures for police protection” § 4-501

“Qualifying municipality” § 4-501

#### **4-503. STATE AID FOR POLICE PROTECTION FUND.**

**(A) ESTABLISHED.**

**THERE IS A STATE AID FOR POLICE PROTECTION FUND.**

**(B) PURPOSES.**

**THE FUND PROVIDES A CONTINUING GRANT FROM THE GENERAL FUND OF THE STATE THAT SHALL BE USED EXCLUSIVELY TO PROVIDE ADEQUATE POLICE PROTECTION IN THE COUNTIES AND QUALIFYING MUNICIPALITIES THROUGH THE SHARING OF COSTS ON AN EQUITABLE BASIS WITHIN CERTAIN LIMITS RELATED TO POPULATION FACTORS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, §§ 4–401 and 4–402(a).

In subsection (b) of this section, the reference to the Fund “provid[ing]” a continuing grant is substituted for the former reference to the Fund “is” a continuing grant for clarity.

Also in subsection (b) of this section, the former reference to the Fund being “intended for” adequate police protection is deleted as surplusage.

Also in subsection (b) of this section, the former reference to “State and subdivision” sharing of costs is deleted as surplusage.

Also in subsection (b) of this section, the former phrase “to be used for the purpose and distributed in the manner hereinafter specified” is deleted as surplusage.

Defined terms: “County” § 4–501

“Fund” § 4–501

“Qualifying municipality” § 4–501

#### **4–504. ADMINISTRATION OF FUND.**

##### **(A) IN GENERAL.**

**THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.**

##### **(B) CERTIFICATION OF GRANTS.**

**THE EXECUTIVE DIRECTOR SHALL:**

**(1) CERTIFY TO THE COMPTROLLER, COUNTIES, AND QUALIFYING MUNICIPALITIES THE AMOUNT OF PAYMENTS UNDER THIS SUBTITLE TO THE COUNTIES AND QUALIFYING MUNICIPALITIES; AND**

**(2) ADOPT REGULATIONS AND REQUIRE REPORTS THAT ARE NECESSARY TO CERTIFY THE AMOUNTS.**

##### **(C) STANDARDS OF POLICE PROTECTION.**

**IN ADMINISTERING THE FUND, THE EXECUTIVE DIRECTOR SHALL:**

**(1) MAKE A CONTINUING EFFORT TO ESTABLISH STANDARDS OF POLICE PROTECTION ADEQUATE TO THE VARIOUS LOCAL SITUATIONS; AND**

**(2) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, REPORT PERIODICALLY TO THE GENERAL ASSEMBLY ON PROGRESS IN ESTABLISHING AND MEETING THOSE STANDARDS, INCLUDING THE PAYMENT AMOUNTS CERTIFIED UNDER SUBSECTION (B) OF THIS SECTION AND ANY OTHER RELEVANT FISCAL INFORMATION.**

**(D) DETERMINING QUALIFICATIONS FOR POLICE OFFICERS.**

**THE EXECUTIVE DIRECTOR SHALL APPLY THE MINIMUM STANDARDS DETERMINED BY THE POLICE TRAINING COMMISSION UNDER TITLE 3, SUBTITLE 2 OF THIS ARTICLE TO DETERMINE WHETHER POLICE OFFICERS ARE QUALIFIED.**

**(E) MINIMUM STANDARDS FOR POLICE OFFICERS.**

**THE POLICE TRAINING COMMISSION SHALL PRINT AND DISTRIBUTE TO ALL MUNICIPALITIES ITS REGULATIONS THAT SET FORTH THE MINIMUM STANDARDS FOR POLICE QUALIFICATIONS.**

**(F) FAILURE TO MEET MINIMUM STANDARDS.**

**(1) IF A MUNICIPALITY FAILS TO MEET THE MINIMUM STANDARDS FOR POLICE QUALIFICATIONS FOR 2 SUCCESSIVE YEARS, THE EXECUTIVE DIRECTOR SHALL WITHHOLD FROM THE MUNICIPALITY PAYMENTS THAT WOULD OTHERWISE BE PAYABLE THE SECOND YEAR.**

**(2) (I) ANY PAYMENT WITHHELD FOR NONCOMPLIANCE IS FORFEITED.**

**(II) A MUNICIPALITY MAY NOT MAKE A CLAIM FOR THE WITHHELD PAYMENT.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 41, § 4-406.

In subsection (b)(1) of this section, the reference to payments "under this subtitle" is added for clarity.

In subsection (d) of this section, the reference to the “Executive Director” is added for clarity.

Also in subsection (d) of this section, the reference to determining “whether police officers are qualified” is substituted for the former reference to determining “qualification under § [4–501(j)] of this subtitle” for clarity.

In subsection (e) of this section, the former reference to “rules” is deleted to distinguish between regulations of executive units and rules of judicial and legislative units and to establish consistency in the use of words.

In subsection (f)(1) of this section, the reference to minimum standards “for police qualifications” is added for clarity.

Also in subsection (f)(1) of this section, the reference to payments “that would otherwise be payable” the second year is substituted for the former reference to payments “with respect to” the second year for clarity.

In subsection (f)(2) of this section, the reference to the “withheld payment” is substituted for the former reference to the “funds” for clarity and consistency with subsection (f)(1) of this section.

Defined terms: “County” § 4–501

“Executive Director” § 4–501

“Fund” § 4–501

“Municipality” § 4–501

“Qualifying municipality” § 4–501

#### **4–505. POPULATION AND DENSITY DETERMINATIONS.**

**FOR POPULATION AND DENSITY DETERMINATIONS UNDER THIS SUBTITLE:**

**(1) POPULATION NUMBERS FOR A COUNTY SHALL BE THOSE ESTIMATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AS OF JULY 1 OF EACH YEAR; AND**

**(2) THE PERCENTAGE OF POPULATION RESIDING IN MUNICIPALITIES SHALL BE DETERMINED FROM TIME TO TIME BY THE MOST RECENTLY PUBLISHED FEDERAL DECENNIAL CENSUS DATA.**

~~[NOTE TO COMMITTEE: The committee asked staff to look into why GOCPP uses population figures from the federal census and not from the Department of Health and Mental Hygiene (DHMH) as the statute requires. According to GOCPP, DHMH also uses federal census data so~~

~~this is why federal data is used. Given this information, staff does not recommend amending the statute.~~

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-403(a)(6).

In the introductory language of this section, the phrase "[f]or population and density determinations under this subtitle" is added for clarity.

In item (1) of this section, the reference to population "numbers" is substituted for the former references to population "figures for total number of people" and "figures used in per capita and density determinations" for brevity.

Defined terms: "County" § 4-501  
"Municipality" § 4-501

#### **4-506. CALCULATION OF GRANTS.**

##### **(A) IN GENERAL.**

**SUBJECT TO § 4-507 OF THIS SUBTITLE AND THE LIMITATIONS AND REQUIREMENTS PROVIDED IN THIS SUBTITLE, EACH FISCAL YEAR THE STATE SHALL PAY TO EACH COUNTY AND EACH QUALIFYING MUNICIPALITY, IN THE MANNER PROVIDED IN THIS SUBTITLE, AN AMOUNT DETERMINED AS PROVIDED IN THIS SECTION.**

##### **(B) SHARE IN BASIC EXPENDITURE.**

**(1) IF THE AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN A COUNTY EQUAL OR EXCEED \$6.00 PER PERSON, THE STATE SHALL PAY TO THE COUNTY THE AMOUNT BY WHICH \$6.00 PER PERSON EXCEEDS 0.09% OF THE WEALTH BASE OF THE COUNTY.**

**(2) IF THE AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN A COUNTY ARE LESS THAN \$6.00 PER PERSON, THE STATE SHALL PAY TO THE COUNTY THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION EXCEED THE AMOUNT OBTAINED BY MULTIPLYING 0.09% OF THE WEALTH BASE OF THE COUNTY TIMES A FRACTION:**

**(I) THE NUMERATOR OF WHICH IS THE AGGREGATE EXPENDITURES FOR POLICE PROTECTION; AND**

**(II) THE DENOMINATOR OF WHICH IS \$6.00 PER PERSON.**

**(C) SHARE OVER BASIC EXPENDITURE.**

**(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IN ADDITION TO THE AMOUNT, IF ANY, PAYABLE UNDER SUBSECTION (B) OF THIS SECTION, THE STATE SHALL PAY TO EACH COUNTY 25% OF THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$6.00 PER PERSON.**

**(2) FOR A COUNTY WITH A POPULATION DENSITY OF LESS THAN 100 PER SQUARE MILE AND IN WHICH LESS THAN 30% OF THE TOTAL POPULATION RESIDES IN A MUNICIPALITY, THE STATE SHALL MAKE NO PAYMENT UNDER THIS SUBSECTION.**

**(3) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST 100 BUT LESS THAN 500 PER SQUARE MILE, AND FOR A COUNTY WITH A POPULATION DENSITY OF LESS THAN 100 PER SQUARE MILE AND IN WHICH AT LEAST 30% OF THE TOTAL POPULATION RESIDES IN A MUNICIPALITY, PAYMENT UNDER THIS SUBSECTION MAY NOT EXCEED \$3.50 PER PERSON.**

**(4) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST 500 BUT LESS THAN 900 PER SQUARE MILE, PAYMENT UNDER THIS SUBSECTION MAY NOT EXCEED \$7.50 PER PERSON.**

**(5) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST 900 BUT LESS THAN 1,100 PER SQUARE MILE, PAYMENT UNDER THIS SUBSECTION MAY NOT EXCEED \$8.00 PER PERSON.**

**(6) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST 1,100 BUT LESS THAN 1,300 PER SQUARE MILE, PAYMENT UNDER THIS SUBSECTION MAY NOT EXCEED \$9.25 PER PERSON.**

**(7) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST 1,300 BUT LESS THAN 8,000 PER SQUARE MILE, PAYMENT UNDER THIS SUBSECTION SHALL BE:**

**(I) 25% OF THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$6.00 PER PERSON BUT DO NOT EXCEED \$36.00 PER PERSON; AND**

**(II) 50% OF THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$36.00 PER PERSON BUT DO NOT EXCEED \$45.50 PER PERSON.**

**(8) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST 8,000 PER SQUARE MILE, PAYMENT UNDER THIS SUBSECTION SHALL BE:**

**(I) 25% OF THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$6.00 PER PERSON BUT DO NOT EXCEED \$36.00 PER PERSON; AND**

**(II) 50% OF THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$36.00 PER PERSON BUT DO NOT EXCEED \$101.50 PER PERSON.**

**(D) MINIMUM GRANT.**

**(1) THE STATE SHALL PAY TO EACH COUNTY THE AMOUNT BY WHICH \$2.50 PER PERSON EXCEEDS THE TOTAL PAYMENTS DETERMINED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION.**

**(2) A COUNTY FOR WHICH THE POPULATION ESTIMATE IS LESS THAN THE POPULATION ESTIMATED FOR THE FIRST YEAR OF THE GRANT MAY NOT RECEIVE IN ANY YEAR A SMALLER AMOUNT OF STATE AID FOR POLICE PROTECTION THAN IT RECEIVED IN ANY PREVIOUS YEAR IF IT HAS NOT REDUCED THE LEVEL OF EXPENDITURES FOR POLICE PROTECTION WHICH ENTITLED IT TO THE AMOUNT OF THE PREVIOUS YEAR'S GRANT.**

**(E) INCENTIVE GRANT.**

**IN ADDITION TO THE PAYMENTS MADE UNDER SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, THE STATE SHALL PAY TO EACH COUNTY WITH A POPULATION DENSITY OF LESS THAN 500 PER SQUARE MILE, \$2.00 PER PERSON.**

**(F) SUPPLEMENTAL GRANT.**

**(1) IN ADDITION TO THE PAYMENTS MADE UNDER SUBSECTIONS (B) THROUGH (E) OF THIS SECTION, THE STATE SHALL PAY:**

**(I) TO EACH COUNTY, \$2.50 PER PERSON, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION;**

**(II) TO BALTIMORE CITY, \$0.50 PER PERSON; AND**

**(III) TO EACH COUNTY THAT BORDERS THE DISTRICT OF COLUMBIA, IN ADDITION TO THE AMOUNT REQUIRED UNDER ITEM (I) OF THIS**

**PARAGRAPH, \$0.50 PER PERSON LIVING IN THE COUNTY WITHIN 1 MILE OF THE BORDER BETWEEN THE STATE AND THE DISTRICT OF COLUMBIA.**

**(2) THE STATE SHALL ALLOCATE THE SUPPLEMENTAL GRANT ON A PER PERSON BASIS AMONG THE COUNTY AND THE QUALIFYING MUNICIPALITIES IN THAT COUNTY AND DISTRIBUTE THE RESULTING ALLOCATION TO EACH COUNTY AND QUALIFYING MUNICIPALITY.**

**(G) ADDITIONAL GRANT.**

**EACH FISCAL YEAR, THE STATE SHALL PAY TO EACH COUNTY AN ADDITIONAL GRANT EQUAL TO THE GREATER OF:**

**(1) 10% OF THE TOTAL OF THE PAYMENTS DETERMINED UNDER SUBSECTIONS (B) THROUGH (E) OF THIS SECTION; OR**

**(2) AN AMOUNT NOT TO EXCEED \$1 PER PERSON.**

**(H) ADDITIONAL MINIMUM PAYMENT.**

**THE STATE SHALL PAY EACH COUNTY THE AMOUNT BY WHICH THE GRANT PAID TO THE COUNTY IN FISCAL YEAR 1984 EXCEEDS THE TOTAL PAYMENTS DETERMINED UNDER SUBSECTIONS (B) THROUGH (G) OF THIS SECTION.**

**(I) MUNICIPAL SWORN OFFICER ALLOCATION.**

**EACH FISCAL YEAR, THE STATE SHALL PAY TO EACH QUALIFYING MUNICIPALITY, IN ADDITION TO THE PAYMENTS MADE UNDER SUBSECTIONS (B) THROUGH (H) OF THIS SECTION, \$1,950 FOR EACH SWORN OFFICER ACTUALLY EMPLOYED ON A FULL-TIME BASIS BY THE QUALIFYING MUNICIPALITY, AS DETERMINED BY THE EXECUTIVE DIRECTOR.**

**(J) ALLOCATION OF GRANT.**

**THE PAYMENT MADE TO EACH COUNTY UNDER SUBSECTIONS (B), (C), (D), (E), (G), AND (H) OF THIS SECTION SHALL BE ALLOCATED TO EACH COUNTY AND QUALIFYING MUNICIPALITY BY MULTIPLYING THE TOTAL PAYMENT BY A FRACTION:**

**(1) THE NUMERATOR OF WHICH EQUALS THE EXPENDITURES FOR POLICE PROTECTION OF THE COUNTY OR THE QUALIFYING MUNICIPALITY; AND**

**(2) THE DENOMINATOR OF WHICH EQUALS THE AGGREGATE EXPENDITURES FOR POLICE PROTECTION.**

~~[NOTE TO COMMITTEE: The committee asked staff to have budget analysts at the Department of Legislative Services review this subtitle. In particular, the committee asked whether certain references in this section to “if any” and “an amount equivalent to”, regarding the calculation of various grants, could be removed. According to the DLS budget analysts, these references add no additional meaning and can be removed. This draft reflects the removal of these references.]~~

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4–403(b) and (c).

Throughout this section, the former phrase “, if any,” is deleted as surplusage.

In subsection (a) of this section, the reference to “each fiscal year” is substituted for “the fiscal year beginning July 1, 2004, and thereafter” for brevity.

In subsection (b)(1) of this section, the reference to the wealth base “of the county” is added for clarity.

Also in subsection (b)(1) of this section, the former phrase “the equivalent of” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “the amount obtained by multiplying 0.09% of the wealth base of the county times a fraction: (i) the numerator of which is the aggregate expenditures for police protection; and (ii) the denominator of which is \$6.00 per person” is substituted for the former reference to “that proportion of 0.09 percent of the wealth base which aggregate expenditures for police protection bear to the equivalent of \$6.00 per capita” for clarity.

In subsections (c)(1) and (i) of this section, the former phrase “an amount equal to” is deleted as surplusage.

In subsection (c)(1), (7), and (8) of this section, the references to aggregate expenditures for police protection “in the county” are added for clarity.

In subsection (c)(1) of this section, the phrase “[e]xcept as otherwise provided in this subsection,” is substituted for the former phrase “[p]rovided however” for clarity.

In subsection (c)(2) of this section, the reference to “the State ... mak[ing]” no payment is substituted for the former reference to “there ... be[ing]” no payment for clarity.

In subsection (f)(1)(iii) of this section, the reference to living “in the county within 1 mile of the border between the State and the District of Columbia” is substituted for the former reference to living “in this State within 1 mile of the border” for clarity.

In the introductory language of subsection (g) and in subsection (h) of this section, the references to “the State” are added for clarity.

In the introductory language of subsection (g) of this section, the reference to “[e]ach fiscal year” is substituted for the former phrase “[f]or the fiscal year ending June 30, 1981, and for each fiscal year thereafter” for brevity.

In subsection (h) of this section, the reference to “fiscal year 1984” is substituted for the former reference to “the fiscal year ending June 30, 1984” for brevity.

In subsection (i) of this section, the reference to “[e]ach fiscal year” is substituted for the former phrase “[f]or fiscal year 2009 and each fiscal year thereafter” for brevity.

Also in subsection (i) of this section, the former reference to a sworn “police” officer is deleted in order to use the defined term provided in § 4–501 of this subtitle.

In subsection (j) of this section, the reference to allocating a payment “by multiplying the total payment by a fraction: (1) the numerator of which equals the expenditures for police protection of the county or the qualifying municipality; and (2) the denominator of which equals the aggregate expenditures for police protection” is substituted for the former reference to payment “in the exact proportion which the expenditures for police protection of the subdivision and of each qualifying municipality bear to aggregate expenditures for police protection” for clarity.

Defined terms: “Aggregate expenditures for police protection” § 4–501

“County” § 4–501

“Executive Director” § 4–501

“Expenditures for police protection” § 4–501

“Municipality” § 4–501

“Qualifying municipality” § 4–501

“Sworn officer” § 4–501

“Wealth base” § 4–501

#### **4–507. REDUCTION FOR CRIME AND WEALTH ASSESSMENTS.**

##### **(A) DEFINITIONS.**

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CRIME ASSESSMENT” MEANS AN AMOUNT OBTAINED FOR EACH COUNTY OR BALTIMORE CITY BY MULTIPLYING THE PERCENT OF TOTAL PART I CRIMES IN THE STATE THAT WERE COMMITTED IN THE COUNTY OR BALTIMORE CITY BY 10% OF THE COSTS FOR THE CRIME LABORATORY OF THE STATE POLICE AS PROVIDED IN THE STATE BUDGET FOR THE FISCAL YEAR OF THE ASSESSMENT.

(3) “PART I CRIMES” MEANS THE CRIMES REPORTED BY THE STATE POLICE AS PART I CRIMES IN THE ANNUAL UNIFORM CRIME REPORT FOR THE SECOND COMPLETED CALENDAR YEAR PRECEDING THE FISCAL YEAR OF THE CRIME ASSESSMENT.

(4) “WEALTH ASSESSMENT” MEANS AN AMOUNT OBTAINED FOR EACH COUNTY OR BALTIMORE CITY BY MULTIPLYING THE PERCENT OF THE TOTAL WEALTH BASE OF THE STATE THAT IS ATTRIBUTABLE TO THE WEALTH BASE OF THE COUNTY OR BALTIMORE CITY BY 20% OF THE COSTS FOR THE CRIME LABORATORY OF THE STATE POLICE AS PROVIDED IN THE STATE BUDGET FOR THE FISCAL YEAR OF THE ASSESSMENT.

(B) CALCULATION OF REDUCTION.

FOR EACH FISCAL YEAR, THE AMOUNT DETERMINED UNDER § 4-506 OF THIS SUBTITLE FOR EACH COUNTY OR BALTIMORE CITY SHALL BE REDUCED BY THE SUM OF THE CRIME ASSESSMENT AND THE WEALTH ASSESSMENT FOR THE COUNTY OR BALTIMORE CITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-403(d).

In subsection (b) of this section, the phrase “[f]or each fiscal year” is substituted for the former phrase “[f]or the fiscal year beginning July 1, 2004, and for each fiscal year thereafter” for brevity.

Defined terms: “County” § 4-501  
“Wealth base” § 4-501

**4-508. PAYMENTS FROM FUND.**

THE STATE TREASURER SHALL MAKE THE PAYMENTS REQUIRED UNDER THIS SUBTITLE TO EACH COUNTY AND QUALIFYING MUNICIPALITY:

(1) ON WARRANTS OF THE COMPTROLLER;

**(2) AT THE END OF EACH QUARTER OF EACH FISCAL YEAR; AND**

**(3) IN APPROXIMATELY EQUAL AMOUNTS FOR EACH QUARTER TO THE APPROPRIATE COUNTY OR QUALIFYING MUNICIPALITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4–404.

In the introductory language of this section, the reference to payments “required under this subtitle” is substituted for the former reference to payments “out of the State Aid for Police Protection Fund” to reflect that the payments are made from the General Fund of the State in the manner required under this subtitle.

In item (2) of this section, the former reference to each fiscal year “thereafter” is deleted as surplusage.

Defined terms: “County” § 4–501

“Qualifying municipality” § 4–501

#### **4–509. NONCOMPLIANCE.**

**(A) NOTICE.**

**IF THE EXECUTIVE DIRECTOR FINDS THAT A COUNTY IS NOT COMPLYING WITH § 4–502 OF THIS SUBTITLE, THE EXECUTIVE DIRECTOR SHALL NOTIFY THE COUNTY OR QUALIFYING MUNICIPALITY OF THE NONCOMPLIANCE.**

**(B) REFERRAL OF DISPUTE.**

**IF A COUNTY OR QUALIFYING MUNICIPALITY DISPUTES THE FINDING IN THE NOTICE ISSUED UNDER SUBSECTION (A) OF THIS SECTION WITHIN 30 DAYS OF THE ISSUANCE OF THE NOTICE, THE DISPUTE SHALL BE PROMPTLY REFERRED TO THE SECRETARY OF BUDGET AND MANAGEMENT, WHO SHALL MAKE A FINAL DETERMINATION.**

**(C) SUSPENSION OF PAYMENT.**

**ON RECEIPT OF CERTIFICATION OF NONCOMPLIANCE BY THE EXECUTIVE DIRECTOR OR THE SECRETARY OF BUDGET AND MANAGEMENT, THE COMPTROLLER SHALL SUSPEND, UNTIL NOTIFICATION OF COMPLIANCE IS RECEIVED, PAYMENT OF ANY FUNDS DUE THE COUNTY OR QUALIFYING MUNICIPALITY FOR THE CURRENT FISCAL YEAR, UNDER § 4–506 OF THIS SUBTITLE, TO THE EXTENT THAT THE STATE’S AID DUE THE COUNTY OR**

**QUALIFYING MUNICIPALITY IN THE CURRENT FISCAL YEAR UNDER § 4-506 OF THIS SUBTITLE EXCEEDS THE AMOUNT THAT THE COUNTY OR QUALIFYING MUNICIPALITY RECEIVED IN THE PRIOR FISCAL YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-405.

In subsection (a) of this section, the former reference to "the maintenance of effort provisions of" § 4-502 of this subtitle is deleted as unnecessary in light of the cross-reference to § 4-502.

In subsection (b) of this section, the reference to the finding "in the notice issued under subsection (a) of this section" is added for clarity.

In subsection (c) of this section, the former phrase " , as the case may be," is deleted as surplusage.

Defined terms: "County" § 4-501

"Executive Director" § 4-501

"Qualifying municipality" § 4-501

**Article – State Government**

**8-505. OPEN MEETINGS OF STATE BOARDS AND COMMISSIONS.**

**NO BOARD OR COMMISSION IN CONTROL OF A UNIT IN THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT MAY FINALLY ADOPT A RESOLUTION OR REGULATION AT A MEETING NOT OPEN TO THE PUBLIC.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 1-205.

The reference to not adopting a resolution or regulation "at a meeting not open to the public" is substituted for the former references to "[a]ll meetings, regular and special, ... shall be public meetings and open to the public at all times" and "[n]othing contained herein shall be construed to prevent any such board or commission from holding an executive session from which the public is excluded" in light of an opinion of the Attorney General, 94 Op. Atty. Gen. Md. 161 (2009), which stated that the provisions of Art. 41, § 1-205 are largely duplicative of the Open Meetings Act, except that certain resolutions that fall within the definition of an administrative function would not be covered under the Open Meetings Act but would be included under Art. 41, § 1-205.

The reference to "a unit" is substituted for the former reference to "any department, bureau or other agency". The term "unit" is used as the

general term for an entity in the State government because it is inclusive enough to include all those entities.

The reference to the “Executive Branch of the State government” is substituted for the former obsolete reference to the “Executive Department in the government of Maryland”.

The former reference to a adopting an “ordinance” is deleted as unnecessary because boards and commissions do not have authority to adopt ordinances.

The former reference to a “rule” is deleted as included in the reference to a “regulation”. *See* General Revisor’s Note to article.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that the application of this section is unclear. Although there may be departments that control various boards, the committee is not aware of a board or commission that is in control of any department, bureau, or other agency of the Executive Branch. In addition, it is unclear whether independent State agencies overseen in some respect by a board that were created after this section was enacted would be subject to this section. The committee strongly recommends that the General Assembly either repeal or clarify this section.

For provisions governing open meetings, *see* Title 3 of the General Provisions Article.

#### **SUBTITLE 14. LICENSING — CONTROLLED DANGEROUS SUBSTANCE OFFENSES.**

##### **10-1401. DEFINITIONS.**

###### **(A) IN GENERAL.**

**IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: This subsection formerly was Art. 41, § 1-501(a).

No changes are made.

###### **(B) DRUG CRIME.**

**“DRUG CRIME” MEANS:**

- (1) A VIOLATION OF TITLE 5 OF THE CRIMINAL LAW ARTICLE;
- (2) A VIOLATION OF TITLE 12 OF THE CRIMINAL PROCEDURE ARTICLE; OR
- (3) A VIOLATION OF THE LAW OF ANY OTHER JURISDICTION IF THE PROHIBITED CONDUCT WOULD BE A VIOLATION OF TITLE 5 OF THE CRIMINAL LAW ARTICLE OR TITLE 12 OF THE CRIMINAL PROCEDURE ARTICLE IF COMMITTED IN THE STATE.

REVISOR'S NOTE: This subsection formerly was Art. 41, § 1-501(b).

The only changes are in style.

**(C) LICENSE.**

(1) "LICENSE" MEANS A LICENSE, PERMIT, CERTIFICATION, REGISTRATION, OR OTHER LEGAL AUTHORIZATION:

(I) ISSUED OR GRANTED TO AN INDIVIDUAL BY A LICENSING AUTHORITY; AND

(II) REQUIRED FOR ENGAGING IN EMPLOYMENT, AN OCCUPATION, OR A PROFESSION.

(2) "LICENSE" INCLUDES A COMMERCIAL DRIVER'S LICENSE ISSUED UNDER TITLE 16, SUBTITLE 8 OF THE TRANSPORTATION ARTICLE.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, "LICENSE" DOES NOT INCLUDE:

(I) A LICENSE TO DRIVE A MOTOR VEHICLE ISSUED BY THE MOTOR VEHICLE ADMINISTRATION UNDER TITLE 16 OF THE TRANSPORTATION ARTICLE; OR

(II) THE REGISTRATION OF AN AGENT, ISSUER AGENT, OR INVESTMENT ADVISOR REPRESENTATIVE UNDER THE MARYLAND SECURITIES ACT AND REGULATIONS ADOPTED UNDER THAT ACT.

REVISOR'S NOTE: This subsection formerly was Art. 41, § 1-501(c).

In paragraph (3)(ii) of this subsection, the former parenthetical reference to "(Title 11 of the Corporations and Associations Article)" is deleted as surplusage.

The only other changes are in style.

Defined term: “Licensing authority” § 10–1401

**(D) LICENSEE.**

**“LICENSEE” MEANS A HOLDER OF A LICENSE ISSUED BY A LICENSING AUTHORITY.**

REVISOR’S NOTE: This subsection formerly was Art. 41, § 1–501(d).

No changes are made.

Defined terms: “License” § 10–1401  
“Licensing authority” § 10–1401

**(E) LICENSING AUTHORITY.**

**“LICENSING AUTHORITY” MEANS AN AGENCY OF THE STATE THAT ISSUES A LICENSE.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 1–501(e)(1).

Former Art. 41, § 1–501(e)(2), which defined “licensing authority” to include the Motor Vehicle Association for purposes of issuing a commercial driver’s license, is deleted as unnecessary in light of the definition of “license”, which includes a commercial driver’s license issued under Title 16, Subtitle 8 of the Transportation Article.

Defined term: “License” § 10–1401

**10–1402. DISCLOSURE OF CONVICTIONS.**

**(A) REQUIRED.**

**EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AS A CONDITION ON THE ISSUANCE OR RENEWAL OF A LICENSE, A LICENSING AUTHORITY MAY REQUIRE AN INDIVIDUAL APPLYING FOR A LICENSE TO DISCLOSE WHETHER THE INDIVIDUAL HAS BEEN CONVICTED OF A DRUG CRIME COMMITTED ON OR AFTER JANUARY 1, 1991.**

**(B) ISSUANCE OF LICENSES.**

**SUBJECT TO § 10-1405 OF THIS SUBTITLE, IF AN INDIVIDUAL APPLYING FOR A LICENSE HAS BEEN CONVICTED OF A DRUG CRIME COMMITTED ON OR AFTER JANUARY 1, 1991, A LICENSING AUTHORITY MAY:**

**(1) REFUSE TO ISSUE A LICENSE TO THE INDIVIDUAL; OR**

**(2) ISSUE A LICENSE TO THE INDIVIDUAL SUBJECT TO ANY TERMS AND CONDITIONS THAT THE LICENSING AUTHORITY CONSIDERS APPROPRIATE UNDER § 10-1404 OF THIS SUBTITLE.**

**(C) FAILURE TO MAKE DISCLOSURES.**

**A LICENSING AUTHORITY MAY SUSPEND OR REVOKE A LICENSEE'S LICENSE IF THE LICENSEE FAILS TO DISCLOSE INFORMATION THAT THE LICENSING AUTHORITY REQUIRES UNDER SUBSECTION (A) OF THIS SECTION, UNLESS THE LICENSEE SHOWS GOOD CAUSE FOR THE FAILURE TO DISCLOSE.**

**(D) CONSTRUCTION OF SECTION.**

**IF A LICENSING AUTHORITY, ON OR BEFORE JANUARY 1, 1990, REQUIRED AN APPLICANT FOR AN INITIAL LICENSE OR A LICENSE RENEWAL TO DISCLOSE A CRIMINAL RECORD OR PRIOR OFFENSE RELATED TO A CONTROLLED DANGEROUS SUBSTANCE, THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE LICENSING AUTHORITY FROM:**

**(1) CONTINUING TO REQUIRE AN APPLICANT TO DISCLOSE A CRIMINAL RECORD OR PRIOR OFFENSE RELATED TO A CONTROLLED DANGEROUS SUBSTANCE, REGARDLESS OF THE DATE OF THE OFFENSE; AND**

**(2) TAKING ANY ACTION AUTHORIZED BY LAW, INCLUDING REFUSING TO ISSUE A LICENSE, IF THE APPLICANT:**

**(I) DISCLOSES A CRIMINAL RECORD OR PRIOR OFFENSE RELATED TO A CONTROLLED DANGEROUS SUBSTANCE; OR**

**(II) WRONGFULLY CONCEALS A CRIMINAL RECORD OR PRIOR OFFENSE RELATED TO A CONTROLLED DANGEROUS SUBSTANCE.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 41, § 1-502.

In subsection (b)(2) of this section, the reference to issuing a license "to the individual" is added for clarity and conformity with subsection (b)(1) of this section.

Defined terms: “Drug crime” § 10–1401  
“License” § 10–1401  
“Licensee” § 10–1401  
“Licensing authority” § 10–1401

**10–1403. IMPOSITION OF PROBATION, SUSPENSION, REVOCATION, AND OTHER SANCTIONS.**

**SUBJECT TO § 10–1405 OF THIS SUBTITLE, IF A LICENSING AUTHORITY RECEIVES NOTIFICATION UNDER § 5–810 OF THE CRIMINAL LAW ARTICLE THAT A LICENSEE HAS BEEN CONVICTED OF A DRUG CRIME COMMITTED ON OR AFTER JANUARY 1, 1991, THE LICENSING AUTHORITY MAY:**

- (1) (I) REPRIMAND THE LICENSEE;**
- (II) PLACE THE LICENSEE ON PROBATION FOR A REASONABLE PERIOD OF TIME; OR**
- (III) SUSPEND OR REVOKE THE LICENSE;**
- (2) ASSESS THE LICENSEE, IN ACCORDANCE WITH APPLICABLE REGULATIONS, ALL OR PART OF THE COST OF ANY DISCIPLINARY PROCEEDING AND SANCTION; OR**
- (3) IMPOSE ANY OTHER SANCTION OR TAKE ANY OTHER ACTION AUTHORIZED BY LAW.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 41, § 1–503.

Defined terms: “Drug crime” § 10–1401  
“License” § 10–1401  
“Licensee” § 10–1401  
“Licensing authority” § 10–1401

**10–1404. CONDITIONS OF PROBATION.**

- (A) IN GENERAL.**

**IF A LICENSEE IS PLACED ON PROBATION UNDER § 10–1402 OR § 10–1403 OF THIS SUBTITLE, THE LICENSING AUTHORITY MAY:**

- (1) REQUIRE THE LICENSEE TO SUBMIT TO PERIODIC DRUG TESTING DURING THE PERIOD OF PROBATION;**

(2) REQUIRE THE LICENSEE TO PARTICIPATE IN APPROPRIATE COUNSELING OR TREATMENT; AND

(3) IMPOSE ANY OTHER REASONABLE TERM OR CONDITION OF PROBATION.

(B) VIOLATION.

IF A LICENSEE WHO IS ON PROBATION VIOLATES ANY CONDITION OF PROBATION, THE LICENSING AUTHORITY MAY:

(1) REVOKE THE PROBATION;

(2) SUSPEND OR REVOKE THE LICENSEE'S LICENSE; OR

(3) IMPOSE ADDITIONAL TERMS OF PROBATION.

REVISOR'S NOTE: This section formerly was Art. 41, § 1–504.

The only changes are in style.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that although subsection (a) of this section refers to a licensee being placed on probation under § 10–1402 of this subtitle, there is no specific reference to probation in § 10–1402. The committee chose to retain the reference to § 10–1402 due to the fact that § 10–1402(b) refers to this section, which provides for the conditions of probation that may be imposed by a licensing authority.

Defined terms: “License” § 10–1401

“Licensee” § 10–1401

“Licensing authority” § 10–1401

#### **10–1405. PROCEDURES.**

(A) IN GENERAL.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSING AUTHORITY SHALL COMPLY WITH TITLE 10, SUBTITLE 2 OF THIS ARTICLE BEFORE TAKING ANY ACTION UNDER THIS SUBTITLE:

(I) IN REGARD TO AN INITIAL LICENSE APPLICATION OR AN APPLICATION FOR A LICENSE RENEWAL; OR

**(II) AGAINST A LICENSEE.**

**(2) THE MARYLAND RULES SHALL GOVERN IN THE CASE OF A LAWYER OR AN APPLICANT FOR ADMISSION TO THE BAR.**

**(B) CONSIDERATIONS IN DENIAL OF LICENSE OR IMPOSITION OF SANCTIONS GENERALLY.**

**IN DECIDING WHETHER TO DENY AN APPLICATION FOR A LICENSE OR WHETHER TO IMPOSE LICENSE SANCTIONS AGAINST A LICENSEE AND THE NATURE OF THE SANCTIONS, A LICENSING AUTHORITY SHALL CONSIDER:**

**(1) THE RELATIONSHIP BETWEEN THE DRUG CRIME AND THE LICENSE, INCLUDING:**

**(I) THE LICENSEE'S ABILITY TO PERFORM THE TASKS AUTHORIZED BY THE LICENSE; AND**

**(II) WHETHER THE PUBLIC WILL BE PROTECTED IF:**

**1. IN THE CASE OF AN APPLICANT, THE LICENSE IS ISSUED; OR**

**2. IN THE CASE OF A LICENSEE, THE LICENSE IS NOT SUSPENDED OR REVOKED;**

**(2) THE NATURE AND CIRCUMSTANCES OF THE DRUG CRIME;**

**(3) THE DATE OF THE DRUG CRIME, IF AN INDIVIDUAL IS APPLYING FOR A LICENSE OR LICENSE RENEWAL; AND**

**(4) ANY OTHER RELEVANT INFORMATION.**

**(C) ADDITIONAL CONSIDERATIONS IN IMPOSITION OF SANCTIONS.**

**IF A LICENSING AUTHORITY DECIDES THAT SANCTIONS AGAINST A LICENSEE MAY BE APPROPRIATE, BEFORE IMPOSING SANCTIONS THE LICENSING AUTHORITY:**

**(1) SHALL CONSIDER THE IMPACT ANY SANCTIONS MAY HAVE ON THIRD PERSONS; AND**

**(2) TO PROTECT THE RIGHTS OF INNOCENT THIRD PERSONS, MAY TAKE ANY ACTION THAT IS IN THE INTERESTS OF JUSTICE AND THAT IS NOT INCONSISTENT WITH THIS SUBTITLE.**

**(D) COMPLETION OF CONTRACTS BY LICENSEE.**

**IF A LICENSING AUTHORITY DECIDES TO SUSPEND OR REVOKE A LICENSE, THE LICENSING AUTHORITY MAY GRANT THE LICENSEE A REASONABLE TIME PERIOD TO COMPLETE ANY EXISTING CONTRACTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 1-505.

In the introductory language of subsection (b) of this section, the former reference to the "applicant's" application is deleted as surplusage.

Defined terms: "Drug crime" § 10-1401

"License" § 10-1401

"Licensee" § 10-1401

"Licensing authority" § 10-1401

**10-1406. COMMERCIAL DRIVERS' LICENSES.**

**(A) DISQUALIFICATION OR OTHER ACTION.**

**IF AN INDIVIDUAL WHO IS CONVICTED OF A DRUG CRIME COMMITTED ON OR AFTER JANUARY 1, 1991, HOLDS A COMMERCIAL DRIVER'S LICENSE, THE MOTOR VEHICLE ADMINISTRATION MAY DISQUALIFY THE INDIVIDUAL FROM DRIVING A COMMERCIAL MOTOR VEHICLE OR TAKE ANY OTHER ACTION AUTHORIZED UNDER THIS SUBTITLE.**

**(B) ISSUANCE OF NONCOMMERCIAL DRIVER'S LICENSE.**

**IF THE MOTOR VEHICLE ADMINISTRATION DISQUALIFIES AN INDIVIDUAL FROM DRIVING A COMMERCIAL MOTOR VEHICLE UNDER THIS SUBTITLE, THE MOTOR VEHICLE ADMINISTRATION SHALL ISSUE A NONCOMMERCIAL DRIVER'S LICENSE TO THE INDIVIDUAL IF:**

**(1) THE INDIVIDUAL SURRENDERS THE COMMERCIAL DRIVER'S LICENSE; AND**

**(2) THE INDIVIDUAL'S DRIVING PRIVILEGE IS NOT OTHERWISE REFUSED, SUSPENDED, REVOKED, OR CANCELED IN THE STATE OR ANY OTHER STATE.**

**(C) CONSTRUCTION OF SECTION.**

**THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE MOTOR VEHICLE ADMINISTRATION TO DISQUALIFY AN INDIVIDUAL FROM DRIVING A COMMERCIAL MOTOR VEHICLE OR TAKING ANY OTHER ACTION REQUIRED OR AUTHORIZED UNDER THE MARYLAND VEHICLE LAW.**

REVISOR'S NOTE: This section formerly was Art. 41, § 1–506.

In subsection (a) of this section, the former phrase “[s]ubject to the provisions of this subtitle” is deleted as surplusage.

The only other changes are in style.

For provisions relating to the authority of the Motor Vehicle Administration to disqualify an individual from driving a commercial motor vehicle, see § 16–812(e) of the Transportation Article.

Defined term: “Drug crime” § 10–1401

**10–1407. REGULATIONS.**

**EACH LICENSING AUTHORITY MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.**

REVISOR'S NOTE: This section formerly was Art. 41, § 1–507.

The only changes are in style.

Defined term: “Licensing authority” § 10–1401

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that, except as expressly provided in this Act, 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.

SECTION 4. AND BE IT FURTHER ENACTED, That the catchlines, captions, Revisor's Notes, Special Revisor's Notes, and General Revisor's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2014 that affects provisions

enacted by this Act. The publisher shall adequately describe such correction in an editor's note following the section affected.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 8, 2014.**

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## **Chapter 107**

### **(House Bill 1109)**

AN ACT concerning

#### **Criminal Procedure – Search Warrants – Procedures**

FOR the purpose of requiring an application for a search warrant to be dated; providing the ways in which an application for a search warrant may be submitted to a judge; providing the ways in which an applicant for a search warrant and a judge may converse about a search warrant application; providing the ways in which a judge may issue a search warrant; requiring a judge to file a copy of a certain search warrant, application, and affidavit with the court; requiring a certain law enforcement officer to give a copy of a certain search warrant, application, and affidavit to a certain occupant or leave a copy of the warrant, application, and affidavit at certain premises; requiring a certain law enforcement officer to prepare a certain return which shall include a certain date and time; requiring a certain law enforcement officer to give a copy of a certain return to a certain occupant or leave a copy at certain premises; requiring a certain law enforcement officer to file a copy of a certain return with the court in a certain manner; and generally relating to search warrants.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 1–203(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

#### **Article – Criminal Procedure**

1–203.

(a) (1) A circuit court judge or District Court judge may issue forthwith a search warrant whenever it is made to appear to the judge, by application as described in paragraph (2) of this subsection, that there is probable cause to believe that:

(i) a misdemeanor or felony is being committed by a person or in a building, apartment, premises, place, or thing within the territorial jurisdiction of the judge; or

(ii) property subject to seizure under the criminal laws of the State is on the person or in or on the building, apartment, premises, place, or thing.

(2) (i) An application for a search warrant shall be:

1. in writing;

2. signed, **DATED**, and sworn to by the applicant; and

3. accompanied by an affidavit that:

A. sets forth the basis for probable cause as described in paragraph (1) of this subsection; and

B. contains facts within the personal knowledge of the affiant that there is probable cause.

**(II) AN APPLICATION FOR A SEARCH WARRANT MAY BE SUBMITTED TO A JUDGE:**

**1. BY IN-PERSON DELIVERY OF THE APPLICATION, THE AFFIDAVIT, AND A PROPOSED SEARCH WARRANT;**

**2. BY SECURE FAX, IF A COMPLETE AND PRINTABLE IMAGE OF THE APPLICATION, THE AFFIDAVIT, AND A PROPOSED SEARCH WARRANT ARE SUBMITTED; OR**

**3. BY SECURE ELECTRONIC MAIL, IF A COMPLETE AND PRINTABLE IMAGE OF THE APPLICATION, THE AFFIDAVIT, AND A PROPOSED SEARCH WARRANT ARE SUBMITTED.**

**(III) THE APPLICANT AND THE JUDGE MAY CONVERSE ABOUT THE SEARCH WARRANT APPLICATION:**

**1. IN PERSON;**

**2. VIA TELEPHONE; OR**

**3. VIA VIDEO.**

**(IV) THE JUDGE MAY ISSUE THE SEARCH WARRANT:**

**1. BY SIGNING THE SEARCH WARRANT, INDICATING THE DATE AND TIME OF ISSUANCE ON THE SEARCH WARRANT, AND PHYSICALLY DELIVERING THE SIGNED AND DATED SEARCH WARRANT, THE APPLICATION, AND THE AFFIDAVIT TO THE APPLICANT;**

**2. BY SIGNING THE SEARCH WARRANT, WRITING THE DATE AND TIME OF ISSUANCE ON THE SEARCH WARRANT, AND SENDING COMPLETE AND PRINTABLE IMAGES OF THE SIGNED AND DATED SEARCH WARRANT, THE APPLICATION, AND THE AFFIDAVIT TO THE APPLICANT BY SECURE FAX; OR**

**3. BY SIGNING THE SEARCH WARRANT, EITHER ELECTRONICALLY OR IN WRITING, INDICATING THE DATE AND TIME OF ISSUANCE ON THE SEARCH WARRANT, AND SENDING COMPLETE AND PRINTABLE IMAGES OF THE SIGNED AND DATED SEARCH WARRANT, THE APPLICATION, AND THE AFFIDAVIT TO THE APPLICANT BY SECURE ELECTRONIC MAIL.**

**(V) THE JUDGE SHALL FILE A COPY OF THE SIGNED AND DATED SEARCH WARRANT, THE APPLICATION, AND THE AFFIDAVIT WITH THE COURT.**

**[(ii)] (VI)** An application for a search warrant may contain a request that the search warrant authorize the executing law enforcement officer to enter the building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purpose, on the grounds that there is reasonable suspicion to believe that, without the authorization:

1. the property subject to seizure may be destroyed, disposed of, or secreted; or

2. the life or safety of the executing officer or another person may be endangered.

**(3) The search warrant shall:**

(i) be directed to a duly constituted police officer, the State Fire Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire Marshal and authorize the police officer, the State Fire Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire Marshal to search

the suspected person, building, apartment, premises, place, or thing and to seize any property found subject to seizure under the criminal laws of the State;

(ii) name or describe, with reasonable particularity:

1. the person, building, apartment, premises, place, or thing to be searched;

2. the grounds for the search; and

3. the name of the applicant on whose application the search warrant was issued; and

(iii) if warranted by application as described in paragraph (2) of this subsection, authorize the executing law enforcement officer to enter the building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purpose.

(4) (i) The search and seizure under the authority of a search warrant shall be made within 15 calendar days after the day that the search warrant is issued.

(ii) After the expiration of the 15-day period, the search warrant is void.

**(5) THE EXECUTING LAW ENFORCEMENT OFFICER SHALL GIVE A COPY OF THE SEARCH WARRANT, THE APPLICATION, AND THE AFFIDAVIT TO AN AUTHORIZED OCCUPANT OF THE PREMISES SEARCHED OR LEAVE A COPY OF THE SEARCH WARRANT, THE APPLICATION, AND THE AFFIDAVIT AT THE PREMISES SEARCHED.**

**(6) (I) THE EXECUTING LAW ENFORCEMENT OFFICER SHALL PREPARE A DETAILED SEARCH WARRANT RETURN WHICH SHALL INCLUDE THE DATE AND TIME OF THE EXECUTION OF THE SEARCH WARRANT.**

**(II) THE EXECUTING LAW ENFORCEMENT OFFICER SHALL:**

**1. GIVE A COPY OF THE SEARCH WARRANT RETURN TO AN AUTHORIZED OCCUPANT OF THE PREMISES SEARCHED OR LEAVE A COPY OF THE RETURN AT THE PREMISES SEARCHED; AND**

**2. FILE A COPY OF THE SEARCH WARRANT RETURN WITH THE COURT IN PERSON, BY SECURE FAX, OR BY SECURE ELECTRONIC MAIL.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 8, 2014.

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## Chapter 108

(House Bill 1381)

AN ACT concerning

### Anne Arundel County – Sheriff – Salary Increases

FOR the purpose of altering the annual salary of the Sheriff of Anne Arundel County for certain calendar years; ~~requiring that beginning with a certain calendar year~~ repealing a certain requirement that the annual salary of the Sheriff equal the salary of a captain in the Anne Arundel County Police Department at a certain rate in the pay scale; providing that this Act does not apply to the salary or compensation of the Sheriff while serving in a certain term of office; providing that a certain limitation does not apply to a certain individual; and generally relating to the salary of the Sheriff of Anne Arundel County.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–309(c)(1)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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

### Article – Courts and Judicial Proceedings

2–309.

(c) (1) The ANNUAL SALARY OF THE Sheriff of Anne Arundel County shall [receive a salary equal] BE:

(I) ~~\$128,000~~ \$128,657 FOR CALENDAR YEAR 2014; AND

(II) ~~\$135,680~~ \$133,000 FOR CALENDAR YEAR 2015; AND  
EACH SUBSEQUENT CALENDAR YEAR.

~~(III) INCREASED BY 2% EACH YEAR FOR CALENDAR YEARS 2016, 2017, AND 2018; AND~~

~~(IV) EQUAL to the salary of a captain in the Anne Arundel County Police Department at the highest rate in the pay scale FOR CALENDAR YEAR 2019 AND EACH SUBSEQUENT CALENDAR YEAR.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Anne Arundel County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Anne Arundel County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 8, 2014.**

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## Chapter 109

**(House Bill 1403)**

AN ACT concerning

### **Homestead Exemption – Bankruptcy – Interest in Manufactured Home**

FOR the purpose of altering certain provisions of law concerning an exemption for a certain amount in an individual's interest in owner-occupied, residential real property in a certain bankruptcy proceeding to include an interest in a certain manufactured home; providing for the application of this Act; and generally relating to debtor exemptions in bankruptcy proceedings.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 11–504(f)(1)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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

**Article – Courts and Judicial Proceedings**

11–504.

(f) (1) (i) In addition to the exemptions provided in subsection (b) of this section, and in other statutes of this State, in any proceeding under Title 11 of the United States Code, entitled “Bankruptcy”, any individual debtor domiciled in this State may exempt the debtor’s aggregate interest in:

1. Personal property, up to \$5,000; and
2. Subject to subparagraph (ii) of this paragraph:

A. Owner-occupied residential real property, including a condominium unit **OR A MANUFACTURED HOME THAT HAS BEEN CONVERTED TO REAL PROPERTY IN ACCORDANCE WITH § 8B–201 OF THE REAL PROPERTY ARTICLE**; or

B. A cooperative housing corporation that owns property that the debtor occupies as a residence.

(ii) The exemption allowed under subparagraph (i)2 of this paragraph may not exceed the amount under 11 U.S.C. § 522(d)(1), adjusted in accordance with 11 U.S.C. § 104, subject to the provisions of paragraphs (2) and (3) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any case filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 8, 2014.**

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**Chapter 110****(House Bill 1552)**

AN ACT concerning

**Wicomico County – Orphans’ Court Judges – Salaries**

FOR the purpose of altering the salary of each judge of the Orphans’ Court for Wicomico County; providing for the application of this Act; and generally

relating to the compensation of judges of the Orphans' Court for Wicomico County.

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 2–108(w)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article – Estates and Trusts**

2–108.

(w) Each judge of the Court for Wicomico County shall receive an annual salary of ~~[\$6,400]~~ **\$9,500** to be paid quarterly. Each judge shall also receive an annual allowance for traveling expenses of \$1,560 to be paid quarterly.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of a judge of the Orphans' Court for Wicomico County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of a judge of the Orphans' Court for Wicomico County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 8, 2014.**

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**Chapter 111**

**(Senate Bill 333)**

AN ACT concerning

**Peace Orders and Protective Orders – Burden of Proof**

FOR the purpose of altering the standard of proof by which a judge in certain peace order hearings must make certain findings before the judge may issue a final peace order or mutual peace orders; altering the standard of proof by which a

judge in certain protective order hearings must make certain findings before the judge may grant a final protective order or mutual protective orders or extend the term of a protective order; and generally relating to the standard of proof in certain peace order and protective order hearings.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–1505(c)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 4–506(c) and 4–507(a)(3)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

### **Article – Courts and Judicial Proceedings**

3–1505.

(c) (1) If the respondent appears for the final peace order hearing, has been served with an interim peace order or a temporary peace order, or the court otherwise has personal jurisdiction over the respondent, the judge:

(i) May proceed with the final peace order hearing; and

(ii) If the judge finds by [clear and convincing] A **PREPONDERANCE OF THE** evidence that the respondent has committed, and is likely to commit in the future, an act specified in § 3–1503(a) of this subtitle against the petitioner, or if the respondent consents to the entry of a peace order, the court may issue a final peace order to protect the petitioner.

(2) A final peace order may be issued only to an individual who has filed a petition under § 3–1503 of this subtitle.

(3) In cases where both parties file a petition under § 3–1503 of this subtitle, the judge may issue mutual peace orders if the judge finds by [clear and convincing] A **PREPONDERANCE OF THE** evidence that each party has committed, and is likely to commit in the future, an act specified in § 3–1503(a) of this subtitle against the other party.

### **Article – Family Law**

4–506.

(c) (1) If the respondent appears before the court at a protective order hearing or has been served with an interim or temporary protective order, or the court otherwise has personal jurisdiction over the respondent, the judge:

(i) may proceed with the final protective order hearing; and

(ii) if the judge finds by [clear and convincing] **A PREPONDERANCE OF THE** evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

(2) A final protective order may be issued only to a person who has filed a petition under § 4–504 of this subtitle.

(3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, in cases where both parties file a petition under § 4–504 of this subtitle, the judge may issue mutual protective orders if the judge finds by [clear and convincing] **A PREPONDERANCE OF THE** evidence that mutual abuse has occurred.

(ii) The judge may issue mutual final protective orders only if the judge makes a detailed finding of fact that:

1. both parties acted primarily as aggressors; and
2. neither party acted primarily in self–defense.

4–507.

(a) (3) (i) If, during the term of a protective order, a judge finds by [clear and convincing] **A PREPONDERANCE OF THE** evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective order, the judge may extend the term of the protective order for a period not to exceed 2 years from the date the extension is granted, after:

1. giving notice to all affected persons eligible for relief and the respondent; and
2. a hearing.

(ii) In determining the period of extension of a protective order under subparagraph (i) of this paragraph, the judge shall consider the following factors:

1. the nature and severity of the subsequent act of abuse;
2. the history and severity of abuse in the relationship between the respondent and any person eligible for relief named in the protective order;
3. the pendency and type of criminal charges against the respondent; and
4. the nature and extent of the injury or risk of injury caused by the respondent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 112**

### **(House Bill 307)**

AN ACT concerning

#### **Peace Orders and Protective Orders – Burden of Proof**

FOR the purpose of altering the standard of proof by which a judge in certain peace order hearings must make certain findings before the judge may issue a final peace order or mutual peace orders; altering the standard of proof by which a judge in certain protective order hearings must make certain findings before the judge may grant a final protective order or mutual protective orders or extend the term of a protective order; and generally relating to the standard of proof in certain peace order and protective order hearings.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–1505(c)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 4–506(c) and 4–507(a)(3)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Courts and Judicial Proceedings**

3–1505.

(c) (1) If the respondent appears for the final peace order hearing, has been served with an interim peace order or a temporary peace order, or the court otherwise has personal jurisdiction over the respondent, the judge:

(i) May proceed with the final peace order hearing; and

(ii) If the judge finds by [clear and convincing] A **PREPONDERANCE OF THE** evidence that the respondent has committed, and is likely to commit in the future, an act specified in § 3–1503(a) of this subtitle against the petitioner, or if the respondent consents to the entry of a peace order, the court may issue a final peace order to protect the petitioner.

(2) A final peace order may be issued only to an individual who has filed a petition under § 3–1503 of this subtitle.

(3) In cases where both parties file a petition under § 3–1503 of this subtitle, the judge may issue mutual peace orders if the judge finds by [clear and convincing] A **PREPONDERANCE OF THE** evidence that each party has committed, and is likely to commit in the future, an act specified in § 3–1503(a) of this subtitle against the other party.

**Article – Family Law**

4–506.

(c) (1) If the respondent appears before the court at a protective order hearing or has been served with an interim or temporary protective order, or the court otherwise has personal jurisdiction over the respondent, the judge:

(i) may proceed with the final protective order hearing; and

(ii) if the judge finds by [clear and convincing] A **PREPONDERANCE OF THE** evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

(2) A final protective order may be issued only to a person who has filed a petition under § 4–504 of this subtitle.

(3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, in cases where both parties file a petition under § 4–504 of this subtitle, the judge may issue mutual protective orders if the judge finds by [clear and convincing] **A PREPONDERANCE OF THE** evidence that mutual abuse has occurred.

(ii) The judge may issue mutual final protective orders only if the judge makes a detailed finding of fact that:

1. both parties acted primarily as aggressors; and
2. neither party acted primarily in self–defense.

4–507.

(a) (3) (i) If, during the term of a protective order, a judge finds by [clear and convincing] **A PREPONDERANCE OF THE** evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective order, the judge may extend the term of the protective order for a period not to exceed 2 years from the date the extension is granted, after:

1. giving notice to all affected persons eligible for relief and the respondent; and
2. a hearing.

(ii) In determining the period of extension of a protective order under subparagraph (i) of this paragraph, the judge shall consider the following factors:

1. the nature and severity of the subsequent act of abuse;
2. the history and severity of abuse in the relationship between the respondent and any person eligible for relief named in the protective order;
3. the pendency and type of criminal charges against the respondent; and
4. the nature and extent of the injury or risk of injury caused by the respondent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 113

### (Senate Bill 334)

AN ACT concerning

#### **Family Law – Domestic Violence – Permanent Final Protective Orders**

FOR the purpose of requiring a court to issue a permanent final protective order against an individual who is sentenced to serve, instead of who served, a certain term of imprisonment for certain crimes ~~under certain circumstances and who~~ has served a certain period of time; adding the crime of assault in the second degree to the list of crimes, the commission of which subjects an individual to the issuance of a permanent final protective order against the individual under certain circumstances; and generally relating to domestic violence and permanent final protective orders.

BY repealing and reenacting, without amendments,  
Article – Criminal Law  
Section 3–203  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 4–506(k)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

#### **Article – Criminal Law**

3–203.

(a) A person may not commit an assault.

(b) Except as provided in subsection (c) of this section, a person who violates subsection (a) of this section is guilty of the misdemeanor of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

(c) (1) In this subsection, “physical injury” means any impairment of physical condition, excluding minor injuries.

(2) A person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is:

(i) a law enforcement officer engaged in the performance of the officer’s official duties; or

(ii) a parole or probation agent engaged in the performance of the agent’s official duties.

(3) A person who violates paragraph (2) of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

### Article – Family Law

4–506.

(k) (1) Notwithstanding any other provision of this section, the court shall issue a new final protective order against an individual if:

(i) the individual was previously a respondent under this subtitle against whom a final protective order was issued;

(ii) the individual was convicted and [served] **SENTENCED TO SERVE** a term of imprisonment of at least 5 years under § 2–205, § 2–206, § 3–202, § **3–203**, § 3–303, § 3–304, § 3–305, § 3–306, § 3–309, § 3–310, § 3–311, or § 3–312 of the Criminal Law Article for the act of abuse that led to the issuance of the final protective order **AND HAS SERVED AT LEAST 12 MONTHS OF THE SENTENCE**; and

(iii) the victim of the abuse who was the person eligible for relief in the original final protective order requests the issuance of a new final protective order.

(2) In a final protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under subsection (d)(1) or (2) of this section.

(3) Unless terminated at the request of the victim, a final protective order issued under this subsection shall be permanent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

**Chapter 114****(House Bill 309)**

AN ACT concerning

**Family Law – Domestic Violence – Permanent Final Protective Orders**

FOR the purpose of requiring a court to issue a permanent final protective order against an individual who is sentenced to serve, instead of who served, a certain term of imprisonment for certain crimes ~~under certain circumstances~~ and who has served a certain period of time; adding the crime of assault in the second degree to the list of crimes, the commission of which subjects an individual to the issuance of a permanent final protective order against the individual under certain circumstances; and generally relating to domestic violence and permanent final protective orders.

BY repealing and reenacting, without amendments,  
Article – Criminal Law  
Section 3–203  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 4–506(k)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Law**

3–203.

(a) A person may not commit an assault.

(b) Except as provided in subsection (c) of this section, a person who violates subsection (a) of this section is guilty of the misdemeanor of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

(c) (1) In this subsection, “physical injury” means any impairment of physical condition, excluding minor injuries.

(2) A person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is:

(i) a law enforcement officer engaged in the performance of the officer's official duties; or

(ii) a parole or probation agent engaged in the performance of the agent's official duties.

(3) A person who violates paragraph (2) of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

### Article – Family Law

4–506.

(k) (1) Notwithstanding any other provision of this section, the court shall issue a new final protective order against an individual if:

(i) the individual was previously a respondent under this subtitle against whom a final protective order was issued;

(ii) the individual was convicted and [served] **SENTENCED TO SERVE** a term of imprisonment of at least 5 years under § 2–205, § 2–206, § 3–202, **§ 3–203**, § 3–303, § 3–304, § 3–305, § 3–306, § 3–309, § 3–310, § 3–311, or § 3–312 of the Criminal Law Article for the act of abuse that led to the issuance of the final protective order **AND HAS SERVED AT LEAST 12 MONTHS OF THE SENTENCE**; and

(iii) the victim of the abuse who was the person eligible for relief in the original final protective order requests the issuance of a new final protective order.

(2) In a final protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under subsection (d)(1) or (2) of this section.

(3) Unless terminated at the request of the victim, a final protective order issued under this subsection shall be permanent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 115

### (Senate Bill 337)

AN ACT concerning

#### ~~Criminal Law – Crimes Committed~~ **Crimes – Committing a Crime of Violence in the Presence of a Minor – Penalties**

FOR the purpose of prohibiting a person from committing a certain crime of violence ~~if the crime is a domestically related crime and~~ when the person knows or reasonably should know that a minor of a certain age is present in a residence; establishing certain circumstances under which a minor is present; establishing a certain enhanced penalty for a violation of this Act; authorizing a court to impose an enhanced penalty if the State's Attorney provides certain notice to the defendant in a certain manner and if certain elements have been proven beyond a reasonable doubt; authorizing the State to include a certain notice in a certain indictment or information; providing that a penalty imposed under this Act shall be separate from and consecutive to a sentence for any crime based on the act establishing the violation of this Act; and generally relating to ~~crimes committed~~ the commission of crimes of violence in the presence of ~~a minor~~ minors.

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 9–106(a)

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY adding to

Article – Criminal Law

Section 3–601.1

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 5–101(a) and (c)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – Criminal Procedure~~

~~Section 6–233~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2013 Supplement)~~

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

**Article – Courts and Judicial Proceedings**

9–106.

(a) The spouse of a person on trial for a crime may not be compelled to testify as an adverse witness unless the charge involves:

(1) The abuse of a child under 18; or

(2) Assault in any degree in which the spouse is a victim if:

(i) The person on trial was previously charged with assault in any degree or assault and battery of the spouse;

(ii) The spouse was sworn to testify at the previous trial; and

(iii) The spouse refused to testify at the previous trial on the basis of the provisions of this section.

**Article – Criminal Law**

**3–601.1.**

**(A) (1) ~~THIS SUBSECTION APPLIES ONLY IF, AT THE TIME THE CRIME WAS COMMITTED, THE DEFENDANT OR THE VICTIM HAD PERMANENT CUSTODY, TEMPORARY CUSTODY, TEMPORARY CARE, OR RESPONSIBILITY FOR THE SUPERVISION OF THE MINOR.~~**

**~~(2)~~ A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS DEFINED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE ~~IF:~~**

**~~(1) THE CRIME IS A DOMESTICALLY RELATED CRIME AS DEFINED IN § 6–233 OF THE CRIMINAL PROCEDURE ARTICLE; AND~~**

**~~(II)~~ WHEN THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT A MINOR WHO IS AT LEAST 2 YEARS OLD IS PRESENT IN A RESIDENCE.**

**~~(3)~~ (2) FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, A MINOR IS PRESENT IF THE MINOR IS WITHIN SIGHT OR HEARING OF THE CRIME ~~OR IS OTHERWISE ABLE TO PERCEIVE THE CRIME~~ OF VIOLENCE.**

(B) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR THE CRIME OF VIOLENCE.

(C) A COURT MAY IMPOSE AN ENHANCED PENALTY UNDER SUBSECTION (B) OF THIS SECTION IF:

(1) AT LEAST 30 DAYS BEFORE TRIAL IN THE CIRCUIT COURT, AND 15 DAYS BEFORE TRIAL IN THE DISTRICT COURT, THE STATE'S ATTORNEY NOTIFIES THE DEFENDANT IN WRITING OF THE STATE'S INTENTION TO SEEK THE ENHANCED PENALTY; AND

(2) THE ELEMENTS OF SUBSECTION ~~(A)(2)~~ (A)(1) OF THIS SECTION HAVE BEEN PROVEN BEYOND A REASONABLE DOUBT.

(D) IF THE DEFENDANT IS CHARGED BY INDICTMENT OR CRIMINAL INFORMATION, THE STATE MAY INCLUDE THE NOTICE REQUIRED UNDER SUBSECTION (C)(1) OF THIS SECTION IN THE INDICTMENT OR INFORMATION.

(E) AN ENHANCED PENALTY IMPOSED UNDER THIS SECTION SHALL BE SEPARATE FROM AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.

#### Article – Public Safety

5–101.

- (a) In this subtitle the following words have the meanings indicated.
- (c) “Crime of violence” means:
  - (1) abduction;
  - (2) arson in the first degree;
  - (3) assault in the first or second degree;
  - (4) burglary in the first, second, or third degree;
  - (5) carjacking and armed carjacking;
  - (6) escape in the first degree;
  - (7) kidnapping;

- (8) voluntary manslaughter;
- (9) maiming as previously proscribed under former Article 27, § 386 of the Code;
- (10) mayhem as previously proscribed under former Article 27, § 384 of the Code;
- (11) murder in the first or second degree;
- (12) rape in the first or second degree;
- (13) robbery;
- (14) robbery with a dangerous weapon;
- (15) sexual offense in the first, second, or third degree;
- (16) an attempt to commit any of the crimes listed in items (1) through (15) of this subsection; or
- (17) assault with intent to commit any of the crimes listed in items (1) through (15) of this subsection or a crime punishable by imprisonment for more than 1 year.

### **~~Article—Criminal Procedure~~**

#### **~~6-223.~~**

~~(a) In this section, “domestically related crime” means a crime committed by a defendant against a victim who is a person eligible for relief, as defined in § 4-501 of the Family Law Article, or who had a sexual relationship with the defendant within 12 months before the commission of the crime.~~

~~(b) (1) If a defendant is convicted of or receives a probation before judgment disposition for a crime, on request of the State’s Attorney, the court shall make a finding of fact, based on evidence produced at trial, as to whether the crime is a domestically related crime.~~

~~(2) The State has the burden of proving by a preponderance of the evidence that the crime is a domestically related crime.~~

~~(c) If the court finds that the crime is a domestically related crime under subsection (b) of this section, that finding shall become part of the court record for purposes of reporting to the Criminal Justice Information System Central Repository under § 10-215 of this article.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 116

### (House Bill 306)

AN ACT concerning

**~~Criminal Law – Crimes Committed~~ Crimes – Committing a Crime of Violence  
in the Presence of a Minor – Penalties**

FOR the purpose of prohibiting a person from committing a certain crime of violence ~~if the crime is a domestically related crime and~~ when the person knows or reasonably should know that a minor of a certain age is present in a residence; establishing certain circumstances under which a minor is present; establishing a certain enhanced penalty for a violation of this Act; authorizing a court to impose an enhanced penalty if the State's Attorney provides certain notice to the defendant in a certain manner and if certain elements have been proven beyond a reasonable doubt; authorizing the State to include a certain notice in a certain indictment or information; providing that a penalty imposed under this Act shall be separate from and consecutive to a sentence for any crime based on the act establishing the violation of this Act; and generally relating to ~~crimes committed~~ the commission of crimes of violence in the presence of a minor minors.

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 9–106(a)

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY adding to

Article – Criminal Law

Section 3–601.1

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 5–101(a) and (c)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

~~BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section 6-233  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)~~

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

**Article – Courts and Judicial Proceedings**

9-106.

(a) The spouse of a person on trial for a crime may not be compelled to testify as an adverse witness unless the charge involves:

(1) The abuse of a child under 18; or

(2) Assault in any degree in which the spouse is a victim if:

(i) The person on trial was previously charged with assault in any degree or assault and battery of the spouse;

(ii) The spouse was sworn to testify at the previous trial; and

(iii) The spouse refused to testify at the previous trial on the basis of the provisions of this section.

**Article – Criminal Law**

**3-601.1.**

~~(A) (1) THIS SUBSECTION APPLIES ONLY IF, AT THE TIME THE CRIME WAS COMMITTED, THE DEFENDANT OR THE VICTIM HAD PERMANENT CUSTODY, TEMPORARY CUSTODY, TEMPORARY CARE, OR RESPONSIBILITY FOR THE SUPERVISION OF THE MINOR.~~

~~(2) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS DEFINED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE IF:~~

~~(i) THE CRIME IS A DOMESTICALLY RELATED CRIME AS DEFINED IN § 6-233 OF THE CRIMINAL PROCEDURE ARTICLE; AND~~

~~(H)~~ WHEN THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT A MINOR WHO IS AT LEAST 2 YEARS OLD IS PRESENT IN A RESIDENCE.

~~(3)~~ (2) FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, A MINOR IS PRESENT IF THE MINOR IS WITHIN SIGHT OR HEARING OF THE CRIME OR IS OTHERWISE ABLE TO PERCEIVE THE CRIME OF VIOLENCE.

(B) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR THE CRIME OF VIOLENCE.

(C) A COURT MAY IMPOSE AN ENHANCED PENALTY UNDER SUBSECTION (B) OF THIS SECTION IF:

(1) AT LEAST 30 DAYS BEFORE TRIAL IN THE CIRCUIT COURT, AND 15 DAYS BEFORE TRIAL IN THE DISTRICT COURT, THE STATE'S ATTORNEY NOTIFIES THE DEFENDANT IN WRITING OF THE STATE'S INTENTION TO SEEK THE ENHANCED PENALTY; AND

(2) THE ELEMENTS OF SUBSECTION ~~(A)(2)~~ (A)(1) OF THIS SECTION HAVE BEEN PROVEN BEYOND A REASONABLE DOUBT.

(D) IF THE DEFENDANT IS CHARGED BY INDICTMENT OR CRIMINAL INFORMATION, THE STATE MAY INCLUDE THE NOTICE REQUIRED UNDER SUBSECTION (C)(1) OF THIS SECTION IN THE INDICTMENT OR INFORMATION.

(E) AN ENHANCED PENALTY IMPOSED UNDER THIS SECTION SHALL BE SEPARATE FROM AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.

#### Article – Public Safety

5–101.

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

(c) “Crime of violence” means:

(1) abduction;

(2) arson in the first degree;

(3) assault in the first or second degree;

- (4) burglary in the first, second, or third degree;
- (5) carjacking and armed carjacking;
- (6) escape in the first degree;
- (7) kidnapping;
- (8) voluntary manslaughter;
- (9) maiming as previously proscribed under former Article 27, § 386 of the Code;
- (10) mayhem as previously proscribed under former Article 27, § 384 of the Code;
- (11) murder in the first or second degree;
- (12) rape in the first or second degree;
- (13) robbery;
- (14) robbery with a dangerous weapon;
- (15) sexual offense in the first, second, or third degree;
- (16) an attempt to commit any of the crimes listed in items (1) through (15) of this subsection; or
- (17) assault with intent to commit any of the crimes listed in items (1) through (15) of this subsection or a crime punishable by imprisonment for more than 1 year.

### ~~Article—Criminal Procedure~~

#### ~~6-233.~~

~~(a) In this section, “domestically related crime” means a crime committed by a defendant against a victim who is a person eligible for relief, as defined in § 4-501 of the Family Law Article, or who had a sexual relationship with the defendant within 12 months before the commission of the crime.~~

~~(b) (1) If a defendant is convicted of or receives a probation before judgment disposition for a crime, on request of the State’s Attorney, the court shall make a finding of fact, based on evidence produced at trial, as to whether the crime is a domestically related crime.~~

~~(2) The State has the burden of proving by a preponderance of the evidence that the crime is a domestically related crime.~~

~~(e) If the court finds that the crime is a domestically related crime under subsection (b) of this section, that finding shall become part of the court record for purposes of reporting to the Criminal Justice Information System Central Repository under § 10-215 of this article.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 117

(Senate Bill 338)

AN ACT concerning

### Public Safety – Statewide Interoperability Radio Control Board – Established

FOR the purpose of establishing the Statewide Interoperability Radio Control Board in the Department of Information Technology; providing for the membership, appointment, terms, staggering of terms, chair, meetings, and staffing of the Board; establishing that members of the Board may not receive a certain compensation but are entitled to a certain reimbursement; establishing certain duties and responsibilities of the Board; defining certain terms; specifying the terms of the initial members of the Board; specifying the intent of the General Assembly; and generally relating to the Statewide Public Safety Interoperability Radio System and the Statewide Interoperability Radio Control Board.

BY adding to

Article – Public Safety

Section 1–501 through 1–503 to be under the new subtitle “Subtitle 5. Statewide Interoperability Radio Control Board”

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

### Article – Public Safety

#### SUBTITLE 5. STATEWIDE INTEROPERABILITY RADIO CONTROL BOARD.

**1-501.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BOARD” MEANS THE STATEWIDE INTEROPERABILITY RADIO CONTROL BOARD.

(C) “SYSTEM” MEANS THE STATEWIDE PUBLIC SAFETY INTEROPERABILITY RADIO SYSTEM, ALSO KNOWN AS MARYLAND FIRST (FIRST RESPONDER INTEROPERABLE RADIO SYSTEM TEAM), THAT PROVIDES INTEROPERABLE RADIO COMMUNICATIONS TO FIRST RESPONDERS IN THE STATE.

(D) “USER” MEANS A STATE, FEDERAL, COUNTY, OR MUNICIPAL AGENCY THAT HAS ESTABLISHED INTEROPERABILITY WITH THE SYSTEM AND OPERATES ON THE SYSTEM AS ITS PRIMARY MEANS OF DAILY RADIO COMMUNICATION.

**1-502.**

(A) THERE IS A STATEWIDE INTEROPERABILITY RADIO CONTROL BOARD IN THE DEPARTMENT OF INFORMATION TECHNOLOGY.

(B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY OF INFORMATION TECHNOLOGY, OR THE SECRETARY’S DESIGNEE;

(2) THE SECRETARY OF STATE POLICE, OR THE SECRETARY’S DESIGNEE;

(3) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE;

(4) THE DIRECTOR OF THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS, OR THE DIRECTOR’S DESIGNEE;

(5) THE STATE INTEROPERABILITY DIRECTOR;

(6) THE DIRECTOR OF THE GOVERNOR’S OFFICE OF HOMELAND SECURITY, OR THE DIRECTOR’S DESIGNEE; AND

**(7) FIVE MEMBERS APPOINTED BY THE GOVERNOR WHO REPRESENT LOCAL GOVERNMENTAL ENTITIES THAT ARE EITHER USERS OF OR CONTRIBUTORS TO THE SYSTEM.**

**(C) IN SELECTING REPRESENTATIVES OF LOCAL GOVERNMENTAL ENTITIES UNDER SUBSECTION (B)(7) OF THIS SECTION, THE GOVERNOR SHALL:**

**(1) APPOINT MEMBERS WHO REPRESENT THE INTEROPERABILITY REGIONS OF THE STATE WITH EXPERTISE IN PUBLIC SAFETY AND COMMUNICATIONS ISSUES RELEVANT TO VARIED LOCATIONS;**

**(2) CONSULT WITH THE MARYLAND ASSOCIATION OF COUNTIES, THE MARYLAND MUNICIPAL LEAGUE, AND APPROPRIATE LOCAL PUBLIC SAFETY ORGANIZATIONS AND PROFESSIONALS; AND**

**(3) GIVE PRIMARY CONSIDERATION TO STATE AGENCIES AND LOCAL GOVERNMENTS THAT HAVE ADOPTED THE SYSTEM AS A PRIMARY PLATFORM FOR THEIR PUBLIC SAFETY COMMUNICATIONS NEEDS.**

**(D) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4 YEARS AND SHALL BEGIN ON JUNE 1.**

**(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JUNE 1, 2014.**

**(3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(4) IF A VACANCY OCCURS AFTER A TERM HAS BEGUN, THE GOVERNOR SHALL APPOINT A SUCCESSOR TO REPRESENT THE ORGANIZATION OR GROUP IN WHICH THE VACANCY OCCURS.**

**(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(6) A MEMBER MAY BE REAPPOINTED FOR A SECOND 4-YEAR TERM AT THE REQUEST OF THE GOVERNOR.**

**(E) THE SECRETARY OF INFORMATION TECHNOLOGY OR THE SECRETARY'S DESIGNEE SHALL SERVE AS THE CHAIR OF THE BOARD.**

(F) THE BOARD SHALL MEET AS NECESSARY, BUT AT LEAST ONCE EACH QUARTER.

(G) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(H) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL PROVIDE STAFF TO THE BOARD, INCLUDING:

(1) A DIRECTOR OF THE BOARD WHO IS RESPONSIBLE FOR THE DAILY OPERATION OF THE BOARD; AND

(2) STAFF TO HANDLE THE INCREASED DUTIES RELATED TO COMPLETION AND MAINTENANCE OF THE SYSTEM.

1-503.

(A) THE BOARD SHALL COORDINATE THE OPERATION AND MAINTENANCE OF A STATEWIDE PUBLIC SAFETY INTEROPERABILITY RADIO SYSTEM.

(B) THE BOARD'S RESPONSIBILITIES INCLUDE:

(1) ESTABLISHING STANDARD OPERATING PROCEDURES, QUALITY OF SERVICE STANDARDS, AND MAINTENANCE GUIDELINES FOR THE SYSTEM;

(2) ESTABLISHING WORKING GROUPS OF THE SYSTEM'S USERS, INCLUDING:

(I) A SYSTEM MANAGERS COMMITTEE TO ADVISE ON TECHNICAL SYSTEM ISSUES, SUCH AS UPGRADES, SECURITY, AND ENHANCEMENTS; AND

(II) A SYSTEM USERS COMMITTEE TO ADVISE ON OPERATIONAL ISSUES, SUCH AS STANDARD OPERATING PROCEDURES, PERFORMANCE, AND USAGE OF RESOURCES;

**(3) APPROVING THE ADDITION OF NEW SYSTEM USERS AND THE REMOVAL OF EXISTING USERS;**

**(4) COORDINATING PARTICIPATORY, COLLABORATIVE, OR RECIPROCAL RELATIONSHIPS WITH LOCAL GOVERNMENTS, INCLUDING ESTABLISHING PROCEDURES FOR:**

**(I) REQUESTS TO BECOME PART OF THE SYSTEM BY LOCAL GOVERNMENTAL ENTITIES;**

**(II) COLLABORATION OR SHARING IN THE PURCHASE, OPERATION, OR USE OF EQUIPMENT OR BY THE SYSTEM INFRASTRUCTURE CURRENTLY USED BY LOCAL GOVERNMENTAL ENTITIES; AND**

**(III) REVIEW AND APPROVAL OF ANY REQUESTS OR ARRANGEMENTS SOUGHT UNDER THIS ITEM;**

**(5) RESOLVING ANY CONFLICTS AMONG SYSTEM USERS RELATING TO THE OPERATION, MAINTENANCE, OR IMPROVEMENT OF THE SYSTEM THAT CANNOT BE RESOLVED UNDER THE STANDARD OPERATING PROCEDURES;**

**(6) REVIEWING THE ANNUAL COST ESTIMATION PROVIDED BY THE DIRECTOR OF THE BOARD;**

**(7) RECOMMENDING TO THE GOVERNOR AND THE GENERAL ASSEMBLY FUNDING AND RESOURCE LEVELS FOR SYSTEM OPERATION AND MAINTENANCE;**

**(8) ADVISING THE GOVERNOR AND GENERAL ASSEMBLY ON RESOURCES NEEDED FOR APPROPRIATE OPERATION AND EXPANSION TO MEET SERVICE NEEDS FOR PUBLIC SAFETY COMMUNICATIONS STATEWIDE; AND**

**(9) NEGOTIATING AGREEMENTS WITH FEDERAL AGENCIES, SURROUNDING STATES, OR THE DISTRICT OF COLUMBIA FOR THE USE OF THE SYSTEM.**

**(C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE BOARD SHALL CONTINUE TO RECEIVE GUIDANCE AND INPUT FROM THE BODIES CURRENTLY CONSTITUTED UNDER EXECUTIVE ORDER 01.01.2008.07, INCLUDING THE STATEWIDE INTEROPERABILITY EXECUTIVE COMMITTEE (SIEC) FOR AS LONG AS THE EXECUTIVE ORDER IS IN EFFECT.**

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Statewide Interoperability Radio Control Board who are subject to appointment shall expire as follows:

- (1) two appointed members in 2016;
- (2) two appointed members in 2017; and
- (3) one appointed member in 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 118**

### **(Senate Bill 11)**

AN ACT concerning

#### **Food Processing Plants – License Fees – Civic and Nonprofit Organizations**

FOR the purpose of limiting to a certain amount the fee that may be charged for a food processing plant license under certain provisions of law to certain civic and nonprofit organizations under certain circumstances; and generally relating to license fees for food processing plants.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 21–301(g)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 21–308  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

#### **Article – Health – General**

21–301.

(g) (1) “Food processing plant” means any place used for, or in connection with, the commercial manufacturing, preparing, processing, packaging, canning, freezing, storing, distributing, labeling, or holding of food or drink for human consumption.

(2) “Food processing plant” includes:

- (i) A bakery plant;
- (ii) A cannery;
- (iii) A confectionery plant;
- (iv) A crab meat picking plant;
- (v) A food manufacturing plant;
- (vi) A food warehouse or distribution center;
- (vii) A frozen food processing plant;
- (viii) An ice manufacturing plant;
- (ix) A shellfish plant;
- (x) A soft drink manufacturing plant; or
- (xi) A bottled water plant.

(3) “Food processing plant” does not include:

- (i) A warehouse or distribution center that:
  - 1. Does not process food; and
  - 2. Stores only sealed containers of whole bean, ground or instant coffee, leaf or instant teas, nondairy dehydrated whiteners, sugar, or sugar-free sweeteners; or
- (ii) A cottage food business.

21–308.

(a) In this section, “on–farm home processing facility” means a home or domestic kitchen located on an individual’s farm that manufactures and processes foods for commercial sale.

(b) (1) For any license issued for which the authority to conduct a program under this subtitle has been delegated to a county health department:

(i) A county governing body or the Mayor and City Council of Baltimore City may and the Anne Arundel County Council shall provide for a license fee schedule based on the anticipated cost of licensing, inspecting, and regulating food establishments and may provide for exemptions from the license fee schedule; and

(ii) All license fees shall be paid to the local health department or chief financial officer of the county governing body or Baltimore City.

(2) Except in Anne Arundel County, Baltimore City, Montgomery County, and Prince George’s County, a license fee under this subsection may not exceed \$70 for a seasonal food processing operation that:

(i) Uses only food that is grown on the property of the licensee; and

(ii) Is in operation for not more than a 3–month continuous period in the calendar year.

(3) A seasonal food processing operation may obtain a food establishment license for a fee of \$70 under paragraph (2) of this subsection only twice in a calendar year.

(c) (1) An on–farm home processing facility may obtain an on–farm home processing plant license for a fee established in regulations.

(2) An on–farm home processing facility that obtains an on–farm home processing plant license may manufacture or process only foods provided for in regulations of the Department.

(3) A license or permit is not required to deliver prepackaged foods to fill an order of a customer.

(d) For any other food establishment license, the Secretary shall establish a license fee in accordance with § 2–104 of this article.

**(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A LICENSE FEE UNDER THIS SECTION MAY NOT EXCEED \$150 ANNUALLY FOR A FOOD PROCESSING PLANT THAT:**

(1) IS A BONA FIDE CIVIC OR NONPROFIT ORGANIZATION THAT PROCESSES ~~ANIMALS~~ MEAT FOR HUMAN CONSUMPTION; AND

(2) ENGAGES IN THE PROCESSING OF ~~ANIMALS~~ MEAT FOR HUMAN CONSUMPTION NO MORE THAN THREE TIMES A YEAR FOR 5 DAYS OR LESS EACH TIME.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 119

### (Senate Bill 50)

AN ACT concerning

#### Crimes – Use of Personal Identifying Information or the Identity of Another – Sexual Crimes

FOR the purpose of prohibiting a person from using certain personal identifying information or the identity of an individual without consent to invite, encourage, or solicit another to commit a sexual crime against the individual; establishing certain penalties; authorizing a State's Attorney or the Attorney General to investigate and prosecute a violation of this Act; providing that when the Attorney General exercises the authority to investigate and prosecute a violation of this Act, the Attorney General has certain powers and duties of a State's Attorney; specifying venue for the prosecution of a violation of this Act; defining certain terms; and generally relating to sexual crimes and the use of personal identifying information or the identity of another.

BY adding to

Article – Criminal Law

Section 3–325

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

#### Article – Criminal Law

3–325.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "PERSONAL IDENTIFYING INFORMATION" HAS THE MEANING STATED IN § 8-301 OF THIS ARTICLE.

(3) "SEXUAL CRIME" MEANS AN ACT THAT WOULD CONSTITUTE A VIOLATION OF THIS SUBTITLE, § 3-602 OF THIS TITLE, § 3-902 OF THIS TITLE, OR TITLE 11 OF THIS ARTICLE.

(B) A PERSON MAY NOT USE THE PERSONAL IDENTIFYING INFORMATION OR IDENTITY OF AN INDIVIDUAL WITHOUT CONSENT TO INVITE, ENCOURAGE, OR SOLICIT ANOTHER TO COMMIT A SEXUAL CRIME AGAINST THE INDIVIDUAL.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

(D) (1) A STATE'S ATTORNEY OR THE ATTORNEY GENERAL MAY INVESTIGATE AND PROSECUTE A VIOLATION OF THIS SECTION OR A VIOLATION OF ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.

(2) IF THE ATTORNEY GENERAL EXERCISES AUTHORITY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ATTORNEY GENERAL HAS ALL THE POWERS AND DUTIES OF A STATE'S ATTORNEY, INCLUDING THE USE OF A GRAND JURY IN ANY COUNTY OR BALTIMORE CITY, TO INVESTIGATE AND PROSECUTE THE VIOLATION.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROSECUTION OF A VIOLATION OF THIS SECTION OR FOR A VIOLATION OF ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION MAY BE COMMENCED IN ANY COUNTY IN WHICH:

(1) AN ELEMENT OF THE CRIME OCCURRED; OR

(2) THE VICTIM RESIDES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

**Chapter 120****(Senate Bill 54)**

AN ACT concerning

**Labor and Employment – Maryland Apprenticeship and Training Council**

FOR the purpose of specifying that the duties of the Maryland Apprenticeship and Training Council are to be carried out consistent with the approval of the Division of Labor and Industry; clarifying that apprenticeable occupations are approved by the Council and recognized by the Division; clarifying that certificates of approval for certain programs are issued jointly by the Council and the Division; specifying that certain rules and regulations adopted by the Council must be adopted in consultation with the Division; specifying that certain duties of the Council must be exercised consistent with the approval of the Division; repealing a certain prohibition against the Council denying qualified applications for certain programs under certain circumstances; authorizing the Council, under certain circumstances, to designate certain Council members to present the position of the Council to the Secretary of Labor, Licensing, and Regulation for consideration of an issue on which the Council and the Division disagree; requiring that a representative of the Division also shall have an opportunity to present the position of the Division to the Secretary; requiring the Secretary to issue a final decision on the issue after consideration of the positions of the Council and the Division; providing that a certain decision is the final agency decision; providing that a party other than the Council or the Division that is aggrieved by a certain decision is entitled to judicial review as provided in the Administrative Procedure Act; altering the duties of the Director of Apprenticeship and Training to include periodically informing the Division, rather than only the Council, regarding the progress of certain programs; making conforming changes; making stylistic changes; and generally relating to the Maryland Apprenticeship and Training Council.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 11–405 and 11–406

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

**Article – Labor and Employment**

11-405.

(a) **[The] SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE** duties of the Council, **CONSISTENT WITH THE APPROVAL OF THE DIVISION OF LABOR AND INDUSTRY,** shall be to:

- (1) determine the apprenticeability of trades in the State of Maryland;
- (2) encourage the establishment of local apprenticeship committees where such committees are needed and approve their programs;
- (3) formulate and adopt standards of apprenticeship which safeguard the welfare of apprentices, being guided, but not controlled, by the standards of apprenticeship recommended by the federal committee on apprenticeship and provide guidance and counsel on the establishment of other forms of on-the-job training;
- (4) formulate policies for the overall apprenticeship program;
- (5) register standards of apprenticeship of such groups or employers as elect to conform with the provisions of this subtitle;
- (6) register apprenticeship agreements which conform to the standards of apprenticeship adopted by the Council;
- (7) issue certificates of completion of apprenticeship to apprentices who are registered with the Council when such apprentices have completed successfully their apprenticeship;
- (8) seek all information pertaining to apprenticeship training in the State;
- (9) prescribe its rules of procedure and duties of the Chairman, Director, and Secretary subject to the provisions of this law; and
- (10) perform such other functions as the Governor or the Secretary may direct or as may come within the scope of the Council.

(b) (1) No person, firm, or corporation may offer, establish, maintain, or operate an apprenticeship or on-the-job training program for any occupation **[recognized as an apprenticeable occupation] APPROVED** by the Council **AND RECOGNIZED BY THE DIVISION OF LABOR AND INDUSTRY AS AN APPRENTICEABLE OCCUPATION** for which tuition, charges, or fees are charged to or are payable by an enrollee or student, or which is financed in whole or in part by State funds, unless the program is first approved by the Council **OR THE SECRETARY UNDER SUBSECTION (D) OF THIS SECTION.**

(2) The Council **AND THE DIVISION OF LABOR AND INDUSTRY JOINTLY** shall issue a certificate of approval to an applicant operating or proposing to operate the program if [it is] **THEY ARE** satisfied, **OR THE SECRETARY UNDER SUBSECTION (D) OF THIS SECTION IS SATISFIED**, that the conditions of entrance, the qualifications of the administrators and instructors, the content of the program, the facilities, and the financial aspects of the program are adequate and appropriate for the purpose of the program.

(3) The Council, after notice and hearing, may suspend or revoke its approval of a program or course if it, **OR THE SECRETARY UNDER SUBSECTION (D) OF THIS SECTION**, finds that the program or course has ceased to meet the conditions of approval.

(4) Any person, firm, or corporation whose application for approval is rejected or whose certificate of approval is suspended or revoked has a right of judicial review as provided in the Administrative Procedure Act.

(5) Except as otherwise provided in this section, the Council, **IN CONSULTATION WITH THE DIVISION OF LABOR AND INDUSTRY**, after notice and hearing, may adopt rules and regulations for the implementation of this section, including[, but not limited to,] rules and regulations requiring the furnishing of periodic relevant information about approved and proposed programs and the operator or proposed operator [thereof] **OF THE APPROVED OR PROPOSED PROGRAMS**.

(6) Any person, firm, or corporation that knowingly offers, establishes, maintains, or operates a program in violation of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000 or be imprisoned for not more than one year, or both.

(7) The Council, **CONSISTENT WITH THE APPROVAL OF THE DIVISION OF LABOR AND INDUSTRY**, in addition, shall apply to any court of competent jurisdiction for an injunction restraining violations of this section.

[(8) (i) Except as provided in subparagraph (ii) of this paragraph, the Council may not deny any otherwise qualified application where apprentices constitute a number equal to or less than 25 percent of the total number of apprentices and journeymen employed.

(ii) For the purpose of equal opportunity employment, the Council may not deny any otherwise qualified application where apprentices constitute a number equal to or less than 50 percent of the total number of apprentices and journeymen employed.]

(c) The Council, **CONSISTENT WITH THE APPROVAL OF THE DIVISION OF LABOR AND INDUSTRY**, may negotiate and adopt agreements permitting reciprocity

with apprenticeship and training councils of another state, or the United States Department of Labor, Bureau of Apprenticeship and Training.

**(D) (1) IF A DISAGREEMENT ARISES BETWEEN THE COUNCIL AND THE DIVISION OF LABOR AND INDUSTRY, AS A RESULT OF A VOTE TAKEN BY THE COUNCIL WITH RESPECT TO ANY OF THE DUTIES AND RESPONSIBILITIES IN SUBSECTIONS (A) THROUGH (C) OF THIS SECTION, THE COUNCIL MAY DESIGNATE THREE COUNCIL MEMBERS WHO VOTED IN THE MAJORITY TO PRESENT THE POSITION OF THE COUNCIL TO THE SECRETARY FOR CONSIDERATION OF THE ISSUE ON WHICH THE COUNCIL AND THE DIVISION DISAGREE.**

**(2) A REPRESENTATIVE OF THE DIVISION OF LABOR AND INDUSTRY ALSO SHALL HAVE AN OPPORTUNITY TO PRESENT THE POSITION OF THE DIVISION TO THE SECRETARY.**

**(3) (I) AFTER CONSIDERATION OF THE POSITIONS OF THE COUNCIL AND THE DIVISION OF LABOR AND INDUSTRY, THE SECRETARY SHALL ISSUE A FINAL DECISION ON THE ISSUE.**

**(II) THE FINAL DECISION ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE THE FINAL AGENCY DECISION.**

**(4) IF A PARTY OTHER THAN THE COUNCIL OR THE DIVISION OF LABOR AND INDUSTRY IS AGGRIEVED BY THE DECISION OF THE SECRETARY, THE PARTY SHALL BE ENTITLED TO JUDICIAL REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT.**

11-406.

**(A) The Secretary shall appoint a Director of Apprenticeship and Training.**

**(B) The Director of Apprenticeship and Training shall:**

**(1) have the responsibility of promoting apprenticeship and other forms of on-the-job training; and [shall]**

**(2) obtain the assistance of the Bureau of Apprenticeship and Training, U.S. Department of Labor, and other federal and State agencies in [this function] PROMOTING APPRENTICESHIPS AND ON-THE-JOB TRAINING.**

**(C) The Director's duties shall include[, but shall not be limited to]:**

- (1) encouragement and promotion of the standards established in accordance with this subtitle and with the basic standards of the Bureau of Apprenticeship and Training, U.S. Department of Labor;
- (2) bringing about the settlement of differences arising out of apprenticeship programs and agreements when the differences cannot be adjusted locally or in accordance with established trade procedure;
- (3) supervision of the execution of agreements and the maintenance of standards;
- (4) registration of apprenticeship programs and agreements;
- (5) keeping a record of apprenticeship agreements and programs, and upon performance thereunder issuing certificates of completion of apprenticeship;
- (6) encouragement of liaison and cooperation between all private, State, and federal agencies concerned with apprenticeship, trade, and industrial training;
- (7) promotion of public awareness of apprenticeship and other occupational training; and
- (8) keeping a record of the progress of apprenticeship and training programs initiated in accordance with the provisions of this subtitle and informing the Council **AND THE DIVISION OF LABOR AND INDUSTRY** periodically as to the results.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 121**

**(Senate Bill 57)**

AN ACT concerning

### **Office of the State's Attorney – Dorchester County – Authority to Appoint Criminal Investigators**

FOR the purpose of authorizing the State's Attorney for Dorchester County to appoint certain criminal investigators, subject to the approval of the Dorchester County Council; authorizing the State's Attorney for Dorchester County to designate a chief investigator and assign other ranks and titles to certain criminal

investigators under certain circumstances; providing that a criminal investigator who is appointed under this Act shall serve at the pleasure of the State's Attorney for Dorchester County, is subject to the regulations of the State's Attorney for Dorchester County, shall perform the duties that the State's Attorney for Dorchester County designates, shall take a certain oath of office, shall meet certain criteria regarding training and experience, may serve a certain summons or subpoena, may wear or display certain badges, and is not subject to the Law Enforcement Officers' Bill of Rights; authorizing the State's Attorney for Dorchester County to designate a criminal investigator as a peace officer under certain circumstances; providing that a criminal investigator designated as a peace officer may not be subject to the Law Enforcement Officers' Bill of Rights; authorizing a criminal investigator designated as a peace officer to arrest a certain person, serve a certain warrant, summons, or subpoena, and possess and carry a certain firearm; and generally relating to the Office of the State's Attorney for Dorchester County.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 15–410  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

### **Article – Criminal Procedure**

15–410.

(a) This section applies only in Dorchester County.

(b) (1) The State's Attorney's salary is 80% of the salary of a judge of the District Court of Maryland.

(2) Subject to the approval of the County Council, the State's Attorney is entitled to an allowance for the expenses of operating the office, including the costs of telephone charges, office supplies and equipment, postage, travel, training, conferences, books and publications, and premiums on office bonds.

(c) (1) The State's Attorney may appoint the number of full-time or part-time deputy State's Attorneys and assistant State's Attorneys that the County Council approves.

(2) The deputy and assistant State's Attorneys shall:

(i) serve at the pleasure of the State's Attorney;

(ii) receive compensation as approved by the County Council;  
and

(iii) have the same legal powers as the State's Attorney to present cases to the grand jury and perform all other necessary duties in relation to the grand jury and the operation of the office.

(d) Subject to the approval of the County Council, the State's Attorney may employ administrative and clerical employees who shall:

(1) receive salaries in accordance with the county pay scale; and

(2) be considered county employees and members of the pension system in which a county employee is eligible for membership.

**(E) (1) SUBJECT TO THE APPROVAL OF THE COUNTY COUNCIL, THE STATE'S ATTORNEY MAY APPOINT FULL-TIME OR PART-TIME CRIMINAL INVESTIGATORS.**

**(2) IF THE STATE'S ATTORNEY APPOINTS MORE THAN ONE CRIMINAL INVESTIGATOR, THE STATE'S ATTORNEY MAY DESIGNATE ONE AS CHIEF INVESTIGATOR AND ASSIGN OTHER RANKS AND TITLES TO THE OTHER CRIMINAL INVESTIGATORS.**

**(3) A CRIMINAL INVESTIGATOR WHO IS APPOINTED UNDER THIS SUBSECTION:**

**(I) SHALL SERVE AT THE PLEASURE OF THE STATE'S ATTORNEY;**

**(II) IS SUBJECT TO THE REGULATIONS OF THE STATE'S ATTORNEY;**

**(III) SHALL PERFORM THE DUTIES THAT THE STATE'S ATTORNEY DESIGNATES;**

**(IV) SHALL TAKE AN OATH OF OFFICE THAT THE CLERK OF THE CIRCUIT COURT ADMINISTERS;**

**(V) SHALL MEET THE CRITERIA REGARDING TRAINING AND EXPERIENCE THAT THE STATE'S ATTORNEY REQUIRES;**

**(VI) MAY SERVE A SUMMONS OR SUBPOENA THAT THE STATE'S ATTORNEY ISSUES;**

(VII) MAY WEAR OR DISPLAY APPROPRIATE METALLIC BADGES THAT THE STATE'S ATTORNEY AUTHORIZES; AND

(VIII) IS NOT SUBJECT TO TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.

(4) THE STATE'S ATTORNEY MAY DESIGNATE A CRIMINAL INVESTIGATOR AS A PEACE OFFICER IF THE CRIMINAL INVESTIGATOR MEETS THE SELECTION AND TRAINING STANDARDS OF THE POLICE TRAINING COMMISSION AS SET FORTH IN TITLE 3, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

(5) A CRIMINAL INVESTIGATOR DESIGNATED AS A PEACE OFFICER MAY NOT BE SUBJECT TO TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.

(6) IN ADDITION TO THE AUTHORITY, DUTIES, AND LIMITATIONS DESCRIBED UNDER PARAGRAPH (3) OF THIS SUBSECTION, A CRIMINAL INVESTIGATOR DESIGNATED AS A PEACE OFFICER MAY:

(I) ARREST A PERSON WHO COMMITS A CRIME IN THE COUNTY OR IN A MUNICIPAL CORPORATION IN THE COUNTY;

(II) SERVE A WARRANT, SUMMONS, OR SUBPOENA THAT THE DISTRICT COURT OF MARYLAND IN THE COUNTY OR A CIRCUIT COURT ISSUES; AND

(III) POSSESS AND CARRY A FIREARM, INCLUDING A HANDGUN, OR ANY OTHER WEAPON THAT THE STATE'S ATTORNEY REQUIRES.

[(e)] (F) The State's Attorney:

(1) shall serve full time;

(2) may not engage in the private practice of law; and

(3) except in connection with performing the duties of the office, may not appear professionally in a criminal proceeding in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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**Chapter 122****(Senate Bill 60)**

AN ACT concerning

**Dorchester County – Class B Beer and Light Wine Licenses – Sunday Sales**

FOR the purpose of altering in Dorchester County the hours that a Class B beer and light wine license holder may sell beer and light wine on Sundays for on- and off-premises consumption; repealing a prohibition against the sale of beer and light wine on Sundays after a certain time for off-premises consumption; making a certain stylistic change; and generally relating to the sale of alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 11–510(a)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 11–510(b)(3)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article 2B – Alcoholic Beverages**

11–510.

(a) This section applies only in Dorchester County.

(b) Notwithstanding any other provisions of this subtitle, the hours for sale for alcoholic beverages are as follows:

(3) For the holders of a Class B (on- and off-sale) beer and light wine license sales are permitted as follows:

(i) (On- and off-sale) is permitted on Monday through Saturday from 6 a.m. to 1:45 a.m. the following day; **AND**

(ii) [(On-sale)] **(ON- AND OFF-SALE)** is permitted on Sunday from [12 noon] **10 A.M.** to [12] midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from [12 noon] **10 A.M.** to 2 a.m. the following day[; and

(iii) (Off-sale) is prohibited on Sunday after 1 a.m.].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 123**

**(House Bill 167)**

AN ACT concerning

### **Dorchester County – Class B Beer and Light Wine Licenses – Sunday Sales**

FOR the purpose of altering in Dorchester County the hours that a Class B beer and light wine license holder may sell beer and light wine on Sundays for on- and off-premises consumption; repealing a prohibition against the sale of beer and light wine on Sundays after a certain time for off-premises consumption; making a certain stylistic change; and generally relating to the sale of alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 11–510(a)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 11–510(b)(3)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

### **Article 2B – Alcoholic Beverages**

11–510.

- (a) This section applies only in Dorchester County.
- (b) Notwithstanding any other provisions of this subtitle, the hours for sale for alcoholic beverages are as follows:
  - (3) For the holders of a Class B (on– and off–sale) beer and light wine license sales are permitted as follows:
    - (i) (On– and off–sale) is permitted on Monday through Saturday from 6 a.m. to 1:45 a.m. the following day; **AND**
    - (ii) [(On–sale)] **(ON– AND OFF–SALE)** is permitted on Sunday from [12 noon] **10 A.M.** to [12] midnight, except if Christmas Eve or New Year’s Eve is on a Sunday, from [12 noon] **10 A.M.** to 2 a.m. the following day[; and
    - (iii) (Off–sale) is prohibited on Sunday after 1 a.m.].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 124**

### **(Senate Bill 69)**

AN ACT concerning

#### **Maryland Register – Publication of Court Documents – Exception**

FOR the purpose of providing for a certain exception to a requirement that certain court documents be published in the Maryland Register; and generally relating to certain court documents posted on the Web site of the Maryland Judiciary.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 7–206(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – State Government**

7–206.

(a) An issue of the Register shall contain:

(1) on the first page:

(i) the closing date and hour of the issue; and

(ii) the issue date, which shall be the date of deposit in the United States mail and shall appear prominently;

(2) the text of each of the following documents that has been submitted to the Division before the closing date and hour and has not been published previously:

(i) during each session of the General Assembly:

1. a synopsis of each bill that is introduced; and

2. a synopsis of each bill that is enacted;

(ii) **UNLESS POSTED PROMPTLY ON THE WEB SITE OF THE MARYLAND JUDICIARY:**

1. each proposed rule of court that the Chief Judge of the Court of Appeals directs to be published;

[(iii)] 2. each rule of court that the Court of Appeals adopts or permits to be adopted;

[(iv)] 3. the hearing calendar of the Court of Appeals;

[(v)] 4. each administrative order or memorandum of the Chief Judge of the Court of Appeals or of the Administrative Office of the Courts that the Chief Judge directs to be published;

[(vi)] 5. the hearing calendar of the Court of Special Appeals;  
**AND**

[(vii)] 6. each administrative regulation that the Chief Judge of the District Court adopts;

[(viii)] **(III)** each executive order;

~~[(ix)]~~ **(IV)** each designation of an official State agency under a federal program;

~~[(x)]~~ **(V)** except for notaries public and special police, a list of gubernatorial appointments that states:

1. the office;
2. the name of the appointee;
3. the county where the appointee resides;
4. the effective date of appointment;
5. the term of office; and
6. the salary;

~~[(xi)]~~ **(VI)** for a proposed regulation:

- and
1. the notice of the proposed adoption of the regulation;
  2. the text of the proposed regulation;

~~[(xii)]~~ **(VII)** each notice of a public hearing that a unit issues;

~~[(xiii)]~~ **(VIII)** unless otherwise exempted, each other document that is required by law to be published in the Code of Maryland Regulations;

~~[(xiv)]~~ **(IX)** each other document that is required to be published in the Register;

~~[(xv)]~~ **(X)** each notice or other document issued by an agency of a county or municipal government that the Committee permits to be published in the Register; and

~~[(xvi)]~~ **(XI)** unless otherwise privileged, each other document that the Committee permits to be published in the Register;

(3) a table of contents; and

(4) an index to each title of the Code of Maryland Regulations that a document in the issue affects.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 125**

### **(Senate Bill 76)**

AN ACT concerning

#### **Dorchester County Sanitary Commission – Enforcement of Liens – Tax Sale Authorization**

FOR the purpose of authorizing the Dorchester County Sanitary Commission to request the county tax collector to conduct a sale of real property to enforce a lien representing certain unpaid assessments or charges, in accordance with certain procedures; authorizing the tax collector in Dorchester County to conduct a county tax sale for the purpose of enforcing a certain lien; and generally relating to the levy and collection of benefit assessments by the Dorchester County Sanitary Commission.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 9–658  
Annotated Code of Maryland  
(2007 Replacement Volume and 2013 Supplement)

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

#### **Article – Environment**

9–658.

(a) When the sanitary commission has determined a benefit assessment, and except as otherwise provided in this section, the sanitary commission shall levy a benefit assessment, so that the levy will be effective on the July 1 that next follows the first March 31 that occurs on or before which the construction is completed on the project for which the benefit assessment is made.

(b) (1) The Allegany County Sanitary Commission may make the levy of a benefit assessment effective on the date on which the construction is completed on the project for which the benefit assessment is made.

(2) If the Allegany County Sanitary Commission makes a levy on the date on which the construction is completed, it shall prorate the levy on the basis of the benefit assessment for an entire year and the time remaining until July 1.

(c) (1) The Dorchester County Sanitary Commission may make the levy of a benefit assessment effective on the date on which:

(i) The construction is substantially completed; or

(ii) The system is in use for the project for which the benefit assessment is made.

(2) If the Dorchester County Sanitary Commission makes a levy on the date on which the construction is substantially completed or when the system is in use, it shall prorate the levy on the basis of the benefit assessment for an entire year and the time remaining until July 1.

(d) While unpaid, benefit assessments and other charges are a lien on the parcel for which made.

(e) The lien granted by this section is subordinate only to State taxes and municipal taxes.

(f) (1) As to each lien that arises against a parcel in the district, the sanitary commission shall keep a public record that:

(i) Identifies the owners of the parcel;

(ii) Describes the parcel and gives any lot number of record that applies to the parcel; and

(iii) Shows the amount of the lien.

(2) The sanitary commission shall file the record of liens among the land records of the county where the parcel is located.

(3) The record of liens shall be legal notice of all existing liens in the district.

(g) (1) To enforce the collection of unpaid benefit assessments or other charges that are at least 60 days overdue, the sanitary commission, at any time, may:

(i) Sue any person who was an owner of record of the parcel at any time since the benefit assessment was last paid; or

(ii) File a bill in equity to enforce a lien through a decree of sale of property against any person who was an owner of record of the parcel at any time since the benefit assessment was last paid.

(2) In addition to the actions that the sanitary commission may take under paragraph (1) of this subsection, in Allegany County, Dorchester County, Garrett County, and Somerset County, the sanitary commission may disconnect the service.

(3) When recorded, the lien is legal notice to any person who has any interest in a parcel.

(h) (1) The governing body of Kent County may authorize by local law the sale of real property to enforce a lien based on unpaid benefit assessments or other charges under this subtitle. The procedures for establishment, notification, and enforcement of a lien authorized by the governing body in accordance with this subsection shall conform to the provisions of Chapter 152 of the Code of Kent County, governing collection of real property taxes in arrears.

(2) If the sale of real property is authorized under paragraph (1) of this subsection, in addition to any remedy under subsection (g) of this section, the sanitary commission may request that the county tax collector conduct a sale of real property to enforce a lien at a county tax sale in accordance with the same procedures governing the sale of property for delinquent property taxes and the county tax collector may conduct the sale.

(i) (1) In addition to any remedy under subsection (g) of this section, [the Allegany County Sanitary Commission] **IN ALLEGANY COUNTY AND DORCHESTER COUNTY, THE SANITARY COMMISSION** may request the county tax collector to conduct a sale of real property to enforce a lien representing any unpaid benefit assessment or other charges under this subtitle at a county tax sale in accordance with the same procedures governing the sale of property for delinquent property taxes.

(2) [The] **IN ALLEGANY COUNTY, THE** tax collector in Allegany County may conduct a county tax sale for the purpose of enforcing a lien as specified in paragraph (1) of this subsection.

**(3) IN DORCHESTER COUNTY, THE TAX COLLECTOR IN DORCHESTER COUNTY MAY CONDUCT A COUNTY TAX SALE FOR THE PURPOSE OF ENFORCING A LIEN AS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 126****(House Bill 180)**

AN ACT concerning

**Dorchester County Sanitary Commission – Enforcement of Liens – Tax Sale  
Authorization**

FOR the purpose of authorizing the Dorchester County Sanitary Commission to request the county tax collector to conduct a sale of real property to enforce a lien representing certain unpaid assessments or charges, in accordance with certain procedures; authorizing the tax collector in Dorchester County to conduct a county tax sale for the purpose of enforcing a certain lien; and generally relating to the levy and collection of benefit assessments by the Dorchester County Sanitary Commission.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 9–658  
Annotated Code of Maryland  
(2007 Replacement Volume and 2013 Supplement)

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

**Article – Environment**

9–658.

(a) When the sanitary commission has determined a benefit assessment, and except as otherwise provided in this section, the sanitary commission shall levy a benefit assessment, so that the levy will be effective on the July 1 that next follows the first March 31 that occurs on or before which the construction is completed on the project for which the benefit assessment is made.

(b) (1) The Allegany County Sanitary Commission may make the levy of a benefit assessment effective on the date on which the construction is completed on the project for which the benefit assessment is made.

(2) If the Allegany County Sanitary Commission makes a levy on the date on which the construction is completed, it shall prorate the levy on the basis of the benefit assessment for an entire year and the time remaining until July 1.

(c) (1) The Dorchester County Sanitary Commission may make the levy of a benefit assessment effective on the date on which:

- (i) The construction is substantially completed; or
- (ii) The system is in use for the project for which the benefit assessment is made.

(2) If the Dorchester County Sanitary Commission makes a levy on the date on which the construction is substantially completed or when the system is in use, it shall prorate the levy on the basis of the benefit assessment for an entire year and the time remaining until July 1.

(d) While unpaid, benefit assessments and other charges are a lien on the parcel for which made.

(e) The lien granted by this section is subordinate only to State taxes and municipal taxes.

(f) (1) As to each lien that arises against a parcel in the district, the sanitary commission shall keep a public record that:

- (i) Identifies the owners of the parcel;
- (ii) Describes the parcel and gives any lot number of record that applies to the parcel; and
- (iii) Shows the amount of the lien.

(2) The sanitary commission shall file the record of liens among the land records of the county where the parcel is located.

(3) The record of liens shall be legal notice of all existing liens in the district.

(g) (1) To enforce the collection of unpaid benefit assessments or other charges that are at least 60 days overdue, the sanitary commission, at any time, may:

- (i) Sue any person who was an owner of record of the parcel at any time since the benefit assessment was last paid; or
- (ii) File a bill in equity to enforce a lien through a decree of sale of property against any person who was an owner of record of the parcel at any time since the benefit assessment was last paid.

(2) In addition to the actions that the sanitary commission may take under paragraph (1) of this subsection, in Allegany County, Dorchester County, Garrett County, and Somerset County, the sanitary commission may disconnect the service.

(3) When recorded, the lien is legal notice to any person who has any interest in a parcel.

(h) (1) The governing body of Kent County may authorize by local law the sale of real property to enforce a lien based on unpaid benefit assessments or other charges under this subtitle. The procedures for establishment, notification, and enforcement of a lien authorized by the governing body in accordance with this subsection shall conform to the provisions of Chapter 152 of the Code of Kent County, governing collection of real property taxes in arrears.

(2) If the sale of real property is authorized under paragraph (1) of this subsection, in addition to any remedy under subsection (g) of this section, the sanitary commission may request that the county tax collector conduct a sale of real property to enforce a lien at a county tax sale in accordance with the same procedures governing the sale of property for delinquent property taxes and the county tax collector may conduct the sale.

(i) (1) In addition to any remedy under subsection (g) of this section, [the Allegany County Sanitary Commission] **IN ALLEGANY COUNTY AND DORCHESTER COUNTY, THE SANITARY COMMISSION** may request the county tax collector to conduct a sale of real property to enforce a lien representing any unpaid benefit assessment or other charges under this subtitle at a county tax sale in accordance with the same procedures governing the sale of property for delinquent property taxes.

(2) [The] **IN ALLEGANY COUNTY, THE** tax collector in Allegany County may conduct a county tax sale for the purpose of enforcing a lien as specified in paragraph (1) of this subsection.

**(3) IN DORCHESTER COUNTY, THE TAX COLLECTOR IN DORCHESTER COUNTY MAY CONDUCT A COUNTY TAX SALE FOR THE PURPOSE OF ENFORCING A LIEN AS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 127

**(Senate Bill 86)**

AN ACT concerning

### Vehicle Laws – Size, Weight, and Axle Load Limits

FOR the purpose of exempting certain vehicles engaged in emergency operations or in snow or ice removal from certain provisions of law governing size, weight, and axle load limits; repealing a certain provision of law that authorizes the State Highway Administration to issue limited duration special vehicle permits in exceptional cases of vehicles exceeding size or weight limits; making this Act an emergency measure; and generally relating to vehicle size, weight, and axle load limits.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 24–101 and 24–113  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

#### Article – Transportation

24–101.

(a) The provisions of this subtitle governing size, weight, and load do not apply to:

(1) Emergency vehicles;

(2) Farm equipment temporarily moved on a highway; [or]

(3) [A vehicle driven under the terms of a special permit issued under this subtitle] **VEHICLES OWNED BY OR UNDER CONTRACT WITH THE STATE OR A POLITICAL SUBDIVISION OF THE STATE WHEN ENGAGED IN EMERGENCY OPERATIONS OR IN SNOW OR ICE REMOVAL CONSISTENT WITH FEDERAL LAW; OR**

**(4) ANY OTHER VEHICLE DRIVEN UNDER THE TERMS AND CONDITIONS OF A PERMIT ISSUED UNDER THIS SUBTITLE.**

(b) A person may not drive on any publicly maintained highway any vehicle or combination of vehicles with a gross weight that exceeds:

(1) The maximum registered weight limit for which the vehicle or combination is registered under § 24–110 of this subtitle; or

(2) Any other weight limit established under the Maryland Vehicle Law.

(c) A person may not permit to be driven on any publicly maintained highway any vehicle or combination of vehicles with a gross weight that exceeds:

(1) The maximum registered weight limit for which the vehicle or combination is registered under § 24–110 of this subtitle; or

(2) Any other weight limit established under the Maryland Vehicle Law.

(d) A violation of the maximum weight provisions of this subtitle is not a moving violation for purposes of Title 16, Subtitle 4 of this article.

24–113.

(a) The purpose of this section is to:

(1) Facilitate the obtaining of permits;

(2) Eliminate undue hardships to political subdivisions, contractors, and the movers of heavy or large equipment; and

(3) Make possible, when circumstances justify, the issuing of permits under which more than one move can be made.

(b) The State Highway Administration and the Department of State Police jointly may formulate rules and regulations that:

(1) Implement the statutes on the movement of oversize and overweight vehicles; and

(2) Establish fees and charges under these statutes.

(c) (1) Before a rule or regulation may be adopted or amended under this section, the State Highway Administration shall hold a public hearing on it.

(2) After the hearing, the State Highway Administration may adopt the proposed rule, regulation, or amendment or any appropriate modification to it.

[(d) In exceptional cases, special vehicle permits may be issued for vehicles exceeding maximum size and weight limitations; however, it is not intended to allow regular and continuous movement by a vehicle operating with a permit issued under this subsection.]

SECTION 2. 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 yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2014.

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## Chapter 128

(Senate Bill 95)

AN ACT concerning

**Comptroller – Monitoring and Recording of Telephone Calls – Training and, Quality Assurance, and Employee Safety**

FOR the purpose of authorizing the Comptroller of the State to ~~manage the monitoring~~ monitor and ~~recording of record~~ record certain telephone calls for certain purposes; requiring monitored or recorded telephone calls to contain a certain notice; prohibiting the use of information derived from certain telephone calls in certain proceedings, except under certain circumstances; prohibiting the retention of certain recordings for more than a certain number of days, except under certain circumstances; and generally relating to the monitoring and recording of telephone calls by the Comptroller.

BY adding to

Article – Tax – General

Section 2–114

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

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

**Article – Tax – General**

**2–114.**

(A) NOTWITHSTANDING THE PROVISIONS OF ~~§ 9–602~~ OF THE CRIMINAL LAW ARTICLE AND SUBJECT TO SUBSECTIONS (B), (C), (D), AND (E) OF THIS SECTION, THE COMPTROLLER MAY ~~MANAGE THE MONITORING AND RECORDING~~ MONITOR AND RECORD ~~OF~~ INCOMING TELEPHONE CALLS TO EMPLOYEES OF THE COMPTROLLER'S CALL CENTERS TO TELEPHONES WITHIN THE OFFICES OF

**THE COMPTROLLER FOR ~~TRAINING AND QUALITY CONTROL~~ TRAINING, QUALITY CONTROL, AND EMPLOYEE SAFETY PURPOSES.**

(B) ANY MONITORED OR RECORDED TELEPHONE CALL SHALL CONTAIN A NOTICE TO THE TELEPHONE CALLER THAT “YOUR CALL MAY BE RECORDED OR MONITORED FOR TRAINING AND QUALITY CONTROL PURPOSES”.

(C) (1) THE COMPTROLLER MAY RECORD OR MONITOR INCOMING CALLS TO THE AUTOMATED CALL DISTRIBUTION SYSTEM ONLY.

(2) THE COMPTROLLER MAY NOT RECORD OR MONITOR CALLS TO OR FROM DIRECT INDIVIDUAL LINES IN THE OFFICE OF THE COMPTROLLER.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, INFORMATION DERIVED FROM AN INCOMING TELEPHONE CALL TO EMPLOYEES OF THE COMPTROLLER’S CALL CENTERS MAY NOT BE USED IN ANY CRIMINAL OR CIVIL PROCEEDING AGAINST ANY MARYLAND TAXPAYER UNLESS THE CALLER HAS MADE A PERSONAL AND IMMINENT THREAT AGAINST AN EMPLOYEE OR PROPERTY OF THE STATE.

(E) RECORDED TELEPHONE CALLS MAY NOT BE RETAINED BY THE OFFICE OF THE COMPTROLLER FOR LONGER THAN 60 DAYS, EXCEPT:

(1) IF THE CALL IS TO BE USED SOLELY ~~FOR~~ AS A POSITIVE EXAMPLE TO FOLLOW IN THE TRAINING OF EMPLOYEES USING THE COMPTROLLER’S CALL CENTERS; OR

~~(2) IN ANY PROCEEDING IN WHICH THE TELEPHONE CALLER FIRST INTRODUCES THE CONTENTS OF A RECORDED TELEPHONE CALL.~~

(2) IF THE CALLER HAS MADE A PERSONAL AND IMMINENT THREAT AGAINST AN EMPLOYEE OR PROPERTY OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 14, 2014.

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Chapter 129

(Senate Bill 106)

AN ACT concerning

**Recordation and Transfer Taxes – Transfer of Property Between Business  
Entities – Reorganizations – Exemption**

FOR the purpose of exempting from the recordation tax and the State transfer tax the transfer of real property between certain business entities as part of a certain reorganization; providing for the application of this Act; and generally relating to the recordation tax and the State transfer tax.

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 12–108(p) and 13–207(a)(9)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Tax – Property**

12–108.

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

(ii) “Business entity” means a limited liability company or corporation.

(iii) “Owner” means a member or stockholder of a business entity.

(iv) “Ownership interest” means a membership interest or stock.

(2) An instrument of writing is not subject to recordation tax if the instrument of writing is:

(i) a transfer of title to real property between a parent business entity and its wholly owned subsidiary business entity or between 2 or more subsidiary business entities wholly owned by the same parent business entity, if the parent business entity is an original owner of the subsidiary business entity, or became an owner through gift or bequest from an original owner of the subsidiary business entity, for:

1. no consideration;
2. nominal consideration; or

3. consideration that comprises only the issuance, cancellation, or surrender of the ownership interests of a subsidiary business entity;

(ii) an instrument of writing made pursuant to [reorganizations] **THE REORGANIZATION OF A BUSINESS ENTITY AS** described in § 368(a) of the Internal Revenue Code; or

(iii) a transfer of title to real property from a subsidiary business entity to its parent business entity for no consideration, nominal consideration or consideration that comprises only the issuance, cancellation, or surrender of a subsidiary's ownership interest, where the parent business entity:

1. previously owned the real property;

2. currently owns the ownership interest of the subsidiary and has owned that ownership interest for a period greater than 18 months; or

3. acquires the ownership interest of a subsidiary business entity which has been in existence and has owned the real property for a period of 2 years.

13–207.

(a) An instrument of writing is not subject to transfer tax to the same extent that it is not subject to recordation tax under:

(9) § 12–108(p) of this article (Transfer of [corporate] property between related business entities);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014, and shall be applicable to all instruments of writing recorded on or after July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 130**

**(Senate Bill 107)**

AN ACT concerning

**State Lottery – Retailer Licenses – Background Investigations**

FOR the purpose of adding a certain background investigation requirement to the application process for a State Lottery and Gaming Control Agency retailer license; authorizing the Director of the Agency to require certain applicants to submit fingerprints for certain records checks; requiring the Central Repository in the Department of Public Safety and Correctional Services to provide the Agency with certain information; requiring the Agency to submit certain information and fees to the Central Repository; providing that information from the Central Repository may only be used for certain purposes; authorizing the subject of a criminal history records check to contest the contents of a certain printed statement; defining a certain term; and generally relating to conducting background investigations performed by the Agency.

BY adding to

Article – State Government

Section 9–112.1

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

### **Article – State Government**

#### **9–112.1.**

(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) THE AGENCY SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH NEW APPLICANT FOR A LICENSE UNDER § 9–113 OF THIS SUBTITLE.

(C) THE DIRECTOR MAY REQUIRE ANY APPLICANT SEEKING A CHANGE OF OWNERSHIP OR RENEWAL OF A LICENSE TO SUBMIT FINGERPRINTS TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(D) THE CENTRAL REPOSITORY SHALL PROVIDE TO THE AGENCY:

(1) THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS OF EACH INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION AND ISSUE A PRINTED STATEMENT OF THE FEDERAL BUREAU OF INVESTIGATION REPORT;

(2) AN UPDATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK FOR AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK AND ISSUE A REVISED PRINTED STATEMENT OF THE FEDERAL BUREAU OF INVESTIGATION REPORT LISTING ANY CRIMINAL CHARGE OCCURRING AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK; AND

(3) AN ACKNOWLEDGED RECEIPT OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK BY AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK.

(E) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE AGENCY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) A COMPLETE SET OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED IN § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(3) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(F) (1) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE AGENCY A PRINTED STATEMENT OF THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

(2) NOTHING IN PARAGRAPH (1) OF THIS SUBSECTION SHALL PRECLUDE THE DIRECTOR FROM NOTIFYING A LICENSED AGENT OR AN APPLICANT OF THE APPROVAL OR DISQUALIFICATION BASED ON INFORMATION OBTAINED BY THE AGENCY UNDER THIS SECTION.

(G) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(1) SHALL BE CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

**(3) MAY BE USED ONLY IN CONNECTION WITH THE ISSUANCE OF A LICENSE REQUIRED UNDER THIS SUBTITLE.**

**(H) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 131**

**(Senate Bill 108)**

AN ACT concerning

### **State Lottery – Unlawful Representation**

FOR the purpose of prohibiting a person or governmental unit from holding itself out as a State lottery sales agent unless the person or governmental unit is licensed to act as an agent; prohibiting a person from using certain terms related to the State lottery in the title or name of a charitable or commercial enterprise, product, or service unless the person receives certain written authorization; and generally relating to the State lottery and the State Lottery and Gaming Control Agency and the State Lottery and Gaming Control Commission.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 9–124  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

### **Article – State Government**

9–124.

(a) This section does not prohibit:

- (1) giving a State lottery ticket or share as a gift;
- (2) buying a State lottery ticket or share as a gift for a minor; or
- (3) the Agency from directly selling any State lottery ticket to the public as provided in § 9–111(d) of this subtitle.

(b) Except as otherwise provided in this section, a person or governmental unit may not:

(1) **HOLD ITSELF OUT TO THE PUBLIC AS A STATE LOTTERY SALES AGENT WITHOUT BEING LICENSED BY THE AGENCY TO ACT AS A LICENSED AGENT;**

(2) unless a licensed agent or employee of a licensed agent, sell a State lottery ticket or share;

**[(2)] (3)** sell or purchase:

(i) a State lottery ticket or share at any price other than the price that the regulations of the Agency set; or

(ii) the prize validated for payment by the Agency;

**[(3)] (4)** sell a State lottery ticket or share to a minor;

**[(4)] (5)** knowingly present a counterfeit or altered State lottery ticket or share for payment;

**[(5)] (6)** knowingly transfer a counterfeit or altered State lottery ticket or share to another person to present for payment; or

**[(6)] (7)** knowingly purchase a State lottery ticket or share from another person with the intent to deceive or circumvent the payment of prize winnings to the State, in accordance with:

(i) § 11–616(b) of the Criminal Procedure Article;

(ii) § 10–113.1(a) of the Family Law Article;

(iii) § 3–307 of the State Finance and Procurement Article; or

(iv) § 10–905(c)(3) of the Tax – General Article.

(c) **UNLESS A PERSON RECEIVES WRITTEN AUTHORIZATION FROM THE AGENCY, THE PERSON MAY NOT USE THE TERM “MARYLAND STATE LOTTERY”,**

**“MARYLAND LOTTERY”, “STATE LOTTERY”, “MARYLAND STATE LOTTERY AGENCY”, “MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY”, “MARYLAND STATE LOTTERY COMMISSION”, “MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION”, OR ANY VARIATION OF THESE TERMS IN THE TITLE OR NAME OF A CHARITABLE OR COMMERCIAL ENTERPRISE, PRODUCT, OR SERVICE.**

**[(c)] (D)** (1) A licensed agent may not fail to report, as required by the Internal Revenue Service or the Agency, income tax information relating to holders of winning lottery tickets.

(2) For prizes of over \$600, a licensed agent may not fail to determine, through the Agency and prior to paying the prize whether a holder of a winning lottery ticket has been certified under:

- (i) § 11–616(b) of the Criminal Procedure Article;
- (ii) § 10–113.1(a) of the Family Law Article; or
- (iii) § 3–307 of the State Finance and Procurement Article.

(3) A licensed agent may not pay a prize to a holder of a winning lottery ticket if the Agency has notified the licensed agent that the holder has been certified under:

- (i) § 11–616(b) of the Criminal Procedure Article;
- (ii) § 10–113.1 of the Family Law Article; or
- (iii) § 3–307 of the State Finance and Procurement Article.

(4) A licensed agent may not:

- (i) pay a prize winner less than the lawfully due prize amount;
- (ii) deceive or conspire with another person to pay less than the lawfully due prize amount to any prize winner;
- (iii) seek payment or claim reimbursement of a cashing fee for cashing a winning ticket for less than the lawfully due prize amount; or
- (iv) receive a cashing fee for cashing a winning ticket filed in error.

[(d)] (E) A person who violates any provision of subsection (b) [or], (c), OR (D) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500 or imprisonment not exceeding 3 years or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 132

### (Senate Bill 110)

AN ACT concerning

#### **Institutions of Higher Education – Fully Online Distance Education – Registration and Fees**

FOR the purpose of repealing, altering, and adding certain defined terms relating to the registration of certain institutions of higher education that offer certain online distance education programs; authorizing the Maryland Higher Education Commission to charge certain institutions a certain fee under certain circumstances; and generally relating to institutions of higher education and fully online distance education.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 11–202.2  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

#### **Article – Education**

11–202.2.

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

(2) [“Distance education” means course work taught by an institution of higher education through electronic distribution of instruction to a site other than the principal location of the institution and advertised or described as leading to the formal award of a certificate or degree.

(3)] “Fully online distance education program in the State” means a program, **ORIGINATING OUTSIDE THE STATE**, [in which:

(i) 100% of the program is offered through electronic distribution of instruction to one or more sites other than the principal location of an institution; or

(ii) 51% or more of the program is offered through electronic distribution of instruction to one or more sites other than the principal location of an institution and the Commission has determined that the portion of the program offered at a location in the State, if any, does not require a certificate of approval for the institution to operate, do business, or function in the State] **OFFERED BY AN OUT-OF-STATE INSTITUTION IN WHICH A STUDENT DOMICILED IN MARYLAND ENROLLS, WHERE ~~ALL CURRICULA IN THE PROGRAM ARE WHOLLY ONLINE AND ORIGINATE OUTSIDE MARYLAND~~ 51% OR MORE OF THE PROGRAM IS OFFERED THROUGH ELECTRONIC DISTRIBUTION.**

**(3) “OUT-OF-STATE INSTITUTION” MEANS AN INSTITUTION OF HIGHER EDUCATION WHOSE PRIMARY CAMPUS EXISTS OUTSIDE MARYLAND AND WHOSE AUTHORITY TO GRANT DEGREES IS CONFERRED BY ANOTHER STATE.**

(b) (1) An institution of higher education that enrolls Maryland students in a fully online distance education program in the State shall file an application to register with the Commission before or within 3 months of enrolling the first Maryland student.

(2) This section does not apply to an institution of higher education that enrolls Maryland students in a fully online distance education program in the State that:

(i) Is subject to program review by the Commission under § 11-206 or § 11-206.1 of this subtitle; or

(ii) Participates in the Southern Regional Education Board’s Electronic Campus.

(3) (i) After filing an application under paragraph (1) of this subsection, an institution that has enrolled a Maryland student before obtaining a registration under this section may continue to operate without a registration while the Commission considers the institution’s application, conducts a hearing concerning the institution’s application, or participates in judicial review regarding an institution’s application.

(ii) An institution that continues to operate without a registration under subparagraph (i) of this paragraph shall furnish a performance

bond or other form of financial guarantee to the State in an amount set by regulation that is in addition to and separate from a performance bond or other form of financial guarantee required under § 11–203 of this subtitle.

(c) Each institution of higher education required to register under this section shall:

(1) Be accredited by an accrediting body recognized and approved by the United States Department of Education;

(2) Submit to the Commission:

(i) Every 2 years, a financial statement reviewed by an independent accountant retained by the institution;

(ii) An affidavit from the president or chief executive officer of the institution affirming:

1. That the institution has not filed for bankruptcy protection under Title 11 of the United States Code during its existence; and

2. The willingness of the president or the chief executive officer to abide by the provisions of this section;

(iii) Proof of good business standing in the state in which the central administration of the institution is incorporated; and

(iv) Proof of good academic standing submitted by:

1. The regulatory higher education entity in the state in which the central administration of the institution is located; or

2. If the state in which the institution is located does not have a regulatory higher education entity, the accrediting body that accredited the institution;

(3) Promptly notify the Commission of a change in ownership or a change in majority control;

(4) Comply with the Principles of Good Practice for distance education established by the Commission through regulation;

(5) Make public and post on the institution's Web site:

(i) Whether the institution is registered in Maryland; and

(ii) The process by which to make complaints against the institution;

(6) Comply with the refund policy and procedures established by the Commission; and

(7) Be subject to complaint investigation by the Office of the Attorney General or the Commission or both.

(d) The refund policy and procedures established by the Commission shall allow for:

(1) (i) At least 2 weeks of required orientation or preenrollment instruction in a fully online distance education program in the State at no charge for a student who has completed less than 24 credits of college-level learning from an accredited institution; and

(ii) A prorated refund methodology that provides a refund to any student not covered by item (i) of this paragraph who has completed 60% or less of a course, term, or program within the applicable billing period; or

(2) A prorated refund methodology that provides a refund to any student who has completed 60% or less of a course, term, or program within the applicable billing period.

(e) (1) Subject to paragraph (2) of this subsection, the Commission shall require the payment of a fee set by regulation, as a condition of registration.

(2) ~~(I) The~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE fees charged shall be:

~~(i)~~ 1. A fixed amount for all institutions regardless of type, location, or student enrollment; and

~~(ii)~~ 2. Set to cover the approximate cost of implementing a system of registration.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION MAY CHARGE AN INSTITUTION THAT ENROLLS NOT MORE THAN 20 MARYLAND STUDENTS A FEE THAT IS LESS THAN THE AMOUNT OF THE FEE CHARGED TO OTHER INSTITUTIONS.

(f) The Commission shall make public and post on its Web site:

(1) A list of registered institutions of higher education that offer fully online distance education programs in the State; and

(2) If the Commission denies or revokes the registration of an institution, the name of the denied or revoked institution.

(g) On or before December 1 each year, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly:

(1) The number of institutions of higher education that apply for registration under this section;

(2) The type and size of the institutions that apply;

(3) The number of institutions approved for registration;

(4) The number of institutions denied registration;

(5) The number of Maryland students enrolled in institutions required to register under this section;

(6) The results of the requirements of § 11–202.3 of this subtitle;

(7) The number of institutions found to be in violation of the requirement to register under this section;

(8) Any fines imposed, and in what amounts, on institutions that violate this section; and

(9) Any fine revenues collected from institutions for violation of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 133**

**(Senate Bill 111)**

AN ACT concerning

**Maryland Higher Education Commission – Advisory Councils**

FOR the purpose of requiring the Maryland Higher Education Commission to establish a Private Career School Advisory Council; repealing the requirement that the Commission establish a William Donald Schaefer Scholarship Advisory Council; and generally relating to the Maryland Higher Education Commission and higher education advisory councils.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 11–106  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

**Article – Education**

11–106.

- (a) (1) The Commission shall establish:
  - (i) A Faculty Advisory Council;
  - (ii) A Student Advisory Council;
  - (iii) A Segmental Advisory Council;
  - (iv) A Financial Assistance Advisory Council;
  - (v) A Maryland Digital Library Advisory Council; and
  - (vi) A [William Donald Schaefer Scholarship Advisory Council]

**PRIVATE CAREER SCHOOL ADVISORY COUNCIL.**

(2) These Councils shall meet periodically for the purpose of reviewing such matters as are referred by the Commission or the Secretary for their consideration and advice.

(3) The Councils may make reports and recommendations to the Commission.

(b) (1) The Commission may appoint continuing advisory committees that represent various groups in the higher education community.

(2) Advisory committees may make recommendations to the Commission on matters of statewide importance that affect their constituencies.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 134**

### **(Senate Bill 112)**

AN ACT concerning

#### **Maryland Higher Education Commission – Innovative Partnerships for Technology Program – Repeal**

FOR the purpose of repealing the Innovative Partnerships for Technology Program for State community colleges, including the authority of the Maryland Higher Education Commission to adopt regulations relating to the Program; repealing a certain cross-reference to the Program; and generally relating to the Innovative Partnerships for Technology Program.

BY repealing

Article – Education

Section 16–317 and 17–302(f)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

#### **Article – Education**

[16–317.

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

(2) “Base year” means July 1, 2001 through June 30, 2002.

(3) “Contribution” means monetary and equipment donations that have been assessed a monetary value amount for the purposes of determining the State payment.

(4) (i) “Eligible donor” means any individual, corporation, partnership, or other form of business organization, public or private foundation, or other nonprofit organization.

(ii) “Eligible donor” does not include a local government, the State, the federal government, or any foreign government.

(5) “Eligible institution” refers to the following community college campuses:

- (i) Allegany;
- (ii) Anne Arundel;
- (iii) Baltimore City;
- (iv) Carroll;
- (v) Catonsville;
- (vi) Cecil;
- (vii) Chesapeake;
- (viii) Dundalk;
- (ix) Essex;
- (x) Frederick;
- (xi) Garrett;
- (xii) Germantown;
- (xiii) Hagerstown;
- (xiv) Harford;
- (xv) Howard;
- (xvi) La Plata;
- (xvii) Leonardtown;
- (xviii) Prince Frederick;
- (xix) Prince George’s;
- (xx) Rockville;
- (xxi) Takoma Park; and

(xxii) Wor–Wic.

(6) “Eligible program” means any contribution for technology which does not contain unreasonable restrictions as to use as further defined by the Maryland Higher Education Commission.

(7) “First eligible period” means fiscal years 2003 and 2004.

(8) “Second eligible period” means fiscal years 2005 and 2006.

(9) (i) “Technology” means the hardware, software, communications infrastructure, and associated training and contracted services that enable local or global presentation, exchange, and transmission of information in digital or analog form for teaching, learning, student support services, and administration.

(ii) “Technology” may include capital expenditures.

(iii) “Technology” does not include staff.

(b) (1) Each eligible institution shall receive from the State, in the manner and subject to the limitations of this section, with respect to the contributions made by eligible donors as voluntary donations at any time during the first eligible period to the eligible institution for eligible programs, an amount equal to the first \$150,000 or any portion thereof from contributions by eligible donors.

(2) If an eligible institution qualifies for the maximum State contribution of \$150,000 in the first eligible period, the eligible institution shall receive from the State, in the manner and subject to the limitations of this section, with respect to the contributions made by eligible donors as voluntary donations at any time during the second eligible period to the eligible institution for eligible programs, an amount equal to the first \$150,000 or any portion thereof from contributions by eligible donors.

(c) Payments shall be made by the State:

(1) In the first eligible period, only with respect to contributions which are paid by the eligible donors to the eligible institution before July 1, 2004;

(2) In the second eligible period, only with respect to contributions which are paid by the eligible donors to the eligible institution before July 1, 2006; and

(3) In the third fiscal year following the fiscal year during which the contributions are made.

(d) Contributions made by the State under this section may not exceed \$150,000 during each eligible period to each eligible institution.

(e) (1) To determine eligibility for State payments, each contribution shall be compared to the amount contributed during the base year. The following criteria shall be the basis for comparison:

(i) Each contribution must be from a new donor; or

(ii) Each contribution must represent an increase over the amount contributed by the donor during the base year.

(2) A contribution received during the base year that fulfills a pledge made prior to the base year may not be included in the determination of the contribution made during the base year.

(3) Each contribution must be specifically designated for technology.

(f) Contributions made by the State under this section may be applied to any eligible technology expense at an eligible institution to which the payment is made.

(g) Contributions made by the State to any eligible institution under this section may not directly or indirectly reduce the State General Fund or capital fund support for the eligible institution.

(h) The Maryland Higher Education Commission shall:

(1) Adopt regulations necessary for the administration of this section;  
and

(2) Submit to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly an annual report summarizing the total amount of funds pledged by eligible donors and total amount of funds raised.]

17–302.

[(f) An institution may not receive funds for a donation that qualifies for a contribution by the State under § 16–317 of this article.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 135****(Senate Bill 116)**

AN ACT concerning

**Juvenile Law – Committed Facilities – ~~Repeal of Termination~~ Extension of Termination Date**

FOR the purpose of ~~repealing~~ extending the termination of certain provisions of law authorizing the Department of Juvenile Services to transfer a child committed to residential placement from a certain facility to another facility under certain circumstances; requiring the Department of Juvenile Services to report to the General Assembly on or before a certain date; specifying the contents of the report; and generally relating to juvenile law.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 3–8A–19(l)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 198 of the Acts of the General Assembly of 2012  
Section 3

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

**Article – Courts and Judicial Proceedings**

3–8A–19.

(l) (1) When necessary to appropriately administer the commitment of the child, the Department of Juvenile Services, on approval of the Director of Behavioral Health, may transfer a child committed for residential placement from one facility to another facility that is operated, licensed, or contracted by the Department.

(2) A facility to which a child is transferred under paragraph (1) of this subsection shall be:

(i) Consistent with the type of facility designated by the court under subsection (d)(1)(ii) of this section; or

(ii) More secure than the type of facility designated by the court under subsection (d)(1)(ii) of this section.

(3) Prior to transfer, the Department shall notify:

- (i) The court;
- (ii) The counsel for the child;
- (iii) The State's Attorney; and
- (iv) The parent or guardian of the child.

(4) The court may conduct a hearing at any time for the purpose of reviewing the commitment order and the transfer of a child under this subsection.

### Chapter 198 of the Acts of 2012

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012. ~~It~~ It shall remain effective for a period of ~~2~~ 4 years and 1 month and, at the end of June 30, ~~2014~~ 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect. ~~‡~~

#### SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before January 1, 2015, the Department of Juvenile Services shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act.

(b) The report shall specifically provide information on the process for removing youth from committed residential placements, including who is responsible for making the decision to remove youth and how those decisions are reviewed.

(c) In addition, the Department shall provide the following data for each fiscal year, beginning with fiscal 2011:

(1) the number of youth ejected from committed residential placements;

(2) the number of referrals to the Department's Central Review Committee;

(3) the number of youth transferred to a new residential placement under Chapter 198 of 2012;

(4) the number of youth transferred to a new committed program who are placed in detention pending relocation;

(5) the average length of stay for pending placement youth who are placed in detention pending relocation to a new committed residential placement;

*(6) the number of pending placement youth held in detention for more than 30 days due to ejection from a committed residential placement;*

*(7) the number of youth who request and receive a hearing as a result of a proposed change to the residential placement; and*

*(8) the reasons for ejection of youth from committed residential placements.*

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 136**

**(Senate Bill 120)**

AN ACT concerning

### **Education – Children With Disabilities – Parent Surrogates**

FOR the purpose of adding the Department of Labor, Licensing, and Regulation and the Department of Public Safety and Correctional Services to the list of public agencies required to request a local school system superintendent to appoint a parent surrogate to represent a child at any point in the educational decision making process if it is suspected that the child may be disabled; requiring that, for purposes of a request for appointment of a parent surrogate, efforts to identify certain parents be made over a certain period of time and that documentation of those efforts include certain searches and letters sent by certified mail; and generally relating to education and the appointment of parent surrogates for children with disabilities.

BY repealing and reenacting, with amendments,

Article – Education

Section 8–412(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 8–412(b) and (c)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

**Article – Education**

8–412.

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

(2) “Child” means an individual who is eligible to receive education services in accordance with the Individuals with Disabilities Education Act and applicable State law and regulation.

(3) “Educational decision making process” means all procedures relating to the identification, evaluation, or educational placement of a child and the provision of a free appropriate public education, including the appeal procedures provided for by § 8–413 of this subtitle.

(4) “Local school superintendent” means the school system superintendent or the administrative head in charge of a public agency as defined in paragraph (7) of this subsection that provides educational services to children.

(5) (i) “Parent” means:

1. A child’s natural parents;
2. A child’s adoptive parents;
3. A guardian;
4. A person acting as a parent of a child such as a relative or a stepparent with whom a child lives;
5. A foster parent with whom a child lives if the foster parent has been granted limited guardianship for educational decision making purposes by the court that has placed the child in foster care; or
6. Any other individual who is legally responsible for a child’s welfare.

(ii) “Parent” does not include a social worker or other employee of a public agency who is responsible for the education or care of the child.

(6) “Parent surrogate” means a person who is appointed by the local school superintendent to act in place of a parent of a child in the educational decision making process.

(7) (I) “Public agency” includes the State Department of Education, local education agencies, and other agencies that are responsible for providing education to a child with a disability, including the Department of Health and Mental Hygiene, Mental Hygiene Administration, the Developmental Disabilities Administration, the Department of Juvenile Services, [and] the Maryland School for the Deaf, **THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

(II) For the purpose of this section, the Maryland School for the Blind shall be considered a public agency.

(8) “Unaccompanied homeless youth” means a homeless youth, as defined by the McKinney–Vento Homeless Assistance Act, who is not in the physical custody of a parent or guardian.

(9) “Unavailable” means that a public agency, after reasonable efforts, cannot discover the physical whereabouts of a child’s parent.

(10) “Unknown” means that a public agency, after reasonable efforts, cannot identify the child’s parent.

(11) “Ward of the State” means a child for whom a State or county agency or official has been appointed legal guardian, or who has been committed by a court of competent jurisdiction to the legal custody of a State or county agency or official with the express authorization that the State or county agency or official make educational decisions for the child.

(b) Public agency personnel shall request that the local school superintendent appoint a parent surrogate to represent a child at any point in the educational decision making process if it is suspected that the child may be disabled and if:

(1) The child is a ward of the State;

(2) The child is an unaccompanied homeless youth; or

(3) (i) The parents of the child are unknown or unavailable; and

(ii) The child’s rights have not been transferred in accordance with § 8–412.1 of this subtitle.

(c) Any request to the local school superintendent for the appointment of a parent surrogate under subsection (b) of this section shall include:

(1) The name, date of birth, sex, legal domicile, and present residence of the child;

(2) A statement that the child is eligible for the appointment of a parent surrogate in accordance with subsection (b) of this section;

(3) Documentation, as applicable, of the efforts made OVER THE COURSE OF 15 BUSINESS DAYS to identify the parent if unknown or to locate the parent if unavailable THAT INCLUDE, AT A MINIMUM:

(I) A SEARCH OF TELEPHONE DIRECTORIES; AND

(II) LETTERS SENT BY CERTIFIED MAIL; and

(4) The name and qualifications of the proposed parent surrogate whom the public agency considers to be qualified to represent the child in the educational decision making process.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 137**

**(Senate Bill 123)**

AN ACT concerning

### **Major Information Technology Development Project Fund – Revenue Sources and Authorized Expenditures**

FOR the purpose of adding to the Major Information Technology Development Project Fund certain money from the sale, lease, or exchange of certain communications facilities and money received from certain information technology agreements involving resource sharing; requiring that certain money paid into the Major Information Technology Development Project Fund be used for a certain purpose and expanding the authorized uses of the Fund to include that purpose; and generally relating to the Major Information Technology Development Project Fund.

BY renumbering

Article – State Finance and Procurement  
Section 3A–309(l) and (m), respectively  
to be Section 3A–309(m) and (n), respectively  
Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 3A–307(c), 3A–309(a) through (d), (f) through (h), (j), and (k), and  
3A–404

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 3A–309(e) and (i)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – State Finance and Procurement

Section 3A–309(l)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 3A–309(l) and (m), respectively, of Article – State Finance and Procurement of the Annotated Code of Maryland be renumbered to be Section(s) 3A–309(m) and (n), respectively.

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

### **Article – State Finance and Procurement**

3A–307.

(c) (1) A unit of State government shall advise the Secretary of any information technology proposal involving resource sharing, the exchange of goods or services, or a gift, contribution, or grant of real or personal property.

(2) The Secretary shall determine if the value of the resources, services, and property to be obtained by the State under the terms of any proposal submitted in accordance with the provisions of paragraph (1) of this subsection equals or exceeds \$100,000.

(3) If the value of any proposal submitted in accordance with this subsection equals or exceeds \$100,000 and the Secretary and unit agree to proceed with the proposal, information on the proposal shall be:

(i) advertised for a period of at least 30 days in the eMaryland Marketplace; and

(ii) submitted, simultaneously with the advertisement, to the Legislative Policy Committee for a 60-day review and comment period, during which time the Committee may recommend that the proposal be treated as a procurement contract under Division II of this article.

(4) Following the period for review and comment by the Legislative Policy Committee under paragraph (3) of this subsection, the proposal is subject to approval by the Board of Public Works.

(5) This subsection may not be construed as authorizing an exception from the requirements of Division II of this article for any contract that otherwise would be subject to the State procurement process.

3A-309.

(a) There is a Major Information Technology Development Project Fund.

(b) The purpose of the Fund is to support major information technology development projects.

(c) The Secretary:

(1) shall administer the Fund in accordance with this section; and

(2) subject to the provisions of § 2-201 of this article and § 3A-307 of this subtitle, may receive and accept contributions, grants, or gifts of money or property.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of this article.

(2) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(3) The State Treasurer shall invest and reinvest the money of the Fund in the same manner as other State money may be invested.

(4) Any investment earnings of the Fund shall be paid into the Fund.

(e) Except as provided in subsection (f) of this section, the Fund consists of:

(1) money appropriated in the State budget to the Fund;

(2) **AS APPROVED BY THE SECRETARY**, money received from:

(I) the sale, lease, or exchange of communication sites, **COMMUNICATION FACILITIES**, or communication frequencies for information technology purposes [as approved by the Secretary]; **OR**

(II) **FROM AN INFORMATION TECHNOLOGY AGREEMENT INVOLVING RESOURCE SHARING;**

(3) that portion of moneys earned from pay phone commissions to the extent that the commission rates exceed those in effect in December 1993;

(4) money received and accepted as contributions, grants, or gifts as authorized under subsection (c) of this section;

(5) general funds appropriated for major information technology development projects of any unit of State government other than a public institution of higher education that:

(i) are unencumbered and unexpended at the end of a fiscal year;

(ii) have been abandoned; or

(iii) have been withheld by the General Assembly or the Secretary;

(6) any investment earnings; and

(7) any other money from any source accepted for the benefit of the Fund.

(f) The Fund does not include any money:

(1) received by the Department of Transportation, Maryland Transportation Authority, or Maryland Public Broadcasting Commission;

(2) received by the Judicial or Legislative branches of State government; or

(3) generated from pay phone commissions that are credited to other accounts or funds in accordance with other provisions of law or are authorized for other purposes in the State budget or through an approved budget amendment.

(g) The Governor shall submit with the State budget:

(1) a summary showing the unencumbered balance in the Fund as of the close of the prior fiscal year and a listing of any encumbrances;

(2) an estimate of projected revenue from each of the sources specified in subsection (e) of this section for the fiscal year for which the State budget is submitted; and

(3) a descriptive listing of projects reflecting projected costs for the fiscal year for which the State budget is submitted and any estimated future year costs.

(h) Expenditures from the Fund shall be made only:

(1) in accordance with an appropriation approved by the General Assembly in the annual State budget; or

(2) through an approved State budget amendment under Title 7, Subtitle 2, Part II of this article, provided that a State budget amendment for any project not requested as part of the State budget submission or for any project for which the scope or cost has increased by more than 5% or \$250,000 shall be submitted to the budget committees allowing a 30-day period for their review and comment.

(i) The Fund may be used:

(1) for major information technology development projects;

(2) as provided in [subsection] **SUBSECTIONS (j) AND (L)** of this section; or

(3) notwithstanding § 3A-301(b)(2) of this subtitle, for the costs of the first 12 months of operation and maintenance of a major information technology development project.

(j) Notwithstanding subsection (b) of this section and except for the cost incurred in administering the Fund, each fiscal year up to \$1,000,000 of this Fund may be used for:

(1) educationally related information technology projects;

(2) application service provider initiatives as provided for in Title 9, Subtitle 22 of the State Government Article; or

(3) information technology projects, including:

(i) pilots; and

(ii) prototypes.

(k) A unit of State government or local government may submit a request to the Secretary to support the cost of an information technology project with moneys under subsection (j) of this section.

**(L) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, ALL MONEY PAID INTO THE FUND UNDER SUBSECTION (E)(2) OF THIS SECTION SHALL BE USED TO SUPPORT THE STATE TELECOMMUNICATION AND COMPUTER NETWORK ESTABLISHED UNDER § 3A-404 OF THIS SUBTITLE, INCLUDING PROGRAM DEVELOPMENT FOR THESE ACTIVITIES.**

3A-404.

(a) The General Assembly declares that:

(1) it is the policy of the State to foster telecommunication and computer networking among State and local governments, their agencies, and educational institutions in the State;

(2) there is a need to improve access, especially in rural areas, to efficient telecommunication and computer network connections;

(3) improvement of telecommunication and computer networking for State and local governments and educational institutions promotes economic development, educational resource use and development, and efficiency in State and local administration;

(4) rates for the intrastate inter-LATA telephone communications needed for effective integration of telecommunication and computer resources are prohibitive for many smaller governments, agencies, and institutions; and

(5) the use of improved State telecommunication and computer networking under this section is intended not to compete with commercial access to advanced network technology, but rather to foster fundamental efficiencies in government and education for the public good.

(b) (1) The Department shall establish a telecommunication and computer network in the State.

(2) The network shall consist of:

(i) one or more connection facilities for telecommunication and computer connection in each local access transport area (LATA) in the State; and

(ii) facilities, auxiliary equipment, and services required to support the network in a reliable and secure manner.

(c) The network shall be accessible through direct connection and through local intra-LATA telecommunications to State and local governments and public and private educational institutions in the State.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 138**

### **(Senate Bill 124)**

AN ACT concerning

#### **Education Coordinating Committee and Lida Lee Tall Learning Resources Center – Repeal**

FOR the purpose of repealing the Education Coordinating Committee and the Lida Lee Tall Learning Resources Center; and generally relating to the Education Coordinating Committee and the Lida Lee Tall Learning Resources Center.

BY repealing

Article – Education

Section 24–101 through 24–106 and the subtitle “Subtitle 1. Education Coordinating Committee”

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

#### **Article – Education**

[Subtitle 1. Education Coordinating Committee.]

[24–101.

There is an Education Coordinating Committee.]

[24–102.

The Education Coordinating Committee consists of eight members. Of the members:

- (1) Three shall be members of the State Board of Education selected by its President;
- (2) Three shall be members of the Maryland Higher Education Commission selected by its Chairman;
- (3) One shall be the State Superintendent of Schools ex officio; and
- (4) One shall be the Secretary of Higher Education ex officio.]

[24–103.

- (a) The Education Coordinating Committee:
  - (1) Shall elect one of its members as its chairman; and
  - (2) May elect any other officer it requires.
- (b) The Committee:
  - (1) Shall meet at least 4 times a year;
  - (2) May meet at other times;
  - (3) May determine the time and place of its meetings; and
  - (4) May adopt rules for the conduct of its meetings.]

[24–104.

- (a) The Education Coordinating Committee shall coordinate the policies and activities of:
  - (1) The State Board of Education;
  - (2) The State Superintendent of Schools;
  - (3) The Maryland Higher Education Commission; and
  - (4) The Secretary of Higher Education.
- (b) On its own motion or if requested by the State Board of Education or the Maryland Higher Education Commission, the Education Coordinating Committee shall study and make policy recommendations on matters concerning both:
  - (1) Elementary and secondary education; and

- (2) Higher education.]

[24–105.

The State Department of Education and the Maryland Higher Education Commission shall provide staff assistance to the Education Coordinating Committee.]

[24–106.

- (a) There is a Lida Lee Tall Learning Resources Center.

(b) The purpose of the Lida Lee Tall Learning Resources Center is to provide an accessible laboratory environment for:

(1) Training students from public institutions of higher education to be teachers in elementary schools by providing students the opportunity for early field experience;

(2) Identifying and addressing appropriate early childhood and elementary education research needs and priorities in this State;

(3) Providing opportunities for demonstration and observation of effective teaching practices; and

(4) Providing in-service and staff development opportunities for faculty from teacher education programs, prospective principals and experienced teachers in Maryland elementary schools.

(c) The Governor shall appoint a board of trustees to govern the Lida Lee Tall Learning Resources Center who shall:

(1) Establish policy and exercise general control over the Lida Lee Tall Learning Resources Center;

(2) Appoint the principal and, upon the recommendation of the principal, appoint all professional and support staff and determine the salaries of the professional and support staff;

(3) Authorize the curricula to be used;

(4) Determine admission requirements for students;

(5) Set tuition; and

(6) Encourage collaboration between the Lida Lee Tall Learning Resources Center and the public institutions of higher education in Maryland.

(d) (1) The Board of Trustees shall consist of 11 members. Of the members:

(i) 3 shall be board members, officers, or employees of institutions of higher education in the State of Maryland;

(ii) 3 shall be board members, officers, or employees of local education agencies in the State of Maryland;

(iii) 1 shall be a Board member, officer, or employee of the Maryland State Department of Education;

(iv) 1 shall be a Board member, officer, or employee of the Maryland Higher Education Commission;

(v) 1 shall be the current President of the Lida Lee Tall Learning Resources Center Parent–Teacher Association; and

(vi) 2 shall be public members.

(2) Each member shall serve no more than 2 terms of 3 years each beginning July 1, 1984, except initially 5 members shall serve for a 2–year term.

(3) Each year, the Board shall elect from among the members a chairman and any other officers required.

(4) Each member of the Board is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(e) The proposed annual program plan and budget of the Lida Lee Tall Learning Resources Center Board of Trustees shall be reviewed and approved by the Education Coordinating Committee prior to submission to the Governor. At the close of each fiscal year, the Board of Trustees shall submit to the Education Coordinating Committee an annual financial report in such form as determined by the Education Coordinating Committee.

(f) Funds for the operation of the Lida Lee Tall Learning Resources Center shall be as provided in the budget.

(g) The Lida Lee Tall Learning Resources Center may receive and spend any grant or gift budgeted or provided for it.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 139****(Senate Bill 126)**

AN ACT concerning

**Public Safety – Prohibition of Polygraph Examinations by Employers –  
Exemption**

FOR the purpose of exempting from the prohibition against an employer requiring or demanding, as a condition of employment, that an individual submit to or take a polygraph examination or other similar test ~~individuals who are employed as correctional officers in a State correctional facility and individuals who apply for employment or are employed in any capacity that involves direct personal~~ an individual who applies for employment or is employed as a correctional officer of a State correctional facility and an individual who applies for employment with or is employed by a State correctional facility in any capacity that involves direct contact with an inmate in a State correctional facility; making certain conforming changes; requiring the Department of Public Safety and Correctional Services to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to polygraph examinations for ~~correctional officers~~ individuals employed in a State correctional facility.

BY repealing and reenacting, without amendments,  
Article – Labor and Employment  
Section 3–702(a) and (c)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 3–702(b)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

**Article – Labor and Employment**

3–702.

(a) In this section, “employer” means:

(1) a person engaged in a business, industry, profession, trade, or other enterprise in the State;

(2) the State;

(3) a county; and

(4) a municipal corporation in the State.

(b) (1) This section does not apply to the federal government or any of its units.

(2) This section does not apply to an individual who is an employee of or applies for assignment to the Internal Investigative Unit of the Department of Public Safety and Correctional Services.

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

(i) as a law enforcement officer, as defined in § 3–101 of the Public Safety Article;

(ii) as an employee of a law enforcement agency of the State, a county, or a municipal corporation;

(iii) as a communications officer of the Calvert County Control Center;

(iv) **AS A CORRECTIONAL OFFICER OF A STATE CORRECTIONAL FACILITY ~~OR IN ANY OTHER CAPACITY THAT INVOLVES DIRECT PERSONAL CONTACT WITH AN INMATE IN A STATE CORRECTIONAL FACILITY;~~**

**(V) AS AN EMPLOYEE OF A STATE CORRECTIONAL FACILITY ~~OR IN ANY OTHER CAPACITY THAT INVOLVES DIRECT PERSONAL CONTACT WITH AN INMATE IN A STATE CORRECTIONAL FACILITY;~~**

~~(v)~~ **(VI)** as a correctional officer of the Calvert County Detention Center or in any other capacity that involves direct personal contact with an inmate in the Detention Center;

**[(v)] ~~(vi)~~ (VII)** as a correctional officer of the Washington County Detention Center or in any other capacity that involves direct personal contact with an inmate in the Center; or

**[(vi)] ~~(vii)~~ (VIII)** as a correctional officer of:

1. [the Baltimore City Jail;
- 2.] the Baltimore County Detention Center;
- [3.] 2. the Cecil County Detention Center;
- [4.] 3. the Charles County Detention Center;
- [5.] 4. the Frederick County Adult Detention Center;
- [6.] 5. the Harford County Detention Center; or
- [7.] 6. the St. Mary's County Detention Center.

(4) This section does not apply to an applicant for employment as a correctional officer of a [State or] local correctional facility.

(5) This section does not apply to an applicant for employment with either the Anne Arundel County Department of Detention Facilities or the Caroline County Department of Corrections in any capacity that involves direct contact with an inmate in either the Anne Arundel County Department of Detention Facilities or the Caroline County Department of Corrections.

(6) This section does not apply to an applicant for employment with the Washington County Emergency Communications Center.

(c) An employer may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a polygraph examination or similar test.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 30, 2016, the Department of Public Safety and Correctional Services shall report to the Senate Finance Committee and the House Judiciary Committee, in accordance with § 2-1246 of the State Government Article, on the number of polygraph examinations submitted to or taken by correctional officers and employees of a State correctional facility, and the number of grievances filed or complaints made in response to polygraph examinations submitted to or taken by correctional officers and employees of a State correctional facility.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 140****(Senate Bill 162)**

AN ACT concerning

**Health Occupations – Licensed Podiatrists – Scope of Practice and Hospital Privileges**

FOR the purpose of altering the definition of “practice podiatry” to include the surgical treatment of acute ankle fracture in the scope of practice of licensed podiatrists; requiring qualifications that a hospital or related institution sets for granting certain privileges for certain services to include consideration of certain training, education, and experience; and generally relating to licensed podiatrists.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–351(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 16–101

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 16–103

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

**Article – Health – General**

19–351.

(b) (1) A hospital or related institution that provides services that licensed podiatrists are authorized to perform under Title 16 of the Health Occupations Article, other than incidental care, shall include, in its bylaws, rules, or regulations, provisions for use of facilities by and staff privileges for qualified podiatrists.

(2) The hospital or related institution may restrict use of facilities and staff privileges by podiatrists to those podiatrists who meet the qualifications that the hospital or related institution sets for granting those privileges.

**(3) THE QUALIFICATIONS THAT THE HOSPITAL OR RELATED INSTITUTION SETS FOR GRANTING PRIVILEGES FOR SERVICES THAT LICENSED PODIATRISTS ARE AUTHORIZED TO PERFORM UNDER TITLE 16 OF THE HEALTH OCCUPATIONS ARTICLE SHALL INCLUDE CONSIDERATION OF THE TRAINING, EDUCATION, AND EXPERIENCE OF THE PODIATRIST.**

### Article – Health Occupations

16–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the State Board of Podiatric Medical Examiners.
- (c) “License” means, unless the context requires otherwise, a license issued by the Board to practice podiatry.
- (d) “Licensed podiatrist” means, unless the context requires otherwise, a podiatrist who is licensed by the Board to practice podiatry.
- (e) “Podiatrist” means an individual who practices podiatry.
- (f) (1) “Practice podiatry” means to diagnose or surgically, medically, or mechanically treat the human foot or ankle, the anatomical structures that attach to the human foot, or the soft tissue below the mid–calf.
- (2) “Practice podiatry” does not include[:
  - (i) Surgical treatment of acute ankle fracture; or
  - (ii) Administration] **ADMINISTRATION** of an anesthetic, other than a local anesthetic.

16–103.

(a) All osseous surgical procedures of the ankle, arthrodeses of 2 or more tarsal bones, and complete tarsal osteotomies that are performed by a licensed podiatrist shall be performed in a licensed hospital or ambulatory surgical center, subject to the provisions of § 19–351 of the Health – General Article.

(b) A licensed podiatrist who performs an osseous surgical procedure of the ankle, arthrodesis of 2 or more tarsal bones, or a complete tarsal osteotomy in a licensed ambulatory surgical center must:

(1) Have current surgical privileges at a licensed hospital for the same procedure; and

(2) Meet the requirements of the ambulatory surgical center.

(c) Nothing in this title shall prohibit a licensed hospital or ambulatory surgical center from establishing qualifications or delineating privileges for the performance of surgical procedures of the human foot or ankle, the anatomical structures that attach to the human foot, or the soft tissue below the mid-calf by a licensed podiatrist in the hospital or ambulatory surgical center.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 141

**(Senate Bill 198)**

AN ACT concerning

### **Maryland Medical Assistance Program – Telemedicine**

FOR the purpose of ~~requiring the Maryland Medical Assistance Program to provide certain reimbursement for certain services delivered by telemedicine~~ requiring, to the extent authorized by federal law or regulation, certain provisions of law relating to coverage of and reimbursement for health care services delivered through telemedicine to apply to the Maryland Medical Assistance Program and managed care organizations in a certain manner; authorizing the Department of Health and Mental Hygiene to allow coverage of and reimbursement for health care services delivered in a certain manner under certain circumstances; authorizing the Department to specify by regulation the types of health care providers eligible to receive certain reimbursement; repealing the limitations on the health care services delivered by telemedicine that are eligible for reimbursement; defining certain terms; and generally relating to the Maryland Medical Assistance Program and telemedicine.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 15–105.2

Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

~~BY repealing and reenacting, without amendments,  
Article — Insurance  
Section 15-130(a)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)~~

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

### Article – Health – General

15-105.2.

(a) The Program shall reimburse health care providers in accordance with the requirements of Title 19, Subtitle 1, Part IV of this article.

(b) ~~[(1) Subject to paragraph (2) of this subsection and unless] UNLESS otherwise specifically prohibited or limited by federal or State law, the Program shall reimburse a health care provider for a health care service delivered by telemedicine, as defined in § 15-130 of the Insurance Article, in the same manner as the same health care service is reimbursed when delivered in person.~~

~~[(2) Reimbursement under paragraph (1) of this subsection is required only for a health care service that:~~

- ~~(i) Is medically necessary; and~~
- ~~(ii) Is provided:~~
  - ~~1. For the treatment of cardiovascular disease or stroke;~~
  - ~~2. In an emergency department setting; and~~
  - ~~3. When an appropriate specialist is not available~~

(1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “HEALTH CARE PROVIDER” MEANS A PERSON WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO PROVIDE HEALTH CARE IN THE ORDINARY COURSE OF BUSINESS OR PRACTICE OF A PROFESSION OR IN AN APPROVED EDUCATION OR TRAINING PROGRAM.

(iii) 1. “TELEMEDICINE” MEANS, AS IT RELATES TO THE DELIVERY OF HEALTH CARE SERVICES, THE USE OF INTERACTIVE AUDIO, VIDEO, OR OTHER TELECOMMUNICATIONS OR ELECTRONIC TECHNOLOGY:

A. BY A HEALTH CARE PROVIDER TO DELIVER A HEALTH CARE SERVICE THAT IS WITHIN THE SCOPE OF PRACTICE OF THE HEALTH CARE PROVIDER AT A SITE OTHER THAN THE SITE AT WHICH THE PATIENT IS LOCATED; AND

B. THAT ENABLES THE PATIENT TO SEE AND INTERACT WITH THE HEALTH CARE PROVIDER AT THE TIME THE HEALTH CARE SERVICE IS PROVIDED TO THE PATIENT.

2. “TELEMEDICINE” DOES NOT INCLUDE:

A. AN AUDIO-ONLY TELEPHONE CONVERSATION BETWEEN A HEALTH CARE PROVIDER AND A PATIENT;

B. AN ELECTRONIC MAIL MESSAGE BETWEEN A HEALTH CARE PROVIDER AND A PATIENT; OR

C. A FACSIMILE TRANSMISSION BETWEEN A HEALTH CARE PROVIDER AND A PATIENT.

(2) TO THE EXTENT AUTHORIZED BY FEDERAL LAW OR REGULATION, THE PROVISIONS OF § 15-139(C) THROUGH (F) OF THE INSURANCE ARTICLE RELATING TO COVERAGE OF AND REIMBURSEMENT FOR HEALTH CARE SERVICES DELIVERED THROUGH TELEMEDICINE SHALL APPLY TO THE PROGRAM AND MANAGED CARE ORGANIZATIONS IN THE SAME MANNER THEY APPLY TO CARRIERS.

(3) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND TO THE EXTENT AUTHORIZED BY FEDERAL LAW OR REGULATION, THE DEPARTMENT MAY AUTHORIZE COVERAGE OF AND REIMBURSEMENT FOR HEALTH CARE SERVICES THAT ARE DELIVERED THROUGH STORE AND FORWARD TECHNOLOGY OR REMOTE PATIENT MONITORING.

(4) THE DEPARTMENT MAY SPECIFY BY REGULATION THE TYPES OF HEALTH CARE PROVIDERS ELIGIBLE TO RECEIVE REIMBURSEMENT FOR HEALTH CARE SERVICES PROVIDED TO PROGRAM RECIPIENTS UNDER THIS SUBSECTION.

~~(2)~~ **(5)** The Department shall adopt regulations to carry out this subsection.†

### ~~Article Insurance~~

~~15 139.~~

~~(a) (1) In this section, "telemedicine" means, as it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology by a licensed health care provider to deliver a health care service within the scope of practice of the health care provider at a site other than the site at which the patient is located.~~

~~(2) "Telemedicine" does not include:~~

~~(i) an audio only telephone conversation between a health care provider and a patient;~~

~~(ii) an electronic mail message between a health care provider and a patient; or~~

~~(iii) a facsimile transmission between a health care provider and a patient.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 142

(Senate Bill 205)

AN ACT concerning

### Correctional Services – Correctional Facilities – Officers and Inspection Standards

FOR the purpose of authorizing the appointing authority of a State correctional facility to impose on a correctional officer an emergency suspension of correctional powers without pay if the correctional officer is charged with a certain contraband violation; ~~providing that a State correctional officer who receives an emergency suspension without pay after being charged with a certain contraband violation shall have the emergency suspension rescinded and any lost time, compensation, status, and benefits restored under certain~~

~~circumstances; providing that a correctional officer who receives an emergency suspension without pay after being charged with a certain misdemeanor and who is not convicted of the misdemeanor violation shall have the emergency suspension rescinded and any lost time, compensation, status, and benefits restored, subject to a certain exception;~~ requiring the Secretary of Public Safety and Correctional Services to direct the Department of Public Safety and Correctional Services, *in collaboration with a certain person*, to study certain issues on or before a certain date; requiring the Secretary to adopt certain regulations, provide a certain schedule, and make a certain report to the Governor and General Assembly on or before a certain date; and generally relating to public safety and security in State and local correctional facilities.

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 10–913

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section ~~9–415, 9–412, 9–415, 9–416, 9–416~~, and 9–417

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

### **Article – Correctional Services**

10–913.

(a) This subtitle does not prohibit emergency suspension with pay by a correctional officer of higher rank as designated by the appointing authority.

(b) (1) The appointing authority may impose emergency suspension with pay if it appears that the action is in the best interest of the inmates, the public, and the correctional facility.

(2) If the correctional officer is suspended with pay, the appointing authority may suspend the correctional powers of the correctional officer and reassign the correctional officer to restricted duties pending:

(i) a determination by a court with respect to a criminal violation; or

(ii) a final determination by the hearing board or the Office of Administrative Hearings with respect to a correctional facility violation.

(3) A correctional officer who is suspended under this subsection is entitled to a prompt hearing.

(c) (1) [If a correctional officer is charged with a felony, the] **THE** appointing authority may impose an emergency suspension of correctional powers without pay **IF:**

(I) A CORRECTIONAL OFFICER IS CHARGED WITH A FELONY; ~~OR~~

(II) A CORRECTIONAL OFFICER IS CHARGED WITH A VIOLATION OF ~~§ 9-415, § 9-412, § 9-415, § 9-416, § 9-416,~~ OR § 9-417 OF THE CRIMINAL LAW ARTICLE; OR

(III) A CORRECTIONAL OFFICER IS CHARGED WITH A VIOLATION OF § 9-412 OF THE CRIMINAL LAW ARTICLE INVOLVING CONTRABAND THAT IS:

1. MONEY OR A MONEY EQUIVALENT; OR

2. AN ITEM OR SUBSTANCE INTENDED TO CAUSE PHYSICAL INJURY.

(2) A correctional officer who is suspended under paragraph (1) of this subsection is entitled to a prompt hearing, held no more than 90 days after the suspension.

(3) Except as provided in paragraph (4) of this subsection, a correctional officer who is suspended under paragraph (1) of this subsection and who is not convicted of the felony ~~OR THE VIOLATION OF § 9-416 OR § 9-417 OF THE CRIMINAL LAW ARTICLE~~ MISDEMEANOR for which the suspension was imposed shall have:

(i) the suspension rescinded; and

(ii) any lost time, compensation, status, and benefits restored.

(4) Paragraph (3) of this subsection does not apply to a correctional officer who:

(i) resigns before the disposition of the criminal matter for which the suspension was imposed; or

(ii) is no longer employed by the Department when a determination is made by a court with respect to the criminal matter for which the suspension was imposed.

### Article – Criminal Law

#### ~~9-412.~~

~~(a) A person may not:~~

~~(1) deliver any contraband to a person detained or confined in a place of confinement;~~

~~(2) possess any contraband with intent to deliver it to a person detained or confined in a place of confinement; or~~

~~(3) knowingly possess contraband in a place of confinement.~~

~~(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.~~

#### ~~9-415.~~

~~(a) This section does not apply to an alcoholic beverage delivered or possessed in a manner authorized by the managing official.~~

~~(b) A person may not:~~

~~(1) deliver an alcoholic beverage to a person detained or confined in a place of confinement; or~~

~~(2) possess an alcoholic beverage with the intent to deliver it to a person detained or confined in a place of confinement.~~

~~(c) A person detained or confined in a place of confinement may not knowingly possess or receive an alcoholic beverage.~~

~~(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.~~

#### 9-415.

(a) This section does not apply to an alcoholic beverage delivered or possessed in a manner authorized by the managing official.

*(b) A person may not:*

*(1) deliver an alcoholic beverage to a person detained or confined in a place of confinement; or*

*(2) possess an alcoholic beverage with the intent to deliver it to a person detained or confined in a place of confinement.*

*(c) A person detained or confined in a place of confinement may not knowingly possess or receive an alcoholic beverage.*

*(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.*

9-416.

(a) A person may not:

(1) deliver a controlled dangerous substance to a person detained or confined in a place of confinement; or

(2) possess a controlled dangerous substance with the intent to deliver it to a person detained or confined in a place of confinement.

(b) A person detained or confined in a place of confinement may not knowingly possess or receive a controlled dangerous substance.

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

9-417.

(a) (1) A person may not deliver a telecommunication device to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(2) A person may not possess a telecommunication device with the intent to deliver it to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(3) A person may not deposit or conceal a telecommunication device in or about a place of confinement with signs posted indicating that such conduct is prohibited or on any land appurtenant to the place of confinement with the intent that it be obtained by a person detained or confined in the place of confinement.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a telecommunication device.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2014, the Secretary of Public Safety and Correctional Services shall:

(1) direct the Department, in collaboration with the exclusive representative for correctional officers at State facilities, to study:

(i) the extent to which correctional facilities in the State are in compliance with mandatory standards set by the Maryland Commission on Correctional Standards;

(ii) methods to prevent duplication of efforts and resources with facility evaluations conducted by both the Commission and the American Correctional Association; and

(iii) methods to align standards at all correctional facilities, regardless of whether the facility is accredited by the American Correctional Association;

(2) adopt regulations amending the Commission's standards in accordance with the results of the study;

(3) provide the proposed implementation schedule for American Correctional Association accreditation at each correctional facility; and

(4) report the study findings and accompanying regulatory changes to the Governor and General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 143**

**(House Bill 176)**

AN ACT concerning

### **Correctional Services – Correctional Facilities – Officers and Inspection Standards**

FOR the purpose of authorizing the appointing authority of a State correctional facility to impose on a correctional officer an emergency suspension of correctional powers without pay if the correctional officer is charged with a certain contraband violation; providing that a correctional officer who receives an emergency suspension without pay after being charged with a certain misdemeanor and who is not convicted of the misdemeanor violation shall have the emergency suspension rescinded and any lost time, compensation, status, and benefits restored, subject to a certain exception; requiring the Secretary of Public Safety and Correctional Services to direct the Department of Public Safety and Correctional Services, in collaboration with a certain person, to study certain issues on or before a certain date; requiring the Secretary to adopt certain regulations, provide a certain schedule, and make a certain report to the Governor and General Assembly on or before a certain date; and generally relating to public safety and security in State and local correctional facilities.

BY repealing and reenacting, with amendments,  
Article – Correctional Services  
Section 10–913  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,  
Article – Criminal Law  
Section ~~9–412~~, 9–415, 9–416, and 9–417  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

#### **Article – Correctional Services**

10–913.

(a) This subtitle does not prohibit emergency suspension with pay by a correctional officer of higher rank as designated by the appointing authority.

(b) (1) The appointing authority may impose emergency suspension with pay if it appears that the action is in the best interest of the inmates, the public, and the correctional facility.

(2) If the correctional officer is suspended with pay, the appointing authority may suspend the correctional powers of the correctional officer and reassign the correctional officer to restricted duties pending:

(i) a determination by a court with respect to a criminal violation; or

(ii) a final determination by the hearing board or the Office of Administrative Hearings with respect to a correctional facility violation.

(3) A correctional officer who is suspended under this subsection is entitled to a prompt hearing.

(c) (1) [If a correctional officer is charged with a felony, the] **THE** appointing authority may impose an emergency suspension of correctional powers without pay **IF:**

**(I) A CORRECTIONAL OFFICER IS CHARGED WITH A FELONY; OR**

**(II) A CORRECTIONAL OFFICER IS CHARGED WITH A VIOLATION OF ~~§ 9-412~~, § 9-415, § 9-416, OR § 9-417 OF THE CRIMINAL LAW ARTICLE; OR**

**(III) A CORRECTIONAL OFFICER IS CHARGED WITH A VIOLATION OF § 9-412 OF THE CRIMINAL LAW ARTICLE INVOLVING CONTRABAND THAT IS:**

**1. MONEY OR A MONEY EQUIVALENT; OR**

**2. AN ITEM OR SUBSTANCE INTENDED TO CAUSE PHYSICAL INJURY.**

(2) A correctional officer who is suspended under paragraph (1) of this subsection is entitled to a prompt hearing, held no more than 90 days after the suspension.

(3) Except as provided in paragraph (4) of this subsection, a correctional officer who is suspended under paragraph (1) of this subsection and who is not convicted of the felony **OR MISDEMEANOR** for which the suspension was imposed shall have:

(i) the suspension rescinded; and

(ii) any lost time, compensation, status, and benefits restored.

(4) Paragraph (3) of this subsection does not apply to a correctional officer who:

(i) resigns before the disposition of the criminal matter for which the suspension was imposed; or

(ii) is no longer employed by the Department when a determination is made by a court with respect to the criminal matter for which the suspension was imposed.

### Article – Criminal Law

~~9-412.~~

~~(a) A person may not:~~

~~(1) deliver any contraband to a person detained or confined in a place of confinement;~~

~~(2) possess any contraband with intent to deliver it to a person detained or confined in a place of confinement; or~~

~~(3) knowingly possess contraband in a place of confinement.~~

~~(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.~~

9-415.

(a) This section does not apply to an alcoholic beverage delivered or possessed in a manner authorized by the managing official.

(b) A person may not:

(1) deliver an alcoholic beverage to a person detained or confined in a place of confinement; or

(2) possess an alcoholic beverage with the intent to deliver it to a person detained or confined in a place of confinement.

(c) A person detained or confined in a place of confinement may not knowingly possess or receive an alcoholic beverage.

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

9–416.

(a) A person may not:

(1) deliver a controlled dangerous substance to a person detained or confined in a place of confinement; or

(2) possess a controlled dangerous substance with the intent to deliver it to a person detained or confined in a place of confinement.

(b) A person detained or confined in a place of confinement may not knowingly possess or receive a controlled dangerous substance.

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

9–417.

(a) (1) A person may not deliver a telecommunication device to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(2) A person may not possess a telecommunication device with the intent to deliver it to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(3) A person may not deposit or conceal a telecommunication device in or about a place of confinement with signs posted indicating that such conduct is prohibited or on any land appurtenant to the place of confinement with the intent that it be obtained by a person detained or confined in the place of confinement.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a telecommunication device.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2014, the Secretary of Public Safety and Correctional Services shall:

(1) direct the Department, in collaboration with the exclusive representative for correctional officers at State facilities, to study:

(i) the extent to which correctional facilities in the State are in compliance with mandatory standards set by the Maryland Commission on Correctional Standards;

(ii) methods to prevent duplication of efforts and resources with facility evaluations conducted by both the Commission and the American Correctional Association; and

(iii) methods to align standards at all correctional facilities, regardless of whether the facility is accredited by the American Correctional Association;

(2) adopt regulations amending the Commission's standards in accordance with the results of the study;

(3) provide the proposed implementation schedule for American Correctional Association accreditation at each correctional facility; and

(4) report the study findings and accompanying regulatory changes to the Governor and General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 144

### (Senate Bill 206)

AN ACT concerning

### **Criminal Law – Contraband – Telecommunication Devices and Accessories – Penalty**

FOR the purpose of prohibiting a person from attempting to deliver ~~a telecommunication device to a person detained or confined in a certain place of confinement~~ or possessing with the intent to deliver certain telecommunication devices or accessories to a person detained or confined in a certain place of confinement; prohibiting a person from depositing or concealing certain telecommunication devices or accessories in or about a place of confinement; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving certain telecommunication devices or accessories; increasing and applying the penalty for certain violations relating

to delivering, possessing, or receiving a telecommunication device in a place of confinement; requiring a certain sentence to be served consecutive to another sentence; and generally relating to the prohibition against telecommunication devices in a place of confinement.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 9–417

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Law**

9–417.

(a) (1) A person may not deliver **OR ATTEMPT TO DELIVER** a telecommunication device, **TELECOMMUNICATION DEVICE CHARGER, OR SUBSCRIBER IDENTIFICATION MODULE (SIM) CARD** to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(2) A person may not possess a telecommunication device, **TELECOMMUNICATION DEVICE CHARGER, OR SIM CARD** with the intent to deliver it to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(3) A person may not deposit or conceal a telecommunication device, **TELECOMMUNICATION DEVICE CHARGER, OR SIM CARD** in or about a place of confinement with signs posted indicating that such conduct is prohibited or on any land appurtenant to the place of confinement with the intent that it be obtained by a person detained or confined in the place of confinement.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a telecommunication device, **TELECOMMUNICATION DEVICE CHARGER, OR SIM CARD**.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [3] **5** years or a fine not exceeding [\$1,000] **\$3,000** or both.

(c) **A SENTENCE IMPOSED FOR A VIOLATION OF SUBSECTION (A)(4) OF THIS SECTION SHALL BE CONSECUTIVE TO ANY SENTENCE THAT THE PERSON**

WAS SERVING AT THE TIME OF THE CRIME OR THAT HAD BEEN IMPOSED BUT WAS NOT YET BEING SERVED AT THE TIME OF SENTENCING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 145

(House Bill 175)

AN ACT concerning

**Criminal Law – Contraband – Telecommunication Devices and Accessories –  
Penalty**

FOR the purpose of prohibiting a person from attempting to deliver ~~a telecommunication device to a person detained or confined in a certain place of confinement~~ or possessing with the intent to deliver certain telecommunication devices or accessories to a person detained or confined in a certain place of confinement; prohibiting a person from depositing or concealing certain telecommunication devices or accessories in or about a place of confinement; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving certain telecommunication devices or accessories; increasing and applying the penalty for certain violations relating to delivering, possessing, or receiving a telecommunication device in a place of confinement; requiring a certain sentence to be served consecutive to another sentence; and generally relating to the prohibition against telecommunication devices in a place of confinement.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 9–417

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Law**

9–417.

(a) (1) A person may not deliver **OR ATTEMPT TO DELIVER** a telecommunication device, **TELECOMMUNICATION DEVICE CHARGER, OR SUBSCRIBER IDENTIFICATION MODULE (SIM) CARD** to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(2) A person may not possess a telecommunication device, **TELECOMMUNICATION DEVICE CHARGER, OR SIM CARD** with the intent to deliver it to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(3) A person may not deposit or conceal a telecommunication device, **TELECOMMUNICATION DEVICE CHARGER, OR SIM CARD** in or about a place of confinement with signs posted indicating that such conduct is prohibited or on any land appurtenant to the place of confinement with the intent that it be obtained by a person detained or confined in the place of confinement.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a telecommunication device, **TELECOMMUNICATION DEVICE CHARGER, OR SIM CARD**.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [3] **5** years or a fine not exceeding [\$1,000] **\$3,000** or both.

(c) **A SENTENCE IMPOSED FOR A VIOLATION OF SUBSECTION (A)(4) OF THIS SECTION SHALL BE CONSECUTIVE TO ANY SENTENCE THAT THE PERSON WAS SERVING AT THE TIME OF THE CRIME OR THAT HAD BEEN IMPOSED BUT WAS NOT YET BEING SERVED AT THE TIME OF SENTENCING.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 146**

**(Senate Bill 221)**

AN ACT concerning

**Farm Area Motor Vehicles – Registration and Authorized Use**

FOR the purpose of increasing the radius from a farm within which a person may operate on a highway a motor vehicle registered as a farm area motor vehicle; requiring an applicant for registration of a farm area motor vehicle to submit with the application certain documentation of active farming status; altering a certain definition; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the registration and authorized use of farm area motor vehicles.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 13–935  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

### **Article – Transportation**

13–935.

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

(2) “Farm area motor vehicle” means a motor vehicle owned by a farmer and operated only on a farm or on a highway within a [10–mile] **25–MILE** radius of the farm.

(3) “Island vehicle” means a motor vehicle, other than a golf cart, operated exclusively on an island that:

- (i) Is not accessible by a highway;
- (ii) Does not have State maintained highways; and
- (iii) Contains less than 20 miles of highways.

(b) If registered with the Administration under this section, every farm area motor vehicle, every island vehicle, and every vehicle that meets the requirements of subsection (d)(1) of this section is a Class K (farm area/island) vehicle.

(c) Except as provided in subsection (d) of this section, for each Class K (farm area/island) vehicle, the annual registration fee is \$2.50.

(d) (1) The Administration may issue a temporary registration under this section to a vehicle, other than an island vehicle, that:

(i) Is owned by a resident of another state, or a company operating out of another state, if the individual or company is under contract with a Maryland farmer to conduct seasonal harvesting operations in this State;

(ii) Is used to transport perishable commodities directly between a farm and a packing plant for sorting and processing;

(iii) Passes a level 1 safety inspection conducted by the Department of State Police; and

(iv) Is only operated within a 35-mile radius of the location where the seasonal harvesting operations will occur.

(2) A temporary registration issued under this subsection may not be in effect for more than 90 days.

(3) The Department of State Police shall establish a weight limitation for vehicles registered under this subsection.

(4) A vehicle issued temporary registration under this subsection shall meet the mandatory minimum security requirements of Title 17, Subtitle 1 of this article.

(5) A person may not operate a vehicle registered under this subsection unless the person holds a driver's license issued under Title 16 of this article, or a license to drive issued by the state of the person's residence.

(6) The Administration may establish a fee for a temporary registration issued under this subsection.

(e) An island vehicle registered under this section may not be operated on a highway in the State that is not on an island described in subsection (a)(3) of this section.

**(F) IN APPLYING FOR REGISTRATION OF A FARM AREA MOTOR VEHICLE UNDER THIS SECTION, THE OWNER OF THE VEHICLE SHALL SUBMIT WITH THE APPLICATION, FROM THE MOST RECENT FEDERAL TAX FILING OF THE OWNER, A COPY OF:**

**(1) INTERNAL REVENUE SERVICE FORM 1040, SCHEDULE F; OR**

**(2) ANY OTHER FEDERAL TAX FORM SHOWING ACTIVE FARMING STATUS, AS DETERMINED BY THE ADMINISTRATION.**

SECTION 2. 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 yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective for a period of 5 years from the date it is enacted and, at the end of the 5-year period, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 14, 2014.

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## Chapter 147

(Senate Bill 225)

AN ACT concerning

### State Board of Examiners of Psychologists – Psychology Associates – Registration

FOR the purpose of requiring an individual, except under certain circumstances, to be registered by the Board before practicing psychology as a psychology associate in the State; specifying the circumstances under which a registered psychology associate is authorized to practice psychology in the State; repealing obsolete language regarding an exemption from licensure for psychology associates; requiring an individual to meet certain requirements to qualify for registration as a psychology associate; specifying the examinations that an applicant for a psychologist license must pass; requiring an applicant for registration as a psychology associate, except under certain circumstances, to pass a certain examination ~~examinations~~ examination; requiring the Board to grant a waiver of certain registration requirements to certain applicants; requiring an applicant for a registration to practice psychology to meet certain requirements; providing that an applicant who otherwise qualifies for a registration is entitled to be examined in a certain manner; providing that a registration authorizes a registrant to practice psychology while the registration is effective; requiring the Board to maintain a roster that contains the names and certain other information regarding registered psychology associates; providing that, except under certain circumstances, a registration expires on the date set by the Board; prohibiting the renewal of a registration for a term longer than a certain number of years; requiring the Board to send to a registrant a renewal notice by a certain method a certain number of days before the registration expires; specifying the content of a renewal notice sent to a registrant; requiring a registrant to notify the Board in writing of any change in the registrant's address within a certain period of time; authorizing a registrant to renew a registration for a certain term under certain circumstances; authorizing the Board to establish continuing education requirements as a condition to the renewal of registrations; requiring the Board to renew the registration of a registrant who meets the requirements of certain provisions of law; repealing

the requirement that continuing education requirements set by the Board be standard for all licensed psychologists; authorizing the Board, on a certain vote of its membership, to take certain action against a licensee if the licensee fails to supervise a registered psychology associate in accordance with certain regulations; authorizing the Board to impose a certain monetary penalty instead of suspending a registration or in addition to suspending or revoking a registration; authorizing the Board to direct a registrant to submit to a certain examination; providing that, in return for the privilege given to a registrant to practice psychology in the State, the registrant is deemed to have consented to a certain examination under certain circumstances and waived a certain claim of privilege; providing that the failure or refusal of a registrant to submit to a required examination is prima facie evidence of a registrant's inability to practice psychology competently, with a certain exception; prohibiting a decision of the Board in relation to a registration from being stayed pending judicial review; authorizing the Board to reinstate a registration that has been revoked; altering the prohibition on practicing, attempting to practice, or offering to practice psychology in the State to include a person who is not registered by the Board; altering certain definitions; defining certain terms; repealing a certain definition; making certain conforming and stylistic changes; and generally relating to the registration of psychology associates.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 18–101, 18–202, 18–206, 18–301, 18–302, 18–303, 18–304(a), 18–306, 18–307(a), 18–308 through 18–313, 18–313.1(a), 18–314(a), (b), and (c), 18–316(c), 18–317, and 18–401(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

### **Article – Health Occupations**

18–101.

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

(b) “Board” means the State Board of Examiners of Psychologists.

(c) (1) “Doctoral degree in psychology” means:

(i) A degree received from a program that at the time the degree was awarded:

1. Is accredited by the American Psychological Association or the Canadian Psychological Association; or

2. Is listed in the designated doctoral programs in psychology published by the Council for the National Register of Health Service Providers in Psychology; or

(ii) A doctoral degree in psychology that the Council for the National Register of Health Service Providers in Psychology determines meets its criteria for a doctoral degree in psychology, if the degree was received from a doctoral program in psychology that:

1. Is located outside the United States and Canada;
  2. Is currently accredited or designated in accordance with paragraph (1)(i) of this subsection, but was not accredited or designated at the time the degree was awarded;
  3. Was completed prior to 1981 for United States programs;
  4. Was completed prior to 1988 for Canadian programs;
- or
5. Is no longer in existence.

(2) (i) A determination by the Council under paragraph (1)(ii) of this subsection that a doctoral degree in psychology meets its criteria shall be considered by the Board as prima facie evidence that the degree meets those criteria.

(ii) In determining whether the degree in psychology meets the criteria described in paragraph (1)(ii) of this subsection and subparagraph (i) of this paragraph, the Board may consider the completion of postdoctoral course work in psychology, not to exceed 9 semester hours.

(d) “License” means, unless the context requires otherwise, a license issued by the Board to practice psychology **AS A PSYCHOLOGIST**.

(e) “Licensed psychologist” means[, unless the context requires otherwise, a psychologist] **AN INDIVIDUAL who MEETS THE REQUIREMENTS IN § 18-302(F) OF THIS TITLE AND** is licensed by the Board to practice psychology.

(f) (1) “Practice psychology” means to provide to any person:

(i) Any service for compensation involving the application of psychological principles, psychological methods, or psychological procedures for understanding, predicting, or influencing behavior, including the principles that relate to learning, perception, motivation, emotions, organizational relationships, and interpersonal relationships;

(ii) Any service for compensation involving the application of psychological methods or psychological procedures for interviewing, counseling, psychotherapy, behavior modification, or hypnosis; or

(iii) Any service for compensation involving the application of psychological methods or psychological procedures for constructing, administering, or interpreting tests of mental abilities, neuropsychological functioning, aptitudes, interests, attitudes, personality characteristics, emotions, or motivations.

(2) “Practice psychology” includes:

(i) The application of psychological principles and psychological methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals or groups;

(ii) The use of psychological methods to assist an individual in acquiring greater human effectiveness or to modify feelings, conditions, attitudes, or behavior that is emotionally, intellectually, or socially ineffectual or maladjusted; and

(iii) The use of biofeedback instruments that do not pierce or cut the skin to measure physical and mental functioning.

(3) In this subsection, “psychological methods”, “psychological principles”, and “psychological procedures” include the body of information that can be derived from a graduate program in psychology, and other education or training recognized by the Board as prerequisites for a license under this title, and that does not amount to the practice of medicine.

[(g) “Psychologist” means an individual who practices psychology.]

**(G) “REGISTERED PSYCHOLOGY ASSOCIATE” MEANS AN INDIVIDUAL WHO MEETS THE REQUIREMENTS IN § 18-302(G) OF THIS TITLE AND IS REGISTERED BY THE BOARD TO PRACTICE PSYCHOLOGY.**

**(H) “REGISTRATION” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A REGISTRATION ISSUED BY THE BOARD TO PRACTICE PSYCHOLOGY AS A PSYCHOLOGY ASSOCIATE.**

18-202.

(a) (1) The Board consists of 9 members.

(2) Of the 9 Board members:

(i) 2 shall be consumer members; and

(ii) 7 shall be licensed psychologists, of whom:

1. At least 2 shall be engaged primarily in providing psychological services; and

2. At least 2 shall be engaged primarily in teaching, training, or research in psychology.

(3) The Governor shall appoint the psychologist members, with the advice of the Secretary and the advice and consent of the Senate, from a list of names submitted to the Secretary by the Maryland Psychological Association.

(4) For each vacancy of a psychologist member, the Maryland Psychological Association shall:

(i) Notify all licensed psychologists in the State of the vacancy to solicit nominations to fill the vacancy; and

(ii) Conduct a balloting process where every licensed psychologist is eligible to vote to select the names of the licensed psychologists that will be submitted to the Governor.

(5) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(b) Each psychologist member of the Board shall be:

(1) A licensed psychologist who has practiced, taught, or engaged in research in psychology for at least 5 years;

(2) A citizen of the United States; and

(3) A resident of this State.

(c) Each consumer member of the Board:

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

(2) May not be or ever have been a psychologist **OR PSYCHOLOGY ASSOCIATE** or in training to become a psychologist **OR PSYCHOLOGY ASSOCIATE**;

(3) May not have a household member who is a psychologist **OR PSYCHOLOGY ASSOCIATE** or in training to become a psychologist **OR PSYCHOLOGY ASSOCIATE**;

(4) May not participate or ever have participated in a commercial or professional field related to psychology;

(5) May not have a household member who participates in a commercial or professional field related to psychology; and

(6) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(d) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(e) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(f) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(6) A member may not serve more than 2 consecutive full terms.

(g) (1) The Governor may remove a member for incompetence or misconduct.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

18–206.

(a) In addition to the powers set forth elsewhere in this title, the Board may adopt rules and regulations to carry out the provisions of this title.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(1) Establish procedures for receiving and investigating complaints, including:

(i) Providing notice to the [licensed psychologist] **LICENSEE OR REGISTRANT** that a complaint has been filed against the [licensed psychologist] **LICENSEE OR REGISTRANT** and forwarding a copy of the complaint to the [licensed psychologist] **LICENSEE OR REGISTRANT** within 120 days of receipt of the complaint, unless the Board:

1. Makes an affirmative determination that the disclosure would prejudice the investigation of the complaint and notifies the licensee **OR REGISTRANT** of the determination; or

2. Disposes of the complaint within 120 days of the date of receipt of the complaint; and

(ii) Notifying, at least every 3 months, the [licensed psychologist] **LICENSEE OR REGISTRANT** and the complainant as to the status of any outstanding complaint;

(2) Submit an annual report of its activities to the Secretary as soon as practicable after the end of each fiscal year; and

(3) Adopt an official seal.

18–301.

(a) Except as otherwise provided in this section, an individual shall be licensed **OR REGISTERED** by the Board before the individual may practice psychology **AS A PSYCHOLOGIST OR PSYCHOLOGY ASSOCIATE** in this State.

**(B) A REGISTERED PSYCHOLOGY ASSOCIATE MAY PRACTICE PSYCHOLOGY IN THIS STATE ONLY IF:**

**(1) THE REGISTERED PSYCHOLOGY ASSOCIATE IS SUPERVISED BY A LICENSED PSYCHOLOGIST IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD;**

**(2) THE SUPERVISING LICENSED PSYCHOLOGIST IS JOINTLY RESPONSIBLE FOR THE PROVISION OF PSYCHOLOGICAL SERVICES BY THE REGISTERED PSYCHOLOGY ASSOCIATE; AND**

**(3) THE REGISTERED PSYCHOLOGY ASSOCIATE DOES NOT USE ANY TITLE OTHER THAN “REGISTERED PSYCHOLOGY ASSOCIATE”.**

**[(b)] (C)** Subject to the rules and regulations of the Board, this section does not apply to:

(1) The activities and services of and the use of an official title by an individual employed by any agency of the federal government, this State, or any political subdivision of this State, or a chartered educational institution while performing the duties of that employment;

(2) The education–related services described in regulations adopted by the State Department of Education that are performed by a certified school psychologist:

(i) While performing the duties of employment of the certified school psychologist; or

(ii) While conducting staff development and training workshops for compensation;

(3) The activities and services of a student, intern, resident or fellow while pursuing a supervised course of study in psychology that the Board approves as qualifying training and experience under this title; **AND**

(4) [The activities and services of an individual while performing psychological services under the direct supervision of a licensed psychologist who takes full responsibility for the activities and services performed, if the supervised individual has graduated from an accredited college or university with at least a master’s degree based on a program of studies whose content was primarily psychological or a program judged by the Board to be substantially equivalent in subject matter and extent of training to a master’s or doctoral degree in psychology, provided that:

(i) The supervised individual may not use any title other than “psychology associate”;

(ii) The supervised individual has applied to the Board for an exemption under this section; and

(iii) The supervised individual has received an exemption under this section within 6 months of application unless the Board grants an extension; and

(5) The activities and services of an individual licensed or certified as a psychologist in any state who recently has become a resident of this State and has an application for a license approved by the Board, provided that the individual passes the first scheduled examination for which the applicant is eligible.

[(c)] (D) If, for good cause, an applicant for a license under subsection [(b)(5)] (C)(4) of this section is unable to take the first scheduled examination for

which the applicant is eligible, the Board may grant an extension to the individual to take the next scheduled examination for which the applicant is eligible.

**[(d)] (E)** The Board may authorize an unlicensed individual to practice psychology, subject to any limitations the Board imposes, if:

- (1) The Board finds that the circumstances warrant; and
- (2) The individual:
  - (i) Is not a resident of this State; and
  - (ii) Meets the qualifications, other than residence and examination, for a license.

**[(e)] (F) (1)** The exceptions of subsection **[(b)(1)] (C)(1)** of this section do not apply to individuals who are employed by the Department, a county health department, the Baltimore City Health Department, the Department of State Police, or the Department of Public Safety and Correctional Services after July 1, 1985.

**(2)** An individual who is employed by any of the departments under this subsection on July 1, 1985 but who is not licensed by the Board shall function under the direct supervision of a licensed psychologist who takes full responsibility for the psychological services provided by the individual.

18–302.

(a) To qualify for a license **OR REGISTRATION**, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall be at least 18 years old.

**[(d)]** The applicant shall have a doctoral degree in psychology as defined in § 18–101(c) of this title.

(e) Except as otherwise provided in this subtitle, the applicant shall pass an examination given by the Board under this subtitle.

(f) The applicant shall have at least 2 years of professional supervised experience in psychology that is approved by the Board in accordance with regulations adopted by the Board.]

**[(g)] (D) (1)** Except as provided in this subsection, an applicant shall reside or practice, or intend to reside or practice, in this State.

(2) The Board may issue a license **OR REGISTRATION** to an applicant who is neither a resident of this State nor practicing in this State if the applicant shows that issuing the license **OR REGISTRATION** would be in the interest of the citizens or government of this State.

[(h)] (E) The applicant shall submit to a criminal history records check in accordance with § 18–302.1 of this subtitle.

(F) **IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, TO QUALIFY TO BE A LICENSED PSYCHOLOGIST, AN APPLICANT SHALL:**

(1) **HAVE A DOCTORAL DEGREE IN PSYCHOLOGY; AND**

(2) **HAVE AT LEAST 2 YEARS OF PROFESSIONAL, SUPERVISED EXPERIENCE IN PSYCHOLOGY THAT IS APPROVED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.**

(G) **EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION AND IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, TO QUALIFY TO BE A REGISTERED PSYCHOLOGY ASSOCIATE, AN APPLICANT SHALL:**

(1) **HAVE A MASTER’S DEGREE IN CLINICAL PSYCHOLOGY, COUNSELING PSYCHOLOGY, OR SCHOOL PSYCHOLOGY FROM A PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION;**

(2) **HAVE A MASTER’S DEGREE IN EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR COUNSELING PSYCHOLOGY FROM A PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION;**

(3) **BE ADMITTED TO CANDIDACY FOR A DOCTORAL DEGREE IN CLINICAL PSYCHOLOGY, COUNSELING PSYCHOLOGY, SCHOOL PSYCHOLOGY, OR EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR COUNSELING PSYCHOLOGY IN A PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, AFTER HAVING SATISFACTORILY:**

(i) **COMPLETED AT LEAST 3 YEARS OF POSTGRADUATE EDUCATION IN PSYCHOLOGY; AND**

(ii) **PASSED PRELIMINARY DOCTORAL EXAMINATIONS;**

(4) **HAVE COMPLETED A DOCTORAL DEGREE IN PSYCHOLOGY OR IN EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR**

COUNSELING PSYCHOLOGY FROM A PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION; OR

(5) HAVE AT LEAST A MASTER'S LEVEL DEGREE FROM A PROGRAM OUTSIDE THE UNITED STATES THAT HAS BEEN DETERMINED BY THE BOARD TO BE EQUIVALENT TO A DEGREE LISTED IN ITEM (1), (2), OR (4) OF THIS SUBSECTION.

(H) ~~(1) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION,~~  
AN APPLICANT FOR A PSYCHOLOGIST LICENSE SHALL SUCCESSFULLY PASS:

~~(1)~~ (I) A NATIONAL EXAMINATION IN THE PRACTICE OF PSYCHOLOGY; AND

~~(2)~~ (II) THE STATE JURISPRUDENCE EXAMINATION.

(2) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION,  
AN APPLICANT FOR A PSYCHOLOGY ASSOCIATE REGISTRATION SHALL  
SUCCESSFULLY PASS THE STATE JURISPRUDENCE EXAMINATION.

(I) THE BOARD SHALL GRANT A WAIVER OF THE REQUIREMENTS OF SUBSECTIONS (G) AND ~~(H)~~ (H)(2) OF THIS SECTION TO AN APPLICANT FOR A PSYCHOLOGY ASSOCIATE REGISTRATION IF THE APPLICANT WAS APPROVED BY THE BOARD BEFORE OCTOBER 1, 2014, TO PRACTICE PSYCHOLOGY AS A PSYCHOLOGY ASSOCIATE UNDER THE SUPERVISION OF A LICENSED PSYCHOLOGIST.

18-303.

To apply for a license **OR REGISTRATION** to practice psychology, an applicant shall:

(1) Submit a verified application to the Board on the form that the Board requires;

(2) Pay to the Board the application fee set by the Board; and

(3) Submit to a criminal history records check in accordance with § 18-302.1 of this subtitle.

18-304.

(a) An applicant who otherwise qualifies for a license **OR REGISTRATION** is entitled to be examined as provided in this section.

18–306.

(a) The Board shall issue a license **OR REGISTRATION** to any applicant who meets the requirements of this title.

(b) The Board shall include on each license **OR REGISTRATION** that the Board issues:

(1) The full name of the [licensed psychologist] **LICENSEE OR REGISTRANT**;

(2) The dates of issuance and expiration;

(3) A serial number;

(4) The signatures of the chairman and the vice chairman of the Board; and

(5) The seal of the Board.

(c) (1) On receipt of the criminal history record information of an applicant for licensure **OR REGISTRATION** forwarded to the Board in accordance with § 18–302.1 of this subtitle, in determining whether to grant a license or [certificate] **REGISTRATION**, the Board shall consider:

(i) The age at which the crime was committed;

(ii) The circumstances surrounding the crime;

(iii) The length of time that has passed since the crime;

(iv) Subsequent work history;

(v) Employment and character references; and

(vi) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a license **OR REGISTRATION** if the criminal history record information required under § 18–302.1 of this subtitle has not been received.

18–307.

(a) Except as otherwise provided in this section, a license **OR REGISTRATION** authorizes the licensee **OR REGISTRANT** to practice psychology while the license **OR REGISTRATION** is effective.

18-308.

(a) The Board shall maintain a roster that contains the name and address of each psychologist **AND PSYCHOLOGY ASSOCIATE** currently licensed **OR REGISTERED**, listed alphabetically by name and geographically by address, and any other information the Board considers desirable.

(b) The Board shall:

(1) Respond to inquiries from the public regarding information contained in the roster; and

(2) Provide copies of the roster by mail to the public on request.

18-309.

(a) (1) A license **OR REGISTRATION** expires on the date set by the Board, unless it is renewed for an additional term as provided in this section.

(2) A license **OR REGISTRATION** may not be renewed for a term longer than 2 years.

(b) (1) **(I)** At least 90 days before [the] A license expires, the Board shall send a renewal notice to the licensee:

[(i)] 1. By first-class mail to the last known address of the licensee; or

[(ii)] 2. If requested by the licensee, by electronic means to the last known electronic mail address of the licensee.

[(2)] **(II)** If a renewal notice sent by electronic means under [paragraph (1)(ii)] **SUBPARAGRAPH (I)2** of this [subsection] **PARAGRAPH** is returned to the Board as undeliverable, the Board shall send a renewal notice to the licensee by first-class mail to the last known address of the licensee.

**(2) AT LEAST 90 DAYS BEFORE A REGISTRATION EXPIRES, THE BOARD SHALL SEND A RENEWAL NOTICE TO THE REGISTRANT:**

**(I) BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE REGISTRANT; OR**

**(II) BY ELECTRONIC MEANS TO THE LAST KNOWN  
ELECTRONIC MAIL ADDRESS OF THE REGISTRANT.**

(c) The renewal notice sent under subsection (b) of this section shall state:

(1) The date on which the current license **OR REGISTRATION** expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license **OR REGISTRATION** expires; and

(3) The amount of the renewal fee.

(d) Each licensee **OR REGISTRANT** shall notify the Board in writing of any change in the licensee's **OR REGISTRANT'S** address or electronic mail address within 30 days after the change occurs.

(e) Before the license **OR REGISTRATION** expires, the licensee **OR REGISTRANT** periodically may renew it for an additional 2-year term, if the licensee **OR REGISTRANT**:

(1) Otherwise is entitled to be licensed **OR REGISTERED**;

(2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires;  
and

(ii) Satisfactory evidence of compliance with any continuing education requirements set under this section for license **OR REGISTRATION** renewal.

(f) (1) The Board may establish continuing education requirements as a condition to the renewal of licenses **OR REGISTRATIONS** under this section.

(2) The requirements established under this subsection shall be[

(i) Set] **SET** by the Board as to the amount and type of study required[; and

(ii) Standard for all licensed psychologists].

(g) The Board shall renew the license **OR REGISTRATION** of each licensee **OR REGISTRANT** who meets the requirements of this section.

18–310.

(a) (1) The Board shall place a licensee on inactive status, if the licensee submits to the Board:

(i) An application for inactive status on the form required by the Board; and

(ii) The inactive status fee set by the Board.

(2) (i) The Board shall license an individual on inactive status who applies for a license if the individual:

1. Complies with the renewal requirements that exist at the time the individual changes from inactive status to active status; and

2. Meets the continuing education requirements set by the Board.

(ii) The Board may not require payment of a late fee by an individual as a condition to licensing under this paragraph.

(b) The Board shall reinstate the license **OR REGISTRATION** of a psychologist **OR PSYCHOLOGY ASSOCIATE** [who has not been put on inactive status and] who has failed to renew the license **OR REGISTRATION** for any reason if the psychologist **OR PSYCHOLOGY ASSOCIATE**:

(1) Meets the renewal requirements of § 18–309 of this subtitle;

(2) Pays to the Board a reinstatement fee set by the Board; and

(3) Applies to the Board for reinstatement of the license **OR REGISTRATION** within 5 years after the license **OR REGISTRATION** expires.

(c) (1) The Board may not reinstate the license **OR REGISTRATION** of a psychologist **OR PSYCHOLOGY ASSOCIATE** who fails to apply for reinstatement of the license **OR REGISTRATION** within 5 years after the license **OR REGISTRATION** expires. [However, the]

(2) A psychologist **OR PSYCHOLOGY ASSOCIATE WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE OR REGISTRATION WITHIN 5 YEARS AFTER THE LICENSE OR REGISTRATION EXPIRES** may become licensed **OR REGISTERED** by meeting the current requirements for obtaining a new license **OR REGISTRATION** under this title.

18–311.

(a) **(1)** The Board shall adopt a code of ethics for psychologists **AND PSYCHOLOGY ASSOCIATES** in this State.

**(2)** The code of ethics **ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall be designed to protect the public interest.

(b) In adopting the code of ethics, the Board shall consider:

(1) The ethical standards of psychologists published by the American Psychological Association; and

(2) The professional character of psychological services.

(c) In adopting the code of ethics, the Board shall announce and hold public hearings on the subject.

18–312.

(a) Unless the Board agrees to accept the surrender of a license **OR REGISTRATION**, a licensed psychologist **OR REGISTERED PSYCHOLOGY ASSOCIATE** may not surrender the license **OR REGISTRATION** nor may the license **OR REGISTRATION** lapse by operation of law while the licensee **OR REGISTRANT** is under investigation or while charges are pending against the psychologist **OR PSYCHOLOGY ASSOCIATE**.

(b) The Board may set conditions on its agreement with the psychologist **OR PSYCHOLOGY ASSOCIATE** under investigation or against whom charges are pending to accept surrender of the psychologist's license **OR PSYCHOLOGY ASSOCIATE'S REGISTRATION**.

18–313.

Subject to the hearing provisions of § 18–315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license **OR REGISTRATION** to any applicant, reprimand any licensee **OR REGISTRANT**, place any licensee **OR REGISTRANT** on probation, or suspend or revoke a license **OR REGISTRATION** of any licensee **OR REGISTRANT** if the applicant [or licensee], **LICENSEE, OR REGISTRANT**:

(1) Fraudulently or deceptively obtains or attempts to obtain a license **OR REGISTRATION** for the applicant [or licensee], **LICENSEE, OR REGISTRANT** or for another;

- (2) Fraudulently or deceptively uses a license **OR REGISTRATION**;
- (3) Is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (4) Is or has been addicted to any narcotic or habitually intoxicated;
- (5) Aids or abets an unauthorized person in practicing psychology or representing oneself to be a psychologist **OR A PSYCHOLOGY ASSOCIATE**;
- (6) Practices psychology fraudulently or deceitfully;
- (7) Violates the code of ethics adopted by the Board under § 18–311 of this subtitle;
- (8) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (9) Submits a false statement to collect a fee;
- (10) Willfully makes or files a false report or record in the practice of psychology;
- (11) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the United States Veterans Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (12) Violates any provision of this title or any regulation adopted by the Board;
- (13) Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial;
- (14) Is professionally, physically, or mentally incompetent;
- (15) Promotes the sale of devices, appliances, or goods to a patient so as to exploit the patient for financial gain;
- (16) Behaves immorally in the practice of psychology;
- (17) Commits an act of unprofessional conduct in the practice of psychology;

(18) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee **OR REGISTRANT** is licensed **OR REGISTERED** and qualified to render because the individual is HIV positive;

(19) Fails to cooperate with a lawful investigation conducted by the Board;

(20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology; [or]

(21) Fails to submit to a criminal history records check in accordance with § 18–302.1 of this subtitle; **OR**

**(22) FAILS TO SUPERVISE A REGISTERED PSYCHOLOGY ASSOCIATE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.**

18–313.1.

(a) If, after a hearing under § 18–315 of this subtitle, the Board finds that there are grounds under § 18–313 of this subtitle to suspend or revoke a license **OR REGISTRATION** or to reprimand a licensee **OR REGISTRANT**, the Board may impose a monetary penalty not exceeding \$10,000:

(1) Instead of suspending the license **OR REGISTRATION**; or

(2) In addition to suspending or revoking the license **OR REGISTRATION**.

18–314.

(a) If, in investigating an allegation brought against a licensee **OR REGISTRANT** under this title, the Board has reason to believe that the licensee **OR REGISTRANT** may cause harm to persons affected by the licensee's **OR REGISTRANT'S** practice of psychology, the Board, on its own initiative, may direct the licensee **OR REGISTRANT** to submit to an appropriate examination by a psychologist or physician designated by the Board.

(b) In return for the privilege given to a licensee **OR REGISTRANT** to practice psychology in the State, the licensee **OR REGISTRANT** is deemed to have:

(1) Consented to submit to an examination under this section, if requested by the Board in writing; and

(2) Waived any claim of privilege as to the testimony or examination reports of the examining psychologist or physician.

(c) The failure or refusal of the licensee **OR REGISTRANT** to submit to an examination required under subsection (b) of this section is prima facie evidence of the licensee's **OR REGISTRANT'S** inability to practice psychology competently, unless the Board finds that the failure or refusal was beyond the control of the licensee **OR REGISTRANT**.

18-316.

(c) A decision of the Board to deny a license **OR REGISTRATION**, enforce a suspension of a license **OR REGISTRATION** for more than 1 year, or revoke a license **OR REGISTRATION** may not be stayed pending judicial review.

18-317.

For reasons the Board considers sufficient, and on the affirmative vote of a majority of its members then serving, the Board may:

- (1) Reinstate a license **OR REGISTRATION** that has been revoked;
- (2) Reduce the period of a suspension; or
- (3) Withdraw a reprimand.

18-401.

(a) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice psychology in this State unless licensed **OR REGISTERED** by the Board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 148

**(Senate Bill 246)**

AN ACT concerning

**Public Safety – Anne Arundel Community College Police Force**

FOR the purpose of establishing a police force for the Anne Arundel Community College; specifying the powers of an Anne Arundel Community College police officer; requiring the Board of Trustees of the Anne Arundel Community College to adopt certain standards and regulations; including a member of the police force of the Anne Arundel Community College in the defined term “police officer” in connection with provisions of law relating to the authority to make arrests; including a member of the police force of the Anne Arundel Community College in the defined term “law enforcement officer” in connection with provisions of law relating to the Maryland Police Training Commission and the Law Enforcement Officers’ Bill of Rights; and generally relating to the police force of the Anne Arundel Community College.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 2–101(c)(24) and (25)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY adding to  
Article – Criminal Procedure  
Section 2–101(c)(26)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY adding to  
Article – Education  
Section 16–407.2  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 3–101(e)(1)(ii)23.  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 3–101(e)(1)(ii)24. and 25. and 3–201(e)(1)(ii)20. and 21.  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY adding to  
Article – Public Safety  
Section 3–101(e)(1)(ii)26. and 3–201(e)(1)(ii)22.  
Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Procedure**

2–101.

(c) “Police officer” means a person who in an official capacity is authorized by law to make arrests and is:

(24) a member of the police force of the Hagerstown Community College; [or]

(25) an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department; **OR**

**(26) A MEMBER OF THE POLICE FORCE OF THE ANNE ARUNDEL COMMUNITY COLLEGE.**

**Article – Education**

16–407.2.

**(A) THERE IS AN ANNE ARUNDEL COMMUNITY COLLEGE POLICE FORCE.**

**(B) (1) AN ANNE ARUNDEL COMMUNITY COLLEGE POLICE OFFICER HAS THE POWERS GRANTED TO A PEACE AND POLICE OFFICER.**

**(2) (I) AN ANNE ARUNDEL COMMUNITY COLLEGE POLICE OFFICER MAY EXERCISE THESE POWERS ONLY ON PROPERTY THAT IS OWNED, LEASED, OR OPERATED BY OR UNDER THE CONTROL OF ANNE ARUNDEL COMMUNITY COLLEGE.**

**(II) THE POLICE OFFICER MAY NOT EXERCISE THESE POWERS ON ANY OTHER PROPERTY UNLESS:**

**1. ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;**

**2. NECESSARY TO FACILITATE THE ORDERLY FLOW OF TRAFFIC TO AND FROM PROPERTY OWNED, LEASED, OR OPERATED BY OR UNDER THE CONTROL OF ANNE ARUNDEL COMMUNITY COLLEGE; OR**

**3. ORDERED TO DO SO BY THE GOVERNOR.**

**(c) (1) IN CONSULTATION WITH THE SECRETARY OF STATE POLICE AND THE MARYLAND POLICE TRAINING COMMISSION, THE ANNE ARUNDEL COMMUNITY COLLEGE BOARD OF TRUSTEES SHALL ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF CHARACTER, TRAINING, EDUCATION, HUMAN AND PUBLIC RELATIONS, AND EXPERIENCE FOR ANNE ARUNDEL COMMUNITY COLLEGE POLICE OFFICERS, INCLUDING STANDARDS FOR THE PERFORMANCE OF THEIR DUTIES.**

**(2) TO THE EXTENT PRACTICABLE, THE BOARD SHALL ADOPT STANDARDS THAT ARE SIMILAR TO THE STANDARDS ADOPTED FOR THE DEPARTMENT OF STATE POLICE.**

**(d) THE ANNE ARUNDEL COMMUNITY COLLEGE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS GOVERNING THE OPERATION AND CONDUCT OF THE ANNE ARUNDEL COMMUNITY COLLEGE POLICE FORCE AND OF ANNE ARUNDEL COMMUNITY COLLEGE POLICE OFFICERS.**

**Article – Public Safety**

3–101.

(e) (1) “Law enforcement officer” means an individual who:

(ii) is a member of one of the following law enforcement agencies:

23. the police force of the Hagerstown Community College;

24. the Internal Investigation Unit of the Department of Public Safety and Correctional Services; [or]

25. the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services;  
**OR**

**26. THE POLICE FORCE OF THE ANNE ARUNDEL COMMUNITY COLLEGE.**

3–201.

(e) (1) “Police officer” means an individual who:

(ii) is a member of one of the following law enforcement agencies:

20. the police force of the Hagerstown Community College; [or]

21. the parole and probation employees of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department who are authorized to make arrests; OR

**22. THE POLICE FORCE OF THE ANNE ARUNDEL COMMUNITY COLLEGE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 149**

**(Senate Bill 248)**

AN ACT concerning

### **Criminal Law – Use of Handgun in Crime of Violence or Felony – Statute of Limitations**

FOR the purpose of ~~providing that a person who violates~~ extending the statute of limitations for a violation of a certain provision of law prohibiting using a firearm in the commission of a crime of violence or felony ~~is not covered by the 1-year statute of limitations for a misdemeanor~~; and generally relating to prohibitions on the use of a firearm in the commission of a crime of violence or felony and statutes of limitations.

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 5–106(a)

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 5–106(dd)

Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, ~~with~~ without amendments,  
Article – Criminal Law  
Section 4–204  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Courts and Judicial Proceedings**

5–106.

(a) Except as provided by this section and § 1–303 of the Environment Article, a prosecution for a misdemeanor shall be instituted within 1 year after the offense was committed.

**(DD) THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF AN OFFENSE UNDER § 4–204 OF THE CRIMINAL LAW ARTICLE RELATING TO THE USE OF A FIREARM IN THE COMMISSION OF A CRIME OF VIOLENCE OR FELONY IS THE SAME AS THE STATUTE OF LIMITATIONS FOR THE UNDERLYING CRIME.**

**Article – Criminal Law**

4–204.

(a) (1) In this section, “firearm” means:

(i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or

(ii) the frame or receiver of such a weapon.

(2) “Firearm” includes an antique firearm, handgun, rifle, shotgun, short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

(b) A person may not use a firearm in the commission of a crime of violence, as defined in § 5–101 of the Public Safety Article, or any felony, whether the firearm is operable or inoperable at the time of the crime.

(c) (1) (i) A person who violates this section is guilty of a misdemeanor and, in addition to any other penalty imposed for the crime of violence or felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years and, except as otherwise provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(2) For each subsequent violation, the sentence shall be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony.

~~(D) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(B) OF THE COURTS ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 150

(Senate Bill 257)

AN ACT concerning

### Task Force to Study Access to Pharmacy Services in Maryland

FOR the purpose of establishing the Task Force to Study Access to Pharmacy Services in Maryland; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor, the Health Services Cost Review Commission, the President of the Senate, the Speaker of the House, and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Access to Pharmacy Services in Maryland.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Task Force to Study Access to Pharmacy Services in Maryland.

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

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) one member of the State Board of Pharmacy, appointed by the Secretary of Health and Mental Hygiene;

(4) one member of the State Board of Physicians, appointed by the Secretary of Health and Mental Hygiene;

(5) one representative of the Maryland Medical Assistance Program, appointed by the Secretary of Health and Mental Hygiene; ~~and~~

(6) one member of the State Board of Dental Examiners, appointed by the Secretary of Health and Mental Hygiene;

(7) one representative of the Maryland Behavioral Health Administration, appointed by the Secretary of Health and Mental Hygiene; and

~~(6)~~ (8) the following members, appointed by the Governor:

(i) one representative of the Maryland Society of Health System Pharmacies;

(ii) one representative of the Maryland Pharmacists Association;

(iii) one representative of the ~~National~~ Maryland Association of Chain Drug Stores;

(iv) one representative of the Maryland Hospital Association;

(v) one representative of MedChi, The Maryland State Medical Society;

(vi) one representative of the Maryland Chapter of the Society of Hospital Medicine;

(vii) one representative of the mobility unit of the Maryland Transit Administration; ~~and~~

(viii) one consumer member;

(ix) one representative of the Maryland DC Society of Clinical Oncology;

(x) one representative of the Maryland Dental Society;

(xi) one representative of the Maryland State Dental Association;

(xii) one representative of a federally qualified health center;

(xiii) one representative of an independent retail pharmacy; and

(xiv) two representatives of health insurance carriers doing business in the State; and

(xv) one representative of the Pharmaceutical Research and Manufacturers of America.

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

(d) The Department of Health and Mental Hygiene shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study the availability of pharmacy services for patients when they are discharged from the hospital;

(2) identify any barriers or obstacles facing patients when they are discharged from the hospital that may prevent them from filling prescription orders;

(3) ~~compile best practices used around the State to facilitate access to pharmacy services~~ information on best practices, programs, and community pharmacist services used around the State and nationally to provide and to facilitate access to pharmacy services, including community pharmacy medication therapy management services;

(4) explore transition of care and care coordination efforts by hospital staff and direct acute care pharmacists that connect patients with needed pharmacy services after discharge from the hospital;

(5) consider geographic differences in the State relating to access to pharmacy services;

- (6) receive public testimony from stakeholders and the public;
  - (7) recommend strategies to reduce disparities in access to pharmacy services; and
  - (8) recommend the adoption of regulations by the Department of Health and Mental Hygiene that are consistent with the efforts of the State to redesign the State's Medicare waiver.
- (g) On or before ~~June 1, 2015~~ December 31, 2014, the Task Force shall report its findings and recommendations to the Governor, the Health Services Cost Review Commission, and, in accordance with § 2-1246 of the State Government Article, the President of the Senate, the Speaker of the House of Delegates, the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Health and Government Operations Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, April 14, 2014.**

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## Chapter 151

**(Senate Bill 272)**

AN ACT concerning

**Sentencing Procedures – Statement by Victim or Victim's Representative  
(Alex's Law)**

FOR the purpose of requiring a court in a sentencing or disposition hearing to allow a victim or the victim's representative to address the court under oath before the imposition of sentence or other disposition under certain circumstances; and generally relating to a certain statement by a victim or the victim's representative in a sentencing or disposition hearing.

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section 11-401 and 11-403(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure  
Section 11–403(b)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Procedure**

11–401.

In this subtitle, “victim’s representative” means:

- (1) a member of the victim’s immediate family; or
- (2) another family member, the personal representative, or guardian of the victim if the victim is:
  - (i) deceased;
  - (ii) under a mental, physical, or legal disability; or
  - (iii) otherwise unable to provide the required information.

11–403.

(a) In this section, “sentencing or disposition hearing” means a hearing at which the imposition of a sentence, disposition in a juvenile court proceeding, or alteration of a sentence or disposition in a juvenile court proceeding is considered.

(b) In the sentencing or disposition hearing the court[:

(1)] , if practicable, shall allow the victim or the victim’s representative to address the court under oath before the imposition of sentence or other disposition:

[ (i) ] (1) at the request of the prosecuting attorney; [or]

(2) AT THE REQUEST OF THE VICTIM OR THE VICTIM’S REPRESENTATIVE; OR

[ (ii) ] (3) if the victim has filed a notification request form under § 11–104 of this title[; and

(2) may allow the victim or the victim's representative to address the court under oath before the imposition of sentence or other disposition at the request of the victim or the victim's representative].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 152**

**(Senate Bill 282)**

AN ACT concerning

### **Juvenile Law – Truancy Reduction Pilot Program – Kent County**

FOR the purpose of authorizing the Circuit Administrative Judge of the Second Circuit to establish a Truancy Reduction Pilot Program in the juvenile court in Kent County; making certain provisions relating to a Truancy Reduction Pilot Program in certain counties applicable to Kent County; and generally relating to a Truancy Reduction Pilot Program in Kent County.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 3–8C–01  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–8C–02  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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

### **Article – Courts and Judicial Proceedings**

3–8C–01.

This subtitle applies only:

(1) In a county in which the circuit administrative judge has established a Truancy Reduction Pilot Program under § 3–8C–02 of this subtitle; and

(2) To the extent that funds are provided in an annual State budget for a Truancy Reduction Pilot Program.

3–8C–02.

(a) (1) The Circuit Administrative Judge of the First Circuit may establish a Truancy Reduction Pilot Program in one or more of the juvenile courts in Dorchester County, Somerset County, Wicomico County, and Worcester County.

(2) The Circuit Administrative Judge of the Second Circuit may establish a Truancy Reduction Pilot Program in the juvenile [court] **COURTS** in **KENT COUNTY AND** Talbot County.

(3) The Circuit Administrative Judge of the Third Circuit may establish a Truancy Reduction Pilot Program in the juvenile court in Harford County.

(4) The Circuit Administrative Judge of the Seventh Circuit may establish a Truancy Reduction Pilot Program in the juvenile court in Prince George's County.

(b) After consultation with the administrative judges of the first, second, third, and seventh circuits, the Chief Judge of the Court of Appeals may accept a gift or grant to implement the pilot programs in each respective circuit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 153**

**(Senate Bill 314)**

AN ACT concerning

### **Health Occupations – State Board of Physicians – ~~Naturopathic Medicine~~ Doctors**

FOR the purpose of establishing the ~~State Board of Naturopathic Medicine~~  
Naturopathic Medicine Advisory Committee within the State Board of  
Physicians; ~~specifying~~ providing for the composition of the ~~Board~~ Committee;  
~~specifying~~ providing for the terms of a ~~Board~~ Committee member; ~~requiring the~~

~~Governor to appoint a new member, under certain circumstances, if a vacancy on the Board occurs; authorizing the Governor to remove a member of the Board under certain circumstances; requiring the Board Committee to elect a chair and any other officers from among its members; requiring the Board to make certain determinations relating to its officers; specifying that a majority of the members then serving on the Board is a quorum; requiring the Board to determine the times and places of its meetings; specifying that a Board member is entitled to certain compensation and reimbursement; authorizing the Board to employ a staff under certain circumstances; authorizing the Board to adopt certain regulations and appoint certain committees; specifying the duties of the Board Committee; establishing the State Board of Naturopathic Medicine Fund; authorizing the Board to set reasonable fees under certain circumstances; requiring the Board to pay the fees to the Comptroller and requiring the Comptroller to distribute the fees to the Fund; requiring the Fund to be used for certain purposes; specifying that the Fund is a continuing, nonlapsing fund, not subject to a certain provision of law; prohibiting unspent portions of the Fund from reverting to the General Fund; specifying that no other State money may be used to support the Fund, that a designee of the Board is to administer the Fund, and that money in the Fund may be used only for certain purposes; requiring the Legislative Auditor to audit the accounts and transactions of the Fund; requiring the Board to adopt certain regulations; requiring the Board to set certain fees; requiring the Board to pay the fees to the Comptroller; requiring the Comptroller to distribute the fees of the Board; requiring the fees to be used for a certain purpose; specifying that a person who gives information to the Board Committee or otherwise participates in its activities has a certain immunity from liability; requiring, beginning on a certain date, certain individuals to have a certain license before practicing naturopathic medicine in the State; prohibiting the Board from discriminating against an applicant or a licensee for certain reasons; requiring an individual to meet certain requirements to qualify for a license; requiring an applicant to submit certain information to the Board, complete and submit a certain written attestation, and pay a certain fee; requiring the Board to issue a license to any applicant who meets the requirements of this Act; specifying that a license authorizes a licensee to order and perform certain examinations, order and interpret the reports of certain studies, and dispense, administer, order or perform certain other dispense or order certain therapies and medicines, utilize certain routes of administration, provide certain education and counseling, and perform naturopathic musculoskeletal mobilization; specifying that a license does not authorize a licensee to prescribe or administer certain substances or devices, perform certain procedures, use certain anesthetics, practice or claim to practice as a certain health care professional, or take certain other actions; specifying that the Board may authorize a licensee to perform certain procedures under certain circumstances; specifying the term of a license; requiring the Board to send certain information to licensees a certain time period before a license expires; requiring the Board to renew a license under certain circumstances; authorizing the Board to place a licensee on inactive status under certain circumstances; requiring the Board to issue a license to a naturopathic doctor~~

who is on inactive status under certain circumstances; requiring the Board to reinstate the license of a naturopathic doctor who failed to renew the license under certain circumstances; prohibiting a licensed naturopathic doctor from surrendering a license under certain circumstances; authorizing the Board or a disciplinary panel to take certain disciplinary action against an applicant or a licensee for certain reasons; requiring certain persons to file a certain report with the Board within a certain time period; requiring the Board to investigate certain complaints; ~~authorizing the Board to commence disciplinary action under certain circumstances; specifying that certain investigations, reports, and recommendations are confidential under certain circumstances;~~ requiring the Board or a disciplinary panel to give a certain individual an opportunity for a hearing before the Board and to give certain notice and hold the hearing in accordance with certain provisions of law; requiring a disciplinary panel to order the suspension and the revocation of a license under certain circumstances; authorizing a certain individual to be represented by counsel; authorizing the Board to issue subpoenas, administer oaths, and issue certain orders under certain circumstances; authorizing a certain court to take certain action against an individual who disobeys a subpoena from the Board or an order by the Board; authorizing the Board to hear and determine a matter, under certain circumstances; requiring certain individuals to pay certain costs under certain circumstances; requiring the Board to pass an order under certain circumstances; ~~requiring the Board to expunge certain charges after a certain time period;~~ requiring the holder of a license to surrender the license to the Board under certain circumstances; requiring the Board to return a license under certain circumstances; authorizing a person aggrieved by a decision of the Board or a disciplinary panel to take certain action under certain circumstances; prohibiting an order of the Board or a disciplinary panel from being stayed pending judicial review; authorizing the Board to make a certain appeal; prohibiting the Board from reinstating a certain license under certain circumstances; requiring a licensed naturopathic doctor to follow certain federal, State, and local laws; authorizing a licensed naturopathic doctor to receive a certain fee; requiring a naturopathic doctor to display a certain notice under certain circumstances; prohibiting an individual from practicing, attempting to practice, or offering to practice naturopathic medicine in the State without a license; providing for certain penalties; prohibiting certain individuals from making certain representations to the public, using certain titles, and using certain initials; establishing a certain short title; specifying that this Act does not limit certain rights of certain individuals; specifying the purposes of certain provisions of this Act; providing that a person is not civilly liable for certain actions under certain circumstances; ~~requiring the Board to hold its first Board meeting within a certain time period after the Governor has appointed the initial Board members;~~ providing for the terms of the initial Board Committee members; ~~stating the intent of the General Assembly regarding the initial funding of the Board;~~ requiring the Board to reimburse the General Fund under certain circumstances; providing for the termination of this Act under certain circumstances; providing that the Committee is subject to a certain evaluation in a certain year; requiring the Board to convene a certain

workgroup to study the development of a naturopathic formulary in the State and the routes of administration that may be used by a naturopathic doctor when administering natural medicines; providing for the membership of the workgroup; requiring the workgroup to conduct a certain review, make certain recommendations, and provide a certain report to certain committees of the General Assembly on or before a certain date; requiring the Board to conduct a certain examination and provide certain information to the Naturopathic Medicine Advisory Board; defining certain terms; and generally relating to ~~the State Board of Naturopathic Medicine and~~ the licensing of naturopathic doctors.

~~BY renumbering~~

~~Article – State Government~~

~~Section 8–403(b)(36) through (56), respectively~~

~~to be Section 8–403(b)(37) through (57), respectively~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2013 Supplement)~~

~~BY adding to~~

~~Article – Courts and Judicial Proceedings~~

~~Section 5–725~~

~~Annotated Code of Maryland~~

~~(2013 Replacement Volume and 2013 Supplement)~~

BY adding to

Article – Health Occupations

Section ~~7.5–101 through 7.5–702~~ 14–5F–01 through 14–5F–32 to be under the new ~~title~~ subtitle “~~Title 7.5.~~ Subtitle 5F. Naturopathic Doctors”

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section ~~8–403(a)~~ 8–405(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

~~BY adding to~~ repealing and reenacting, with amendments,

Article – State Government

Section ~~8–403(b)(36)~~ 8–405(b)(5)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–403(b)(36) through (56), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(37) through (57), respectively.~~

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

~~Article Courts and Judicial Proceedings~~

~~5-725.~~

~~(A) IN THIS SECTION, "BOARD" MEANS THE STATE BOARD OF NATUROPATHIC MEDICINE.~~

~~(B) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF THE JURISDICTION OF THE BOARD IS NOT CIVILLY LIABLE FOR GIVING INFORMATION TO THE BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.~~

Article – Health Occupations

~~TITLE 7.5.~~ SUBTITLE 5F. NATUROPATHIC DOCTORS.

~~SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.~~

~~7.5-101.~~ 14-5F-01.

(A) IN THIS ~~TITLE~~ SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "APPROVED NATUROPATHIC MEDICAL PROGRAM" MEANS A NATUROPATHIC MEDICAL EDUCATION PROGRAM:

(1) IN THE UNITED STATES THAT:

(I) PROVIDES THE DEGREE OF DOCTOR OF NATUROPATHY OR DOCTOR OF NATUROPATHIC MEDICINE;

(II) OFFERS A 4-YEAR GRADUATE-LEVEL, FULL-TIME DIDACTIC AND SUPERVISED CLINICAL TRAINING;

(III) IS ACCREDITED, OR HAS ACHIEVED CANDIDACY STATUS FOR ACCREDITATION, BY THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION OR AN EQUIVALENT FEDERALLY AND BOARD-RECOGNIZED ACCREDITING BODY FOR NATUROPATHIC MEDICAL PROGRAMS; AND

(IV) IS PART OF AN INSTITUTION OF HIGHER EDUCATION THAT IS EITHER ACCREDITED, OR IS A CANDIDATE FOR ACCREDITATION, BY A

REGIONAL OR NATIONAL INSTITUTIONAL ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES SECRETARY OF EDUCATION; OR

(2) IN A DIPLOMA-GRANTING, DEGREE-EQUIVALENT COLLEGE OR UNIVERSITY IN CANADA THAT:

(I) OFFERS GRADUATE-LEVEL, FULL-TIME DIDACTIC AND SUPERVISED CLINICAL TRAINING;

(II) IS ACCREDITED, OR HAS ACHIEVED CANDIDACY STATUS FOR ACCREDITATION, BY THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION OR AN EQUIVALENT FEDERALLY AND BOARD-RECOGNIZED ACCREDITING BODY FOR NATUROPATHIC MEDICAL PROGRAMS; AND

(III) HAS PROVINCIAL APPROVAL FOR PARTICIPATION IN GOVERNMENT-FUNDED STUDENT AID PROGRAMS; ~~OR~~

~~(3) IN A DEGREE-GRANTING COLLEGE OR UNIVERSITY THAT:~~

~~(I) PRIOR TO THE EXISTENCE OF THE COUNCIL OF NATUROPATHIC MEDICAL EDUCATION:~~

~~1. OFFERED A FULL-TIME STRUCTURED CURRICULUM IN BASIC SCIENCES AND SUPERVISED PATIENT CARE COMPRISING A DOCTORAL NATUROPATHIC MEDICAL EDUCATION;~~

~~2. REQUIRED AT LEAST 3 YEARS OF STUDY AS A PREREQUISITE FOR GRADUATION; AND~~

~~3. IF IN CANADA, HAD PROVINCIAL APPROVAL FOR PARTICIPATION IN GOVERNMENT-FUNDED STUDENT AID PROGRAMS;~~

~~(II) IS APPROVED BY THE BOARD; AND~~

~~(III) IF THE PROGRAM EXISTS WHEN THE APPLICANT APPLIES FOR A LICENSE:~~

~~1. IS ACCREDITED BY THE COUNCIL OF NATUROPATHIC MEDICAL EDUCATION OR A FEDERALLY RECOGNIZED EQUIVALENT ACCREDITING AGENCY; AND~~

~~2. IF IN CANADA, HAS PROVINCIAL APPROVAL FOR PARTICIPATION IN GOVERNMENT-FUNDED STUDENT AID PROGRAMS.~~

~~(C) "BOARD" MEANS THE STATE BOARD OF NATUROPATHIC MEDICINE.~~

(C) "BOARD" MEANS THE STATE BOARD OF PHYSICIANS.

(D) "COMMITTEE" MEANS THE NATUROPATHIC MEDICINE ADVISORY COMMITTEE.

~~(D)~~ (E) "LICENSED NATUROPATHIC DOCTOR" MEANS A NATUROPATHIC DOCTOR WHO IS LICENSED TO PRACTICE NATUROPATHIC MEDICINE.

~~(E) "MINOR OFFICE PROCEDURES" MEANS THE METHODS FOR THE REPAIR AND CARE INCIDENTAL TO THE REPAIR OF SUPERFICIAL LACERATIONS AND ABRASIONS, SUPERFICIAL LESIONS, AND THE REMOVAL OF FOREIGN BODIES LOCATED IN THE SUPERFICIAL TISSUES NOT INCLUDING THE EYE.~~

(F) "NATUROPATHIC DOCTOR" MEANS AN INDIVIDUAL WHO PRACTICES NATUROPATHIC MEDICINE.

(G) (1) "NATUROPATHIC MEDICINE" MEANS THE PREVENTION, DIAGNOSIS, AND TREATMENT OF HUMAN HEALTH CONDITIONS, INJURY, AND DISEASE USING ONLY PATIENT EDUCATION AND NATUROPATHIC THERAPIES AND THERAPEUTIC SUBSTANCES RECOGNIZED BY THE COUNCIL OF NATUROPATHIC MEDICAL EDUCATION.

(2) "NATUROPATHIC MEDICINE" INCLUDES:

(I) COUNSELING;

(II) THE PRACTICE OF THE MECHANICAL SCIENCES OF HEALING, INCLUDING MECHANOTHERAPY, ARTICULAR MANIPULATION, CORRECTIVE AND ORTHOPEDIC GYMNASTICS, HYDROTHERAPY, ELECTROTHERAPY, AND PHOTOTHERAPY; AND

(III) THE PRACTICE OF THE MATERIAL SCIENCES OF HEALING, INCLUDING NUTRITION, PHYTOTHERAPY, TREATMENT BY NATURAL SUBSTANCES, AND EXTERNAL APPLICATIONS.

(H) "NATUROPATHIC MUSCULOSKELETAL MOBILIZATION" MEANS THE TREATMENT BY MANUAL AND OTHER MECHANICAL MEANS OF ALL BODY TISSUES EXCLUSIVE OF HIGH-VELOCITY THRUSTS AT OR BEYOND THE END RANGE OF NORMAL JOINT MOTION.

(I) “PRESCRIPTION DRUG” MEANS ANY DRUG DEFINED IN § 503(B) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT IF THE DRUG’S LABEL IS REQUIRED TO BEAR THE STATEMENT “RX ONLY”.

~~7.5-102.~~ 14-5F-02.

THE PURPOSES OF THIS ~~TITLE~~ SUBTITLE ARE TO:

(1) PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC, AND SPECIFICALLY PROTECT INDIVIDUALS WHO ARE THE DIRECT RECIPIENTS OF SERVICES REGULATED BY THIS ~~TITLE~~ SUBTITLE;

(2) MAINTAIN STANDARDS IN THE DELIVERY OF NATUROPATHIC MEDICAL SERVICES TO THE PUBLIC;

(3) ENSURE THAT THE HEALTH CARE PROVIDED BY QUALIFIED NATUROPATHIC DOCTORS IS ACCESSIBLE AND AVAILABLE TO THE RESIDENTS OF THE STATE; AND

(4) PROVIDE A MEANS OF IDENTIFYING QUALIFIED NATUROPATHIC DOCTORS IN THE STATE.

~~7.5-103.~~ 14-5F-03.

THIS ~~TITLE~~ SUBTITLE DOES NOT LIMIT THE RIGHT OF:

(1) AN INDIVIDUAL TO PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER THIS ARTICLE;

(2) AN INDIVIDUAL FROM TREATING THE INDIVIDUAL OR THE INDIVIDUAL’S FAMILY BASED ON THE INDIVIDUAL’S RELIGIOUS OR HEALTH BELIEFS; OR

(3) A PERSON THAT SELLS VITAMINS AND HERBS FROM PROVIDING INFORMATION ABOUT THE PERSON’S PRODUCTS.

14-5F-04.

THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE AND PRACTICE OF NATUROPATHIC MEDICINE.

14-5F-05.

(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES THE BOARD PROVIDES TO NATUROPATHIC DOCTORS.

(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE OTHER SERVICES PROVIDED TO NATUROPATHIC DOCTORS.

(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD ESTABLISHED UNDER § 14-201 OF THIS TITLE.

(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.

~~SUBTITLE 2. STATE BOARD OF NATUROPATHIC MEDICINE.~~

~~7.5-201.~~

~~THERE IS A STATE BOARD OF NATUROPATHIC MEDICINE IN THE DEPARTMENT.~~

~~7.5-202.~~

~~(A) (1) THE BOARD CONSISTS OF FIVE MEMBERS.~~

~~(2) OF THE FIVE BOARD MEMBERS:~~

~~(I) THREE SHALL BE LICENSED NATUROPATHIC DOCTORS;~~

~~(II) ONE SHALL BE A LICENSED PHYSICIAN; AND~~

~~(III) ONE SHALL BE A CONSUMER MEMBER.~~

~~(3) (I) THE GOVERNOR SHALL APPOINT THE NATUROPATHIC DOCTOR MEMBERS, WITH THE ADVICE OF THE SECRETARY, FROM A LIST OF NAMES SUBMITTED BY THE MARYLAND ASSOCIATION OF NATUROPATHIC PHYSICIANS.~~

~~(H) THE GOVERNOR SHALL APPOINT THE PHYSICIAN MEMBER, WITH THE ADVICE OF THE SECRETARY, FROM A LIST OF NAMES SUBMITTED BY MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY.~~

~~(4) THE GOVERNOR SHALL APPOINT THE CONSUMER MEMBER WITH THE ADVICE OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE SENATE.~~

~~(B) EACH NATUROPATHIC DOCTOR MEMBER OF THE BOARD SHALL BE:~~

~~(1) IN GOOD STANDING WITH THE BOARD; AND~~

~~(2) A RESIDENT OF THE STATE WHO HAS BEEN ENGAGED ACTIVELY IN THE PRACTICE OR INSTRUCTION OF NATUROPATHIC MEDICINE FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE APPOINTMENT.~~

~~(C) THE PHYSICIAN MEMBER OF THE BOARD SHALL BE:~~

~~(1) IN GOOD STANDING WITH THE BOARD OF PHYSICIANS; AND~~

~~(2) A RESIDENT OF THE STATE WHO HAS BEEN ENGAGED ACTIVELY IN THE PRACTICE OF MEDICINE IN THE STATE FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE APPOINTMENT.~~

~~(D) THE CONSUMER MEMBER OF THE BOARD:~~

~~(1) SHALL BE A RESIDENT OF THE STATE AND A MEMBER OF THE GENERAL PUBLIC;~~

~~(2) MAY NOT BE OR EVER HAVE BEEN LICENSED TO PRACTICE A HEALTH OCCUPATION UNDER THIS ARTICLE; AND~~

~~(3) MAY NOT HAVE A SUBSTANTIAL PERSONAL, BUSINESS, PROFESSIONAL, OR PECUNIARY CONNECTION WITH NATUROPATHIC EDUCATION, BUSINESS, OR PRACTICE.~~

~~(E) (1) THE TERM OF A MEMBER IS 4 YEARS.~~

~~(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2014.~~

~~(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~(4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS.~~

~~(F) (1) IF A VACANCY OCCURS ON THE BOARD, THE GOVERNOR SHALL APPOINT A NEW MEMBER TO SERVE ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~(2) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY VACANCY ON THE BOARD WITHIN 60 DAYS AFTER THE DATE OF VACANCY.~~

~~(G) THE GOVERNOR MAY REMOVE ANY MEMBER OF THE BOARD FOR CAUSE BEFORE EXPIRATION OF THE MEMBER'S TERM.~~

~~7.5-203.~~

~~(A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR AND ANY OTHER OFFICERS THAT THE BOARD CONSIDERS NECESSARY.~~

~~(B) THE BOARD SHALL DETERMINE:~~

~~(1) THE MANNER OF ELECTION OF OFFICERS;~~

~~(2) THE TERM OF OFFICE OF EACH OFFICER; AND~~

~~(3) THE DUTIES OF EACH OFFICER.~~

~~7.5-204.~~

~~(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A QUORUM.~~

~~(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.~~

~~(C) A MEMBER OF THE BOARD:~~

~~(1) MAY RECEIVE COMPENSATION AS PROVIDED IN THE STATE BUDGET; AND~~

~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE BUDGET OF THE BOARD.~~

~~7.5-205.~~

~~(A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS TITLE, THE BOARD MAY:~~

~~(1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS TITLE; AND~~

~~(2) APPOINT COMMITTEES AS THE BOARD CONSIDERS NECESSARY TO CARRY OUT ITS DUTIES.~~

~~(B) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE, THE BOARD SHALL:~~

~~(1) EVALUATE THE CONTENT OF ANY CLINICAL, PRACTICAL, OR RESIDENCY REQUIREMENT FOR LICENSURE;~~

~~(2) PROVIDE ANY SERVICE AND PERFORM ANY FUNCTION THAT IS NECESSARY TO FULFILL ITS PURPOSES;~~

~~(3) ESTABLISH EXAMINATION STANDARDS, CONSISTENT WITH THE STANDARDS ENUMERATED IN THIS TITLE, FOR LICENSURE AND TIMES AT WHICH THE EXAMINATIONS WILL BE GIVEN; AND~~

~~(4) ADOPT A CODE OF ETHICS FOR LICENSED NATUROPATHIC DOCTORS.~~

~~7.5-206.~~

~~(A) IN THIS SECTION, “FUND” MEANS THE STATE BOARD OF NATUROPATHIC MEDICINE FUND.~~

~~(B) THERE IS A STATE BOARD OF NATUROPATHIC MEDICINE FUND.~~

~~(C) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND ITS OTHER SERVICES.~~

~~(2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE THE COST OF MAINTAINING THE BOARD.~~

~~(3) FUNDS TO COVER THE COMPENSATION AND EXPENSES OF THE BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS SUBSECTION.~~

~~(D) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS TITLE TO THE COMPTROLLER OF THE STATE.~~

~~(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE FUND.~~

~~(E) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD UNDER THIS TITLE.~~

~~(2) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE BUT SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS TITLE.~~

~~(4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUND.~~

~~(F) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.~~

~~(2) MONEY IN THE FUND MAY BE EXPENDED ONLY:~~

~~(I) FOR ANY LAWFUL PURPOSE AUTHORIZED UNDER THIS TITLE; AND~~

~~(H) IN ACCORDANCE WITH THE STATE BUDGET.~~

~~(G) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.~~

#### 14-5F-06.

THERE IS A NATUROPATHIC MEDICINE ADVISORY COMMITTEE WITHIN THE BOARD.

#### 14-5F-07.

(A) (1) THE COMMITTEE CONSISTS OF FIVE MEMBERS APPOINTED BY THE BOARD AS FOLLOWS:

(I) TWO SHALL BE INDIVIDUALS WHO PRACTICE NATUROPATHIC MEDICINE AND WHO:

1. ON OR AFTER OCTOBER 1, 2014:

A. ARE CERTIFIED BY THE NORTH AMERICAN BOARD OF NATUROPATHIC EXAMINERS; AND

B. HAVE A MINIMUM OF 2 YEARS EXPERIENCE; AND

2. ON OR AFTER MARCH 1, 2016, ARE LICENSED NATUROPATHIC DOCTORS;

(II) ONE SHALL BE A PRACTICING LICENSED PHYSICIAN OR PRACTICING DOCTOR OF OSTEOPATHY WHO IS A MEMBER OF THE BOARD;

(III) ONE SHALL BE A PRACTICING LICENSED PHYSICIAN OR PRACTICING LICENSED DOCTOR OF OSTEOPATHY WITH EXPERIENCE WORKING WITH NATUROPATHIC DOCTORS; AND

(IV) ONE SHALL BE A CONSUMER MEMBER.

(2) THE BOARD SHALL APPOINT THE NATUROPATHIC DOCTOR MEMBERS FROM A LIST OF NAMES SUBMITTED BY THE MARYLAND ASSOCIATION OF NATUROPATHIC PHYSICIANS.

(B) EACH NATUROPATHIC DOCTOR MEMBER OF THE COMMITTEE SHALL BE:

(1) IN GOOD STANDING WITH THE BOARD; AND

(2) A RESIDENT OF THE STATE WHO HAS BEEN ENGAGED ACTIVELY IN THE PRACTICE OR INSTRUCTION OF NATUROPATHIC MEDICINE FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE APPOINTMENT.

(C) THE PHYSICIAN OR DOCTOR OF OSTEOPATHY MEMBERS OF THE COMMITTEE SHALL BE IN GOOD STANDING WITH THE BOARD.

(D) THE CONSUMER MEMBER OF THE COMMITTEE:

(1) SHALL BE A RESIDENT OF THE STATE AND A MEMBER OF THE GENERAL PUBLIC;

(2) MAY NOT BE OR EVER HAVE BEEN LICENSED TO PRACTICE A HEALTH OCCUPATION UNDER THIS ARTICLE; AND

(3) MAY NOT HAVE A SUBSTANTIAL PERSONAL, BUSINESS, PROFESSIONAL, OR PECUNIARY CONNECTION WITH NATUROPATHIC EDUCATION, BUSINESS, OR PRACTICE.

(E) (1) THE TERM OF A MEMBER IS 4 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2014.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS.

(F) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR EVERY 2 YEARS.

14-5F-08.

IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE COMMITTEE SHALL:

(1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO CARRY OUT THIS SUBTITLE;

(2) DEVELOP AND RECOMMEND TO THE BOARD PROCEDURES FOR THE ISSUANCE OF LICENSES TO APPLICANTS WHO QUALIFY FOR LICENSURE BY RECIPROCITY;

(3) EVALUATE THE CONTENT OF ANY CLINICAL, PRACTICAL, OR RESIDENCY REQUIREMENT FOR LICENSURE;

(4) PROVIDE ANY SERVICE AND PERFORM ANY FUNCTION THAT IS NECESSARY TO FULFILL ITS PURPOSES;

(5) DEVELOP AND RECOMMEND TO THE BOARD EXAMINATION STANDARDS, CONSISTENT WITH THE STANDARDS ENUMERATED IN THIS SUBTITLE, FOR LICENSURE AND TIMES AT WHICH THE EXAMINATIONS WILL BE GIVEN;

(6) DEVELOP AND RECOMMEND TO THE BOARD A CODE OF ETHICS FOR LICENSED NATUROPATHIC DOCTORS; AND

(7) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL.

~~7.5-207.~~ 14-5F-09.

A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-725 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE FOR GIVING INFORMATION TO THE ~~BOARD~~ COMMITTEE OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

~~SUBTITLE 3. LICENSING.~~

~~7.5-301.~~ 14-5F-10.

(A) BEGINNING ~~JANUARY~~ MARCH 1, 2016, EXCEPT AS OTHERWISE PROVIDED IN THIS ~~TITLE~~ SUBTITLE, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE NATUROPATHIC MEDICINE IN THE STATE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) AN INDIVIDUAL WHO IS EMPLOYED BY THE UNITED STATES GOVERNMENT TO PRACTICE NATUROPATHIC MEDICINE WHILE PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT;

(2) A STUDENT WHO IS ENROLLED IN AN APPROVED NATUROPATHIC MEDICAL PROGRAM WHILE THE STUDENT IS PARTICIPATING IN A COURSE OF STUDY UNDER THE SUPERVISION OF A LICENSED NATUROPATHIC DOCTOR OR A LICENSED PROFESSIONAL IN THE FIELD OF STUDY; ~~OR~~

(3) AN INDIVIDUAL WHO IS LICENSED IN ANOTHER STATE TO PRACTICE NATUROPATHIC MEDICINE AND WHOSE PRACTICE OF NATUROPATHIC MEDICINE IN THE STATE IS LIMITED TO EXAMINATION, RECOMMENDATION, OR TESTIMONY IN LITIGATION; OR

(4) A NATUROPATHIC DOCTOR LICENSED BY AND RESIDING IN ANOTHER JURISDICTION, IF THE NATUROPATHIC DOCTOR IS ENGAGED IN CONSULTATION WITH THE NATUROPATHIC DOCTOR IN THE STATE ABOUT A PARTICULAR PATIENT AND DOES NOT DIRECT PATIENT CARE.

(C) THE BOARD MAY NOT DISCRIMINATE, IN ANY MANNER, AGAINST ANY APPLICANT OR LICENSEE FOR REASON OF SEX, AGE, RACE, COLOR, CREED, SEXUAL ORIENTATION, GENDER IDENTITY, OR NATIONAL ORIGIN.

~~7.5-302.~~ 14-5F-11.

(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

(C) THE APPLICANT SHALL BE AT LEAST 21 YEARS OLD.

(D) EXCEPT AS PROVIDED IN ~~§ 7.5-303~~ § 14-5F-12 OF THIS SUBTITLE, THE APPLICANT SHALL:

(1) HAVE A DOCTORATE IN NATUROPATHIC MEDICINE FROM AN APPROVED NATUROPATHIC MEDICAL PROGRAM; AND

(2) ~~(H)~~ PASS ~~A~~ THE COMPETENCY-BASED NATIONAL NATUROPATHIC LICENSING EXAMINATION PART I AND PART II ADMINISTERED BY THE NORTH AMERICAN BOARD OF NATUROPATHIC EXAMINERS, OR ITS SUCCESSOR AGENCY THAT HAS BEEN NATIONALLY RECOGNIZED TO ADMINISTER A NATUROPATHIC EXAMINATION THAT REPRESENTS FEDERAL STANDARDS OF EDUCATION AND TRAINING; ~~OR~~

~~(H) FOR GRADUATES OF AN APPROVED NATUROPATHIC MEDICAL PROGRAM, AS DEFINED IN § 7.5-101(B)(3) OF THIS TITLE, PASS A BOARD-APPROVED STATE COMPETENCY EXAMINATION OR CANADIAN PROVINCIAL EXAMINATION.~~

(E) AN APPLICANT SHALL BE PHYSICALLY AND MENTALLY CAPABLE OF SAFELY PRACTICING NATUROPATHIC MEDICINE WITH OR WITHOUT REASONABLE ACCOMMODATION.

(F) IF AN APPLICANT IS LICENSED, CERTIFIED, OR REGISTERED TO PRACTICE NATUROPATHIC MEDICINE OR ANY OTHER HEALTH OCCUPATION IN ANOTHER STATE, THE APPLICANT SHALL BE IN GOOD STANDING WITH THE

APPLICABLE STATE LICENSING, CERTIFICATION, OR REGISTRATION AUTHORITY.

~~7.5-303.~~ 14-5F-12.

TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

(1) SUBMIT AN APPLICATION TO THE BOARD ON A FORM THAT THE BOARD REQUIRES;

(2) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD;  
~~AND~~

(3) IF THE APPLICANT HAS BEEN LICENSED, CERTIFIED, OR REGISTERED TO PRACTICE NATUROPATHIC MEDICINE IN ANOTHER STATE, SUBMIT ALL EVIDENCE RELATING TO:

(I) ANY DISCIPLINARY ACTION TAKEN OR ANY ADMINISTRATIVE PENALTIES ASSESSED AGAINST THE APPLICANT BY THE APPROPRIATE STATE LICENSING, CERTIFICATION, OR REGISTRATION AUTHORITY; AND

(II) ANY CONSENT AGREEMENTS THE APPLICANT ENTERED INTO THAT CONTAIN CONDITIONS PLACED ON THE APPLICANT'S PROFESSIONAL CONDUCT AND PRACTICE, INCLUDING ANY VOLUNTARY SURRENDER OF A LICENSE;

(4) COMPLETE AND SUBMIT TO THE BOARD A BOARD-APPROVED WRITTEN ATTESTATION THAT:

(I) STATES THAT THE APPLICANT HAS A COLLABORATION AND CONSULTATION AGREEMENT WITH A PHYSICIAN LICENSED UNDER THIS ARTICLE;

(II) INCLUDES THE NAME AND LICENSE NUMBER OF THE PHYSICIAN WITH WHOM THE APPLICANT HAS A COLLABORATION AND CONSULTATION AGREEMENT;

(III) STATES THAT THE APPLICANT WILL REFER PATIENTS TO AND CONSULT WITH PHYSICIANS AND OTHER HEALTH CARE PROVIDERS LICENSED OR CERTIFIED UNDER THIS ARTICLE AS NEEDED; AND

(IV) STATES THAT THE APPLICANT WILL REQUIRE PATIENTS TO SIGN A CONSENT FORM THAT STATES THAT THE APPLICANT'S PRACTICE OF

NATUROPATHIC MEDICINE IS LIMITED TO THE SCOPE OF PRACTICE IDENTIFIED IN § 14-5F-14 OF THIS SUBTITLE; AND

(5) INFORM THE PHYSICIAN NAMED IN THE ATTESTATION THAT THE PHYSICIAN HAS BEEN NAMED.

~~7.5-304.~~ 14-5F-13.

THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS ~~TITLE~~ SUBTITLE.

~~7.5-305.~~ 14-5F-14.

(A) A LICENSE AUTHORIZES A LICENSEE, CONSISTENT WITH NATUROPATHIC EDUCATION AND TRAINING AND COMPETENCE DEMONSTRATED BY PASSING THE NATUROPATHIC PHYSICIAN LICENSING EXAMINATION, TO:

(1) ORDER AND PERFORM PHYSICAL AND LABORATORY EXAMINATIONS FOR DIAGNOSTIC PURPOSES, INCLUDING PHLEBOTOMY, CLINICAL LABORATORY TESTS, ORIFICIAL EXAMINATIONS, ELECTROCARDIOGRAMS WITH OVER READ BY A CARDIOLOGIST, AND PHYSIOLOGICAL FUNCTION TESTS;

(2) ORDER DIAGNOSTIC IMAGING STUDIES AND INTERPRET THE REPORTS OF DIAGNOSTIC IMAGING STUDIES;

(3) ~~DISPENSE, ORDER, OR ADMINISTER~~ DISPENSE OR ORDER NATURAL MEDICINES OF MINERAL, ANIMAL, OR BOTANICAL ORIGIN, INCLUDING FOOD, EXTRACTS OF FOOD, NUTRACEUTICALS, VITAMINS, AMINO ACIDS, MINERALS, ENZYMES, BOTANICALS AND THEIR EXTRACTS, BOTANICAL MEDICINES, HOMEOPATHIC MEDICINES, AND ALL DIETARY SUPPLEMENTS AND NONPRESCRIPTION DRUGS AS DEFINED BY THE FEDERAL FOOD, DRUG, AND COSMETIC ACT ~~USING~~ THAT USE VARIOUS ROUTES OF ADMINISTRATION, INCLUDING ORAL, NASAL, AURICULAR, OCULAR, RECTAL, VAGINAL, TRANSDERMAL, AND INTRAMUSCULAR;

(4) ADMINISTER NATURAL MEDICINES OF MINERAL, ANIMAL, OR BOTANICAL ORIGIN, INCLUDING FOOD, EXTRACTS OF FOOD, NUTRACEUTICALS, VITAMINS, AMINO ACIDS, MINERALS, ENZYMES, BOTANICALS AND THEIR EXTRACTS, BOTANICAL MEDICINES, HOMEOPATHIC MEDICINES, AND ALL DIETARY SUPPLEMENTS AND NONPRESCRIPTION DRUGS AS DEFINED BY THE FEDERAL FOOD, DRUG, AND COSMETIC ACT USING TRANSDERMAL ROUTES OF ADMINISTRATION;

~~(4)~~ (5) ADMINISTER OR PERFORM HOT OR COLD HYDROTHERAPY, NATUROPATHIC PHYSICAL MEDICINE, ELECTROMAGNETIC ENERGY, ~~COLON-HYDROTHERAPY~~, AND THERAPEUTIC EXERCISE FOR THE PURPOSE OF PROVIDING BASIC THERAPEUTIC CARE SERVICES, EXCEPT THAT IF A REFERRAL TO ANOTHER LICENSED PROVIDER IS APPROPRIATE FOR ONGOING REHABILITATION OR HABILITATION SERVICES, THE NATUROPATHIC DOCTOR SHALL MAKE THE REFERRAL;

~~(5) DISPENSE, ORDER, OR ADMINISTER DEVICES, INCLUDING THERAPEUTIC DEVICES FOR THE PURPOSE OF PROVIDING BARRIER CONTRACEPTION, AND DURABLE MEDICAL EQUIPMENT EXCEPT FOR THERAPEUTIC DEVICES IF REFERRAL TO ANOTHER LICENSED PROVIDER TO DISPENSE, ADMINISTER, OR ORDER THE DEVICE FOR ONGOING REHABILITATIVE OR HABILITATIVE SERVICES IS APPROPRIATE;~~

(6) PROVIDE HEALTH EDUCATION AND HEALTH COUNSELING;  
AND

(7) PERFORM NATUROPATHIC MUSCULOSKELETAL MOBILIZATION.

~~(B) A LICENSE AUTHORIZES A LICENSEE, CONSISTENT WITH NATUROPATHIC EDUCATION AND TRAINING AS DETERMINED BY THE BOARD, TO:~~

~~(1) PERFORM MINOR OFFICE PROCEDURES IF THE LICENSEE IS AUTHORIZED BY THE BOARD TO DO SO; AND~~

~~(2) USE ROUTES OF ADMINISTRATION, INCLUDING INTRADERMAL, SUBCUTANEOUS, AND INTRAVENOUS.~~

~~(C)~~ (B) A LICENSE DOES NOT AUTHORIZE A LICENSEE TO:

(1) PRESCRIBE, DISPENSE, OR ADMINISTER ANY PRESCRIPTION DRUG;

(2) PERFORM SURGICAL PROCEDURES ~~OTHER THAN MINOR OFFICE PROCEDURES, INCLUDING PROCEDURES USING A LASER DEVICE OR THAT INVOLVE THE EYE, EAR, TENDONS, NERVES, VEINS, OR ARTERIES EXTENDING BEYOND SUPERFICIAL TISSUE;~~

(3) PRACTICE OR CLAIM TO PRACTICE AS A MEDICAL DOCTOR OR PHYSICIAN, AN OSTEOPATH, A DENTIST, A PODIATRIST, AN OPTOMETRIST, A PSYCHOLOGIST, A NURSE PRACTITIONER, A PHYSICIAN ASSISTANT, A

CHIROPRACTOR, A PHYSICAL THERAPIST, AN ACUPUNCTURIST, OR ANY OTHER HEALTH CARE PROFESSIONAL UNLESS LICENSED UNDER THIS ARTICLE;

(4) USE GENERAL OR SPINAL ANESTHETICS;

(5) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR THERAPEUTIC PURPOSES;

(6) PERFORM CHIROPRACTIC ADJUSTMENTS OR MANIPULATIONS THAT INCLUDE HIGH-VELOCITY THRUSTS AT OR BEYOND THE END RANGE OF NORMAL JOINT MOTION UNLESS THE LICENSEE IS ALSO A LICENSED CHIROPRACTOR; OR

(7) PERFORM ACUPUNCTURE UNLESS THE LICENSEE IS ALSO A LICENSED ACUPUNCTURIST; ~~OR~~

~~(8) PERFORM MINOR OFFICE PROCEDURES UNLESS THE LICENSEE IS APPROVED BY THE BOARD TO DO SO.~~

~~(D) THE BOARD MAY APPROVE A LICENSEE TO PERFORM MINOR OFFICE PROCEDURES ONLY IF THE LICENSEE:~~

~~(1) GRADUATED FROM AN APPROVED NATUROPATHIC MEDICAL PROGRAM THAT INCLUDED MINOR OFFICE PROCEDURES AS PART OF ITS CURRICULUM; OR~~

~~(2) MEETS THE TRAINING REQUIREMENTS REGARDING MINOR OFFICE PROCEDURES ADOPTED BY THE BOARD.~~

~~7.5-306.~~ 14-5F-15.

(A) (1) THE TERM OF A LICENSE ISSUED BY THE BOARD IS ~~1 YEAR~~ 2 YEARS.

(2) A LICENSE EXPIRES AT THE END OF ITS TERM UNLESS THE LICENSE IS RENEWED AS PROVIDED BY THE BOARD.

(B) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD SHALL SEND TO THE LICENSEE A RENEWAL NOTICE THAT STATES:

(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND

(3) THE AMOUNT OF THE RENEWAL FEE.

(C) THE BOARD SHALL RENEW THE LICENSE OF A LICENSEE WHO:

(1) SUBMITS A RENEWAL APPLICATION ON THE FORM THAT THE BOARD REQUIRES;

(2) PAYS A RENEWAL FEE SET BY THE BOARD;

(3) IS OTHERWISE ENTITLED TO BE LICENSED;

(4) MEETS THE CONTINUING EDUCATION REQUIREMENTS ADOPTED BY THE BOARD; AND

(5) PROVIDES EVIDENCE OF BIENNIAL CARDIOPULMONARY RESUSCITATION CERTIFICATION.

~~7.5-307.~~ 14-5F-16.

(A) (1) THE BOARD MAY PLACE A LICENSEE ON INACTIVE STATUS IF THE LICENSEE SUBMITS TO THE BOARD:

(I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM REQUIRED BY THE BOARD; AND

(II) THE INACTIVE STATUS FEE SET BY THE BOARD.

(2) THE BOARD SHALL ISSUE A LICENSE TO A NATUROPATHIC DOCTOR WHO IS ON INACTIVE STATUS IF THE INDIVIDUAL IS OTHERWISE ENTITLED TO BE LICENSED UNDER THIS ~~TITLE~~ SUBTITLE AND SUBMITS TO THE BOARD:

(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS THE BOARD ADOPTS FOR THIS PURPOSE; AND

(II) A REINSTATEMENT FEE SET BY THE BOARD.

(B) THE BOARD SHALL REINSTATE THE LICENSE OF A NATUROPATHIC DOCTOR WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE NATUROPATHIC DOCTOR:

(1) MEETS THE RENEWAL REQUIREMENTS OF ~~§ 7.5-306~~ § 14-5F-15 OF THIS SUBTITLE;

(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD; AND

(3) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE QUALIFICATIONS AND REQUIREMENTS ADOPTED BY THE BOARD UNDER THIS ~~TITLE~~ SUBTITLE FOR LICENSE REINSTATEMENTS.

~~7.5-308.~~ 14-5F-17.

(A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE, A LICENSED NATUROPATHIC DOCTOR MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

(B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE LICENSEE UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE LICENSE.

#### ~~SUBTITLE 4. DISCIPLINARY ACTIONS.~~

~~7.5-401.~~ 14-5F-18.

(A) SUBJECT TO THE HEARING PROVISIONS OF ~~§ 7.5-404~~ § 14-405 OF THIS ~~SUBTITLE~~ TITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY ~~OF ITS MEMBERS THEN SERVING~~ OF A QUORUM OF THE BOARD, MAY DENY A LICENSE TO ANY APPLICANT, OR A DISCIPLINARY PANEL, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF A QUORUM OF THE DISCIPLINARY PANEL, MAY REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE OF ANY LICENSEE IF THE APPLICANT OR LICENSEE:

~~(1) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A FELONY OR CRIME RELATING TO AN OFFENSE, THE CIRCUMSTANCES OF WHICH SUBSTANTIALLY RELATE TO THE PRACTICE OF NATUROPATHIC MEDICINE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE;~~

~~(2) HAS AN IMPAIRMENT RELATED TO DRUGS OR ALCOHOL THAT WOULD LIMIT THE APPLICANT'S OR LICENSEE'S ABILITY TO UNDERTAKE THE PRACTICE OF NATUROPATHIC MEDICINE IN A MANNER CONSISTENT WITH THE SAFETY OF THE PUBLIC;~~

(1) IS HABITUALLY INTOXICATED, OR IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR ANY DRUG WITHOUT A VALID PRESCRIPTION OR INDICATION, OR PROVIDES PROFESSIONAL SERVICES WHILE UNDER THE INFLUENCE OF ALCOHOL OR USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE;

~~(3)~~ (2) HAS BEEN FOUND TO BE MENTALLY INCOMPETENT BY A PHYSICIAN IF THE MENTAL INCOMPETENCE IMPAIRS THE ABILITY OF THE APPLICANT OR LICENSEE TO UNDERTAKE THE PRACTICE OF NATUROPATHIC MEDICINE IN A MANNER CONSISTENT WITH THE SAFETY OF THE PUBLIC;

~~(4)~~ (3) HAS ENTERED INTO A CONSENT AGREEMENT WITH OR HAS BEEN ASSESSED AN ADMINISTRATIVE PENALTY BY A LICENSING AUTHORITY IN ANOTHER STATE;

~~(5)~~ (4) FRAUDULENTLY OR DECEPTIVELY OBTAINS ~~OR,~~ ATTEMPTS TO OBTAIN, OR USES A LICENSE FOR THE APPLICANT, THE LICENSEE, OR ANOTHER;

~~(6)~~ (5) HAS A LICENSE REVOKED OR SUSPENDED, OR WAS OTHERWISE ACTED AGAINST, INCLUDING THE DENIAL OF LICENSURE, BY THE LICENSING AUTHORITY OF ANOTHER STATE;

~~(7)~~ (6) USES FALSE, DECEPTIVE, OR MISLEADING ADVERTISING;

~~(8)~~ (7) ADVERTISES, PRACTICES, OR ATTEMPTS TO PRACTICE UNDER A NAME OTHER THAN THE APPLICANT'S OR LICENSEE'S OWN NAME;

~~(9)~~ (8) AIDS, ASSISTS, EMPLOYS, OR ADVISES ANY UNLICENSED INDIVIDUAL TO PRACTICE NATUROPATHIC MEDICINE IN VIOLATION OF THIS ~~TITLE~~ SUBTITLE;

~~(10)~~ (9) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE PRACTICE OF NATUROPATHIC MEDICINE;

~~(11)~~ (10) WILLFULLY OR NEGLIGENTLY FAILS TO FILE A REPORT OR RECORD AS REQUIRED BY LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;

~~(12)~~ (11) PAYS OR RECEIVES ANY COMMISSION, BONUS, KICKBACK, OR REBATE, OR ENGAGES IN ANY SPLIT-FEE ARRANGEMENT IN ANY FORM WITH A LICENSED PHYSICIAN, ORGANIZATION, AGENCY, OR OTHER PERSON, EITHER DIRECTLY OR INDIRECTLY, FOR PATIENTS REFERRED TO HEALTH CARE PROVIDERS;

~~(13)~~ (12) EXERCISES INFLUENCE WITHIN A PATIENT-DOCTOR RELATIONSHIP FOR PURPOSES OF ENGAGING A PATIENT IN SEXUAL ACTIVITY;

~~(14)~~ (13) ENGAGES IN SEXUAL MISCONDUCT WITH A PATIENT;

~~(15)~~ (14) FAILS TO KEEP WRITTEN MEDICAL RECORDS JUSTIFYING THE COURSE OF TREATMENT OF A PATIENT;

~~(16) GROSSLY OR REPEATEDLY COMMITS MALPRACTICE OR FAILS TO PRACTICE NATUROPATHIC MEDICINE WITH THE LEVEL OF CARE, SKILL, AND TREATMENT THAT IS RECOGNIZED BY A REASONABLY PRUDENT LICENSED NATUROPATHIC DOCTOR AS BEING ACCEPTABLE UNDER SIMILAR CONDITIONS AND CIRCUMSTANCES;~~

(15) ENGAGES IN AN ACT OR OMISSION THAT DOES NOT MEET GENERALLY ACCEPTED STANDARDS OF PRACTICE OF NATUROPATHIC MEDICINE OR OF SAFE CARE OF PATIENTS, WHETHER OR NOT ACTUAL INJURY TO A PATIENT IS ESTABLISHED;

~~(17)~~ (16) DELEGATES PROFESSIONAL RESPONSIBILITIES TO AN INDIVIDUAL WHEN THE LICENSEE DELEGATING THE RESPONSIBILITIES KNOWS OR HAS REASON TO KNOW THAT THE INDIVIDUAL IS NOT QUALIFIED BY TRAINING, EXPERIENCE, OR LICENSURE TO PERFORM THE RESPONSIBILITIES;  
~~OR~~

(17) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES, APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

(18) BREACHES PATIENT CONFIDENTIALITY;

(19) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE PRACTICE OF NATUROPATHIC MEDICINE;

(20) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT A DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;

(21) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

(22) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR ILLEGAL OR ILLEGITIMATE PURPOSES;

(23) DENIES OR DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

(24) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION OF THE BOARD;

(25) ABANDONS A PATIENT; OR

~~(18)~~ (26) VIOLATES ANY PROVISION OF THIS TITLE OR ANY REGULATION ADOPTED BY THE BOARD.

(B) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD OR A DISCIPLINARY PANEL TAKES ANY ACTION UNDER SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD OR THE DISCIPLINARY PANEL IN ACCORDANCE WITH THE HEARING REQUIREMENTS OF § 14-405 OF THIS TITLE.

(C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, A DISCIPLINARY PANEL SHALL ORDER THE SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.

(2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, A DISCIPLINARY PANEL SHALL ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE OF THE ATTORNEY GENERAL.

~~7.5-402.~~ 14-5F-19.

(A) THIS SECTION APPLIES TO:

- (1) A LICENSED NATUROPATHIC DOCTOR;
- (2) A LICENSED HEALTH CARE PRACTITIONER;
- (3) A HEALTH CARE FACILITY, AS DEFINED IN § 19-114 OF THE HEALTH – GENERAL ARTICLE, LOCATED IN THE STATE; AND
- (4) A STATE AGENCY;~~AND~~
- ~~(5) A STATE OR LOCAL LAW ENFORCEMENT AGENCY.~~

(B) A PERSON LISTED IN SUBSECTION (A) OF THIS SECTION SHALL FILE A WRITTEN REPORT WITH THE BOARD IF THE PERSON HAS INFORMATION THAT GIVES THE PERSON REASON TO BELIEVE THAT A LICENSED NATUROPATHIC DOCTOR IS OR MAY BE:

- (1) MEDICALLY OR LEGALLY INCOMPETENT;
- (2) ENGAGED IN THE UNAUTHORIZED PRACTICE OF NATUROPATHIC MEDICINE;
- (3) GUILTY OF UNPROFESSIONAL CONDUCT; OR
- (4) MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN THE PRACTICE OF NATUROPATHIC MEDICINE.

(C) A PERSON REQUIRED TO FILE A REPORT UNDER SUBSECTION (B) OF THIS SECTION SHALL FILE THE REPORT WITHIN 30 DAYS AFTER BECOMING AWARE OF THE INFORMATION.

(D) A HEALTH CARE FACILITY SHALL REPORT PROMPTLY TO THE BOARD IF:

- (1) A LICENSED NATUROPATHIC DOCTOR VOLUNTARILY RESIGNS FROM THE STAFF OF THE HEALTH CARE FACILITY, VOLUNTARILY LIMITS THE LICENSEE'S STAFF PRIVILEGES, OR FAILS TO REAPPLY FOR HOSPITAL PRIVILEGES AT THE HEALTH CARE FACILITY; AND
- (2) THE ACTION OF THE LICENSEE OCCURS WHILE THE LICENSEE IS UNDER FORMAL OR INFORMAL INVESTIGATION BY THE HEALTH CARE

FACILITY FOR POSSIBLE MEDICAL INCOMPETENCE, UNPROFESSIONAL CONDUCT, OR MENTAL OR PHYSICAL IMPAIRMENT.

~~7.5-403.~~ 14-5F-20.

(A) THE BOARD SHALL INVESTIGATE ANY COMPLAINT FILED WITH THE BOARD THAT ALLEGES THAT THERE ARE GROUNDS FOR ACTION UNDER ~~§ 7.5-401~~ § 14-5F-18 OF THIS SUBTITLE.

(B) AFTER ITS INVESTIGATION, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, MAY COMMENCE ACTION ON ANY OF THE GROUNDS SET FORTH IN ~~§ 7.5-401~~ § 14-5F-18 OF THIS SUBTITLE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, UNTIL THE BOARD PASSES AN ORDER UNDER ~~§ 7.5-405~~ § 14-5F-22 OF THIS SUBTITLE, EACH RELATED INVESTIGATION, REPORT, AND RECOMMENDATION IS CONFIDENTIAL.

(2) ON THE REQUEST OF A PERSON WHO HAS MADE A COMPLAINT TO THE BOARD, THE BOARD SHALL PROVIDE THE PERSON WITH INFORMATION ON THE STATUS OF THE COMPLAINT.

~~7.5-404.~~ 14-5F-21.

~~(A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 7.5-401 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.~~

~~(B)~~ (A) ~~THE~~ THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

~~(C)~~ (B) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

~~(D)~~ (C) OVER THE SIGNATURE OF AN OFFICER OR THE ADMINISTRATOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS ~~TITLE~~ SUBTITLE AND ANY HEARINGS OR PROCEEDINGS BEFORE THE BOARD.

~~(E)~~ (D) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO TESTIFY OR ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A

COURT OF COMPETENT JURISDICTION MAY PUNISH THE PERSON AS FOR CONTEMPT OF COURT.

~~(F)~~ (E) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND DETERMINE THE MATTER.

~~(G)~~ (F) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF ~~§ 7.5-401~~ § 14-5F-18 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

~~7.5-405.~~ 14-5F-22.

(A) ~~(1)~~ IF THE BOARD FINDS THAT THERE ARE GROUNDS FOR ACTION UNDER ~~§ 7.5-401~~ § 14-5F-18 OF THIS SUBTITLE, THE BOARD SHALL PASS AN ORDER IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

~~(2) IF THE BOARD DISMISSES ALL CHARGES, THE BOARD SHALL EXPUNGE ALL RECORD OF THE CHARGES 3 YEARS AFTER THE CHARGES ARE DISMISSED.~~

~~(3) IF THE BOARD ISSUES AN ADVISORY OPINION, THE BOARD, AT THE REQUEST OF THE LICENSEE, SHALL EXPUNGE ALL RECORD OF THE MATTER 5 YEARS AFTER THE ADVISORY OPINION IS ISSUED.~~

(B) (1) IF A LICENSE IS REVOKED OR SUSPENDED, THE HOLDER SHALL SURRENDER THE LICENSE TO THE BOARD ON DEMAND.

(2) AT THE END OF A SUSPENSION PERIOD, THE BOARD SHALL RETURN TO THE LICENSEE ANY LICENSE SURRENDERED UNDER THIS SECTION.

~~7.5-406.~~ 14-5F-23.

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:~~

~~(1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND~~

~~(2) TAKE ANY FURTHER APPEAL ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.~~

~~(B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER § 7.5-401 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.~~

(A) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD OR A DISCIPLINARY PANEL UNDER THIS SUBTITLE IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY TAKE A DIRECT JUDICIAL APPEAL.

(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

(B) AN ORDER OF THE BOARD OR A DISCIPLINARY PANEL MAY NOT BE STAYED PENDING JUDICIAL REVIEW.

(C) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR MODIFIES AN ORDER OF THE BOARD OR A DISCIPLINARY PANEL.

~~(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.~~

~~7.5-407.~~ 14-5F-24.

(A) IF THE BOARD HAS REVOKED OR SUSPENDED THE LICENSE OF A LICENSEE, THE BOARD MAY NOT REINSTATE THE LICENSE UNTIL THE BOARD IS SATISFIED THAT THE INDIVIDUAL:

(1) HAS COMPLIED WITH ALL THE TERMS AND CONDITIONS IN THE FINAL ORDER; AND

(2) IS CAPABLE OF SAFELY ENGAGING IN THE PRACTICE OF NATUROPATHIC MEDICINE.

(B) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN INDIVIDUAL WHOSE LICENSE WAS REVOKED BY THE BOARD WITHIN 6 MONTHS AFTER THE DATE OF THE REVOCATION.

~~7.5-408.~~ 14-5F-25.

THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR:

(1) PRACTICING NATUROPATHIC MEDICINE WITHOUT A LICENSE OR WITH AN UNAUTHORIZED PERSON; OR

(2) SUPERVISING OR AIDING AN UNAUTHORIZED PERSON IN THE PRACTICE OF NATUROPATHIC MEDICINE.

~~SUBTITLE 5. MISCELLANEOUS PROVISIONS.~~

~~7.5-501.~~ 14-5F-26.

A LICENSED NATUROPATHIC DOCTOR SHALL FOLLOW ANY FEDERAL, STATE, OR LOCAL LAW THAT GOVERNS:

(1) THE CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES;  
AND

(2) THE REPORTING OF BIRTHS AND DEATHS.

~~7.5-502.~~ 14-5F-27.

A LICENSED NATUROPATHIC DOCTOR MAY RECEIVE A FEE FOR PROFESSIONAL CONSULTATION SERVICES.

~~7.5-503.~~ 14-5F-28.

IF A NATUROPATHIC DOCTOR IS ENGAGED IN THE PRIVATE PRACTICE OF NATUROPATHIC MEDICINE IN THE STATE, THE NATUROPATHIC DOCTOR SHALL DISPLAY THE NOTICE DEVELOPED UNDER § 1-207 OF THIS ARTICLE CONSPICUOUSLY IN EACH OFFICE WHERE THE NATUROPATHIC DOCTOR IS ENGAGED IN PRACTICE.

~~SUBTITLE 6. PROHIBITED ACTS; PENALTIES.~~

~~7.5-601.~~ 14-5F-29.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS ~~TITLE~~ SUBTITLE, AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE NATUROPATHIC MEDICINE IN THIS STATE WITHOUT A LICENSE.

(B) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO:

(1) A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH; AND

(2) A CIVIL FINE OF NO MORE THAN \$50,000 TO BE LEVIED BY THE BOARD.

~~7.5-602, 14-5F-30.~~

(A) UNLESS AN INDIVIDUAL IS LICENSED TO PRACTICE NATUROPATHIC MEDICINE, THE INDIVIDUAL MAY NOT:

(1) REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS LICENSED BY THE BOARD TO PRACTICE NATUROPATHIC MEDICINE;

(2) USE THE TITLE “DOCTOR OF NATUROPATHIC MEDICINE”, “DOCTOR OF NATUROPATHY”, “NATUROPATHIC DOCTOR”, OR “NATUROPATH”; OR

(3) USE THE INITIALS “N.D.”, “ND”, “NMD”, OR “N.M.D.” AFTER THE NAME OF THE INDIVIDUAL.

(B) AN INDIVIDUAL LICENSED TO PRACTICE NATUROPATHIC MEDICINE IN THE STATE MAY NOT USE THE TITLE “PHYSICIAN”.

~~SUBTITLE 7. SHORT TITLE; TERMINATION OF TITLE.~~

~~7.5-701, 14-5F-31.~~

THIS ~~TITLE~~ SUBTITLE MAY BE CITED AS THE MARYLAND NATUROPATHIC MEDICINE ACT.

~~7.5-702, 14-5F-32.~~

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE PROGRAM EVALUATION ACT, THIS ~~TITLE~~ SUBTITLE AND ALL RULES AND REGULATIONS ADOPTED UNDER THIS ~~TITLE~~ SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, ~~2024~~ 2018.

Article – State Government

~~§ 403.~~

~~(a) On or before December 15 of the evaluation year specified, the Department shall:~~

~~(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and~~

~~(2) prepare a report on each preliminary evaluation conducted.~~

~~(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:~~

~~**(36) NATUROPATHIC MEDICINE, STATE BOARD OF (§ 7.5-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2021);**~~

8-405.

(a) The Department shall:

(1) conduct a full evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each full evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to full evaluation, in the evaluation year specified, without the need for a preliminary evaluation:

(5) Physicians, State Board of (§ 14-201 of the Health Occupations Article: 2016), including:

(i) Athletic Training Advisory Committee (§ 14-5D-04 of the Health Occupations Article: 2016);

**(II) NATUROPATHIC MEDICINE ADVISORY COMMITTEE (§ 14-5F-04 OF THE HEALTH OCCUPATIONS ARTICLE: 2016);**

**[(ii)] (III) Perfusion Advisory Committee (§ 14-5E-05 of the Health Occupations Article: 2016);**

**[(iii)] (IV) Physician Assistant Advisory Committee (§ 15-201 of the Health Occupations Article: 2016);**

**[(iv)] (V) Polysomnography Professional Standards Committee (§ 14-5C-05 of the Health Occupations Article: 2016);**

**[(v)] (VI) Radiation Therapy, Radiography, Nuclear Medicine Technology Advisory, and Radiology Assistance Committee (§ 14-5B-05 of the Health Occupations Article: 2016); and**

**[(vi)] (VII) Respiratory Care Professional Standards Committee (§ 14-5A-05 of the Health Occupations Article: 2016).**

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the ~~State Board of Naturopathic Medicine~~ Naturopathic Medicine Advisory Committee shall expire as follows:

- (1) one member in 2016;
- (2) two members in 2017; and
- (3) two members in 2018.

~~SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of Naturopathic Medicine shall hold its first board meeting within 30 days after the Governor has appointed the initial members of the Board.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide funds in the fiscal year 2015 budget at a level sufficient to allow the State Board of Naturopathic Medicine to begin operating as a regulatory board, and when special funds become available for the regulation of naturopathic doctors, special funds shall be used to reimburse the General Fund for the cost of starting up the Board.~~

SECTION ~~6~~ 3. AND BE IT FURTHER ENACTED, That:

(a) The State Board of Naturopathic Medicine Physicians shall convene a workgroup to study the development of a naturopathic formulary in the State and the routes of administration that may be used by a naturopathic doctor when administering natural medicines.

(b) The workgroup shall consist of stakeholders, including representatives of:

- (1) the Maryland Association of Naturopathic Physicians;
- (2) MedChi, the Maryland State Medical Society;
- (3) the Nurse Practitioner Association of Maryland;
- (4) the Maryland Pharmacists Association; ~~and~~
- (5) the Department of Health and Mental Hygiene, including one representative from the Maryland Medical Assistance Program;
- (6) the Maryland Board of Physicians;
- (7) the Maryland Board of Pharmacy; and
- ~~(5)~~ (8) any other stakeholder considered necessary by the Board.

(c) The workgroup shall:

(1) review the naturopathic formularies developed in other states;

(2) ~~make recommendations regarding the composition of a naturopathic formulary council; and~~

~~(3)~~ make recommendations regarding the establishment of a naturopathic formulary, including the types of drugs, medicines, and devices to be included on the formulary and the method by which the ~~council will decide which~~ drugs, medicines, and devices will be included on the formulary; and

(3) make recommendations regarding the routes of administration that may be used by a naturopathic doctor when administering natural medicines.

(d) Nothing in this section shall be construed to authorize the establishment of a naturopathic formulary to regulate pharmaceuticals without further action by the General Assembly.

~~(d)~~ (e) On or before July 1, 2015, the workgroup shall report its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.

SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall examine methods to identify physicians who are willing to collaborate with naturopathic doctors and provide information on the methods to the Naturopathic Medicine Advisory Committee established in Section 1 of this Act.

SECTION ~~7~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 154

**(Senate Bill 320)**

AN ACT concerning

### **State Board of Nursing – Electrology Practice Committee – Membership**

FOR the purpose of altering the membership of the Electrology Practice Committee within the State Board of Nursing; providing for the elimination of the positions

of certain members of the Committee; and generally relating to the membership of the Electrology Practice Committee within the State Board of Nursing.

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 8–6B–05(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 8–6B–05(b)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – Health Occupations**

8–6B–05.

- (a) There is an Electrology Practice Committee within the Board.
- (b)
  - (1) The Committee consists of **[five] THREE** members appointed by the Board.
  - (2) Of the **[five] THREE** Committee members:
    - (i) **[Four] TWO** shall be licensed electrologists or licensed electrology instructors; and
    - (ii) One shall be a consumer member.

SECTION 2. AND BE IT FURTHER ENACTED, That, to implement the reduction in the number of members of the Electrology Practice Committee from five to three as provided in § 8–6B–05(b) of the Health Occupations Article, as enacted by Section 1 of this Act, the positions of the two licensed electrologist or licensed electrology instructor members of the Committee whose second terms expired in June 2011 and June 2013 shall be eliminated on the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 155****(Senate Bill 329)**

AN ACT concerning

**Residential Cliffside Elevators – Registration and Inspection  
(The Jock Menzies Act)**

FOR the purpose of adding a certain residential cliffside elevator to the elevators that require certain registration and inspection; requiring a cliffside elevator located on certain residential property to have a certain inspection on a certain periodic basis; altering the term “elevator unit” to include a “cliffside elevator” for purposes of provisions of law relating to elevator safety; defining a certain term; making stylistic and conforming changes; and generally relating to elevators.

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 12–801(a) and 12–806(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article – Public Safety

Section 12–801(f)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 12–801(f) through (t), 12–804, 12–809(d), and 12–812(b)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

**Article – Public Safety**

12–801.

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

**(F) “CLIFFSIDE ELEVATOR” MEANS AN ELEVATOR LOCATED AT, ON, OR ADJACENT TO THE SIDE OF A CLIFF OR A NATURAL INCLINE THAT IS INTENDED FOR USE BY INDIVIDUALS.**

**[(f)] (G)** “Commissioner” means the Commissioner of Labor and Industry or an authorized representative of the Commissioner of Labor and Industry.

**[(g)] (H)** “Dumbwaiter” means a hoisting and lowering machine equipped with a car of limited capacity and size that moves in guides in a substantially vertical direction and is used exclusively for carrying material.

**[(h)] (I)** “Elevator” means a hoisting and lowering machine equipped with a car or platform that moves in guides in a substantially vertical direction and serves two or more floors of a building or structure.

**[(i)] (J)** “Elevator contractor” means a person who is engaged in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator or accessibility lift units.

**[(j)] (K)** “Elevator mechanic” means a person who is engaged in erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator or accessibility lift units.

**[(k)] (L)** “Elevator refinisher” means a person who is engaged in the refinishing of existing metal and wood elements in elevator cabs, including the stripping of old lacquer on wood and bronze items, staining wood to match existing finishes, cleaning, polishing, oxidizing, painting, lacquering, and the removing of scratches to maintain existing finishes.

**[(l)] (M)** “Elevator renovator contractor” means a person who is engaged in the business of performing work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator’s moving operation.

**[(m)] (N)** “Elevator renovator mechanic” means a person who performs work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator’s moving operation.

**[(n)] (O)** “Elevator unit” includes **A CLIFFSIDE ELEVATOR**, an elevator, **AN** escalator, **A** dumbwaiter, and **A** moving walk.

**[(o)] (P)** “Escalator” means a power driven, inclined, continuous stairway used for raising and lowering passengers.

**[(p)] (Q)** “License” includes:

- (1) an accessibility lift mechanic license;
- (2) an elevator contractor license;
- (3) an elevator mechanic license;
- (4) an elevator renovator contractor license; and
- (5) an elevator renovator mechanic license.

**[(q)] (R)** “Moving walk” means a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

**[(r)] (S)** “Safety Code” means the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, known as ANSI A17.1–1971, and all subsequent amendments and revisions to it, as adopted by the Commissioner.

**[(s)] (T)** “Secretary” means the Secretary of Labor, Licensing, and Regulation.

**[(t)] (U)** “Third-party qualified elevator inspector” means an inspector who:

(1) meets the qualifications, insurance requirements, and procedures established by the Commissioner; and

(2) is certified by a nationally recognized safety organization accredited by the National Commission for Certifying Agencies or the American National Standards Institute that ensures that:

(i) the certification requires testing and grading consistent with industry recognized criteria and any related consensus standards; and

(ii) any renewal of certification requires continuing education.

12–804.

(a) **(1)** Part II of this subtitle does not apply to an elevator unit that is:

**[(1)] (I)** EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, installed in a privately owned single-family residential dwelling; or

[(2)] (II) installed in a building or structure under federal control or regulation.

**(2) PART II OF THIS SUBTITLE APPLIES TO A CLIFFSIDE ELEVATOR LOCATED ON THE PROPERTY OF A PRIVATELY OWNED SINGLE-FAMILY RESIDENTIAL DWELLING.**

(b) Sections 5–205(j), 5–207, 5–214, 5–215, and 5–216 and Title 5, Subtitle 8 of the Labor and Employment Article apply to Part II of this subtitle.

12–806.

(a) Except as otherwise provided in this section, each elevator unit shall be inspected, tested, and maintained in a safe operating condition in accordance with:

- (1) the Safety Code; and
- (2) any other regulations adopted by the Commissioner.

12–809.

(d) (1) An owner shall hire a third-party qualified elevator inspector to conduct all periodic [annual] inspections that are required by the Safety Code.

(2) An inspection by a third-party qualified elevator inspector shall ensure that the elevator unit complies with the Safety Code and other regulations adopted by the Commissioner under Part II of this subtitle.

(3) The Commissioner shall establish qualifications, insurance requirements, and procedures based on nationally accepted standards that the Commissioner considers necessary to register third-party qualified elevator inspectors under Part II of this subtitle.

(4) Any fees collected by the Commissioner to register third-party qualified elevator inspectors shall be paid into the Elevator Safety Review Board Fund established under this subtitle.

12–812.

(b) **(1) [Each] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH** elevator unit in the State shall have a periodic annual inspection by a State inspector as provided for in § 12–809(a)(6) of this subtitle or by a third-party qualified elevator inspector as provided for in § 12–809(d) of this subtitle.

**(2) EACH CLIFFSIDE ELEVATOR ON THE PROPERTY OF A PRIVATELY OWNED SINGLE-FAMILY RESIDENTIAL DWELLING SHALL HAVE A**

PERIODIC INSPECTION ONCE EVERY 2 YEARS BY A THIRD-PARTY QUALIFIED INSPECTOR AS PROVIDED FOR IN § 12-809(D) OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 156**

**(Senate Bill 356)**

AN ACT concerning

### **Public Utilities – Fixed Charges for Taxicab Services – Baltimore City**

FOR the purpose of authorizing a taxicab permit holder to make a fixed charge for any trip by taxicab between certain locations in Baltimore City or between points within Baltimore City as approved by the Public Service Commission; requiring that a fixed charge made under this Act be calculated on a mileage basis approved by the Commission; and generally relating to fixed charges for taxicab services.

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 10-210  
Annotated Code of Maryland  
(2010 Replacement Volume and 2013 Supplement)

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

### **Article – Public Utilities**

10-210.

(a) (1) A taxicab permit holder shall post in each of its taxicabs a schedule of its fares on a rate card.

(2) The rate card shall be printed and arranged in a way that allows a passenger to determine readily the exact fare payable by the passenger.

(3) A person may not collect a fare other than a fare appearing on or determinable from the rate card posted in the taxicab.

(b) (1) This subsection does not apply to a taxicab operating in the City of Hagerstown.

(2) (i) Except as provided in subsection (c) of this section, while in service, each taxicab for which a permit is required shall be equipped with an accurate taximeter that is properly installed and connected.

(ii) The taximeter shall be the exclusive means of measuring the charges for service and is subject to inspection and testing by the Commission.

(c) (1) A fixed charge may be made for any trip by taxicab between:

(I) a point within the political subdivision in which the taxicab is normally operated and a point outside of the political subdivision;

(II) **THE MARYLAND PORT ADMINISTRATION'S CRUISE TERMINAL FACILITIES AND:**

1. **FORT MCHENRY;**

2. **THE WORLD TRADE CENTER INSTITUTE IN BALTIMORE; OR**

3. **PENN STATION IN BALTIMORE; OR**

(III) **POINTS WITHIN BALTIMORE CITY, AS APPROVED BY THE COMMISSION.**

(2) [The] A fixed charge shall be calculated on a mileage basis that the Commission approves.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 157**

**(House Bill 1147)**

AN ACT concerning

**Public Utilities – Fixed Charges for Taxicab Services – Baltimore City**

FOR the purpose of authorizing a taxicab permit holder to make a fixed charge for any trip by taxicab between certain locations in Baltimore City or between points within Baltimore City as approved by the Public Service Commission; requiring that a fixed charge made under this Act be calculated on a mileage basis approved by the Commission; and generally relating to fixed charges for taxicab services.

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 10–210

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

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

### **Article – Public Utilities**

10–210.

(a) (1) A taxicab permit holder shall post in each of its taxicabs a schedule of its fares on a rate card.

(2) The rate card shall be printed and arranged in a way that allows a passenger to determine readily the exact fare payable by the passenger.

(3) A person may not collect a fare other than a fare appearing on or determinable from the rate card posted in the taxicab.

(b) (1) This subsection does not apply to a taxicab operating in the City of Hagerstown.

(2) (i) Except as provided in subsection (c) of this section, while in service, each taxicab for which a permit is required shall be equipped with an accurate taximeter that is properly installed and connected.

(ii) The taximeter shall be the exclusive means of measuring the charges for service and is subject to inspection and testing by the Commission.

(c) (1) A fixed charge may be made for any trip by taxicab between:

(I) a point within the political subdivision in which the taxicab is normally operated and a point outside of the political subdivision;

(II) THE MARYLAND PORT ADMINISTRATION'S CRUISE  
TERMINAL FACILITIES AND:

1. FORT MCHENRY;
2. THE WORLD TRADE CENTER INSTITUTE IN  
BALTIMORE; OR
3. PENN STATION IN BALTIMORE; OR

(III) POINTS WITHIN BALTIMORE CITY, AS APPROVED BY  
THE COMMISSION.

(2) [The] A fixed charge shall be calculated on a mileage basis that the  
Commission approves.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
June 1, 2014.

Approved by the Governor, April 14, 2014.

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**Chapter 158**

**(Senate Bill 364)**

AN ACT concerning

**Criminal Law – Possession of Marijuana – Civil Offense**

FOR the purpose of altering the penalty for the use or possession of less than a certain quantity of marijuana; making the use or possession of less than a certain quantity of marijuana a civil offense; establishing that a person who violates this Act may be issued a certain citation; requiring a court to summon a certain person to appear in court under certain circumstances; ~~authorizing~~ requiring a court to order a person convicted of a violation of this Act for a third or subsequent time certain persons to attend a certain program, refer the person to a certain assessment, and refer the person to certain treatment, if necessary; authorizing a police officer to issue a certain citation under certain circumstances; establishing that a certain violation of this Act is not a criminal conviction and does not impose any of the civil disabilities that may result from a criminal conviction; establishing certain requirements for a citation issued under this Act; providing that persons who receive a certain citation may pay the civil penalty or may elect to stand trial in the District Court; requiring a civil penalty collected under this Act to be remitted to the Department of Health

and Mental Hygiene; requiring the Department of Health and Mental Hygiene to use certain money for certain purposes; requiring the District Court to prescribe a certain form of citation; requiring the Chief Judge of the District Court to establish a certain schedule for the prepayment of a certain fine; providing that a minor who violates certain provisions of this Act is subject to certain procedures and dispositions; prohibiting a certain citation for a violation of certain provisions of this Act from being subject to public inspection or included on a certain public Web site; authorizing a certain law enforcement officer to issue a citation to a child for a violation of a certain provision of this Act under certain circumstances; authorizing a court to order a certain child to participate in a certain substance abuse education or rehabilitation program under certain circumstances; *providing for the construction of certain provisions of this Act*; altering a certain defined term; making conforming changes; and generally relating to penalties for possession of marijuana.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–8A–01(dd), 3–8A–19(e)(2), ~~and~~ 3–8A–33(a), and 7–302(a)

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 3–8A–19(e)(1)

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 7–302(g)

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5–601

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY adding to

Article – Criminal Law

Section 5–601.1

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 5–212  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

**Article – Courts and Judicial Proceedings**

3–8A–01.

(dd) “Violation” means a violation for which a citation is issued under:

**(1) § 5–601 OF THE CRIMINAL LAW ARTICLE INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA;**

**[(1)] (2)** § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

**[(2)] (3)** § 10–108 of the Criminal Law Article;

**[(3)] (4)** § 10–132 of the Criminal Law Article; or

**[(4)] (5)** § 26–103 of the Education Article.

3–8A–19.

(e) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of this paragraph, in making a disposition on a finding that the child has committed the violation specified in a citation, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a specified period of not less than 30 days nor more than 90 days.

(ii) In this paragraph, “driver’s license” means a license or permit to drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.

(iii) In making a disposition on a finding that the child has committed a violation of § 10–113 of the Criminal Law Article specified in a citation that involved the use of a driver’s license or a document purporting to be a driver’s license, the court may order the Motor Vehicle Administration to initiate an action under the Maryland Vehicle Law to suspend the driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle Administration:

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

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

(iv) In making a disposition on a finding that the child has committed a violation under § 26–103 of the Education Article, the court shall order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a specified period of not less than 30 days nor more than 90 days.

(v) If a child subject to a suspension under this subsection does not hold a license to operate a motor vehicle on the date of the disposition, the suspension shall commence:

1. If the child is at least 16 years of age on the date of the disposition, on the date of the disposition; or

2. If the child is younger than 16 years of age on the date of the disposition, on the date the child reaches the child's 16th birthday.

(2) In addition to the dispositions under paragraph (1) of this subsection, the court also may:

(i) Counsel the child or the parent or both, or order the child to participate in an alcohol **OR A SUBSTANCE ABUSE** education or rehabilitation program that is in the best interest of the child;

(ii) Impose a civil fine of not more than \$25 for the first violation and a civil fine of not more than \$100 for the second and subsequent violations; or

(iii) Order the child to participate in a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for the second and subsequent violations.

3–8A–33.

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

**(1) § 5–601 OF THE CRIMINAL LAW ARTICLE INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA;**

**[(1)] (2)** § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

[(2)] (3) § 10–108 of the Criminal Law Article;

[(3)] (4) § 10–132 of the Criminal Law Article; or

[(4)] (5) § 26–103 of the Education Article.

7–302.

(a) Except as provided in subsections (b) through [(f)](G) of this section, the clerks of the District Court shall:

(1) Collect costs, fines, forfeitures, or penalties imposed by the court;  
and

(2) Remit them to the State under a system agreed upon by the Chief Judge of the District Court and the Comptroller.

**(G) (1) A CIVIL PENALTY COLLECTED BY THE DISTRICT COURT RESULTING FROM CITATIONS ISSUED UNDER § 5–601(C)(2)(II) OF THE CRIMINAL LAW ARTICLE SHALL BE REMITTED TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.**

**(2) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY USE MONEY RECEIVED UNDER THIS SUBSECTION ONLY FOR THE PURPOSE OF FUNDING DRUG TREATMENT AND EDUCATION PROGRAMS.**

### Article – Criminal Law

5–601.

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

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

(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) the counterfeiting or alteration of a prescription or a written order;

(iii) the concealment of a material fact;

(iv) the use of a false name or address;

(v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

(c) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding \$25,000 or both.

(2) (i) **[A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** A person whose violation of this section involves the use or possession of marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(ii) **[1.] 1. A [person convicted of] ~~FIRST OR SECOND~~ VIOLATION OF THIS SECTION INVOLVING** the use or possession of less than 10 grams of marijuana is **[subject to imprisonment not exceeding 90 days or] A CIVIL OFFENSE PUNISHABLE BY a fine not exceeding [\$500 or both] \$100.**

**2. A SECOND VIOLATION OF THIS SECTION INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$250.**

**3. A THIRD OR SUBSEQUENT VIOLATION OF THIS SECTION INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$500.**

**~~2.~~ 4. A. IN ADDITION TO A FINE, A COURT SHALL ORDER A PERSON UNDER THE AGE OF 21 YEARS WHO COMMITS A VIOLATION PUNISHABLE UNDER SUBSUBPARAGRAPH 1, 2, OR 3 OF THIS SUBPARAGRAPH TO ATTEND A DRUG ~~TREATMENT AND~~ EDUCATION PROGRAM APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, REFER THE PERSON TO AN ASSESSMENT FOR SUBSTANCE ABUSE DISORDER, AND REFER THE PERSON TO SUBSTANCE ABUSE TREATMENT, IF NECESSARY.**

**B. IN ADDITION TO A FINE, A COURT ~~MAY~~ SHALL ORDER A PERSON ~~CONVICTED OF A THIRD OR SUBSEQUENT~~ AT LEAST 21 YEARS**

**OLD WHO COMMITS A VIOLATION PUNISHABLE UNDER SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH TO ATTEND A DRUG ~~TREATMENT AND~~ EDUCATION PROGRAM APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, REFER THE PERSON TO AN ASSESSMENT FOR SUBSTANCE ABUSE DISORDER, AND REFER THE PERSON TO SUBSTANCE ABUSE TREATMENT, IF NECESSARY.**

[2. Unless specifically charged by the State, the use or possession of less than 10 grams of marijuana under subsubparagraph 1 of this subparagraph may not be considered a lesser included crime of any other crime.

3. If a person is convicted under this subparagraph, the court shall stay any sentence imposed that includes an unserved, nonsuspended period of imprisonment without requiring an appeal bond:

- A. until the time for filing an appeal has expired; and
- B. if an appeal is filed, during the pendency of the appeal.]

(3) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Bona fide physician–patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient’s medical condition.

3. “Caregiver” means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the patient, including assisting with the medical use of marijuana, who:

- A. is a resident of the State;
- B. is at least 21 years old;
- C. is an immediate family member, a spouse, or a domestic partner of the patient;
- D. has not been convicted of a crime of violence as defined in § 14–101 of this article;
- E. has not been convicted of a violation of a State or federal controlled dangerous substances law;
- F. has not been convicted of a crime of moral turpitude;

G. has been designated as caregiver by the patient in writing that has been placed in the patient's medical record prior to arrest;

H. is the only individual designated by the patient to serve as caregiver; and

I. is not serving as caregiver for any other patient.

4. "Debilitating medical condition" means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician-patient relationship:

A. cachexia or wasting syndrome;

B. severe or chronic pain;

C. severe nausea;

D. seizures;

E. severe and persistent muscle spasms; or

F. any other condition that is severe and resistant to conventional medicine.

(ii) 1. In a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

2. Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed marijuana because of medical necessity, on conviction of a violation of this section, the maximum penalty that the court may impose on the person is a fine not exceeding \$100.

(iii) 1. In a prosecution for the use or possession of marijuana under this section, it is an affirmative defense that the defendant used or possessed marijuana because:

A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician-patient relationship;

B. the debilitating medical condition is severe and resistant to conventional medicine; and

C. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.

2. A. In a prosecution for the possession of marijuana under this section, it is an affirmative defense that the defendant possessed marijuana because the marijuana was intended for medical use by an individual with a debilitating medical condition for whom the defendant is a caregiver.

B. A defendant may not assert the affirmative defense under this subsubparagraph unless the defendant notifies the State's Attorney of the defendant's intention to assert the affirmative defense and provides the State's Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in Maryland Rules 4-262 and 4-263.

3. An affirmative defense under this subparagraph may not be used if the defendant was:

A. using marijuana in a public place or assisting the individual for whom the defendant is a caregiver in using the marijuana in a public place; or

B. in possession of more than 1 ounce of marijuana.

**(D) THE PROVISIONS OF SUBSECTION (C)(2)(II) OF THIS SECTION MAKING THE POSSESSION OF MARIJUANA A CIVIL OFFENSE MAY NOT BE CONSTRUED TO AFFECT THE LAWS RELATING TO:**

**(1) OPERATING A VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF OR WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE; OR**

**(2) SEIZURE AND FORFEITURE.**

#### **5-601.1.**

**(A) A POLICE OFFICER SHALL ISSUE A CITATION TO A PERSON WHO THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A VIOLATION OF § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA.**

**(B) (1) A VIOLATION OF § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE.**

**(2) ADJUDICATION OF A VIOLATION UNDER § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA:**

(I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE;  
AND

(II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES  
THAT MAY RESULT FROM A CRIMINAL CONVICTION.

(C) (1) A CITATION ISSUED FOR A VIOLATION OF § 5-601 OF THIS  
PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF  
MARIJUANA SHALL BE SIGNED BY THE POLICE OFFICER WHO ISSUES THE  
CITATION AND SHALL CONTAIN:

~~(1)~~ (I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

~~(2)~~ (II) THE DATE AND TIME THAT THE VIOLATION OCCURRED;

~~(3)~~ (III) THE LOCATION AT WHICH THE VIOLATION OCCURRED;

~~(4)~~ (IV) THE FINE THAT MAY BE IMPOSED;

~~(5)~~ (V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS  
ALLOWED, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION; AND

~~(6)~~ (VI) A NOTICE IN BOLDFACE TYPE THAT STATES THAT THE  
PERSON SHALL:

~~(1)~~ 1. PAY THE FULL AMOUNT OF THE PRESET FINE; OR

~~(2)~~ 2. REQUEST A TRIAL DATE AT THE DATE, TIME, AND  
PLACE ESTABLISHED BY THE DISTRICT COURT BY WRIT OR TRIAL NOTICE; AND

~~(7) (VII) A NOTICE STATING THAT AFTER REQUESTING A TRIAL  
DATE, FAILURE TO APPEAR IS A MISDEMEANOR AND SUBJECT TO PENALTIES  
UNDER § 5-212 OF THE CRIMINAL PROCEDURE ARTICLE.~~

(2) (I) IF A CITATION FOR A VIOLATION OF § 5-601 OF THIS  
PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF  
MARIJUANA IS ISSUED TO A PERSON UNDER THE AGE OF 21 YEARS, THE COURT  
SHALL SUMMON THE PERSON FOR TRIAL.

(II) IF THE COURT FINDS THAT A PERSON AT LEAST 21  
YEARS OLD HAS COMMITTED A THIRD OR SUBSEQUENT VIOLATION OF § 5-601  
OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF  
MARIJUANA, THE COURT SHALL SUMMON THE PERSON FOR TRIAL FOR THE

~~PURPOSE OF DETERMINING WHETHER TO ORDER THE PERSON TO ATTEND A PROGRAM DESCRIBED IN § 5-601(C)(2)(II)2 OF THIS SUBTITLE.~~

(D) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.

(E) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF THE FINE.

(F) A PERSON ISSUED A CITATION FOR A VIOLATION OF § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA WHO IS UNDER THE AGE OF 18 YEARS SHALL BE SUBJECT TO THE PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.

(G) A CITATION FOR A VIOLATION OF § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA AND THE OFFICIAL RECORD OF A COURT REGARDING THE CITATION ARE NOT SUBJECT TO PUBLIC INSPECTION AND MAY NOT BE INCLUDED ON THE PUBLIC WEB SITE MAINTAINED BY THE MARYLAND JUDICIARY.

#### Article – Criminal Procedure

5-212.

(a) This section does not apply to a citation:

(1) for a violation of a parking ordinance or regulation adopted under Title 26, Subtitle 3 of the Transportation Article;

(2) adopted by the Chief Judge of the District Court under § 1-605(d) of the Courts Article, for use in traffic offenses; or

(3) issued by a Natural Resources police officer under § 1-205 of the Natural Resources Article.

(b) A bench warrant may be issued for the arrest of a defendant who fails to appear in court in response to a citation.

(c) A person who fails to appear in court in response to a citation is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 90 days or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## **Chapter 159**

### **(Senate Bill 369)**

AN ACT concerning

#### **Peace Orders and Protective Orders – Penalties – Second or Subsequent Offenses**

FOR the purpose of making certain violations for failing to comply with an interim, a temporary, or a final protective order a prior offense for the purposes of determining penalties for a second or subsequent offense for failing to comply with an interim, a temporary, or a final peace order; making certain violations for failing to comply with an interim, a temporary, or a final peace order a prior offense for the purposes of determining penalties for a second or subsequent offense for failing to comply with an interim, a temporary, or a final protective order; and generally relating to the penalties for second or subsequent offenses for violating peace orders and protective orders.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–1508  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 4–509  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

#### **Article – Courts and Judicial Proceedings**

3–1508.

(a) An individual who fails to comply with the relief granted in an interim peace order under § 3–1503.1 of this subtitle, a temporary peace order under § 3–1504(a)(2) of this subtitle, or a final peace order under § 3–1505(d)(1)(i), (ii), (iii), or (iv) of this subtitle is guilty of a misdemeanor and on conviction is subject to:

(1) For a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and

(2) For a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both.

**(B) FOR THE PURPOSE OF SECOND OR SUBSEQUENT OFFENDER PENALTIES PROVIDED UNDER SUBSECTION (A)(2) OF THIS SECTION, A PRIOR CONVICTION UNDER § 4–509 OF THE FAMILY LAW ARTICLE SHALL BE CONSIDERED A CONVICTION UNDER THIS SECTION.**

**[(b)] (C)** A law enforcement officer shall arrest with or without a warrant and take into custody an individual who the officer has probable cause to believe is in violation of an interim peace order, temporary peace order, or final peace order in effect at the time of the violation.

### **Article – Family Law**

4–509.

(a) A person who fails to comply with the relief granted in an interim protective order under § 4–504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a temporary protective order under § 4–505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this subtitle, or a final protective order under § 4–506(d)(1), (2), (3), (4), or (5), or (f) of this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:

(1) for a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and

(2) for a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both.

**(B) FOR THE PURPOSE OF SECOND OR SUBSEQUENT OFFENDER PENALTIES PROVIDED UNDER SUBSECTION (A)(2) OF THIS SECTION, A PRIOR CONVICTION UNDER § 3–1508 OF THE COURTS ARTICLE SHALL BE CONSIDERED A CONVICTION UNDER THIS SECTION.**

**[(b)] (C)** An officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 160

(Senate Bill 379)

AN ACT concerning

### **State Acupuncture Board and State Board of Dietetic Practice – Action and Penalties for Violations of Practice Acts and Supervisory Authority of Acupuncturists**

FOR the purpose of authorizing the State Acupuncture Board to impose a penalty, not exceeding a certain amount, if the Board finds that there are grounds to take certain disciplinary actions against a licensee; providing that the penalty may be imposed instead of or in addition to taking the disciplinary actions; requiring the Board to adopt regulations to set standards for the imposition of the penalties and pay any money collected from the imposition of penalties into the General Fund of the State; authorizing the State Acupuncture Board and the State Board of Dietetic Practice to issue cease and desist orders or obtain injunctive relief for violations of certain provisions of law; authorizing a certain acupuncturist to provide supervision to an individual performing auricular detoxification, if the individual is licensed to practice clinical professional counseling; authorizing an action to be maintained in the name of the State or the State Board of Dietetic Practice to enjoin the unauthorized practice of dietetics or conduct that is a ground for certain disciplinary action; authorizing the action to be brought by certain persons; requiring the action to be brought in certain locations; providing that certain damage is not required for the action; providing that the action is in addition to and not instead of certain criminal prosecution or disciplinary action; providing that a person who violates certain provisions of law is subject to a civil fine not exceeding a certain amount to be assessed by the State Acupuncture Board or the State Board of Dietetic Practice in accordance with certain regulations; correcting an obsolete cross-reference; requiring the State Acupuncture Board and the State Board of Dietetic Practice to pay certain penalties into the Acupuncture Board Fund and the State Board of Dietetic Practice Fund; and generally relating to the State Acupuncture Board and the State Board of Dietetic Practice ~~and action and penalties for violations of the Maryland Acupuncture Act and the Maryland Licensed Dietitian-Nutritionists Act.~~

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 1A–101(a) and (d), 1A–401, 1A–402, 5–101(a) and (b), 5–401, and 5–402

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – Health Occupations

Section 1A–310.1, 1A–314.1, 5–404, and 5–405  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 1A–316(a)(1)(i), 1A–403, and 5–403  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – Health Occupations**

1A–101.

- (a) In this title the following words have the meanings indicated.
- (d) “Board” means the State Acupuncture Board.

**1A–310.1.**

**(A) IF AFTER A HEARING UNDER § 1A–310 OF THIS SUBTITLE THE BOARD FINDS THAT THERE ARE GROUNDS UNDER § 1A–309 OF THIS SUBTITLE TO PLACE ANY LICENSEE ON PROBATION, REPRIMAND ANY LICENSEE, OR SUSPEND OR REVOKE A LICENSE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000:**

**(1) INSTEAD OF PLACING THE LICENSEE ON PROBATION, REPRIMANDING THE LICENSEE, OR SUSPENDING OR REVOKING THE LICENSE; OR**

**(2) IN ADDITION TO PLACING THE LICENSEE ON PROBATION, REPRIMANDING THE LICENSEE, OR SUSPENDING OR REVOKING THE LICENSE.**

**(B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.**

**(C) THE BOARD SHALL PAY ANY MONEY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.**

**1A–314.1.**

THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF § 1A-401 OR § 1A-402 OF THIS TITLE.

1A-316.

(a) An acupuncturist licensed by the Board may provide supervision to as many individuals performing auricular detoxification as permitted by Board regulations, if each individual:

(1) Is:

(i) An alcohol, substance abuse, or chemical dependency counselor who is:

1. Certified under Title 17, Subtitle 3 of this article to practice as a certified professional counselor–alcohol and drug, certified associate counselor–alcohol and drug, or certified supervised counselor–alcohol and drug; or

2. Licensed to practice clinical alcohol and drug counseling **OR CLINICAL PROFESSIONAL COUNSELING** under Title 17, Subtitle [3A] 3 of this article;

1A-401.

Except as provided in this title, a person may not practice, attempt to practice, or offer to practice acupuncture in this State unless licensed by the Board.

1A-402.

(a) Unless authorized to practice acupuncture under this title, a person may not represent to the public, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice acupuncture in this State.

(b) Unless authorized to practice acupuncture under this title, a person may not use the words or terms “acupuncturist”, “licensed acupuncturist”, “L.Ac.”, or any other words, letters, or symbols with the intent to represent that the person is authorized to practice acupuncture.

1A-403.

(A) A person who violates any provision 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.

(B) ~~(1)~~ A PERSON WHO VIOLATES § 1A-401 OR § 1A-402 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE NOT TO EXCEED \$50,000 TO BE ASSESSED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

~~(2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE ACUPUNCTURE BOARD FUND.~~

5-101.

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

(b) “Board” means the State Board of Dietetic Practice.

5-401.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice dietetics in the State unless licensed by the Board.

5-402.

(a) Except as otherwise provided under this title, a person may not represent or imply to the public by use of the title “licensed dietitian–nutritionist”, by other title, by description of services, methods, or procedures that the person is authorized to practice dietetics in the State.

(b) Unless authorized to practice dietetics under this title, a person may not use the words or terms “dietitian–nutritionist”, “licensed dietitian–nutritionist”, “LDN”, “dietitian”, “licensed dietitian”, “D”, “LD”, “nutritionist”, “licensed nutritionist”, or “LN”.

5-403.

(A) A person who violates § 5-401 or § 5-402 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(B) ~~(1)~~ A PERSON WHO VIOLATES § 5-401 OR § 5-402 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE NOT TO EXCEED \$50,000 TO BE ASSESSED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

~~(2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE STATE BOARD OF DIETETIC PRACTICE FUND.~~

5-404.

**THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF § 5-401 OR § 5-402 OF THIS SUBTITLE.**

**5-405.**

**(A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE BOARD TO ENJOIN:**

**(1) THE UNAUTHORIZED PRACTICE OF DIETETICS; OR**

**(2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER § 5-311 OF THIS TITLE.**

**(B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:**

**(1) THE BOARD, IN ITS OWN NAME;**

**(2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR**

**(3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.**

**(C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT:**

**(1) RESIDES; OR**

**(2) ENGAGES IN THE ACT SOUGHT TO BE ENJOINED.**

**(D) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS SECTION.**

**(E) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF DIETETICS UNDER § 5-401 OF THIS SUBTITLE OR DISCIPLINARY ACTION UNDER § 5-311 OF THIS TITLE.**

**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.**

**Approved by the Governor, April 14, 2014.**

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## Chapter 161

### (Senate Bill 382)

AN ACT concerning

#### **Business Regulation – Automated Purchasing Machines – Licensing of Buyers and Required Records**

FOR the purpose of requiring a person to have a license before doing business as a buyer of personal property by means of an automated purchasing machine in the State; establishing the application and renewal processes for a buyer's license; requiring applicants for a buyer's license and a certain resident agent of an applicant or a licensee to apply for a national and State criminal history records check; authorizing the Secretary of Labor, Licensing, and Regulation to issue a license under certain circumstances; authorizing the Secretary to deny, suspend, or revoke a license, reprimand a licensee, or impose a certain penalty under certain circumstances; requiring the Secretary to provide certain hearing procedures before certain actions are taken; requiring the Secretary to inform each primary law enforcement unit of each license that is issued, renewed, changed to a new business location, denied, suspended, or revoked; requiring a buyer to ensure that each automated purchasing machine that the buyer owns or operates in the State meets certain requirements; requiring an automated purchasing machine to require a seller of certain personal property to provide certain information before the completion of a certain transaction; requiring an automated purchasing machine to verify certain information through certain documentation submitted by a seller; establishing certain record keeping and reporting requirements for a buyer; requiring a buyer to submit certain reports to the primary law enforcement unit if certain information cannot be determined at a certain time; providing that certain reporting requirements may not be construed to require a buyer to incur a certain financial burden; requiring a buyer to keep all personal property bought for a certain period of time; requiring a buyer to provide certain personal property to the primary law enforcement unit on request and at the cost of the buyer; requiring a buyer to make certain personal property available for inspection by the primary law enforcement unit at a certain time; requiring buyers to remove certain personal property from an automated purchasing machine in a certain manner and to provide a certain notice; authorizing the primary law enforcement unit to inspect personal property being removed from an automated purchasing machine at the time of removal; requiring a buyer to ~~have~~ use an individual screen ~~transactions~~ transaction under certain circumstances; requiring a buyer to keep certain records regarding screeners; requiring a buyer to contact the primary law enforcement unit if personal property is determined to be stolen and to return personal property to the primary law enforcement unit free of charge; ~~prohibiting an automated purchasing machine operator~~ prohibiting a buyer from buying or offering to buy personal property from a minor; prohibiting a buyer from buying an electronic device under certain circumstances; establishing

certain penalties for a violation of this Act; exempting certain automated purchasing machines from this Act; providing that this Act preempts the right of any county or municipality to regulate automated purchasing machines or operators of automated purchasing machines and supersedes any existing law of a county or municipality that regulates automated purchasing machines or operators of automated purchasing machines under certain circumstances; authorizing a county or municipality to license automated purchasing machines and operators of automated purchasing machines; requiring the Secretary to adopt certain regulations; providing for the designation of certain primary law enforcement units for a certain purpose; defining certain terms; and generally relating to automated purchasing machines.

BY adding to

Article – Business Regulation

Section 20–101 through 20–502 to be under the new title “Title 20. Automated Purchasing Machines”

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

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

### **Article – Business Regulation**

## **TITLE 20. AUTOMATED PURCHASING MACHINES.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **20–101.**

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “AUTOMATED PURCHASING MACHINE” MEANS A SELF-SERVICE DEVICE THAT:

(1) IS DESIGNED TO DISPENSE MONEY IN EXCHANGE FOR PERSONAL PROPERTY; AND

(2) IS ALSO KNOWN AS A REVERSE VENDING MACHINE.

(C) “BUYER” MEANS A PERSON THAT BUYS OR OFFERS TO BUY PERSONAL PROPERTY BY MEANS OF AN AUTOMATED PURCHASING MACHINE.

(D) “ELECTRONIC DEVICE” MEANS A DEVICE CAPABLE OF FACILITATING COMMUNICATION THROUGH VOICE, DATA, TEXT, OR OTHER VISUAL OR AUDITORY FORMAT.

(E) “EMPLOYEE” MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A BUYER TO BUY OR SUPERVISE DIRECTLY THE BUYING OF PERSONAL PROPERTY.

(F) “LICENSE” MEANS A LICENSE ISSUED BY THE SECRETARY TO DO BUSINESS AS A BUYER.

(G) (1) “PERSONAL PROPERTY” MEANS PRIVATE PROPERTY THAT IS MOVEABLE.

(2) “PERSONAL PROPERTY” INCLUDES:

(I) PROPERTY THAT IS SERIALIZED OR NORMALLY HAS A UNIQUE IDENTIFIER; AND

(II) GIFT CARDS OR VOUCHERS THAT HAVE MONETARY VALUE.

(H) “PRIMARY LAW ENFORCEMENT UNIT” MEANS THE DEPARTMENT OF STATE POLICE, A POLICE DEPARTMENT, OR SHERIFF, AS DESIGNATED BY A RESOLUTION OF THE COUNTY OR MUNICIPAL GOVERNING BODY IN THE COUNTY IN WHICH THE AUTOMATED PURCHASING MACHINE IS LOCATED.

(I) (1) “RECYCLABLE MATERIALS” MEANS MATERIAL THAT:

(I) IF NOT RECYCLED, WOULD BECOME SOLID WASTE FOR DISPOSAL IN A REFUSE DISPOSAL SYSTEM; AND

(II) MAY BE COLLECTED, SEPARATED, OR PROCESSED AND RETURNED TO THE MARKETPLACE IN THE FORM OF RAW MATERIALS OR PRODUCTS.

(2) “RECYCLABLE MATERIALS” INCLUDES PAPER, GLASS, METALS, PLASTICS, AND CARDBOARD.

(J) “RESIDENT AGENT” MEANS A PERSON REGISTERED IN THE STATE WHO:

(1) SERVES AS A PRIMARY POINT OF CONTACT ~~AND;~~

(2) REGULARLY CONDUCTS BUSINESS FOR THE LICENSEE; AND

(3) MAINTAINS A PHYSICAL LOCATION IN MARYLAND WHERE THE RESIDENT AGENT REGULARLY CONDUCTS BUSINESS AND AT WHICH THE RESIDENT AGENT OR AN EMPLOYEE OF THE RESIDENT AGENT IS PHYSICALLY PRESENT DURING NORMAL BUSINESS HOURS.

(K) "SELLER" MEANS A PERSON WHO SELLS OR OFFERS TO SELL PERSONAL PROPERTY TO AN AUTOMATED PURCHASING MACHINE.

20-102.

(A) THIS TITLE DOES NOT APPLY TO AN AUTOMATED PURCHASING MACHINE THAT IS USED EXCLUSIVELY FOR COLLECTING RECYCLABLE MATERIALS IN ACCORDANCE WITH A RECYCLING PROGRAM APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS TITLE:

(I) PREEMPTS THE RIGHT OF A COUNTY OR MUNICIPALITY TO REGULATE AUTOMATED PURCHASING MACHINES AND OPERATORS OF AUTOMATED PURCHASING MACHINES; AND

(II) SUPERSEDES ANY EXISTING LAW OF A COUNTY OR MUNICIPALITY THAT REGULATES AUTOMATED PURCHASING MACHINES AND OPERATORS OF AUTOMATED PURCHASING MACHINES.

(2) THIS TITLE DOES NOT LIMIT THE POWER OF A COUNTY OR MUNICIPALITY TO:

(I) LICENSE AUTOMATED PURCHASING MACHINES AND OPERATORS OF AUTOMATED PURCHASING MACHINES; OR

(II) PROHIBIT THE INSTALLATION OR OPERATION OF AUTOMATED PURCHASING MACHINES WITHIN THE COUNTY OR MUNICIPALITY.

20-103.

THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT AND ENFORCE THIS TITLE.

SUBTITLE 2. DESIGNATION OF PRIMARY LAW ENFORCEMENT UNIT.

20-201.

(A) A COUNTY OR MUNICIPAL GOVERNING BODY IN THE COUNTY IN WHICH AN AUTOMATED PURCHASING MACHINE IS LOCATED SHALL DESIGNATE BY RESOLUTION THE PRIMARY LAW ENFORCEMENT UNIT TO RECEIVE RECORDS IN ACCORDANCE WITH § 20-402(A)(1) OF THIS TITLE.

(B) IF A MUNICIPAL GOVERNING BODY DESIGNATES A COUNTY POLICE DEPARTMENT OR SHERIFF AS THE PRIMARY LAW ENFORCEMENT UNIT UNDER THIS SECTION, THE COUNTY MAY DESIGNATE THE DEPARTMENT OF STATE POLICE AS THE PRIMARY LAW ENFORCEMENT UNIT.

### SUBTITLE 3. LICENSING.

#### 20-301.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON SHALL HAVE A LICENSE BEFORE THE PERSON DOES BUSINESS AS A BUYER IN THE STATE.

#### 20-302.

(A) (1) AN APPLICANT FOR A LICENSE SHALL:

(I) SUBMIT TO THE SECRETARY AN APPLICATION ON THE FORM THAT THE SECRETARY PROVIDES; AND

(II) PAY TO THE SECRETARY AN APPLICATION FEE OF \$300.

(2) THE APPLICATION FEE IS NONREFUNDABLE.

(B) THE APPLICANT SHALL SIGN THE APPLICATION UNDER OATH.

(C) IN ADDITION TO ANY OTHER INFORMATION THAT THE SECRETARY REQUIRES, THE APPLICATION SHALL STATE:

(1) THE NAME, DATE OF BIRTH, AND RESIDENCE ADDRESS OF THE APPLICANT;

(2) THE BUSINESS ADDRESS OF THE APPLICANT;

(3) A TELEPHONE NUMBER AT WHICH THE APPLICANT CAN BE REACHED DURING NORMAL BUSINESS HOURS;

(4) EACH ADDRESS WHERE THE APPLICANT HAS CONDUCTED ANY BUSINESS DURING THE 3 YEARS BEFORE APPLICATION;

(5) THE DRIVER'S LICENSE NUMBER, IF ANY, OF THE APPLICANT;  
AND

(6) THE NAME AND PERMANENT ADDRESS OF THE RESIDENT AGENT WHO WILL REPRESENT THE APPLICANT IN THE STATE.

(D) THE APPLICATION FORM SHALL CONTAIN IMMEDIATELY ABOVE THE SIGNATURE LINE THE FOLLOWING:

"IF ISSUED A LICENSE, I AGREE TO ALLOW A MUNICIPAL, COUNTY, OR STATE POLICE OFFICER OR AGENT ACTING IN THE COURSE OF A STOLEN PROPERTY INVESTIGATION OR AN INVESTIGATION OF A VIOLATION OF THIS TITLE TO INSPECT AND PHOTOGRAPH ALL PERSONAL PROPERTY AND RECORDS AT MY BUSINESS OR STORAGE LOCATIONS."

**20-303.**

BEFORE AN INDIVIDUAL MAY BEGIN WORK AS A RESIDENT AGENT FOR A BUYER:

(1) THE BUYER SHALL SUBMIT TO THE SECRETARY ON THE FORM THAT THE SECRETARY PROVIDES THE NAME OF THE INDIVIDUAL; AND

(2) THE INDIVIDUAL SHALL APPLY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER § 20-304(B) OF THIS SUBTITLE.

**20-304.**

(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) APPLICANTS FOR LICENSES UNDER § 20-301 OF THIS SUBTITLE AND INDIVIDUALS WHOSE NAMES MUST BE SUBMITTED TO THE SECRETARY UNDER § 20-303 OF THIS SUBTITLE SHALL APPLY TO THE CENTRAL REPOSITORY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK ON A FORM APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY.

(C) THE CENTRAL REPOSITORY SHALL PROVIDE TO THE SECRETARY:

(1) THE NATIONAL AND STATE CRIMINAL HISTORY RECORDS OF EACH INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION AND A PRINTED STATEMENT LISTING ANY

CONVICTIONS AND PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE;

(2) AN UPDATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK FOR AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK AND A REVISED PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE OCCURRING IN THE STATE AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK; AND

(3) AN ACKNOWLEDGED RECEIPT OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK BY AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK.

(D) AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK SHALL SUBMIT A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN AT ANY DESIGNATED STATE OR LOCAL LAW ENFORCEMENT OFFICE IN THE STATE OR OTHER AGENCY OR LOCATION APPROVED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO THE CENTRAL REPOSITORY.

(E) AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION SHALL PAY:

(1) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK; AND

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS.

(F) A BUYER OR AN APPLICANT MAY PAY FOR THE COSTS INCURRED BY THE RESIDENT AGENT OR OTHER INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION.

(G) (1) INFORMATION OBTAINED BY THE SECRETARY FROM THE CENTRAL REPOSITORY UNDER THIS TITLE SHALL BE CONFIDENTIAL AND MAY BE DISSEMINATED ONLY TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE CRIMINAL HISTORY RECORDS CHECK.

(2) NOTHING IN PARAGRAPH (1) OF THIS SUBSECTION SHALL PRECLUDE THE SECRETARY FROM NOTIFYING A BUYER OR AN APPLICANT OF THE APPROVAL OR DISQUALIFICATION OF THE RESIDENT AGENT FOR

EMPLOYMENT BASED ON INFORMATION OBTAINED BY THE SECRETARY UNDER THIS SECTION.

(H) THE SECRETARY SHALL VERIFY PERIODICALLY THE CONTINUED EMPLOYMENT OR LICENSURE OF INDIVIDUALS REQUIRING CRIMINAL HISTORY RECORDS CHECKS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

**20-305.**

(A) ON RECEIPT OF A COMPLETE NATIONAL AND STATE CRIMINAL RECORD REPORT FROM THE CENTRAL REPOSITORY IN ACCORDANCE WITH § 20-304 OF THIS SUBTITLE, THE SECRETARY SHALL ISSUE A LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(B) THE SECRETARY MAY NOT ISSUE A LICENSE FOR AN ADDRESS THAT IS:

- (1) A HOTEL OR MOTEL ROOM;
- (2) A MOTOR VEHICLE; OR
- (3) A POST OFFICE BOX.

(C) THE SECRETARY MAY NOT ISSUE MORE THAN ONE LICENSE FOR A SINGLE BUSINESS LOCATION.

(D) THE SECRETARY MAY NOT ISSUE A LICENSE TO A MINOR.

(E) WHENEVER A LICENSE IS SUSPENDED OR REVOKED, ANOTHER LICENSE MAY NOT BE ISSUED TO A BUYER FOR THE SAME BUSINESS LOCATION.

(F) A LICENSE AUTHORIZES THE LICENSEE TO DO BUSINESS AS A BUYER ONLY AT THE ADDRESS FOR WHICH THE LICENSE IS ISSUED.

**20-306.**

(A) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION, THE LICENSE EXPIRES ON THE FIRST APRIL 30 THAT COMES:

- (1) AFTER THE EFFECTIVE DATE OF THE LICENSE; AND
- (2) IN AN EVEN-NUMBERED YEAR.

**(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE SECRETARY SHALL MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:**

**(1) A RENEWAL APPLICATION FORM; AND**

**(2) A NOTICE THAT STATES:**

**(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

**(II) THE DATE BY WHICH THE SECRETARY MUST RECEIVE THE RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND**

**(III) THE AMOUNT OF THE RENEWAL FEE.**

**(C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 2-YEAR TERM IF THE LICENSEE:**

**(1) SUBMITS TO THE SECRETARY A RENEWAL APPLICATION ON THE FORM THAT THE SECRETARY PROVIDES;**

**(2) SIGNS THE RENEWAL APPLICATION UNDER OATH;**

**(3) UPDATES THE INFORMATION SUBMITTED IN THE ORIGINAL APPLICATION AND STATES THAT THE INFORMATION IS CURRENT;**

**(4) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AGREES TO COMPLY WITH EACH REQUIREMENT APPLICABLE TO THE ORIGINAL APPLICATION;**

**(5) STATES THAT THE LICENSEE:**

**(I) HAS NOT VIOLATED THIS TITLE;**

**(II) HAS NOT BEEN CONVICTED OF AN OFFENSE SPECIFIED IN § 20-307 OF THIS SUBTITLE; AND**

**(III) HAS NOT HAD A SIMILAR LICENSE DENIED, SUSPENDED, OR REVOKED IN ANOTHER JURISDICTION;**

**(6) OTHERWISE IS ENTITLED TO BE LICENSED; AND**

**(7) PAYS TO THE SECRETARY A RENEWAL FEE OF \$265.**

(D) THE SECRETARY MAY REQUIRE A LICENSEE TO SUBMIT A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK WITH THE RENEWAL APPLICATION.

(E) THE SECRETARY SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(F) A LICENSE IS NOT TRANSFERABLE AND MAY BE USED ONLY TO BENEFIT THE LICENSEE.

(G) (1) A LICENSEE MAY CHANGE THE PLACE OF BUSINESS FOR WHICH A LICENSE IS ISSUED ONLY IF THE LICENSEE:

(I) SUBMITS TO THE SECRETARY AN APPLICATION TO TRANSFER THE LICENSE TO A NEW BUSINESS LOCATION ON A FORM THAT THE SECRETARY PROVIDES; AND

(II) RECEIVES THE WRITTEN APPROVAL OF THE SECRETARY.

(2) WITHIN 45 DAYS AFTER THE APPLICATION IS FILED WITH THE SECRETARY, THE SECRETARY SHALL APPROVE OR DISAPPROVE THE APPLICATION AND NOTIFY THE LICENSEE OF THE APPROVAL OR DISAPPROVAL IN WRITING.

(3) IF THE SECRETARY APPROVES A PROPOSED CHANGE OF PLACE OF BUSINESS, THE LICENSEE SHALL ATTACH THE WRITTEN APPROVAL OF THE SECRETARY TO THE LICENSE UNTIL AN AMENDED LICENSE IS RECEIVED BY THE LICENSEE.

(H) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

20-307.

(A) (1) IN THIS SUBSECTION, A BUYER'S OR AN APPLICANT'S AGENTS, EMPLOYEES, MANAGEMENT PERSONNEL, OR PARTNERS INCLUDE ONLY THOSE INDIVIDUALS WHO ARE DIRECTLY INVOLVED IN TRANSACTIONS ON BEHALF OF THE BUYER OR APPLICANT.

(2) SUBJECT TO THE HEARING PROVISIONS OF § 20-308 OF THIS SUBTITLE, THE SECRETARY MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND A LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE

APPLICANT OR LICENSEE OR AN AGENT, AN EMPLOYEE, A MANAGER, OR A PARTNER OF THE APPLICANT OR LICENSEE:

(I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER PERSON;

(II) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(III) HAS A SIMILAR LICENSE DENIED, SUSPENDED, OR REVOKED IN ANOTHER JURISDICTION;

(IV) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS CONVICTED OF:

1. A FELONY; OR

2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO BE INVOLVED IN BUYING OR SELLING PERSONAL PROPERTY;

(V) KNOWINGLY EMPLOYS OR KNOWINGLY CONTINUES TO EMPLOY, AFTER BEING NOTIFIED BY THE SECRETARY, AN INDIVIDUAL WHO, UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS CONVICTED OF:

1. A FELONY; OR

2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE EMPLOYEE TO BE INVOLVED IN BUYING OR SELLING PERSONAL PROPERTY;

(VI) WILLFULLY FAILS TO PROVIDE OR WILLFULLY MISREPRESENTS ANY INFORMATION REQUIRED TO BE PROVIDED UNDER THIS TITLE;

(VII) VIOLATES THIS TITLE; OR

(VIII) VIOLATES A REGULATION ADOPTED UNDER THIS TITLE.

(3) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE SECRETARY MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

**(II) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:**

- 1. THE SERIOUSNESS OF THE VIOLATION;**
- 2. THE HARM CAUSED BY THE VIOLATION;**
- 3. THE GOOD FAITH OF THE LICENSEE; AND**
- 4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSEE.**

**(4) THE SECRETARY SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

**(5) THE SECRETARY SHALL DISTRIBUTE PERIODICALLY TO ALL BUYERS A LIST OF INDIVIDUALS WHOSE LICENSES HAVE BEEN REVOKED IN THE STATE.**

**(B) (1) IF A LICENSEE IS CHARGED WITH A VIOLATION OF THIS TITLE THAT COULD RESULT IN SUSPENSION OR REVOCATION OF THE LICENSE, THE SECRETARY MAY SEEK FROM A CIRCUIT COURT AN IMMEDIATE RESTRAINING ORDER TO PROHIBIT THE LICENSEE FROM:**

- (I) BUYING OR SELLING PERSONAL PROPERTY;**
- (II) DISPOSING OF PERSONAL PROPERTY; OR**
- (III) DISPOSING OF A RECORD ABOUT PERSONAL PROPERTY.**

**(2) THE RESTRAINING ORDER IS IN EFFECT UNTIL:**

- (I) THE COURT LIFTS THE ORDER; OR**
- (II) THE CHARGES ARE ADJUDICATED OR DISMISSED.**

**(C) THE SECRETARY SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR A LICENSEE IS CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION:**

- (1) THE NATURE OF THE CRIME;**

(2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED BY THE LICENSE;

(3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO ACT AS A BUYER;

(4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

(5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE BEFORE AND AFTER THE CONVICTION.

**20-308.**

(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION UNDER § 20-307 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE SECRETARY.

(B) THE SECRETARY SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) THE SECRETARY MAY ADMINISTER OATHS IN A PROCEEDING UNDER THIS SECTION.

(D) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED DOES NOT APPEAR, NEVERTHELESS THE SECRETARY MAY HEAR AND DETERMINE THE MATTER.

**20-309.**

A PARTY TO A PROCEEDING UNDER THIS TITLE WHO IS AGGRIEVED BY A FINAL DECISION OF THE SECRETARY IN A CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

**20-310.**

THE SECRETARY SHALL INFORM EACH PRIMARY LAW ENFORCEMENT UNIT OF EACH LICENSE THAT IS ISSUED, RENEWED, CHANGED TO A NEW BUSINESS LOCATION, DENIED, SUSPENDED, OR REVOKED.

**SUBTITLE 4. AUTOMATED PURCHASING MACHINE TRANSACTIONS.****20-401.**

**(A) A BUYER SHALL ENSURE THAT EACH AUTOMATED PURCHASING MACHINE THAT THE BUYER OWNS OR OPERATES IN THE STATE MEETS THE REQUIREMENTS OF THIS SECTION.**

**(B) (1) BEFORE THE COMPLETION OF A TRANSACTION IN WHICH AN AUTOMATED PURCHASING MACHINE BUYS PERSONAL PROPERTY, THE AUTOMATED PURCHASING MACHINE SHALL REQUIRE A SELLER TO PROVIDE THE FOLLOWING INFORMATION:**

- (I) THE FULL NAME OF THE SELLER;**
- (II) THE DATE OF BIRTH OF THE SELLER;**
- (III) THE COMPLETE HOME ADDRESS OF THE SELLER; AND**
- (IV) A CONTACT TELEPHONE NUMBER FOR THE SELLER.**

**(2) AN AUTOMATED PURCHASING MACHINE RECEIVING PERSONAL PROPERTY FROM A SELLER SHALL VERIFY THE INFORMATION PROVIDED BY THE SELLER UNDER PARAGRAPH (1) OF THIS SUBSECTION BY REQUIRING THE SELLER TO SUBMIT:**

**(I) THE SELLER'S GOVERNMENT-ISSUED IDENTIFICATION CARD; OR**

**(II) ANY OTHER FORM OF PERSONAL IDENTIFYING INFORMATION REQUIRED BY THE SECRETARY.**

**~~(B)~~ (C) (1) ON COMPLETION OF A TRANSACTION IN WHICH AN AUTOMATED PURCHASING MACHINE BUYS PERSONAL PROPERTY, THE AUTOMATED PURCHASING MACHINE SHALL MAKE A RECORD OF THE TRANSACTION THAT INCLUDES:**

**(I) THE INFORMATION OBTAINED FROM THE SELLER UNDER SUBSECTION ~~(A)(1)~~ (B)(1) OF THIS SECTION;**

- (II) A PHOTOGRAPH OF THE SELLER;**

(III) AN ELECTRONIC COPY OR A PHOTOCOPY OF THE IDENTIFYING INFORMATION SUBMITTED UNDER SUBSECTION ~~(A)(2)~~ (B)(2) OF THIS SECTION;

(IV) THE DATE, TIME, AND LOCATION OF THE TRANSACTION;  
AND

(V) A DESCRIPTION OF THE PERSONAL PROPERTY, INCLUDING A STATEMENT WHETHER THE PERSONAL PROPERTY APPEARS TO HAVE BEEN ALTERED.

(2) (I) IN ADDITION TO THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF THE PERSONAL PROPERTY BOUGHT BY AN AUTOMATED PURCHASING MACHINE IS AN ELECTRONIC DEVICE, THE AUTOMATED PURCHASING MACHINE SHALL MAKE A RECORD OF:

1. THE MAKE AND MODEL OF THE ELECTRONIC DEVICE; AND

2. THE SERIAL NUMBER OF THE ELECTRONIC DEVICE IF IT CAN BE DETERMINED AT THE TIME OF PURCHASE.

(II) A SERIAL NUMBER THAT AN AUTOMATED PURCHASING MACHINE GENERATES TO RECORD A TRANSACTION DOES NOT QUALIFY AS A SERIAL NUMBER FOR PURPOSES OF THIS PARAGRAPH.

(3) A SEPARATE ENTRY SHALL BE MADE FOR EACH ITEM OF PERSONAL PROPERTY INVOLVED IN A TRANSACTION.

20-402.

(A) (1) (I) A SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A BUYER SHALL SUBMIT A COPY OF THE RECORDS REQUIRED UNDER ~~§ 20-401(B)~~ § 20-401(C) OF THIS SUBTITLE TO THE PRIMARY LAW ENFORCEMENT UNIT WITHIN 48 HOURS AFTER A TRANSACTION IN A PAPER OR ELECTRONIC FORMAT ACCEPTABLE TO THE PRIMARY LAW ENFORCEMENT UNIT.

(II) IF A SERIAL NUMBER CANNOT BE DETERMINED AT THE TIME OF THE TRANSACTION, A BUYER SHALL SUBMIT TO THE PRIMARY LAW ENFORCEMENT UNIT:

1. A PRELIMINARY REPORT CONTAINING THE INFORMATION REQUIRED UNDER ~~§ 20-401(B)~~ § 20-401(C) OF THIS SUBTITLE,

EXCEPT THE SERIAL NUMBER, WITHIN 48 HOURS AFTER THE TRANSACTION;  
AND

2. A FINAL REPORT CONTAINING THE INFORMATION REQUIRED UNDER ~~§ 20-401(B)~~ § 20-401(C) OF THIS SUBTITLE, INCLUDING THE SERIAL NUMBER, WITHIN ~~14~~ 17 DAYS AFTER THE TRANSACTION.

(III) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE CONSTRUED TO REQUIRE A BUYER TO INCUR A SUBSTANTIAL FINANCIAL BURDEN TO COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH.

(2) A BUYER SHALL KEEP THE RECORDS REQUIRED UNDER ~~§ 20-401(B)~~ § 20-401(C) OF THIS SUBTITLE FOR AT LEAST 1 YEAR AFTER THE DATE OF THE TRANSACTION.

(3) A COPY OF A RECORD SUBMITTED UNDER ~~§ 20-401(B)~~ § 20-401(C) OF THIS SUBTITLE:

(I) SHALL BE KEPT CONFIDENTIAL;

(II) IS NOT A PUBLIC RECORD; AND

(III) IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.

(B) (1) A BUYER SHALL KEEP ALL PERSONAL PROPERTY BOUGHT FOR AT LEAST 30 DAYS AFTER THE BUYER SUBMITS THE INFORMATION REQUIRED UNDER ~~§ 20-401(B)~~ § 20-401(C) OF THIS SUBTITLE TO THE PRIMARY LAW ENFORCEMENT UNIT.

(2) ON THE REQUEST OF THE PRIMARY LAW ENFORCEMENT UNIT, A BUYER SHALL PROVIDE TO THE PRIMARY LAW ENFORCEMENT UNIT ANY PERSONAL PROPERTY PURCHASED BY AN AUTOMATED PURCHASING MACHINE AT THE COST OF THE BUYER.

(C) A BUYER SHALL MAKE ALL PERSONAL PROPERTY PURCHASED BY AN AUTOMATED PURCHASING MACHINE AVAILABLE FOR INSPECTION BY THE PRIMARY LAW ENFORCEMENT UNIT AT ANY TIME.

(D) (1) A BUYER SHALL REMOVE ALL ITEMS OF PERSONAL PROPERTY FROM AN AUTOMATED PURCHASING MACHINE IN INTERVALS OF NO LESS THAN 10 DAYS.

(2) A BUYER SHALL NOTIFY THE PRIMARY LAW ENFORCEMENT UNIT OF THE DATE AND TIME THE BUYER WILL REMOVE PERSONAL PROPERTY FROM AN AUTOMATED PURCHASING MACHINE AT LEAST 72 HOURS BEFORE REMOVING THE PERSONAL PROPERTY.

(3) THE PRIMARY LAW ENFORCEMENT UNIT MAY INSPECT THE PERSONAL PROPERTY BEING REMOVED FROM AN AUTOMATED PURCHASING MACHINE AT THE TIME OF THE REMOVAL.

20-403.

(A) (1) (I) A BUYER SHALL USE AN INDIVIDUAL TO SCREEN EACH TRANSACTION IN WHICH AN AUTOMATIC PURCHASING MACHINE BUYS PERSONAL PROPERTY.

(II) AN INDIVIDUAL WHO SCREENS A TRANSACTION MAY SCREEN THE TRANSACTION REMOTELY.

(2) A BUYER SHALL KEEP A RECORD OF THE SCREENER ASSIGNED TO SCREEN EACH TRANSACTION.

(B) IF A BUYER DETERMINES THAT PERSONAL PROPERTY SOLD TO AN AUTOMATED PURCHASING MACHINE IS STOLEN, THE BUYER SHALL:

(1) CONTACT THE PRIMARY LAW ENFORCEMENT UNIT AS SOON AS PRACTICABLE; AND

(2) RETURN THE PERSONAL PROPERTY TO THE PRIMARY LAW ENFORCEMENT UNIT FREE OF CHARGE.

#### SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

20-501.

(A) A BUYER MAY NOT BUY OR OFFER TO BUY PERSONAL PROPERTY FROM A MINOR.

(B) IF AN AUTOMATED PURCHASING MACHINE CANNOT DETERMINE THE SERIAL NUMBER OF AN ELECTRONIC DEVICE AND THE DEVICE IS VALUED AT \$25 OR MORE, THE BUYER MAY NOT PURCHASE THE ELECTRONIC DEVICE.

20-502.

(A) A PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING ~~\$500;~~ \$1,000;  
AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING ~~\$1,000;~~ \$5,000.

(B) EACH VIOLATION OF THIS TITLE IS A SEPARATE OFFENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 162

(Senate Bill 398)

AN ACT concerning

### **Criminal Procedure – Certificate of Completion**

FOR the purpose of authorizing the Department of Public Safety and Correctional Services to issue a certain certificate of completion to a certain offender who meets certain requirements; requiring the Department to make a certain report on or before a certain date; providing for the application of this Act; defining a certain term; and generally relating to certificates of completion.

BY adding to

Article – Correctional Services

Section 7–103

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

### **Article – Correctional Services**

**7–103.**

(A) IN THIS SECTION, “OFFENDER” HAS THE MEANING STATED IN § 6–101 OF THIS ARTICLE.

(B) THE DEPARTMENT MAY ISSUE A CERTIFICATE OF COMPLETION TO AN OFFENDER WHO:

(1) WAS SUPERVISED BY THE DEPARTMENT UNDER CONDITIONS OF:

(I) PAROLE;

(II) PROBATION; OR

(III) MANDATORY RELEASE SUPERVISION;

(2) HAS COMPLETED ALL SPECIAL AND GENERAL CONDITIONS OF SUPERVISION, INCLUDING PAYING ALL REQUIRED RESTITUTION, FINES, FEES, AND OTHER PAYMENT OBLIGATIONS; AND

(3) IS NO LONGER UNDER THE JURISDICTION OF THE DEPARTMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2014, the Department of Public Safety and Correctional Services shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on the number of certificates of completion issued under this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply prospectively and applies only to individuals under the supervision of the Department of Public Safety and Correctional Services on or after July 1, 2014.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 163**

**(Senate Bill 416)**

AN ACT concerning

**Health Maintenance Organizations – Payments to Nonparticipating  
Providers – Repeal of Termination Date**

FOR the purpose of repealing the termination date of certain provisions of law requiring health maintenance organizations to pay certain providers for certain services at certain rates; and generally relating to payments by health maintenance organizations to nonparticipating providers.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 19–710.1  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 664 of the Acts of the General Assembly of 2009  
Section 2

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

**Article – Health – General**

19–710.1.

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

(2) “Adjunct claims documentation” means an abstract of an enrollee’s medical record which describes and summarizes the diagnosis and treatment of, and services rendered to, the enrollee, including, in the case of trauma rendered in a trauma center, an operative report, a discharge summary, a Maryland Ambulance Information Systems form, or a medical record.

(3) “Berenson–Eggers Type of Service Code” means a code in a classification system developed by the Centers for Medicare and Medicaid Services that groups Current Procedural Terminology codes together based on clinical consistency.

(4) “Enrollee” means a subscriber or member of a health maintenance organization.

(5) “Evaluation and management service” means any service with a Berenson–Eggers Type of Service Code in the category of evaluation and management.

(6) “Institute” means the Maryland Institute for Emergency Medical Services Systems.

(7) “Medicare Economic Index” means the fixed–weight input price index that:

(i) Measures the weighted average annual price change for various inputs needed to produce physician services; and

(ii) Is used by the Centers for Medicare and Medicaid Services in the calculation of reimbursement of physician services under Title XVIII of the federal Social Security Act.

(8) “Similarly licensed provider” means:

(i) For a physician:

1. A physician who is board certified or eligible in the same practice specialty; or

2. A group physician practice that contains board certified or eligible physicians in the same practice specialty;

(ii) For a health care provider that is not a physician, a health care provider that holds the same type of license.

(9) (i) “Trauma center” means a primary adult resource center, level I trauma center, level II trauma center, level III trauma center, or pediatric trauma center that has been designated by the institute to provide care to trauma patients.

(ii) “Trauma center” includes an out-of-state pediatric facility that has entered into an agreement with the institute to provide care to trauma patients.

(10) “Trauma patient” means a patient that is evaluated or treated in a trauma center and is entered into the State trauma registry as a trauma patient.

(11) “Trauma physician” means a licensed physician who has been credentialed or designated by a trauma center to provide care to a trauma patient at a trauma center.

(b) In addition to any other provisions of this subtitle, for a covered service rendered to an enrollee of a health maintenance organization by a health care provider not under written contract with the health maintenance organization, the health maintenance organization or its agent:

(1) Shall pay the health care provider within 30 days after the receipt of a claim in accordance with the applicable provisions of this subtitle; and

(2) Shall pay the claim submitted by:

(i) A hospital at the rate approved by the Health Services Cost Review Commission;

(ii) A trauma physician for trauma care rendered to a trauma patient in a trauma center, at the greater of:

1. 140% of the rate paid by the Medicare program, as published by the Centers for Medicare and Medicaid Services, for the same covered service, to a similarly licensed provider; or

2. The rate as of January 1, 2001 that the health maintenance organization paid in the same geographic area, as published by the Centers for Medicare and Medicaid Services, for the same covered service, to a similarly licensed provider; and

(iii) Any other health care provider:

1. For an evaluation and management service, no less than the greater of:

A. 125% of the average rate the health maintenance organization paid as of January 1 of the previous calendar year in the same geographic area, as defined by the Centers for Medicare and Medicaid Services, for the same covered service, to similarly licensed providers under written contract with the health maintenance organization; or

B. 140% of the rate paid by Medicare, as published by the Centers for Medicare and Medicaid Services, for the same covered service to a similarly licensed provider in the same geographic area as of August 1, 2008, inflated by the change in the Medicare Economic Index from 2008 to the current year; and

2. For a service that is not an evaluation and management service, no less than 125% of the average rate the health maintenance organization paid as of January 1 of the previous calendar year in the same geographic area, as defined by the Centers for Medicare and Medicaid Services, to a similarly licensed provider under written contract with the health maintenance organization for the same covered service.

(c) For the purposes of subsection (b)(2)(iii) of this section, a health maintenance organization shall calculate the average rate paid to similarly licensed providers under written contract with the health maintenance organization for the same covered service by summing the contracted rate for all occurrences of the Current Procedural Terminology Code for that service and then dividing by the total number of occurrences of the Current Procedural Terminology Code.

(d) A health maintenance organization shall disclose, on request of a health care provider not under written contract with the health maintenance organization, the reimbursement rate required under subsection (b)(2)(ii) and (iii) of this section.

(e) (1) Subject to paragraph (2) of this subsection, a health maintenance organization may require a trauma physician not under contract with the health maintenance organization to submit appropriate adjunct claims documentation and to include on the uniform claim form a provider number assigned to the trauma physician by the health maintenance organization.

(2) If a health maintenance organization requires a trauma physician to include a provider number on the uniform claim form in accordance with paragraph (1) of this subsection, the health maintenance organization shall assign a provider number to a trauma physician not under contract with the health maintenance organization at the request of the physician.

(3) A trauma center, on request from a health maintenance organization, shall verify that a licensed physician is credentialed or otherwise designated by the trauma center to provide trauma care.

(4) Notwithstanding the provisions of § 19–701(d) of this subtitle, for trauma care rendered to a trauma patient in a trauma center by a trauma physician, a health maintenance organization may not require a referral or preauthorization for a service to be covered.

(f) (1) A health maintenance organization may seek reimbursement from an enrollee for any payment under subsection (b) of this section for a claim or portion of a claim submitted by a health care provider and paid by the health maintenance organization that the health maintenance organization determines is the responsibility of the enrollee.

(2) The health maintenance organization may request and the health care provider shall provide adjunct claims documentation to assist in making the determination under paragraph (1) of this subsection or under subsection (b) of this section.

(g) (1) A health care provider may enforce the provisions of this section by filing a complaint against a health maintenance organization with the Maryland Insurance Administration or by filing a civil action in a court of competent jurisdiction under § 1–501 or § 4–201 of the Courts Article.

(2) The Maryland Insurance Administration or a court shall award reasonable attorney fees if the complaint of the health care provider is sustained.

(h) The Maryland Health Care Commission annually shall review payments to health care providers to determine the compliance of health maintenance

organizations with the requirements of this section and report its findings to the Maryland Insurance Administration.

(i) The Maryland Insurance Administration may take any action authorized under this subtitle or the Insurance Article, including conducting an examination under Title 2, Subtitle 2 of the Insurance Article, to investigate and enforce a violation of the provisions of this section.

(j) In addition to any other penalties under this subtitle, the Commissioner may impose a penalty not to exceed \$5,000 on any health maintenance organization which violates the provisions of this section if the violation is committed with such frequency as to indicate a general business practice of the health maintenance organization.

(k) The Maryland Insurance Administration, in consultation with the Maryland Health Care Commission, shall adopt regulations to implement this section.

### **Chapter 664 of the Acts of 2009**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2010. [It shall remain in effect for a period of 5 years and, at the end of December 31, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 164**

**(Senate Bill 434)**

AN ACT concerning

### **Peace Orders and Protective Orders – Extensions**

FOR the purpose of requiring the court, under certain circumstances, to hold a hearing on a certain motion to extend the term of a final peace order or a final protective order within a certain period of time after the motion is filed; requiring the court, under certain circumstances, to extend the order and keep the terms of the order in full force and effect until the hearing; and generally relating to peace orders and protective orders.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings  
Section 3–1506(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 4–507(a)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Courts and Judicial Proceedings**

3–1506.

(a) (1) A peace order may be modified or rescinded during the term of the peace order after:

- (i) Giving notice to the petitioner and the respondent; and
- (ii) A hearing.

(2) For good cause shown, a judge may extend the term of the peace order for 6 months beyond the period specified in § 3–1505(f) of this subtitle, after:

- (i) Giving notice to the petitioner and the respondent; and
- (ii) A hearing.

**(3) (I) IF, DURING THE TERM OF A FINAL PEACE ORDER, A PETITIONER FILES A MOTION TO EXTEND THE TERM OF THE ORDER UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING ON THE MOTION WITHIN 30 DAYS AFTER THE MOTION IS FILED.**

**(II) IF THE HEARING ON THE MOTION IS SCHEDULED AFTER THE ORIGINAL EXPIRATION DATE OF THE FINAL PEACE ORDER, THE COURT SHALL EXTEND THE ORDER AND KEEP THE TERMS OF THE ORDER IN FULL FORCE AND EFFECT UNTIL THE HEARING ON THE MOTION.**

**Article – Family Law**

4–507.

(a) (1) A protective order may be modified or rescinded during the term of the protective order after:

(i) giving notice to all affected persons eligible for relief and the respondent; and

(ii) a hearing.

(2) For good cause shown, a judge may extend the term of the protective order for 6 months beyond the period specified in § 4–506(j) of this subtitle, after:

(i) giving notice to all affected persons eligible for relief and the respondent; and

(ii) a hearing.

(3) (i) If, during the term of a protective order, a judge finds by clear and convincing evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective order, the judge may extend the term of the protective order for a period not to exceed 2 years from the date the extension is granted, after:

1. giving notice to all affected persons eligible for relief and the respondent; and

2. a hearing.

(ii) In determining the period of extension of a protective order under subparagraph (i) of this paragraph, the judge shall consider the following factors:

1. the nature and severity of the subsequent act of abuse;

2. the history and severity of abuse in the relationship between the respondent and any person eligible for relief named in the protective order;

3. the pendency and type of criminal charges against the respondent; and

4. the nature and extent of the injury or risk of injury caused by the respondent.

**(4) (I) IF, DURING THE TERM OF A FINAL PROTECTIVE ORDER, A PETITIONER OR PERSON ELIGIBLE FOR RELIEF FILES A MOTION TO EXTEND**

THE TERM OF THE ORDER UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING ON THE MOTION WITHIN 30 DAYS AFTER THE MOTION IS FILED.

(II) IF THE HEARING ON THE MOTION IS SCHEDULED AFTER THE ORIGINAL EXPIRATION DATE OF THE FINAL PROTECTIVE ORDER, THE COURT SHALL EXTEND THE ORDER AND KEEP THE TERMS OF THE ORDER IN FULL FORCE AND EFFECT UNTIL THE HEARING ON THE MOTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 165

(Senate Bill 436)

AN ACT concerning

**Law Enforcement ~~Officer~~ Officers' Bill of Rights – ~~Hearing Board~~ Exclusion  
of Evidence Show Cause Order – Appropriate Relief**

FOR the purpose of ~~requiring a certain hearing board to exclude certain evidence obtained during an investigation or interrogation by~~ requiring a certain court to grant appropriate relief on a finding that a law enforcement agency of a law enforcement officer obtained evidence in violation of a certain right or law under certain circumstances; and generally relating to the Law Enforcement Officer Officers' Bill of Rights.

~~BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 3–107(a)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section ~~3–107(f)~~ 3–105  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

## Article – Public Safety

~~3-107.~~

~~(a) (1) Except as provided in paragraph (2) of this subsection and § 3-111 of this subtitle, if the investigation or interrogation of a law enforcement officer results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the law enforcement officer is entitled to a hearing on the issues by a hearing board before the law enforcement agency takes that action.~~

~~(2) A law enforcement officer who has been convicted of a felony is not entitled to a hearing under this section.~~

~~(f) (1) Evidence with probative value that is commonly accepted by reasonable and prudent individuals in the conduct of their affairs is admissible and shall be given probative effect.~~

~~(2) The hearing board shall give effect to the rules of privilege recognized by law and shall exclude:~~

~~(I) incompetent, irrelevant, immaterial, and unduly repetitious evidence; AND~~

~~(II) EVIDENCE OBTAINED IN VIOLATION OF § 3-104 OF THIS SUBTITLE.~~

~~(3) Each record or document that a party desires to use shall be offered and made a part of the record.~~

~~(4) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.~~

3-105.

(a) A law enforcement officer who is denied a right granted by this subtitle may apply to the circuit court of the county where the law enforcement officer is regularly employed for an order that directs the law enforcement agency to show cause why the right should not be granted.

(b) The law enforcement officer may apply for the show cause order:

(1) either individually or through the law enforcement officer's certified or recognized employee organization; and

(2) at any time prior to the beginning of a hearing by the hearing board.

**(C) ON A FINDING THAT A LAW ENFORCEMENT AGENCY OBTAINED EVIDENCE AGAINST A LAW ENFORCEMENT OFFICER IN VIOLATION OF A RIGHT GRANTED BY THIS SUBTITLE, THE COURT SHALL GRANT APPROPRIATE RELIEF.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 166**

**(Senate Bill 440)**

AN ACT concerning

**Somerset County – Service Award Program for Emergency Medical Services  
and Fire and Rescue Personnel**

FOR the purpose of authorizing the Board of County Commissioners for Somerset County to establish a volunteer service award program for qualified members of volunteer fire departments, ambulance companies, and rescue squads; providing for a delayed effective date; and generally relating to benefits for Somerset County emergency medical services and fire and rescue personnel.

BY adding to

Article – Public Safety

Section 7–212.1

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

**Article – Public Safety**

**7–212.1.**

**BY RESOLUTION OR ORDINANCE, THE BOARD OF COUNTY COMMISSIONERS FOR SOMERSET COUNTY MAY ESTABLISH AND FUND A VOLUNTEER SERVICE AWARD PROGRAM FOR QUALIFIED MEMBERS OF**

**VOLUNTEER FIRE DEPARTMENTS, AMBULANCE COMPANIES, AND RESCUE SQUADS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

**Approved by the Governor, April 14, 2014.**

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**Chapter 167**

**(Senate Bill 453)**

AN ACT concerning

**State Board of Examiners for Audiologists, Hearing Aid Dispensers, and  
Speech–Language Pathologists – Cease and Desist Orders and Injunctive  
Relief**

FOR the purpose of authorizing the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists to issue cease and desist orders or obtain injunctive relief for violations of certain provisions of law; authorizing an action to be maintained in the name of the State or the Board to enjoin certain unauthorized practice or conduct that is a ground for certain disciplinary action; authorizing a certain action to be brought by certain persons and in certain locations; providing that proof of certain damages is not required for a certain action; providing that a certain action is in addition to and not instead of certain criminal prosecution or disciplinary action; repealing authorization for the Board to sue to enforce certain provisions of law; and generally relating to the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists and cease and desist orders and injunctive relief.

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 2–312  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – Health Occupations**

2–312.

- (a) (1) The Board shall investigate any alleged violation of this title.
- (2) The Board may issue subpoenas, administer oaths, and examine witnesses.

[(b) (1) The Board may sue to enforce any provision of this title by injunction or other appropriate proceeding.

(2) An action under this subsection is in addition to and not instead of criminal prosecution under § 2–408 of this title.]

**(B) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF § 2–314 OF THIS SUBTITLE OR §§ 2–401 THROUGH 2–402.3 OF THIS TITLE.**

**(C) (1) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE BOARD TO ENJOIN:**

**(I) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER § 2–314 OF THIS SUBTITLE;**

**(II) THE UNAUTHORIZED PRACTICE OF AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH–LANGUAGE PATHOLOGY; OR**

**(III) AIDING AND ABETTING IN THE UNAUTHORIZED PRACTICE OF AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH–LANGUAGE PATHOLOGY.**

**(2) AN ACTION UNDER THIS SUBSECTION MAY BE BROUGHT BY:**

**(I) THE BOARD, IN ITS OWN NAME;**

**(II) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE;**

**OR**

**(III) A STATE’S ATTORNEY, IN THE NAME OF THE STATE.**

**(3) AN ACTION UNDER THIS SUBSECTION SHALL BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT:**

**(I) RESIDES; OR**

**(II) ENGAGES IN THE ACT SOUGHT TO BE ENJOINED.**

(4) PROOF OF ACTUAL DAMAGES OR THAT ANY PERSON IS LIKELY TO SUSTAIN ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS SUBSECTION.

(5) AN ACTION UNDER THIS SUBSECTION IS IN ADDITION TO AND NOT INSTEAD OF DISCIPLINARY ACTION UNDER § 2-314 OF THIS SUBTITLE OR CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH-LANGUAGE PATHOLOGY UNDER §§ 2-401 THROUGH 2-402.3 OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 168

(Senate Bill 454)

AN ACT concerning

**Criminal Law – Child Kidnapping ~~and Prostitution~~ *for the Purpose of Committing a Sexual Crime* – Penalty**

FOR the purpose of ~~reclassifying as a felony a certain offense relating to child kidnapping and prostitution involving a child under a certain age; altering the penalty for a certain provision of law relating to child kidnapping and prostitution involving an individual under a certain age; altering the elements of a certain prohibition involving persuading or enticing from a certain place or knowingly secreting or harboring an individual under a certain age for purposes of prostitution or committing a certain sexual crime so as to prohibit the act of persuading or enticing from a certain place and knowingly secreting or harboring an individual under a certain age for the purpose of committing a certain sexual crime; reclassifying the offense as a felony and altering the maximum penalty of imprisonment; making a conforming change; and generally relating to child kidnapping and prostitution.~~

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 11-305  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Law**

11–305.

(a) For ~~purposes of~~ **THE PURPOSE OF** ~~prostitution or~~ committing a crime under Title 3, Subtitle 3 of this article, a person may not:

(1) persuade or entice or aid in the persuasion or enticement of an individual under the age of 16 years from the individual's home or from the custody of the individual's parent or guardian; ~~or~~ **AND**

(2) knowingly secrete or harbor or aid in the secreting or harboring of ~~an~~ **THE** individual ~~under the age of 16 years~~ who has been persuaded or enticed in the manner described in item (1) of this subsection.

(b) A person who violates this section is guilty of a [misdemeanor] **FELONY** and on conviction is subject to imprisonment not exceeding [10] ~~30~~ **25** years or a fine not exceeding \$5,000 or both.

~~(c) A person who violates this section is subject to § 5–106(b) of the Courts Article.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 169**

**(Senate Bill 456)**

AN ACT concerning

**Insurance – Definition of Premium – Inclusion of Motor Vehicle Driving  
Record Report and Accident History Report Fees**

FOR the purpose of altering the definition of “premium” for purposes of the insurance laws of the State to include, ~~except in connection with automobile insurance placed through the Maryland Automobile Insurance Fund, a fee charged by the Motor Vehicle Administration for a driving record and a fee for report fee and an accident history report fee.~~

BY repealing and reenacting, without amendments,

Article – Insurance

Section 1–101(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 1–101(ff)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

### **Article – Insurance**

1–101.

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

(ff) (1) “Premium” means consideration for insurance.

(2) “Premium” includes:

(i) except as provided in paragraph (3) of this subsection, an assessment; ~~and~~

(ii) a membership fee, policy fee, survey fee, inspection fee, service fee, DRIVING RECORD REPORT FEE, ACCIDENT HISTORY REPORT FEE, or other similar fee in consideration for an insurance contract; ~~AND~~

~~(iii) EXCEPT IN CONNECTION WITH AUTOMOBILE INSURANCE PLACED THROUGH THE MARYLAND AUTOMOBILE INSURANCE FUND, A FEE CHARGED BY THE MOTOR VEHICLE ADMINISTRATION FOR A DRIVING RECORD AND A FEE FOR AN ACCIDENT HISTORY REPORT.~~

(3) “Premium” does not include:

(i) an assessment as described in § 9–225 of this article; or

(ii) an assessment made under any State law that provides for insolvency protection or insurance availability.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 170

(Senate Bill 460)

AN ACT concerning

### **Criminal Law – Person in a Position of Authority – Sexual Offenses With a Minor**

FOR the purpose of altering ~~a certain prohibition against a certain~~ the definition of “person in a position of authority” ~~from for purposes of a certain prohibition against engaging in certain conduct to prohibit a certain person in a position of authority from engaging~~ in sexual contact, a sexual act, or vaginal intercourse with a certain minor ~~who is at least a certain number of years younger than the person in a position of authority and who the person in a position of authority knows is or was enrolled or participating in the institution, program, or activity at which the person in a position of authority works; defining a certain term; making a certain conforming change; providing a certain statute of limitations for a violation of this Act; providing penalties for a violation of this Act; providing that a violation of this Act may not be considered a lesser included offense of another crime, with a certain exception; providing that a prosecution under this Act does not preclude a certain other prosecution to repeal a requirement that the person be a full-time permanent employee of a school; and generally relating to persons in a position of authority and sexual offenses.~~

~~BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5–106(z)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 3–308  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

~~BY adding to  
Article – Criminal Law  
Section 3–325~~

~~Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)~~

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

~~Article – Courts and Judicial Proceedings~~

~~5-106.~~

~~(z) A prosecution for a misdemeanor offense under [§ 3-308(c)] § 3-325 or, if the victim was a minor at the time of the offense, § 3-308(b)(1) of the Criminal Law Article shall be instituted within 3 years after the offense was committed.~~

Article – Criminal Law

3-308.

~~[(a)]~~ In this section, “person in a position of authority”:

(1) means a person who:

(i) is at least 21 years old;

(ii) is employed ~~as a full time permanent employee~~ by OR UNDER CONTRACT WITH a public or private preschool, elementary school, or secondary school; and

(iii) because of the person’s position or occupation, exercises supervision over a minor who attends the school; and

(2) includes a principal, vice principal, teacher, COACH, or school counselor at a public or private preschool, elementary school, or secondary school.}]

~~[(b)] (A)~~ A person may not engage in:

(1) sexual contact with another without the consent of the other;

(2) except as provided in § 3-307(a)(4) of this subtitle, a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 4 years older than the victim; or

(3) except as provided in § 3-307(a)(5) of this subtitle, vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 4 years older than the victim.

~~¶(c)~~ (1) Except as provided in § 3–307(a)(4) of this subtitle or subsection (b)(2) of this section, a person in a position of authority may not engage in a sexual act or sexual contact with a minor who, at the time of the sexual act or sexual contact, is a student enrolled at a school where the person in a position of authority is employed.

(2) Except as provided in § 3–307(a)(5) of this subtitle or subsection (b)(3) of this section, a person in a position of authority may not engage in vaginal intercourse with a minor who, at the time of the vaginal intercourse, is a student enrolled at a school where the person in a position of authority is employed.†

~~¶(d)† (B)~~ (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of the misdemeanor of sexual offense in the fourth degree and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(2) (i) On conviction of a violation of this section, a person who has been convicted on a prior occasion not arising from the same incident of a violation of §§ 3–303 through 3–312 or § 3–315 of this subtitle or § 3–602 of this title is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(ii) If the State intends to proceed against a person under subparagraph (i) of this paragraph, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

### ~~3–325.~~

~~(A) (1) IN THIS SECTION, “PERSON IN A POSITION OF AUTHORITY” MEANS A PERSON WHO:~~

~~(I) IS AT LEAST 21 YEARS OLD; AND~~

~~(II) WORKS AT:~~

~~1. A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL; OR~~

~~2. A SPORTS OR RECREATIONAL FACILITY OR PROGRAM.~~

~~(2) “PERSON IN A POSITION OF AUTHORITY” INCLUDES AN INDIVIDUAL WHO:~~

~~(I) IS A VOLUNTEER WITH, UNDER CONTRACT WITH, OR A PAID EMPLOYEE OF AN INSTITUTION, A PROGRAM, OR AN ACTIVITY DESCRIBED IN PARAGRAPH (1)(II) OF THIS SUBSECTION AND WHO, IN THAT CAPACITY,~~

~~DIRECTS OR SUPERVISES MINORS ENROLLED OR PARTICIPATING IN THE INSTITUTION, PROGRAM, OR ACTIVITY; OR~~

~~(H) SUPERVISES ONE OR MORE PERSONS IN A POSITION OF AUTHORITY WITHIN THE INSTITUTION, PROGRAM, OR ACTIVITY.~~

~~(B) A PERSON IN A POSITION OF AUTHORITY MAY NOT ENGAGE IN SEXUAL CONTACT, A SEXUAL ACT, OR VAGINAL INTERCOURSE WITH A MINOR WHO IS AT LEAST 7 YEARS YOUNGER THAN THE PERSON IN A POSITION OF AUTHORITY AND WHO THE PERSON IN A POSITION OF AUTHORITY KNOWS:~~

~~(1) IS ENROLLED OR PARTICIPATING IN THE INSTITUTION, PROGRAM, OR ACTIVITY AT WHICH THE PERSON IN A POSITION OF AUTHORITY WORKS; OR~~

~~(2) WAS PREVIOUSLY ENROLLED OR PARTICIPATING IN THE INSTITUTION, PROGRAM, OR ACTIVITY AT THE SAME TIME THE PERSON IN A POSITION OF AUTHORITY WAS WORKING AT THE INSTITUTION, PROGRAM, OR ACTIVITY.~~

~~(C) (1) UNLESS SPECIFICALLY CHARGED BY THE STATE, A VIOLATION OF THIS SECTION MAY NOT BE CONSIDERED A LESSER INCLUDED OFFENSE OF ANOTHER CRIME.~~

~~(2) A PROSECUTION OF A VIOLATION OF THIS SECTION DOES NOT PRECLUDE A PROSECUTION UNDER § 3-602 OF THIS TITLE.~~

~~(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 171

(Senate Bill 465)

AN ACT concerning

Washington County Gaming Commission – Membership – Conflict of Interest

FOR the purpose of repealing certain provisions of law prohibiting a member of the Washington County Gaming Commission from serving on the gaming commission under certain circumstances; requiring the gaming commission to adopt certain regulations; and generally relating to the Washington County Gaming Commission.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 13–2416(c)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY adding to  
Article – Criminal Law  
Section 13–2416(f)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Law**

13–2416.

(c) [(1)] A member appointed to the gaming commission under subsection (a)(2)(i), (ii), or (iii) of this section may not:

[(i)] (1) hold a tip jar license or wholesaler's license or be employed by a person who holds a tip jar license or wholesaler's license; or

[(ii)] (2) hold an ownership interest in or receive a direct benefit from a person who holds a tip jar license or wholesaler's license.

[(2)] If a member of the gaming commission serves on the board of directors or as an officer of an organization and that organization applies for funds from the gaming commission, the member shall cease immediately to serve on the gaming commission.]

**(F) THE GAMING COMMISSION SHALL ADOPT CONFLICT OF INTEREST REGULATIONS APPLICABLE TO MEMBERS OF THE GAMING COMMISSION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 172

(Senate Bill 479)

AN ACT concerning

### Chesapeake Employers' Insurance Company – ~~Rates and~~ Board Structure

FOR the purpose of ~~authorizing the Chesapeake Employers' Insurance Company to take certain actions relating to a subsidiary for certain purposes subject to certain requirements and under certain circumstances; specifying a certain condition of being an authorized insurer; altering the selection and appointment process for the members of the Board for the Chesapeake Employers' Insurance Company; requiring, to the extent practicable, that the Board for the Chesapeake Employers' Insurance Company reflect a certain diversity of the State; specifying the qualifications for the members of the Board; repealing a requirement that certain appointees take a certain oath before taking office as members of the Board; altering the means for staggering the terms of members of the Board; authorizing the Governor to remove only certain members for incompetence or misconduct; authorizing the Board to remove certain members under certain circumstances; requiring a certain designated rating organization to create a certain exception in its classification system for certain authorized insurers; authorizing the Company to remain exempt from certain insurance rate making requirements until a certain date; repealing certain provisions of law that exempt the Company from certain aspects of the insurance rate making process; repealing a provision of law that requires the Board to set rates in a certain manner; declaring the intent of the General Assembly that a rating organization, in consultation with the Company, shall create a certain exception in its classification system for authorized insurers; requiring the terms of certain members to be extended until a certain date; specifying the process for appointing or selecting a certain member of the Board; renumbering certain provisions; making other conforming changes; providing for delayed effective dates for certain provisions of this Act; providing for the application of certain provisions of this Act that establish qualifications for members of the Board; and generally relating to the Chesapeake Employers' Insurance Company.~~

BY repealing and reenacting, with amendments,

Article – Insurance

Section ~~11-202, 11-303, 24-306, and 24-307~~

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

~~BY adding to~~

~~Article – Insurance~~

~~Section 11-331 and 11-332~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2013 Supplement)~~

~~BY repealing~~

~~Article – Insurance~~

~~Section 24-305~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2013 Supplement)~~

~~BY renumbering~~

~~Article – Insurance~~

~~Section 24-306 through 24-312, respectively~~

~~to be Section 24-305 through 24-311, respectively~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2013 Supplement)~~

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

### Article – Insurance

~~24-306.~~

~~(a) The Company:~~

~~(1) shall be an authorized insurer; and~~

~~(2) on and after October 1, 2013 AS A CONDITION OF BEING AN AUTHORIZED INSURER, shall be the workers' compensation insurer of last resort for employers covered under Title 9 of the Labor and Employment Article.~~

~~(b) Before October 1, 2013, the Fund shall serve as the workers' compensation insurer of last resort for workers' compensation insurance and as a competitive workers' compensation insurer under the same terms and conditions as the Fund served before October 1, 2012.~~

~~(c) The Company may not cancel or refuse to renew or issue a policy except for:~~

~~(1) nonpayment of a premium for current or prior policies issued by the Fund or the Company;~~

~~(2) failure to provide payroll information to the Fund or the Company;~~

~~or~~

~~(3) failure to cooperate in any payroll audit conducted by the Fund or the Company.~~

~~(d) The Company may engage only in the business of workers' compensation insurance in accordance with State law.~~

~~(E) THE SUBJECT TO THE REQUIREMENTS OF TITLE 7 OF THIS ARTICLE, THE COMPANY MAY ESTABLISH, OWN, OR CONTROL OR ACQUIRE A SUBSIDIARY FOR ANY LAWFUL PURPOSE IF THE SUBSIDIARY:~~

~~(1) IS WHOLLY OWNED BY THE COMPANY;~~

~~(2) ENGAGES IN A BUSINESS ACTIVITY THAT IS ANCHLLARY TO THE WORKERS' COMPENSATION INSURANCE BUSINESS; AND~~

~~(3) IS OPERATED FOR THE PURPOSE OF BENEFITING THE COMPANY.~~

24-307.

(a) (1) There is a Board for the Chesapeake Employers' Insurance Company.

(2) The Board shall manage the business and affairs of the Company as a private, nonprofit corporation in accordance with State law.

(b) (1) The Board shall consist of nine members ~~¶~~appointed by the Governor with the advice and consent of the Senate~~¶~~.

~~(2) OF THE NINE MEMBERS:~~

~~(I) TWO PUBLIC MEMBERS SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; AND~~

~~(II) SEVEN MEMBERS SHALL BE SELECTED BY THE POLICYHOLDERS UNDER PROCEDURES PROVIDED IN THE BYLAWS OF THE BOARD.~~

~~(3)~~ (2) TO THE EXTENT PRACTICABLE, THE BOARD SHALL REFLECT THE GEOGRAPHIC AND DEMOGRAPHIC, INCLUDING RACE AND GENDER, DIVERSITY OF THE STATE.

~~(4)~~ (3) THE BYLAWS OF THE BOARD SHALL PROVIDE THAT: OF THE NINE MEMBERS:

(I) AT LEAST TWO MEMBERS SHALL HAVE SUBSTANTIAL EXPERIENCE AS OFFICERS OR EMPLOYEES OF AN INSURER, BUT MAY NOT BE EMPLOYED BY AN INSURER THAT IS IN DIRECT COMPETITION WITH THE COMPANY WHILE SERVING ON THE BOARD;

(II) AT LEAST TWO MEMBERS SHALL BE POLICYHOLDERS OF THE COMPANY;

(III) AT LEAST ONE MEMBER SHALL HAVE SIGNIFICANT EXPERIENCE IN THE INVESTMENT BUSINESS; ~~AND~~

(IV) AT LEAST ONE MEMBER SHALL HAVE SIGNIFICANT EXPERIENCE IN THE ACCOUNTING OR AUDITING FIELD; AND

(V) AT LEAST ONE MEMBER SHALL HAVE SIGNIFICANT EXPERIENCE AS A REPRESENTATIVE, EMPLOYEE, OR MEMBER OF A LABOR UNION.

(c) Each member shall be a resident of the State.

~~†~~(d) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.†

~~†(e)†~~ ~~(D)~~ (1) The term of a member is 5 years.

(2) The terms of members are staggered as ~~†~~required by the terms provided for members of the Board for the Fund on October 1, 1991~~†~~ ~~PROVIDED IN THE BYLAWS ADOPTED BY THE BOARD.~~

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve for more than:

(i) two full terms; or

(ii) a total of 10 years.

~~†(f)†~~ ~~(E)~~ ~~(1)~~ The Governor may remove a member ~~WHO HAS BEEN APPOINTED BY THE GOVERNOR~~ for incompetence or misconduct.

~~(2) THE BOARD MAY REMOVE A MEMBER WHO HAS BEEN SELECTED BY THE POLICYHOLDERS FOR MISCONDUCT, INCOMPETENCE, OR DERELICTION OF DUTIES.~~

~~[(g)](f)~~ The Board shall adopt rules, bylaws, and procedures.

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

~~Article Insurance~~

~~11-331.~~

~~ON OR BEFORE OCTOBER 1, 2015, AND EACH YEAR THEREAFTER UNTIL OCTOBER 1, 2019, THE RATING ORGANIZATION THAT THE MARYLAND INSURANCE COMMISSIONER DESIGNATES UNDER § 11-329 OF THIS SUBTITLE, IN CONSULTATION WITH THE CHESAPEAKE EMPLOYERS' INSURANCE COMPANY, SHALL SUBMIT A REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE PROGRESS THAT THE CHESAPEAKE EMPLOYERS' INSURANCE COMPANY HAS MADE IN PREPARING TO BECOME A MEMBER OF THE RATING ORGANIZATION.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article Insurance~~

~~11-332.~~

~~THE RATING ORGANIZATION THAT THE COMMISSIONER DESIGNATES UNDER § 11-329 OF THIS SUBTITLE SHALL CREATE AND MAINTAIN AN EXCEPTION IN ITS CLASSIFICATION SYSTEM TO ALLOW ANY AUTHORIZED INSURER IN THE STATE TO USE A SINGLE CLASSIFICATION CODE FOR GOVERNMENTAL OCCUPATIONS THAT ARE NOT INCLUDED IN POLICE, FIREFIGHTER, AND CLERICAL CLASSIFICATIONS.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article Insurance~~

~~11-202.~~

~~(a) (1) This subtitle applies to all types of insurers.~~

~~(2) Except as provided in subsection (b) of this section, this subtitle applies to:~~

- ~~(i) property insurance;~~
- ~~(ii) casualty insurance;~~
- ~~(iii) surety insurance;~~
- ~~(iv) marine insurance; and~~
- ~~(v) wet marine and transportation insurance.~~

~~(b) This subtitle does not apply to:~~

- ~~(1) reinsurance, except as provided in § 11-222 of this subtitle;~~
- ~~(2) insurance of vessels or craft or their cargoes, marine protection and indemnity insurance, or insurance of other risks commonly insured under policies of marine insurance, as distinguished from inland marine insurance;~~
- ~~(3) insurance against loss of or damage to aircraft including their accessories and equipment, or insurance against liability, other than workers' compensation insurance or employer's liability insurance, arising out of the ownership, maintenance, or use of aircraft; OR~~
- ~~(4) title insurance[]; or~~
- ~~(5) the Chesapeake Employers' Insurance Company[].~~

~~(c) If a kind of insurance, subdivision or combination of kinds of insurance, or type of coverage is subject to this subtitle and is also subject to regulation by another rate regulatory provision of the statutes of the State, an insurer to which both provisions are otherwise applicable shall file with the Commissioner a designation as to which rate regulatory provision is applicable to it with respect to that kind of insurance, subdivision or combination of kinds of insurance, or type of coverage.~~

~~11-303.~~

~~(a) Notwithstanding Subtitle 2 of this title, this subtitle applies to the establishment of rates for all types of insurance except:~~

- ~~(1) life insurance;~~
- ~~(2) annuities;~~

~~(3) health insurance;~~

~~(4) marine insurance described in § 11-202(b)(2) of this title;~~

~~(5) aircraft insurance described in § 11-202(b)(3) of this title;~~

~~(6) reinsurance;~~

~~(7) insurance provided under the Maryland Automobile Insurance Fund;~~

~~[(8) insurance provided under the Chesapeake Employers' Insurance Company;]~~

~~[(9)] (8) title insurance;~~

~~[(10)] (9) medical malpractice insurance;~~

~~[(11)] (10) any form or plan of insurance regulated under § 27-217 of this article; and~~

~~[(12)] (11) surety insurance.~~

~~(b) If and to the extent that the Commissioner finds that the application of any or all of the provisions of this subtitle is unnecessary to achieve the purposes of this subtitle, the Commissioner by rule may exempt a person or class of persons or a line or lines of insurance from any or all of those provisions.~~

~~[24-305.~~

~~(a) The Company is not subject to Title 11 of this article.~~

~~(b) The Board shall:~~

~~(1) adopt a schedule of premium rates in accordance with sound actuarial practices; and~~

~~(2) ensure that the rates are not excessive, inadequate, or unfairly discriminatory.~~

~~(c) (1) The Board shall determine the schedule of premium rates by:~~

~~(i) classifying all of the policyholders of the Company on the basis of the respective level of hazard of their enterprises; and~~

~~(ii) setting a premium rate for each class on the basis of:~~

~~1. its level of hazard; and~~

~~2. incentives to prevent injuries to employees.~~

~~(2) To determine the schedule of premium rates, the Board shall use the rating system that, in the opinion of the Board:~~

~~(i) most accurately measures the level of hazard for each policyholder on the basis of the number of injuries that occur in the enterprises of the policyholder;~~

~~(ii) encourages the prevention of injuries; and~~

~~(iii) ensures the solvency of the Company from year to year.~~

~~(3) The Board may set minimum premium rates for policies issued by the Company.~~

~~(d) The Commissioner shall review the Company's rates as part of an examination under § 2-205 of this article to determine whether the Company's rate making practices produce actuarially sound rates.]~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 24-306 through 24-312, respectively, of Article — Insurance of the Annotated Code of Maryland be renumbered to be Section(s) 24-305 through 24-311, respectively.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, it is the intent of the General Assembly that on or before January 1, 2019, the rating organization that the Maryland Insurance Commissioner designates under § 11-329 of the Insurance Article, in consultation with the Chesapeake Employers' Insurance Company, shall create an exception in its classification system, as required under § 11-332 as enacted by Section 3 of this Act, to allow any authorized insurer in Maryland to use a single classification code for governmental occupations that are not included in police, firefighter, and clerical classifications.~~

~~SECTION 7. AND BE IT FURTHER ENACTED, That:~~

~~(a) Notwithstanding § 24-307 of the Insurance Article as enacted by Section 1 of this Act, the term of any member who is on the Board of the Chesapeake Employers' Insurance Company on the effective date of this Act, shall be extended until September 30, 2019.~~

~~(b) (1) Except as provided in paragraph (2) of this subsection, policyholders shall select a successor to fill a vacancy that occurs on the Board before~~

~~October 1, 2019, as provided in § 24-307(b)(2) of the Insurance Article as enacted by Section 1 of this Act.~~

~~(2) If a vacancy occurs on the Board before October 1, 2019, and the Board includes seven members selected by the policyholders, the Governor shall appoint a successor to fill the vacancy as provided in § 24-307(b)(2) of the Insurance Article as enacted by Section 1 of this Act.~~

~~SECTION 8. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2014. It shall remain effective for a period of 6 years and, at the end of October 1, 2020, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.~~

~~SECTION 9. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect January 1, 2019.~~

~~SECTION 10. AND BE IT FURTHER ENACTED, That Sections 4 and 5 of this Act shall take effect January 1, 2020.~~

~~SECTION 11. AND BE IT FURTHER ENACTED, That, except as provided in Sections 9 and 10 of this Act, this Act shall take effect October 1, 2014.~~

SECTION 2. AND BE IT FURTHER ENACTED, That § 24-307(b)(3) of the Insurance Article, as enacted by Section 1 of this Act, which establishes qualifications for members of the Board for the Chesapeake Employers' Insurance Company:

(1) shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any member of the Board appointed to serve on the Board before the effective date of this Act; and

(2) shall apply only to appointments made by the Governor to fill vacancies on the Board occurring on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 173

(Senate Bill 481)

AN ACT concerning

**Criminal Law – Table Games and Video Lottery Terminals – Individual  
Under the Age of 21 Years**

FOR the purpose of prohibiting an individual under the age of 21 years from playing a table game or video lottery terminal in a video lottery facility; prohibiting an individual under the age of 21 years from entering or remaining in an area within a video lottery facility that is designated ~~solely~~ for table game or video lottery terminal activities; establishing penalties for a certain violation of this Act; establishing that a person who violates this Act shall be issued a certain citation; authorizing certain individuals to issue certain citations under certain circumstances; requiring the District Court to prescribe a certain form of citation; requiring that the citation contain certain information; requiring the jurisdiction that issues a certain citation to forward a copy of the citation and a request for trial to the District Court having a certain venue; requiring the District Court to schedule a certain trial and summon a certain defendant to appear; providing that a willful failure to respond to a certain summons is contempt of court; establishing that a violation of a certain provision of this Act is a Code violation and a civil offense; providing that a minor is subject to certain procedures and dispositions; providing that an individual who is under the age of 21 years but not a minor is subject to certain provisions of this Act; establishing that an adjudication of a certain Code violation is not a criminal conviction for any purpose and does not impose certain disabilities; establishing certain procedures for a certain Code violation proceeding; establishing certain penalties for a certain violation of this Act; ~~prohibiting~~ authorizing the Chief Judge of the District Court ~~from establishing~~ to establish a certain schedule for the prepayment of fines; authorizing a court to direct that the payment of a certain fine be suspended or deferred; establishing that the willful failure to pay a certain fine is criminal contempt of court; providing that a certain defendant is liable for certain costs; establishing that a certain defendant has certain rights to appeal or file certain motions; authorizing the State's Attorney to prosecute a certain violation in a certain manner; establishing that a violation of a certain provision of this Act is a violation for certain purposes; authorizing a certain law enforcement officer to issue a citation to a child for a violation of a certain provision of this Act under certain circumstances; defining certain terms; making conforming changes; and generally relating to table game and video lottery terminal violations.

BY adding to

Article – Criminal Law

Section 10–136 and 10–137 to be under the new part “Part V. Table Game and Video Lottery Terminal Violations”

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–8A–01(dd) and 3–8A–33(a)

Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Law**

**10-134. RESERVED.**

**10-135. RESERVED.**

**PART V. TABLE GAME AND VIDEO LOTTERY TERMINAL VIOLATIONS.**

**10-136.**

(A) (1) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “TABLE GAMES” HAS THE MEANING STATED IN § 9-1A-01 OF THE STATE GOVERNMENT ARTICLE.

(3) “VIDEO LOTTERY FACILITY” HAS THE MEANING STATED IN § 9-1A-01 OF THE STATE GOVERNMENT ARTICLE.

(4) “VIDEO LOTTERY TERMINAL” HAS THE MEANING STATED IN § 9-1A-01 OF THE STATE GOVERNMENT ARTICLE.

(B) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT:

(1) PLAY A TABLE GAME OR VIDEO LOTTERY TERMINAL IN A VIDEO LOTTERY FACILITY; OR

(2) ENTER OR REMAIN IN AN AREA WITHIN A VIDEO LOTTERY FACILITY THAT IS DESIGNATED ~~SOLELY~~ FOR TABLE GAME OR VIDEO LOTTERY TERMINAL ACTIVITIES.

**10-137.**

(A) A PERSON WHO VIOLATES § 10-136 OF THIS PART SHALL BE ISSUED A CITATION UNDER THIS SECTION.

(B) A CITATION FOR A VIOLATION OF § 10-136 OF THIS PART MAY BE ISSUED BY:

(1) A POLICE OFFICER AUTHORIZED TO MAKE ARRESTS; AND

(2) IN STATE FORESTRY RESERVATIONS, STATE PARKS, HISTORIC MONUMENTS, AND RECREATION AREAS, A FOREST OR PARK WARDEN UNDER § 5–206(A) OF THE NATURAL RESOURCES ARTICLE.

(C) A PERSON AUTHORIZED UNDER THIS SECTION TO ISSUE A CITATION SHALL ISSUE THE CITATION IF THE PERSON HAS PROBABLE CAUSE TO BELIEVE THAT THE PERSON CHARGED IS COMMITTING OR HAS COMMITTED A VIOLATION OF § 10–136 OF THIS PART.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE FORM OF CITATION ISSUED TO AN ADULT FOR A VIOLATION OF § 10–136 OF THIS PART SHALL BE AS PRESCRIBED BY THE DISTRICT COURT AND SHALL BE UNIFORM THROUGHOUT THE STATE.

(2) THE CITATION ISSUED TO AN ADULT SHALL CONTAIN:

(I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

(II) THE STATUTE ALLEGEDLY VIOLATED;

(III) THE LOCATION, DATE, AND TIME THAT THE ALLEGED VIOLATION OCCURRED;

(IV) THE FINE THAT MAY BE IMPOSED;

~~(V) A NOTICE THAT PREPAYMENT OF THE FINE IS NOT ALLOWED;~~

~~(VI)~~ (V) A NOTICE THAT THE DISTRICT COURT PROMPTLY SHALL SEND TO THE PERSON CHARGED A SUMMONS TO APPEAR FOR TRIAL;

~~(VII)~~ (VI) THE SIGNATURE OF THE PERSON ISSUING THE CITATION; AND

~~(VIII)~~ (VII) A SPACE FOR THE PERSON CHARGED TO SIGN THE CITATION.

(3) THE FORM OF CITATION ISSUED TO A MINOR SHALL:

(I) BE PRESCRIBED BY THE STATE COURT ADMINISTRATOR;

(II) BE UNIFORM THROUGHOUT THE STATE; AND

(III) CONTAIN THE INFORMATION LISTED IN § 3-8A-33(B) OF THE COURTS ARTICLE.

(E) (1) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING VENUE.

(2) THE DISTRICT COURT PROMPTLY SHALL SCHEDULE THE CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

(3) WILLFUL FAILURE OF THE DEFENDANT TO RESPOND TO A SUMMONS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION IS CONTEMPT OF COURT.

(F) (1) FOR PURPOSES OF THIS SECTION, A VIOLATION OF § 10-136 OF THIS PART IS A CODE VIOLATION AND IS A CIVIL OFFENSE.

(2) A PERSON CHARGED WHO IS UNDER THE AGE OF 18 YEARS SHALL BE SUBJECT TO THE PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.

(3) A PERSON CHARGED WHO IS AT LEAST 18 YEARS OLD SHALL BE SUBJECT TO THE PROVISIONS OF THIS SECTION.

(4) ADJUDICATION OF A CODE VIOLATION UNDER § 10-136 OF THIS PART IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE AND DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.

(G) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER § 10-136 OF THIS PART:

(1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE DEFENDANT TO THE SAME EXTENT AS IS REQUIRED BY LAW IN THE TRIAL OF CRIMINAL CASES;

(2) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF CRIMINAL CASES;

(3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT UNDERSTANDS THOSE CHARGES;

(4) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR WITNESSES ON BEHALF OF THE DEFENDANT, AND TO TESTIFY ON THE DEFENDANT'S OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;

(5) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND

(6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

(I) GUILTY OF A CODE VIOLATION;

(II) NOT GUILTY OF A CODE VIOLATION; OR

(III) PROBATION BEFORE JUDGMENT, IMPOSED BY THE COURT IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(H) (1) IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A CODE VIOLATION, THE COURT SHALL REQUIRE THE PERSON:

(I) FOR A FIRST VIOLATION, TO PAY A FINE NOT EXCEEDING \$100;

(II) FOR A SECOND VIOLATION, TO PAY A FINE NOT EXCEEDING \$500; OR

(III) FOR A THIRD OR SUBSEQUENT VIOLATION, TO PAY A FINE NOT EXCEEDING \$1,000 AND TO PARTICIPATE IN GAMBLING ADDICTION TREATMENT.

(2) THE CHIEF JUDGE OF THE DISTRICT COURT MAY ~~NOT~~ ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF FINES FOR A VIOLATION UNDER § 10-136 OF THIS PART.

(I) WHEN A DEFENDANT HAS BEEN FOUND GUILTY OF A CODE VIOLATION AND A FINE HAS BEEN IMPOSED BY THE COURT:

(1) THE COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE SUSPENDED OR DEFERRED UNDER CONDITIONS THAT THE COURT MAY ESTABLISH; AND

(2) IF THE DEFENDANT WILLFULLY FAILS TO PAY THE FINE IMPOSED BY THE COURT, THAT WILLFUL FAILURE MAY BE TREATED AS A CRIMINAL CONTEMPT OF COURT, FOR WHICH THE DEFENDANT MAY BE PUNISHED BY THE COURT AS PROVIDED BY LAW.

(J) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT AND FOR PAYMENT TO THE CRIMINAL INJURIES COMPENSATION FUND.

(2) THE COURT COSTS IN A CODE VIOLATION CASE UNDER § 10-136 OF THIS PART IN WHICH COSTS ARE IMPOSED ARE \$5.

(K) (1) A DEFENDANT WHO HAS BEEN FOUND GUILTY OF A CODE VIOLATION UNDER § 10-136 OF THIS PART HAS THE RIGHT TO APPEAL OR TO FILE A MOTION FOR A NEW TRIAL OR A MOTION FOR A REVISION OF A JUDGMENT PROVIDED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(2) A MOTION SHALL BE MADE IN THE SAME MANNER AS PROVIDED IN THE TRIAL OF CRIMINAL CASES, AND THE COURT, IN RULING ON THE MOTION, HAS THE SAME AUTHORITY PROVIDED IN THE TRIAL OF CRIMINAL CASES.

(L) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A CODE VIOLATION UNDER § 10-136 OF THIS PART IN THE SAME MANNER AS PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

(2) IN A CODE VIOLATION CASE UNDER § 10-136 OF THIS PART, THE STATE'S ATTORNEY MAY:

(I) ENTER A NOLLE PROSEQUI OR PLACE THE CASE ON THE STET DOCKET; AND

(II) EXERCISE AUTHORITY IN THE SAME MANNER AS PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

#### **Article – Courts and Judicial Proceedings**

3-8A-01.

(dd) "Violation" means a violation for which a citation is issued under:

(1) § 10-113, § 10-114, § 10-115, or § 10-116 of the Criminal Law Article;

- (2) § 10–108 of the Criminal Law Article;
- (3) § 10–132 of the Criminal Law Article; [or]
- (4) § 10–136 OF THE CRIMINAL LAW ARTICLE; OR**
- [(4)] (5) § 26–103 of the Education Article.**

3–8A–33.

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

- (1) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;
- (2) § 10–108 of the Criminal Law Article;
- (3) § 10–132 of the Criminal Law Article; [or]
- (4) § 10–136 OF THE CRIMINAL LAW ARTICLE; OR**
- [(4)] (5) § 26–103 of the Education Article.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 174

**(Senate Bill 490)**

AN ACT concerning

### **Limited Lines Insurance Licenses – Self-Service Storage ~~Agents~~ Producers**

FOR the purpose of requiring the Maryland Insurance Commissioner to issue a limited lines license as a self-service storage ~~agent~~ producer to an owner ~~or operator~~ of a self-service storage facility ~~who meets~~ and certain individuals who meet certain requirements; providing for the scope of the license; prohibiting an owner from offering or selling certain insurance unless the owner holds a certain license and makes a certain designation; providing that an owner ~~or operator~~ is not required to be licensed under certain circumstances; requiring

an applicant for a license to file a certain application with the Commissioner; providing that a self-service storage ~~agent~~ producer is not required to have a separate license for each self-service storage facility where insurance is offered or sold; requiring a self-service storage ~~agent~~ producer to provide certain notice to the Commissioner under certain circumstances; providing that a self-service storage ~~agent~~ producer is not required to meet certain continuing education requirements; prohibiting a self-service storage ~~agent~~ producer from offering or selling insurance unless the ~~agent~~ producer makes certain brochures or other written materials available to prospective occupants, certain costs related to the insurance are stated in writing, certain evidence of coverage is provided to occupants, ~~and~~ the insurance is provided by certain entities; and the producer advises an occupant of certain information and requires an occupant to take certain actions under certain circumstances; authorizing employees or ~~agents~~ authorized representatives of a self-service storage ~~agent~~ producer to act in a certain manner regarding certain matters under certain circumstances; establishing a certain responsibility of and requiring certain actions by designated responsible producers; requiring each self-service storage ~~agent~~ producer to provide a certain training program for employees and ~~agents~~ authorized representatives; establishing certain prohibited acts; authorizing the Commissioner to suspend, revoke, or renew a certain license under certain circumstances; requiring the Commissioner to collect certain information, make certain determinations, and report certain findings and recommendations to certain committees of the General Assembly on or before a certain date; authorizing the Commissioner to adopt certain regulations; providing for the construction of this Act; defining certain terms; and generally relating to licensing of self-service storage ~~agents~~ producers.

BY adding to

Article – Insurance

Section 10-801 through ~~10-810~~ 10-812 to be under the new subtitle “Subtitle 8. Self-Service Storage ~~Agents~~ Producers”

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

### **Article – Insurance**

#### **SUBTITLE 8. SELF-SERVICE STORAGE ~~AGENTS~~ PRODUCERS.**

**10-801.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

**(B) “AUTHORIZED REPRESENTATIVE” MEANS AN INDEPENDENT CONTRACTOR OF AN OWNER OF A SELF-SERVICE STORAGE FACILITY.**

**(C) “BUSINESS ENTITY” HAS THE MEANING STATED IN § 5-511 OF THIS ARTICLE.**

**(D) “DESIGNATED RESPONSIBLE PRODUCER” MEANS AN INDIVIDUAL WHO:**

**(1) HOLDS A LIMITED LINES LICENSE UNDER THIS SUBTITLE; AND**

**(2) IS DESIGNATED BY THE OWNER AS RESPONSIBLE FOR THE OWNER’S COMPLIANCE WITH INSURANCE LAWS, RULES, AND REGULATIONS OF THE STATE.**

**~~(D)~~ (E) “OCCUPANT” MEANS A PERSON OR THE PERSON’S SUBLESSEE, SUCCESSOR, OR ASSIGNEE WHO IS ENTITLED TO THE USE OF A LEASED SPACE AT A SELF-SERVICE STORAGE FACILITY.**

**~~(E)~~ (F) “OWNER” MEANS THE OWNER OF A SELF-SERVICE STORAGE FACILITY.**

**~~(D)~~ (G) (1) “PERSONAL PROPERTY” MEANS MOVABLE PROPERTY THAT IS NOT AFFIXED TO LAND.**

**(2) “PERSONAL PROPERTY” INCLUDES:**

**(I) GOODS, WARES, MERCHANDISE, HOUSEHOLD ITEMS, AND FURNISHINGS;**

**(II) A VEHICLE, AS DEFINED IN § 11-176 OF THE TRANSPORTATION ARTICLE; AND**

**(III) WATERCRAFT AND MOTORIZED WATERCRAFT.**

**~~(E) “SELF-SERVICE STORAGE AGENT” MEANS AN OWNER OR OPERATOR OF A SELF-SERVICE STORAGE FACILITY WHO HOLDS A LIMITED LINES LICENSE UNDER THIS SUBTITLE.~~**

**~~(F)~~ (H) “SELF-SERVICE STORAGE FACILITY” MEANS ANY REAL PROPERTY THAT IS USED FOR RENTING OR LEASING STORAGE SPACE IN WHICH THE OCCUPANTS THEMSELVES CUSTOMARILY STORE AND REMOVE PERSONAL PROPERTY ON A SELF-SERVICE BASIS.**

**(I) "SELF-SERVICE STORAGE PRODUCER" MEANS:**

**(1) AN OWNER OF A SELF-STORAGE FACILITY WHO HOLDS A LIMITED LINES LICENSE UNDER THIS SUBTITLE; OR**

**(2) A DESIGNATED RESPONSIBLE PRODUCER.**

**10-802.**

**(A) THE COMMISSIONER SHALL ISSUE A LIMITED LINES LICENSE AS A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER TO:**

**(1) AN OWNER ~~OR OPERATOR~~ OF A SELF-SERVICE STORAGE FACILITY WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND**

**(2) AN INDIVIDUAL WHO:**

**(I) IS DESIGNATED BY THE OWNER AS RESPONSIBLE FOR THE OWNER'S COMPLIANCE WITH INSURANCE LAWS, RULES, AND REGULATIONS OF THE STATE; AND**

**(II) MEETS THE REQUIREMENTS OF THIS SUBTITLE.**

**(B) A LIMITED LINES LICENSE AS A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER AUTHORIZES THE LICENSEE TO OFFER OR SELL INSURANCE ONLY:**

**(1) IN CONNECTION WITH AND INCIDENTAL TO THE RENTAL OF STORAGE SPACE AT A SELF-SERVICE STORAGE FACILITY ON A MASTER, A CORPORATE, A COMMERCIAL, A GROUP, OR AN INDIVIDUAL POLICY BASIS; AND**

**(2) WITH RESPECT TO PERSONAL PROPERTY INSURANCE THAT PROVIDES COVERAGE TO OCCUPANTS AT THE SELF-SERVICE STORAGE FACILITY, FOR THE LOSS OF OR DAMAGE TO STORED PERSONAL PROPERTY THAT OCCURS AT THE SELF-SERVICE STORAGE FACILITY.**

**(C) AN OWNER OF A SELF-SERVICE STORAGE FACILITY MAY NOT OFFER OR SELL INSURANCE UNDER THIS SUBTITLE UNLESS THE OWNER, AS A BUSINESS ENTITY:**

**(1) HOLDS A LIMITED LINES LICENSE UNDER THIS SUBTITLE; AND**

**(2) HAS A DESIGNATED RESPONSIBLE PRODUCER.**

~~(C)~~ (D) AN OWNER ~~OR OPERATOR~~ OF A SELF-SERVICE STORAGE FACILITY IS NOT REQUIRED TO BE LICENSED UNDER THIS SUBTITLE MERELY TO DISPLAY AND MAKE AVAILABLE TO PROSPECTIVE OCCUPANTS BROCHURES AND OTHER PROMOTIONAL MATERIALS CREATED BY OR ON BEHALF OF AN AUTHORIZED INSURER ~~OR A SURPLUS LINES INSURER~~ PROVIDED THAT THE OWNER DOES NOT ENGAGE IN THE SALE, SOLICITATION, OR NEGOTIATION OF INSURANCE ADVERTISED IN THE BROCHURES AND PROMOTIONAL MATERIALS.

10-803.

(A) AN APPLICANT FOR A LIMITED LINES LICENSE AS A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER SHALL FILE A WRITTEN APPLICATION WITH THE COMMISSIONER IN THE FORM THE COMMISSIONER REQUIRES.

(B) THE APPLICATION SHALL INCLUDE:

(1) THE PHYSICAL ADDRESS OF THE COMPANY HEADQUARTERS OF THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER; AND

(2) A LIST OF ALL SELF-SERVICE STORAGE FACILITIES WHERE THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER WILL CONDUCT BUSINESS UNDER THE LIMITED LINES LICENSE.

10-804.

(A) A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER IS NOT REQUIRED TO HAVE A SEPARATE LIMITED LINES LICENSE FOR EACH SELF-SERVICE STORAGE FACILITY WHERE INSURANCE IS OFFERED OR SOLD.

(B) A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER SHALL NOTIFY THE COMMISSIONER OF:

(1) ANY ADDITIONAL LOCATIONS OF SELF-SERVICE STORAGE FACILITIES IN THE STATE WHERE THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER WILL DO BUSINESS UNDER THE LIMITED LINES LICENSE WITHIN 30 DAYS AFTER COMMENCING BUSINESS AT THOSE LOCATIONS; AND

(2) THOSE LOCATIONS OF SELF-SERVICE STORAGE FACILITIES IN THE STATE WHERE THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER WILL CEASE TO DO BUSINESS UNDER THE LIMITED LINES LICENSE WITHIN 30 DAYS AFTER CEASING BUSINESS AT THOSE LOCATIONS.

10-805.

A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER IS NOT REQUIRED TO MEET THE CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS UNDER SUBTITLE 1 OF THIS TITLE.

10-806.

A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER MAY NOT OFFER OR SELL INSURANCE UNDER THIS SUBTITLE UNLESS:

(1) THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER MAKES READILY AVAILABLE TO PROSPECTIVE OCCUPANTS BROCHURES OR OTHER WRITTEN MATERIALS THAT:

(I) SUMMARIZE THE MATERIAL TERMS OF INSURANCE COVERAGE OFFERED TO OCCUPANTS, INCLUDING THE IDENTITY OF THE INSURER AND THE PRICE, BENEFITS, DEDUCTIBLES, EXCLUSIONS, AND CONDITIONS OF THE INSURANCE;

(II) DISCLOSE THAT THE POLICIES OFFERED BY THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER MAY ~~DUPLICATE~~ PROVIDE COVERAGE THAT IS COMPARABLE TO COVERAGE ALREADY PROVIDED BY AN OCCUPANT'S HOMEOWNER'S INSURANCE POLICY, RENTER'S INSURANCE POLICY, VEHICLE INSURANCE POLICY, WATERCRAFT INSURANCE POLICY, OR OTHER TYPE OF PROPERTY INSURANCE COVERAGE;

(III) STATE WHETHER THE PURCHASE OF COVERAGE UNDER A POLICY OFFERED UNDER THIS SUBTITLE WOULD MAKE THE COVERAGE PRIMARY TO ANY OTHER COVERAGE, INCLUDING DUPLICATE COVERAGE;

~~(III) (IV) STATE THAT IF INSURANCE IS REQUIRED AS A CONDITION OF RENTAL AT A SELF-SERVICE STORAGE FACILITY, THE REQUIREMENT MAY BE SATISFIED IF THE OCCUPANT:~~

~~1. PURCHASES THE INSURANCE DESCRIBED IN THIS SUBTITLE; OR~~

~~2. THE PURCHASE OF INSURANCE COVERAGE IS NOT REQUIRED AS A CONDITION OF RENTAL AT A SELF-SERVICE STORAGE FACILITY IF THE OCCUPANT PRESENTS EVIDENCE OF OTHER APPLICABLE INSURANCE COVERAGE; AND~~

~~(IV) (V) DESCRIBE THE PROCESS FOR FILING A CLAIM;~~  
AND

(VI) INCLUDE CONTACT INFORMATION FOR FILING A COMPLAINT WITH THE COMMISSIONER;

(2) ALL COSTS RELATED TO THE INSURANCE ARE STATED IN WRITING;

(3) EVIDENCE OF COVERAGE IN A FORM APPROVED BY THE COMMISSIONER IS PROVIDED TO EACH OCCUPANT WHO PURCHASES THE COVERAGE; ~~AND~~

(4) THE INSURANCE IS PROVIDED BY:

~~(I) AN INSURER AUTHORIZED TO TRANSACT THE APPLICABLE KINDS OF INSURANCE IN THE STATE; OR~~

~~(II) A SURPLUS LINES INSURER AND~~

(5) AS A CONDITION OF THE SALE OF INSURANCE, THE SELF-SERVICE STORAGE PRODUCER:

(I) REQUIRES THE OCCUPANT TO EXECUTE A DOCUMENT ACKNOWLEDGING THE AMOUNT OF COVERAGE UNDER THE POLICY PURCHASED; AND

(II) IF THE OCCUPANT HAS CONTENTS IN THE LEASED SPACE OF A VALUE GREATER THAN THE COVERAGE UNDER THE POLICY:

1. ADVISES THE OCCUPANT IN WRITING TO CONTACT A PROPERTY AND CASUALTY INSURANCE PRODUCER LICENSED UNDER SUBTITLE 1 OF THIS TITLE TO OBTAIN ADDITIONAL COVERAGE TO REFLECT THE VALUE OF THE CONTENTS IN THE LEASED SPACE; AND

2. REQUIRES THE OCCUPANT TO ACKNOWLEDGE RECEIPT OF THE NOTICE UNDER ITEM 1 OF THIS ITEM.

10-807.

(A) AN EMPLOYEE OR ~~AGENT~~ AUTHORIZED REPRESENTATIVE OF A SELF-SERVICE ~~STORAGE-AGENT~~ STORAGE PRODUCER MAY ACT ON BEHALF OF AND UNDER THE SUPERVISION OF THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER IN MATTERS RELATING TO THE CONDUCT OF BUSINESS UNDER A LIMITED LINES LICENSE ISSUED UNDER THIS SUBTITLE IF THE EMPLOYEE OR AUTHORIZED REPRESENTATIVE RECEIVES THE TRAINING UNDER § 10-808 OF THIS SUBTITLE.

(B) THE CONDUCT OF AN EMPLOYEE OR ~~AGENT~~ AUTHORIZED REPRESENTATIVE OF A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER ACTING WITHIN THE SCOPE OF EMPLOYMENT OR AGENCY IS CONSIDERED TO BE THE CONDUCT OF THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER FOR PURPOSES OF THIS SUBTITLE.

(C) THE DESIGNATED RESPONSIBLE PRODUCER:

(1) IS RESPONSIBLE FOR THE ACTS OF THE EMPLOYEES OR AUTHORIZED REPRESENTATIVES OF THE OWNER WHO OFFER OR SELL LIMITED LINES INSURANCE, AS AUTHORIZED UNDER THIS SUBTITLE, ON BEHALF OF THE OWNER;

(2) SHALL USE REASONABLE MEANS TO ENSURE COMPLIANCE BY THE EMPLOYEES OR AUTHORIZED REPRESENTATIVES WITH THIS SUBTITLE;

(3) SHALL MAINTAIN A REGISTER, ON A FORM THE COMMISSIONER REQUIRES, OF EACH EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE OWNER WHO OFFERS LIMITED LINES INSURANCE ON BEHALF OF THE OWNER; AND

(4) SHALL SUBMIT THE REGISTER FOR INSPECTION BY THE COMMISSIONER WITHIN 30 DAYS AFTER RECEIVING A REQUEST BY THE COMMISSIONER FOR INSPECTION.

10-808.

(A) EACH SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER SHALL PROVIDE A TRAINING PROGRAM APPROVED BY THE COMMISSIONER FOR EMPLOYEES AND ~~AGENTS~~ AUTHORIZED REPRESENTATIVES OF THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER.

(B) THE TRAINING PROGRAM REQUIRED BY SUBSECTION (A) OF THIS SECTION SHALL:

(1) INCLUDE GENERAL INFORMATION ABOUT HOMEOWNERS, RENTERS, BUSINESS, AND SIMILAR INSURANCE THAT AN OCCUPANT MAY HAVE THAT MAY PROVIDE COVERAGE FOR PROPERTY LOCATED IN A SELF-STORAGE FACILITY;

(2) INCLUDE INFORMATION ABOUT THE MATERIAL TERMS OF INSURANCE COVERAGE OFFERED TO OCCUPANTS UNDER THIS SUBTITLE,

INCLUDING THE PRICE, BENEFITS, DEDUCTIBLES, EXCLUSIONS, AND CONDITIONS OF THE INSURANCE;

~~(1)~~ (3) PROVIDE BASIC INSTRUCTION ABOUT THE PROVISIONS OF THIS SUBTITLE; AND

~~(2)~~ (4) INCLUDE ANY OTHER INFORMATION ABOUT THE KIND OF INSURANCE COVERAGE THAT MAY BE OFFERED OR SOLD UNDER THIS SUBTITLE THE COMMISSIONER MAY REQUIRE.

10-809.

A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER OR ANY OF ITS EMPLOYEES OR ~~AGENTS~~ AUTHORIZED REPRESENTATIVES MAY NOT:

(1) OFFER OR SELL INSURANCE EXCEPT IN CONNECTION WITH AND INCIDENTAL TO THE RENTAL OF SPACE AT A SELF-SERVICE STORAGE FACILITY; OR

(2) ADVERTISE, REPRESENT, OR OTHERWISE HOLD THEMSELVES OUT AS AUTHORIZED INSURERS OR LICENSED INSURANCE PRODUCERS.

10-810.

(A) THE COMMISSIONER MAY SUSPEND, REVOKE, OR REFUSE TO RENEW A LIMITED LINES LICENSE ISSUED UNDER THIS SUBTITLE AFTER NOTICE AND OPPORTUNITY FOR A HEARING UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE IF THE SELF-SERVICE STORAGE PRODUCER OR AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE SELF-SERVICE STORAGE PRODUCER WHO OFFERS OR SELLS LIMITED LINES INSURANCE ON BEHALF OF THE SELF-SERVICE STORAGE PRODUCER HAS:

(1) WILLFULLY VIOLATED THIS ARTICLE OR ANOTHER LAW OF THE STATE THAT RELATES TO INSURANCE;

(2) OPERATED WITHOUT A LIMITED LINES LICENSE AS REQUIRED UNDER THIS SUBTITLE;

(3) FAILED TO PROVIDE THE DISCLOSURES REQUIRED UNDER § 10-806 OF THIS SUBTITLE;

(4) OFFERED OR SOLD UNAPPROVED INSURANCE PRODUCTS;

(5) FAILED TO TRAIN EMPLOYEES OR AUTHORIZED REPRESENTATIVES AS REQUIRED UNDER § 10-808 OF THIS SUBTITLE; OR

(6) MISREPRESENTED PERTINENT FACTS OR POLICY PROVISIONS CONCERNING A POLICY FOR A SELF-SERVICE STORAGE FACILITY.

(B) INSTEAD OF, OR IN ADDITION TO, SUSPENDING OR REVOKING A LIMITED LINES LICENSE ISSUED UNDER THIS SUBTITLE, THE COMMISSIONER MAY:

(1) IMPOSE ON THE SELF-SERVICE STORAGE PRODUCER A PENALTY OF NOT MORE THAN \$2,500 FOR EACH VIOLATION OF THIS SUBTITLE; AND

(2) REQUIRE THAT RESTITUTION BE MADE TO ANY PERSON WHO HAS SUFFERED FINANCIAL INJURY BECAUSE OF A VIOLATION OF THIS SUBTITLE.

10-811.

THIS SUBTITLE MAY NOT BE CONSTRUED TO PROHIBIT:

(1) AN INSURER FROM PAYING AND A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER FROM RECEIVING A COMMISSION, SERVICE FEE, OR ANY OTHER VALUABLE CONSIDERATION DEPENDENT ON THE SALE OF INSURANCE; OR

(2) ~~A SELF-SERVICE STORAGE AGENT FROM PAYING AND ITS EMPLOYEES OR AGENTS FROM RECEIVING COMPENSATION IN A MANNER THAT IS~~ THE PAYMENT OF COMPENSATION BY THE SELF-SERVICE STORAGE PRODUCER TO AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE WHO OFFERS OR SELLS LIMITED LINES INSURANCE THAT IS INCIDENTAL TO THE EMPLOYEE'S OR AUTHORIZED REPRESENTATIVE'S OVERALL COMPENSATION AND NOT DEPENDENT ON THE SALE OF INSURANCE.

10-812.

THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE, INCLUDING REGULATIONS CONCERNING:

(1) THE FORM AND CONTENT OF REQUIRED DISCLOSURES TO CUSTOMERS;

(2) THE TRAINING REQUIREMENTS FOR EMPLOYEES OR AUTHORIZED REPRESENTATIVES WHO OFFER OR SELL LIMITED LINES INSURANCE UNDER THIS SUBTITLE; AND

(3) THE QUALIFICATIONS OF THE INDIVIDUALS WHO PROVIDE THE TRAINING REQUIRED UNDER § 10-808 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Insurance Commissioner:

(1) shall keep track of complaints from consumers regarding the offering and sale of self-service storage insurance by self-service storage producers and employees and authorized representatives who offer and sell self-service storage insurance on behalf of an owner of a self-service storage facility, including:

(i) the number of complaints;

(ii) a summary of the allegations contained in the complaints;

and

(iii) the disposition of the complaints;

(2) based on the complaints under paragraph (1) of this section and any other information the Commissioner determines necessary, shall determine whether and how self-service storage producers and employees and authorized representatives who offer and sell self-service storage insurance on behalf of an owner of a self-service storage facility should be compensated for offering and selling self-service storage insurance; and

(3) on or before January 1, 2017, shall report the Commissioner's findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 175**

**(Senate Bill 503)**

AN ACT concerning

**Public Schools – Cardiopulmonary Resuscitation and Automated External  
Defibrillator Instruction –~~Graduation Requirement~~  
(Breanna's Law)**

FOR the purpose of requiring a public school student to complete, as part of certain curricula, instruction in cardiopulmonary resuscitation that includes hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator ~~to graduate from high school~~ beginning with students entering a certain grade in a certain year; requiring each county board of education to provide, as part of certain curricula, instruction in cardiopulmonary resuscitation that includes hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator in certain schools beginning in a certain year, using a certain instructional program, and incorporating certain skills; requiring, if the instruction is offered for certification, a certain individual to conduct the instruction; authorizing, if the instruction is not offered for certification, a certain individual to facilitate, provide, or oversee the instruction; requiring the State Department of Education to develop a process to monitor the implementation of certain provisions of law; defining certain terms; and generally relating to instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator ~~and high school graduation requirements~~ in the State.

BY adding to

Article – Education

Section 7–205.2

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

**Article – Education**

**7–205.2.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AUTOMATED EXTERNAL DEFIBRILLATOR” HAS THE MEANING STATED IN § 13–517 OF THIS ARTICLE.

(3) “PSYCHOMOTOR SKILLS” MEANS THE USE OF HANDS-ON PRACTICING TO SUPPORT COGNITIVE LEARNING.

(B) BEGINNING WITH STUDENTS ENTERING GRADE 9 IN THE 2015–2016 SCHOOL YEAR, ~~TO GRADUATE FROM A PUBLIC HIGH SCHOOL,~~ A STUDENT SHALL COMPLETE, AS PART OF THE HEALTH OR PHYSICAL EDUCATION CURRICULUM, INSTRUCTION IN CARDIOPULMONARY RESUSCITATION THAT INCLUDES HANDS-ONLY CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR.

(C) BEGINNING IN THE 2015–2016 SCHOOL YEAR, EACH COUNTY BOARD SHALL PROVIDE, AS PART OF THE HEALTH OR PHYSICAL EDUCATION CURRICULUM, INSTRUCTION IN CARDIOPULMONARY RESUSCITATION THAT INCLUDES HANDS-ONLY CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR IN EVERY PUBLIC SCHOOL THAT ENROLLS STUDENTS IN ANY OF THE GRADES ~~7~~ 9 THROUGH 12 IN THE COUNTY.

(D) THE INSTRUCTION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION SHALL:

(1) USE AN INSTRUCTIONAL PROGRAM THAT IS:

(i) DEVELOPED BY THE AMERICAN HEART ASSOCIATION OR THE AMERICAN RED CROSS; OR

(ii) APPROVED BY THE DEPARTMENT AND THE COUNTY BOARD AND IS NATIONALLY RECOGNIZED AND BASED ON THE MOST CURRENT NATIONAL EVIDENCE-BASED EMERGENCY CARDIOVASCULAR CARE GUIDELINES FOR CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR; AND

(2) INCORPORATE THE PSYCHOMOTOR SKILLS NECESSARY TO PERFORM CARDIOPULMONARY RESUSCITATION AND TO USE AN AUTOMATED EXTERNAL DEFIBRILLATOR.

(E) (1) IF THE INSTRUCTION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION IS OFFERED FOR CERTIFICATION, THE COURSE MUST BE CONDUCTED BY AN INDIVIDUAL WHO IS CERTIFIED BY THE AMERICAN HEART ASSOCIATION, THE AMERICAN RED CROSS, OR A SIMILAR NATIONALLY RECOGNIZED ENTITY AS AN INSTRUCTOR OF CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR.

(2) IF THE INSTRUCTION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION IS NOT OFFERED FOR CERTIFICATION, A ~~LICENSED~~ TEACHER WHO IS NOT A CERTIFIED INSTRUCTOR OF CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR MAY FACILITATE, PROVIDE, OR OVERSEE THE INSTRUCTION.

(F) THE DEPARTMENT SHALL DEVELOP A PROCESS TO MONITOR THE IMPLEMENTATION OF THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 176

(House Bill 1366)

AN ACT concerning

**Public Schools – Cardiopulmonary Resuscitation and Automated External Defibrillator ~~and Automated External Defibrillator Instruction~~ ~~Graduation Requirement~~ Instruction**  
(Breanna's Law)

FOR the purpose of requiring a public school student to complete, as part of certain curricula, instruction in cardiopulmonary resuscitation that includes hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator beginning with students entering a certain grade in a certain year; ~~requiring a public school student to complete instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to graduate from high school beginning with students entering a certain grade in a certain year;~~ requiring each county board of education to provide, as part of certain curricula, instruction in cardiopulmonary resuscitation that includes hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator ~~and the use of an automated external defibrillator~~ in certain schools beginning in a certain year, using a certain instructional program, and incorporating certain skills; ~~requiring, if the instruction is offered for certification, a certain individual to conduct the instruction providing that a certain instructional course may not be offered for a certain certification~~ requiring, if the instruction is offered for certification, a certain individual to conduct the instruction; ~~authorizing, if the instruction is not offered for certification,~~ if the instruction is not offered for certification, a certain individual to facilitate, provide, or oversee the instruction; requiring the State Department of Education to develop a process to monitor the implementation of certain provisions of law; defining certain terms; and generally relating to instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator ~~and the use of an automated external defibrillator~~ ~~and high school graduation requirements for certain public school students~~ in the State.

BY adding to

Article – Education

Section 7–205.2

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

**Article – Education**

**7–205.2.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AUTOMATED EXTERNAL DEFIBRILLATOR” HAS THE MEANING STATED IN § 13–517 OF THIS ARTICLE.

(3) “PSYCHOMOTOR SKILLS” MEANS THE USE OF HANDS–ON PRACTICING TO SUPPORT COGNITIVE LEARNING.

~~(B) BEGINNING WITH STUDENTS ENTERING GRADE 9 IN THE 2015–2016 SCHOOL YEAR, TO GRADUATE FROM A PUBLIC HIGH SCHOOL, A STUDENT SHALL COMPLETE INSTRUCTION IN CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR.~~

*(B) BEGINNING WITH STUDENTS ENTERING GRADE 9 IN THE 2015–2016 SCHOOL YEAR, A STUDENT SHALL COMPLETE, AS PART OF THE HEALTH OR PHYSICAL EDUCATION CURRICULUM, INSTRUCTION IN CARDIOPULMONARY RESUSCITATION THAT INCLUDES HANDS–ONLY CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR.*

~~(C) (B) (C)~~ BEGINNING IN THE 2015–2016 SCHOOL YEAR, EACH COUNTY BOARD SHALL PROVIDE, *AS PART OF THE HEALTH OR PHYSICAL EDUCATION CURRICULUM, INSTRUCTION IN CARDIOPULMONARY RESUSCITATION THAT INCLUDES HANDS–ONLY CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR* IN EVERY PUBLIC SCHOOL THAT ENROLLS STUDENTS IN ANY OF THE GRADES ~~7~~ 9 THROUGH 12 IN THE COUNTY.

~~(D) (C) (D)~~ THE INSTRUCTION REQUIRED UNDER ~~SUBSECTIONS (B) AND (C)~~ *SUBSECTION (B) SUBSECTIONS (B) AND (C)* OF THIS SECTION SHALL:

(1) USE AN INSTRUCTIONAL PROGRAM THAT IS:

(I) DEVELOPED BY THE AMERICAN HEART ASSOCIATION OR THE AMERICAN RED CROSS; OR

(II) APPROVED BY THE DEPARTMENT AND THE COUNTY BOARD AND IS NATIONALLY RECOGNIZED AND BASED ON THE MOST CURRENT NATIONAL EVIDENCE-BASED EMERGENCY CARDIOVASCULAR CARE GUIDELINES FOR CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR ~~AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR~~; AND

(2) INCORPORATE THE PSYCHOMOTOR SKILLS NECESSARY TO PERFORM CARDIOPULMONARY RESUSCITATION AND TO USE AN AUTOMATED EXTERNAL DEFIBRILLATOR ~~AND TO USE AN AUTOMATED EXTERNAL DEFIBRILLATOR~~.

(E) (1) IF THE INSTRUCTION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION IS OFFERED FOR CERTIFICATION, THE COURSE MUST BE CONDUCTED BY AN INDIVIDUAL WHO IS CERTIFIED BY THE AMERICAN HEART ASSOCIATION, THE AMERICAN RED CROSS, OR A SIMILAR NATIONALLY RECOGNIZED ENTITY AS AN INSTRUCTOR OF CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR.

~~(E) (1) IF THE INSTRUCTION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION IS OFFERED FOR CERTIFICATION, THE COURSE MUST BE CONDUCTED BY AN INDIVIDUAL WHO IS CERTIFIED BY THE AMERICAN HEART ASSOCIATION, THE AMERICAN RED CROSS, OR A SIMILAR NATIONALLY RECOGNIZED ENTITY AS AN INSTRUCTOR OF CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR.~~

~~(2) (D) (1) THE INSTRUCTION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT BE OFFERED FOR CERTIFICATION.~~

(2) A IF THE INSTRUCTION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION IS NOT OFFERED FOR CERTIFICATION, A ~~IF THE INSTRUCTION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION IS NOT OFFERED FOR CERTIFICATION, A~~ LICENSED TEACHER WHO IS NOT A CERTIFIED INSTRUCTOR OF CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR ~~AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR~~ MAY FACILITATE, PROVIDE, OR OVERSEE THE INSTRUCTION.

~~(F)~~ ~~(E)~~ ~~(F)~~ THE DEPARTMENT SHALL DEVELOP A PROCESS TO MONITOR THE IMPLEMENTATION OF THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 177

(Senate Bill 512)

AN ACT concerning

### **Criminal Injuries Compensation Board – Membership – Family Member of Homicide Victim**

FOR the purpose of altering the membership of the Criminal Injuries Compensation Board to include one person who is a family member of a homicide victim; and generally relating to the membership of the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 11–804  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

### **Article – Criminal Procedure**

11–804.

(a) There is a Criminal Injuries Compensation Board in the Department.

(b) (1) The Board consists of five members.

(2) Of the five members of the Board:

(i) ONE SHALL BE A FAMILY MEMBER OF A HOMICIDE VICTIM;

(II) no more than four may belong to the same political party;  
and

[(ii)] (III) one shall have been admitted to practice law in the State for at least 5 years immediately preceding the appointment.

(3) The Secretary shall appoint the members of the Board, with the approval of the Governor and the advice and consent of the Senate.

(c) (1) The term of a member is 5 years.

(2) A member who is appointed to fill a vacancy occurring other than by expiration of a term serves for the rest of the unexpired term.

(d) (1) With the approval of the Governor, the Secretary shall designate one member of the Board as chairman.

(2) The chairman serves at the pleasure of the Secretary.

(e) (1) Each member of the Board shall devote the time necessary to perform the duties listed under this subtitle.

(2) Each member of the Board is entitled to:

(i) compensation in accordance with the State budget; and

(ii) reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 178**

**(Senate Bill 515)**

AN ACT concerning

### **Juvenile Law – Transfer of Cases to Juvenile Court**

FOR the purpose of repealing a provision of law that prohibits a court exercising criminal jurisdiction in a case involving a child to transfer the case to the

juvenile court under certain circumstances; making certain conforming changes; and generally relating to juvenile law and the transfer of cases to the juvenile court.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 4–202, ~~4–202.1~~, and 4–202.2

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 4–202.1

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

### **Article – Criminal Procedure**

4–202.

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

(2) “Victim” has the meaning stated in § 11–104 of this article.

(3) “Victim’s representative” has the meaning stated in § 11–104 of this article.

(b) ~~¶~~Except as provided in subsection (c) of this section, ~~a~~ **A** court exercising criminal jurisdiction in a case involving a child may transfer the case to the juvenile court before trial or before a plea is entered under Maryland Rule 4–242 if:

(1) the accused child was at least 14 but not 18 years of age when the alleged crime was committed;

(2) the alleged crime is excluded from the jurisdiction of the juvenile court under § 3–8A–03(d)(1), (4), or (5) of the Courts Article; and

(3) the court determines by a preponderance of the evidence that a transfer of its jurisdiction is in the interest of the child or society.

~~¶~~(c) The court may not transfer a case to the juvenile court under subsection (b) of this section if:

~~(1) the child previously has been transferred to juvenile court and adjudicated delinquent;~~

~~(2)~~ the child was convicted in an unrelated case excluded from the jurisdiction of the juvenile court under § 3–8A–03(d)(1) or (4) of the Courts Article; or

~~(3)~~ **(2)** the alleged crime is murder in the first degree and the accused child was 16 or 17 years of age when the alleged crime was committed.†

~~†(d)†~~ ~~(c)~~ In determining whether to transfer jurisdiction under subsection (b) of this section, the court shall consider:

- (1) the age of the child;
- (2) the mental and physical condition of the child;
- (3) the amenability of the child to treatment in an institution, facility, or program available to delinquent children;
- (4) the nature of the alleged crime; and
- (5) the public safety.

~~†(e)†~~ ~~(d)~~ In making a determination under this section, the court may order that a study be made concerning the child, the family of the child, the environment of the child, and other matters concerning the disposition of the case.

~~†(f)†~~ ~~(e)~~ The court shall make a transfer determination within 10 days after the date of a transfer hearing.

~~†(g)†~~ ~~(f)~~ If the court transfers its jurisdiction under this section, the court may order the child held for an adjudicatory hearing under the regular procedure of the juvenile court.

~~†(h)†~~ ~~(g)~~ (1) Pending a determination under this section to transfer its jurisdiction, the court may order a child to be held in a secure juvenile facility.

(2) A hearing on a motion requesting that a child be held in a juvenile facility pending a transfer determination shall be held not later than the next court day, unless extended by the court for good cause shown.

~~†(i)†~~ ~~(h)~~ (1) A victim or victim's representative shall be given notice of the transfer hearing as provided under § 11–104 of this article.

(2) (i) A victim or a victim's representative may submit a victim impact statement to the court as provided in § 11–402 of this article.

(ii) This paragraph does not preclude a victim or victim's representative who has not filed a notification request form under § 11–104 of this article from submitting a victim impact statement to the court.

(iii) The court shall consider a victim impact statement in determining whether to transfer jurisdiction under this section.

~~[(j)]~~ ~~(j)~~ At a bail review or preliminary hearing before the District Court involving a child whose case is eligible for transfer under subsection (b) of this section, the District Court may order that a study be made under the provisions of subsection ~~[(e)]~~ ~~(e)~~ of this section, or that the child be held in a secure juvenile facility under the provisions of subsection ~~[(h)]~~ ~~(h)~~ of this section, regardless of whether the District Court has criminal jurisdiction over the case.

4–202.1.

(a) In this section, “child” means a defendant who is under the age of 18 years and whose case is eligible for transfer under the provisions of § 4–202(b)(1) and (2) ~~and (c)]~~ of this subtitle.

(b) If a child remains in custody for any reason after a bail review hearing:

(1) in the case of a child charged with a felony that is not within the jurisdiction of the District Court, the District Court shall:

(i) clearly indicate on the case file and in computer records that the case involves a detained child; and

(ii) set a preliminary hearing to be held within 15 days after the bail review hearing; or

(2) in the case of a child charged with a crime in the District Court, the District Court:

(i) shall clearly indicate on the case file and in computer records that the case involves a detained child;

(ii) shall set a transfer hearing under § 4–202 of this subtitle to be held within 30 days after the filing of the charging document;

(iii) may order that a study be made under § 4–202 of this subtitle; and

(iv) shall require that prompt notice be given to counsel for the child, or, if the child is not represented by counsel, to the Office of the Public Defender.

(c) On receipt of a District Court case file that indicates that the case involves a child who was detained after a bail review hearing under subsection (b) of this section, a circuit court:

(1) unless previously set by the District Court under subsection (b)(2) of this section, shall set a transfer hearing under § 4–202 of this subtitle to be held within 30 days after the filing of the charging document in the circuit court;

(2) unless previously ordered by the District Court under subsection (b)(2) of this section, may order that a study be made under § 4–202 of this subtitle; and

(3) shall require that prompt notice be given to counsel for the child, or, if the child is not represented by counsel, to the Office of the Public Defender.

4–202.2.

(a) At sentencing, a court exercising criminal jurisdiction in a case involving a child shall determine whether to transfer jurisdiction to the juvenile court if:

(1) as a result of trial or a plea entered under Maryland Rule 4–242, all charges that excluded jurisdiction from the juvenile court under § 3–8A–03(d)(1) or (4) of the Courts Article do not result in a finding of guilty; and

(2) ~~[(i) pretrial transfer was prohibited under § 4–202(e)(3)]~~  
**4–202(C)(2)** of this subtitle; or

~~[(ii)]~~ the court did not transfer jurisdiction after a hearing under § 4–202(b) of this subtitle.

(b) In determining whether to transfer jurisdiction under subsection (a) of this section, the court shall consider:

(1) the age of the child;

(2) the mental and physical condition of the child;

(3) the amenability of the child to treatment in an institution, facility, or program available to delinquent children;

(4) the nature of the child's acts as proven in the trial or admitted to in a plea entered under Maryland Rule 4–242; and

(5) public safety.

(c) The court may not consider transferring jurisdiction to the juvenile court under this section if:

(1)~~1~~, under the terms of a plea agreement entered under Maryland Rule 4–243, the child agrees that jurisdiction is not to be transferred~~1~~; or

(2) pretrial transfer was prohibited under § 4–202(c)(1) ~~or (2)~~ of this subtitle~~1~~.

(d) (1) A victim or victim’s representative shall be given notice of the transfer hearing as provided under § 11–104 of this article.

(2) (i) A victim or victim’s representative may submit a victim impact statement to the court as provided in § 11–402 of this article.

(ii) This paragraph does not preclude a victim or victim’s representative who has not filed a notification request form under § 11–104 of this article from submitting a victim impact statement to the court.

(iii) The court shall consider a victim impact statement in determining whether to transfer jurisdiction under this section.

(e) (1) If the court transfers its jurisdiction to the juvenile court, the court shall conduct a disposition under the regular procedures of the juvenile court.

(2) The record of the hearing and of the disposition shall be transferred to the juvenile court, subject to § 3–8A–27 of the Courts Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 179

### (Senate Bill 556)

AN ACT concerning

#### **Carroll County – Orphans’ Court Judges – Salary**

FOR the purpose of altering the salary of each judge of the Orphans’ Court for Carroll County and the annual salary of the Chief Judge of the Orphans’ Court for Carroll County, to be paid in equal monthly installments; specifying that the Chief Judge shall be allowed a certain amount of money annually for traveling expenses; providing that this Act does not apply to the salary or compensation of a judge or the Chief Judge of the Orphans’ Court for Carroll County while

serving in a certain term of office; and generally relating to the compensation of judges of the Orphans' Court for Carroll County.

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 2–108(h)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article – Estates and Trusts**

2–108.

(h) (1) Each of the judges of the Court for Carroll County shall receive an annual compensation of [\$10,000] **\$15,000**, to be paid monthly.

(2) **THE ANNUAL SALARY OF THE CHIEF JUDGE IS \$16,500, TO BE PAID IN EQUAL MONTHLY INSTALLMENTS.**

(3) Each judge **AND THE CHIEF JUDGE** shall also be allowed \$200 annually for traveling expenses, payable quarterly.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of a judge or the Chief Judge of the Orphans' Court for Carroll County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of a judge or the Chief Judge of the Orphans' Court for Carroll County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 180**

**(Senate Bill 576)**

AN ACT concerning

**Teachers' Retirement and Pension Systems – Reemployment of Retirees –  
Penalty for Failure to Submit Certification**

FOR the purpose of altering the amount a local school system or the Maryland School for the Deaf must pay as a penalty for failing to submit to the Board of Trustees for the State Retirement and Pension System and the State Department of Education within a certain period of time a certain certification regarding certain retirees of the Teachers' Retirement System or the Teachers' Pension System who are employed by a local school system or the Maryland School for the Deaf and are exempt from a certain retirement allowance offset; and generally relating to the penalty for the failure to submit a certain certification regarding certain reemployed retirees in the teachers' retirement and pension systems.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 22–406(c)(9) and 23–407(c)(9)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – State Personnel and Pensions**

22–406.

(c) (9) (i) The superintendent of the local school system or the superintendent of the Maryland School for the Deaf rehiring an individual under paragraph (4)(v) or (vi) of this subsection shall:

1. approve the rehiring of that individual; and
2. determine the school where the individual is to be reemployed.

(ii) Within 30 days after rehiring an individual, the superintendent of a local school system or the superintendent of the Maryland School for the Deaf shall complete and file with the Board of Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system or the Maryland School for the Deaf under paragraph (4)(v) or (vi) of this subsection:

1. satisfied the criteria provided in paragraph (4)(v) or (vi) of this subsection;

2. was reemployed at a school described under paragraph (5)(i) or (6) of this subsection; and

3. if rehired under paragraph (4)(v) of this subsection, was:

A. teaching in an area specified in paragraph (5)(ii) of this subsection; or

B. teaching in any class or subject or providing educational services as provided under paragraph (8) of this subsection.

(iii) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a superintendent of a local school system or the superintendent of the Maryland School for the Deaf under subparagraph (ii) of this paragraph during the previous calendar year.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system or the Maryland School for the Deaf has rehired an individual that does not satisfy the criteria provided in paragraphs (4)(v) and (5), paragraphs (4)(vi) and (6), or paragraph (8) of this subsection:

A. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system or the Maryland School for the Deaf of this individual; and

B. the local school system or the Maryland School for the Deaf shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

(iv) If a superintendent of a local school system or the superintendent of the Maryland School for the Deaf rehires an individual that satisfies the criteria provided in paragraphs (4)(v) or (vi) and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department of Education do not receive certification from the superintendent in the time required under subparagraph (ii) of this paragraph:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system or the superintendent of the Maryland School for the Deaf of this individual; and

2. the local school system or the Maryland School for the Deaf shall [reimburse the Board of Trustees the amount equal to any reduction to the

individual's retirement allowance that would have been made in paragraph (2) of this subsection as a result of the superintendent's failure] **PAY THE BOARD OF TRUSTEES \$50 FOR EACH MONTH THE SUPERINTENDENT FAILS** to submit **THE** certification under subparagraph (ii) of this paragraph **IN THE TIME REQUIRED, NOT TO EXCEED A TOTAL OF \$1,000 FOR EACH INDIVIDUAL WHOSE CERTIFICATION IS NOT SUBMITTED IN THE TIME REQUIRED.**

(v) The local school system or the Maryland School for the Deaf shall make the reimbursement on or before December 31 of the year the local school system or the Maryland School for the Deaf receives notice from the Board of Trustees under subparagraph (iii)2A of this paragraph.

23–407.

(c) (9) (i) The superintendent of the local school system or the superintendent of the Maryland School for the Deaf rehiring an individual under paragraph (4)(iv) or (v) of this subsection shall:

1. approve the rehiring of that individual; and
2. determine the school where the individual is to be reemployed.

(ii) Within 30 days after rehiring an individual, the superintendent of a local school system or the superintendent of the Maryland School for the Deaf shall complete and file with the Board of Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system or the Maryland School for the Deaf under paragraph (4)(iv) or (v) of this subsection:

1. satisfied the criteria provided in paragraph (4)(iv) or (v) of this subsection;
2. was reemployed at a school described under paragraph (5)(i) or (6) of this subsection; and
3. if rehired under paragraph (4)(iv) of this subsection, was:
  - A. teaching in an area specified in paragraph (5)(ii) of this subsection; or
  - B. teaching in any class or subject or providing educational services as provided under paragraph (8) of this subsection.

(iii) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a superintendent of a local school system or the superintendent of the Maryland School for the Deaf under subparagraph (ii) of this paragraph.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system or the Maryland School for the Deaf has rehired an individual that does not satisfy the criteria provided in paragraphs (4)(iv) and (5), paragraphs (4)(v) and (6), or paragraph (8) of this subsection:

A. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system or the Maryland School for the Deaf of this individual; and

B. the local school system or the Maryland School for the Deaf shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

(iv) If a superintendent of a local school system or the superintendent of the Maryland School for the Deaf rehires an individual that satisfies the criteria provided in paragraphs (4)(iv) or (v) and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department of Education do not receive certification from the superintendent in the time required under subparagraph (ii) of this paragraph:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system or the superintendent of the Maryland School for the Deaf of this individual; and

2. the local school system or the Maryland School for the Deaf shall [reimburse the Board of Trustees the amount equal to any reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection as a result of the superintendent's failure] **PAY THE BOARD OF TRUSTEES \$50 FOR EACH MONTH THE SUPERINTENDENT FAILS to submit THE certification under subparagraph (ii) of this paragraph IN THE TIME REQUIRED, NOT TO EXCEED A TOTAL OF \$1,000 FOR EACH INDIVIDUAL WHOSE CERTIFICATION IS NOT SUBMITTED IN THE TIME REQUIRED.**

(v) The local school system or the Maryland School for the Deaf shall make the reimbursement on or before December 31 of the year the local school system or the Maryland School for the Deaf receives notice from the Board of Trustees under subparagraph (iii)2A of this paragraph.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 181

(Senate Bill 592)

AN ACT concerning

~~Department of Health and Mental Hygiene – Community Health Workers  
Certification and Reimbursement~~

Workgroup on Workforce Development for Community Health Workers

FOR the purpose of requiring the Department of Health and Mental Hygiene ~~to adopt regulations, on or before a certain date, that establish certification criteria and reimbursement and payment policies for community health workers; requiring the Department, if applicable, to receive certain approval from the federal Centers for Medicare and Medicaid Services; requiring the Department and the Maryland Insurance Administration to establish a certain stakeholder workgroup; requiring, to the extent practicable, a certain minimum percentage of the membership of the workgroup to be composed of certain individuals; requiring the workgroup to conduct a certain study and make certain recommendations; requiring the workgroup to report its findings and recommendations to certain committees of the General Assembly on or before a certain date; and generally relating to community health workers.~~

~~BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 15–101(a) and (h)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)~~

~~BY adding to  
Article – Health – General  
Section 15–148  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)~~

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

~~Article – Health – General~~

~~15-101.~~

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

~~(h) "Program" means the Maryland Medical Assistance Program.~~

~~15-148.~~

~~(A) ON OR BEFORE JANUARY 1, 2015, THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ESTABLISH:~~

~~(1) CRITERIA FOR CERTIFYING COMMUNITY HEALTH WORKERS AS NONCLINICAL HEALTH CARE PROVIDERS; AND~~

~~(2) PROGRAM REIMBURSEMENT AND PAYMENT POLICIES FOR COMMUNITY HEALTH WORKERS.~~

~~(B) THE CRITERIA FOR CERTIFYING COMMUNITY HEALTH WORKERS UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL REQUIRE:~~

~~(1) RECEIPT OF A CERTIFICATE FROM A COMMUNITY HEALTH WORKER CURRICULUM PROGRAM THAT IS APPROVED BY THE DEPARTMENT; OR~~

~~(2) COMPLETION OF COMMUNITY HEALTH WORKER CORE COMPETENCIES THAT INCLUDE AN INITIAL 80 HOURS OF INTENSIVE TRAINING AND 20 COMBINED HOURS OF CONTINUED EDUCATION EVERY 2 YEARS IN THE FOLLOWING AREAS:~~

~~(i) THE COMMUNITY HEALTH ROLE;~~

~~(ii) ORGANIZATION AND RESOURCES;~~

~~(iii) LEGAL AND ETHICAL RESPONSIBILITIES;~~

~~(iv) COORDINATION, DOCUMENTATION, AND REPORTING;~~

~~(v) COMMUNICATION SKILLS AND CULTURAL COMPETENCE;~~

~~(vi) THE ROLE OF THE COMMUNITY HEALTH WORKER IN HEALTH PROMOTION;~~

~~(vii) ACCESSING MEDICATIONS AND CARE RESOURCES;~~

~~(VIII) ADHERENCE TO TREATMENT BY NONCOMPLIANT PATIENTS;~~

~~(IX) PERSONAL CARE AND STRESS;~~

~~(X) COMMUNITY HEALTH WORKER SKILLS; AND~~

~~(XI) CORE DISEASE AND HEALTH ISSUE TRAINING.~~

~~(C) IF APPLICABLE, THE DEPARTMENT SHALL SEEK ANY APPROVAL NECESSARY FROM THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES TO AUTHORIZE THE DEPARTMENT TO REIMBURSE COMMUNITY HEALTH WORKERS FOR PROVIDING PREVENTIVE SERVICES.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

(a) The Department of Health and Mental Hygiene and the Maryland Insurance Administration jointly shall establish a stakeholder workgroup on workforce development for community health workers.

(b) To the extent practicable, at least 50% of the membership of the workgroup shall be composed of individuals who:

(1) are directly involved in the provision of nonclinical health care; or

(2) represent an institution or organization that is directly involved in the provision of nonclinical health care.

~~(b)~~ (c) The workgroup shall study and make recommendations regarding:

(1) the training and credentialing required for community health workers to be certified as nonclinical health care providers; and

(2) reimbursement and payment policies for community health workers through the Maryland Medical Assistance Program and private insurers.

~~(c)~~ (d) On or before ~~December 1, 2014~~ June 1, 2015, the workgroup shall report its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee, the Senate Finance Committee, and the House Health and Government Operations Committee.

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

Approved by the Governor, April 14, 2014.

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**Chapter 182****(Senate Bill 608)**

AN ACT concerning

**Correctional Services – Swift and Certain Sanctions Pilot Program –  
Expansion**

FOR the purpose of expanding the Swift and Certain Sanctions Pilot Program to include Baltimore City and individuals under mandatory supervision; extending the termination date for the program; and generally relating to the Swift and Certain Sanctions Pilot Program.

BY repealing and reenacting, with amendments,  
Chapter 555 of the Acts of the General Assembly of 2011  
Section 1 and 2

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

**Chapter 555 of the Acts of 2011**

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Department of Public Safety and Correctional Services shall:

(1) **(I)** develop, by October 1, 2012, a pilot program in two counties that creates a system of graduated administrative sanctions for violations of conditions of parole by releasees from the [Division of Correction] **DEPARTMENT**; and

**(II) BY OCTOBER 1, 2014, EXPAND THE PROGRAM TO INCLUDE BALTIMORE CITY AND INDIVIDUALS UNDER MANDATORY SUPERVISION; AND**

(2) beginning in 2013, on or before October 1 of each year, report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on:

(i) the status of the pilot program;

(ii) the percentage of Departmental programs that use evidence-based practices; and

(iii) the number of individuals incarcerated for technical violations in the State while on parole **OR UNDER MANDATORY SUPERVISION** and the number of new offenses committed by individuals in the State while on parole **OR UNDER MANDATORY SUPERVISION**.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. It shall remain effective for a period of [4] **6** years and, at the end of September 30, [2015] **2017**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 183**

### **(Senate Bill 610)**

AN ACT concerning

#### **National Guard – Tuition Assistance – Members of Disbanded Units**

FOR the purpose of providing that if a certain member of the Maryland National Guard is receiving certain tuition assistance from the Military Department and is part of a certain unit that has been disbanded due to certain reasons, the member can satisfy certain requirements relating to the tuition assistance in a certain manner; providing that if a member of the Maryland National Guard is receiving certain tuition assistance from the Department and is offered early separation due to certain reasons, the member is excused from certain requirements and obligations relating to the tuition assistance; and generally relating to tuition assistance for members of the Maryland National Guard.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 13–405

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

#### **Article – Public Safety**

13-405.

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

(2) "Institution" means:

(i) any campus of the University System of Maryland, any community college established under Title 16 of the Education Article, Morgan State University, or St. Mary's College;

(ii) any private institution of higher education that grants a member a tuition waiver of at least 50%;

(iii) any public postsecondary vocational-technical or trade school; or

(iv) any private postsecondary vocational-technical or trade school that grants a member a tuition waiver of at least 50%.

(3) "Member" means an individual who:

(i) is regularly enlisted in the National Guard; or

(ii) holds a commission in the National Guard as:

1. an officer in the grade of major or below; or

2. a warrant officer.

(4) (i) "Tuition" means the basic instructional charge for undergraduate, graduate, professional, vocational-technical, and trade school credit courses and related fees at an institution.

(ii) "Tuition" does not include charges for self-supporting programs.

(b) (1) To the extent that funds are provided in the State budget, the Department may provide assistance equal to 50% of the cost of in-State tuition for any regularly scheduled undergraduate credit course, graduate credit course, professional credit course, vocational-technical course, or trade course for any active member attending an institution who is certified as eligible by the Adjutant General.

(2) **[A] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A** member who receives assistance under paragraph (1) of this subsection for an undergraduate credit, vocational-technical, or trade course shall remain an active member for at least 2 years following the completion of the course.

(3) [A] **SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION**, A member who receives assistance under paragraph (1) of this subsection for a graduate or professional credit course shall remain an active member for at least 4 years following the completion of the course.

(4) **SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, IF A MEMBER RECEIVES ASSISTANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND IS A MEMBER OF A UNIT THAT HAS BEEN DISBANDED ON OR AFTER SEPTEMBER 1, 2013, DUE TO BUDGETARY CUTS, BASE REALIGNMENT AND CLOSURE, OR ANY OTHER REASON, THE MEMBER MAY SATISFY THE REQUIREMENTS OF PARAGRAPH (2) OR PARAGRAPH (3) OF THIS SUBSECTION BY TRANSFERRING TO ANOTHER ACTIVE DUTY, RESERVE, OR NATIONAL GUARD UNIT IN THE STATE OR IN ANOTHER STATE.**

(5) **IF A MEMBER WHO RECEIVES ASSISTANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION IS OFFERED EARLY SEPARATION BY THE MILITARY FOLLOWING THE DISBANDING OF THE MEMBER'S UNIT DUE TO BUDGET CUTS, BASE REALIGNMENT AND CLOSURE, OR ANY OTHER REASON, THE MEMBER IS EXCUSED FROM THE REQUIREMENTS OF PARAGRAPH (2) OR PARAGRAPH (3) OF THIS SUBSECTION.**

(c) (1) The Adjutant General may not certify a member as eligible unless the member is:

(i) enlisted and has at least 24 months remaining to serve on the current enlistment of the member; or

(ii) an officer or warrant officer and agrees in writing to serve for a minimum of 24 months.

(2) The 24-month requirement runs from the first day of classes for the semester.

(d) If a recipient of tuition assistance under this section is discharged from the National Guard for a reason designated by the Adjutant General, the assistance terminates and the member shall reimburse the Department the amount of tuition assistance received for that semester within 30 days of discharge.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 184****(Senate Bill 617)**

AN ACT concerning

**Frederick County – Sheriff – Salary**

FOR the purpose of altering the salary of the Sheriff of Frederick County; providing that this Act does not apply to the salary or compensation of the incumbent Sheriff during a certain term of office; making stylistic changes; and generally relating to the salary of the Sheriff of Frederick County.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–309(l)(1)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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

**Article – Courts and Judicial Proceedings**

2–309.

(l) (1) **(I)** The Sheriff of Frederick County shall receive a salary of [\$100,000] **\$125,000**.

**(II)** The Sheriff shall appoint deputies as necessary, at salaries of at least \$2,400, and jail wardens as necessary, at salaries of at least \$1,320 each.

**(III) 1.** The Sheriff also may appoint additional temporary deputy sheriffs as the Sheriff considers necessary for the public safety, with the approval of the Board of County Commissioners.

**2.** The County Commissioners shall allow reasonable compensation for the temporary additional deputy sheriffs and the temporary deputies may not serve longer than the occasion requires.

**(IV)** The Sheriff may appoint a chief deputy who shall serve at the pleasure of the Sheriff.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Frederick County while serving in a term

of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Frederick County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 185**

### **(Senate Bill 659)**

AN ACT concerning

#### **Crimes Relating to Animals – Surgery on Dogs – Penalties**

FOR the purpose of prohibiting a person, other than a licensed veterinarian, ~~or a registered veterinary technician employed by and under the supervision of a licensed veterinarian,~~ using anesthesia when appropriate, from performing certain procedures on a dog; ~~prohibiting a person other than a licensed veterinarian from performing a certain procedure on a dog;~~ establishing penalties for a violation of this Act; and generally relating to crimes relating to animals.

BY adding to

Article – Criminal Law

Section 10–624

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

#### **Article – Criminal Law**

#### **10–624.**

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT:

(1) CROP OR CUT OFF THE EAR OF A DOG;

- (2) DOCK OR CUT OFF THE TAIL OF A DOG;
- (3) CUT OFF THE DEWCLAW OF A DOG; OR
- (4) SURGICALLY BIRTH A DOG.

(B) ~~(1)~~ A PROCEDURE DESCRIBED IN ~~SUBSECTION (A)~~ SUBSECTION (A)(1), (2), OR (3) OF THIS SECTION MAY BE PERFORMED BY A LICENSED VETERINARIAN, ~~OR A REGISTERED VETERINARY TECHNICIAN EMPLOYED BY AND UNDER THE SUPERVISION OF A LICENSED VETERINARIAN,~~ USING ANESTHESIA WHEN APPROPRIATE ON THE ANIMAL.

~~(2) A PROCEDURE DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION MAY BE PERFORMED BY A LICENSED VETERINARIAN USING ANESTHESIA WHEN APPROPRIATE ON THE ANIMAL.~~

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 180 DAYS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 186

(Senate Bill 660)

AN ACT concerning

### Crimes Relating to Animals – Unauthorized Surgical Devocalization of Cat or Dog – Penalties

FOR the purpose of prohibiting a person from surgically ~~debarking or silencing~~ devocalizing a dog or cat; authorizing a certain veterinarian to surgically ~~debark or silence~~ devocalize a dog or cat under certain circumstances; defining a certain

term; providing penalties for a violation of this Act; and generally relating to crimes relating to animals.

BY adding to

Article – Criminal Law

Section 10–624

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Law**

**10–624.**

**(A) (1) “DEVOCALIZE” MEANS TO PERFORM A SURGICAL PROCEDURE INVOLVING CUTTING, NOTCHING, PUNCHING, ABRADING, LASERING, SUTURING, OR OTHERWISE PHYSICALLY ALTERING THE VOCAL APPARATUS OF A DOG OR CAT WITH THE INTENT OF ALTERING, REDUCING, OR ELIMINATING VOCAL SOUNDS PRODUCED BY THE ANIMAL.**

**(2) “DEVOCALIZE” INCLUDES DEBARKING, DEVOICING, SILENCING, VENTRICULOCORDECTOMY, VOCAL CORDECTOMY, BARK REDUCTION, AND BARK SOFTENING.**

**~~(A)~~ (B) EXCEPT AS PROVIDED IN SUBSECTION ~~(B)~~ (C) OF THIS SECTION, A PERSON MAY NOT SURGICALLY ~~DEBARK OR SILENCE~~ DEVOCALIZE A DOG OR CAT.**

**~~(B)~~ (C) A LICENSED VETERINARIAN MAY SURGICALLY ~~DEBARK OR SILENCE~~ DEVOCALIZE A DOG OR CAT ONLY IF:**

**(1) ANESTHESIA IS ADMINISTERED TO THE ANIMAL DURING THE PROCEDURE; AND**

**(2) THE VETERINARIAN PROVIDES THE OWNER OR KEEPER OF THE ANIMAL A WRITTEN CERTIFICATION THAT:**

**(I) STATES THAT THE PROCEDURE ON THE ANIMAL WAS MEDICALLY NECESSARY TO TREAT OR RELIEVE ~~AN~~ A PHYSICAL ILLNESS, A DISEASE, OR AN INJURY, OR TO CORRECT A CONGENITAL ABNORMALITY THAT IS CAUSING OR WILL CAUSE THE ANIMAL MEDICAL HARM OR PAIN; AND**

**(II) CONTAINS:**

1. THE DATE AND DESCRIPTION OF THE VETERINARIAN'S EXAMINATION AND EVALUATION;

2. SUPPORTING DIAGNOSES AND FINDINGS;

3. THE NAME AND CURRENT ADDRESS AND TELEPHONE NUMBER OF THE ANIMAL'S OWNER OR KEEPER; AND

4. THE NAME AND CURRENT ADDRESS AND TELEPHONE NUMBER, STATE LICENSE NUMBER, AND SIGNATURE OF THE VETERINARIAN.

~~(C)~~ (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 187

(House Bill 667)

AN ACT concerning

### Crimes Relating to Animals – Unauthorized Surgical Devocalization of Cat or Dog – Penalties

FOR the purpose of prohibiting a person from surgically ~~debarking or silencing~~ devocalizing a dog or cat; authorizing a certain veterinarian to surgically ~~debark or silence~~ devocalize a dog or cat under certain circumstances; defining a certain term; providing penalties for a violation of this Act; and generally relating to crimes relating to animals.

BY adding to

Article – Criminal Law

Section 10–624

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Law**

**10–624.**

**(A) (1) “DEVOCALIZE” MEANS TO PERFORM A SURGICAL PROCEDURE INVOLVING CUTTING, NOTCHING, PUNCHING, ABRADING, LASERING, SUTURING, OR OTHERWISE PHYSICALLY ALTERING THE VOCAL APPARATUS OF A DOG OR CAT WITH THE INTENT OF ALTERING, REDUCING, OR ELIMINATING VOCAL SOUNDS PRODUCED BY THE ANIMAL.**

**(2) “DEVOCALIZE” INCLUDES DEBARKING, DEVOICING, SILENCING, VENTRICULOCORDECTOMY, VOCAL CORDECTOMY, BARK REDUCTION, AND BARK SOFTENING.**

**~~(A)~~ (B) EXCEPT AS PROVIDED IN SUBSECTION ~~(B)~~ (C) OF THIS SECTION, A PERSON MAY NOT SURGICALLY ~~DEBARK OR SILENCE~~ DEVOCALIZE A DOG OR CAT.**

**~~(B)~~ (C) A LICENSED VETERINARIAN MAY SURGICALLY ~~DEBARK OR SILENCE~~ DEVOCALIZE A DOG OR CAT ONLY IF:**

**(1) ANESTHESIA IS ADMINISTERED TO THE ANIMAL DURING THE PROCEDURE; AND**

**(2) THE VETERINARIAN PROVIDES THE OWNER OR KEEPER OF THE ANIMAL A WRITTEN CERTIFICATION THAT:**

**(I) STATES THAT THE PROCEDURE ON THE ANIMAL WAS MEDICALLY NECESSARY TO TREAT OR RELIEVE ~~AN~~ A PHYSICAL ILLNESS, A DISEASE, OR AN INJURY, OR TO CORRECT A CONGENITAL ABNORMALITY THAT IS CAUSING OR WILL CAUSE THE ANIMAL MEDICAL HARM OR PAIN; AND**

**(II) CONTAINS:**

**1. THE DATE AND DESCRIPTION OF THE VETERINARIAN’S EXAMINATION AND EVALUATION;**

**2. SUPPORTING DIAGNOSES AND FINDINGS;**

3. THE NAME AND CURRENT ADDRESS AND TELEPHONE NUMBER OF THE ANIMAL'S OWNER OR KEEPER; AND

4. THE NAME AND CURRENT ADDRESS AND TELEPHONE NUMBER, STATE LICENSE NUMBER, AND SIGNATURE OF THE VETERINARIAN.

~~(C)~~ (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 188

(Senate Bill 665)

AN ACT concerning

### Correctional Officers' Retirement System – Membership

FOR the purpose of altering the positions eligible for membership in the Correctional Officers' Retirement System; clarifying that certain individuals who do not elect to transfer are not members of the Correctional Officers' Retirement System; authorizing certain individuals to cease membership in the Employees' Pension System and enroll in the Correctional Officers' Retirement System; authorizing certain individuals to transfer service credit from the Employees' Pension System to the Correctional Officers' Retirement System; requiring an individual who elects to transfer membership and service credit to the Correctional Officers' Retirement System to make that election on a form provided by the Board of Trustees for the State Retirement and Pension System; requiring service credit transferred to the Correctional Officers' Retirement System under this Act to be transferred in accordance with certain provisions of law; requiring the Executive Director of the State Retirement Agency to grant a certain waiver if it is necessary to implement a certain transfer of service credit; providing for

the termination of certain provisions of this Act; and generally relating to membership in the Correctional Officers' Retirement System.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 25–201 and 25–401  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – State Personnel and Pensions**

25–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(1) correctional officers serving in any of the first six job classifications;

(2) security attendants at Clifton T. Perkins Hospital Center;

(3) a detention center officer employed by a participating governmental unit that on or after July 1, 2006, has elected to participate in the Correctional Officers' Retirement System;

(4) an individual serving as a correctional dietary, maintenance, laundry, or supply officer; [and]

(5) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager; AND

**(6) A CORRECTIONAL OFFICER SERVING AS A SECURITY CHIEF, A FACILITY ADMINISTRATOR, AN ASSISTANT WARDEN, OR A WARDEN WHO:**

**(I) BEGINS EMPLOYMENT IN THAT POSITION ON OR AFTER JULY 1, 2014; OR**

**(II) IS SERVING IN THAT POSITION ON JUNE 30, 2014, AND ELECTS TO TRANSFER TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 2014.**

(b) This subtitle does not apply to:

(1) an employee of the Baltimore City Jail as of June 30, 1991, who:

(i) became an employee of the Baltimore City Detention Center on July 1, 1991; and

(ii) did not elect to become a member of the Correctional Officers' Retirement System on that date; [or]

(2) a detention center officer employed by a participating governmental unit as a local detention center officer on the effective date of participation on or after July 1, 2006, who did not elect to become a member of the Correctional Officers' Retirement System within 6 months of the effective date of participation; OR

**(3) A CORRECTIONAL OFFICER SERVING AS A SECURITY CHIEF, A FACILITY ADMINISTRATOR, AN ASSISTANT WARDEN, OR A WARDEN WHO IS IN THAT POSITION ON JUNE 30, 2014, AND DOES NOT ELECT TO TRANSFER MEMBERSHIP TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 2014.**

25-401.

(a) A member may retire with a normal service retirement allowance if:

(1) on or before the date of retirement, the member has at least 20 years of eligibility service;

(2) for at least 5 years immediately before retirement, the member was:

(i) a security attendant at Clifton T. Perkins Hospital Center;

(ii) a correctional officer in any of the first six job classifications;

(iii) a detention center officer employed by a participating governmental unit that has elected to participate in the Correctional Officers' Retirement System;

(iv) an individual serving as a correctional dietary, maintenance, laundry, or supply officer;

(v) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager; [or]

**(VI) A CORRECTIONAL OFFICER SERVING AS A SECURITY CHIEF, A FACILITY ADMINISTRATOR, AN ASSISTANT WARDEN, OR A WARDEN; OR**

**[(vi)] (VII)** in a combination of these positions; and

(3) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire.

(b) On retirement under this section, a member is entitled to receive a normal service retirement allowance that equals one fifty-fifth of the member's average final compensation multiplied by the number of years of creditable service.

**SECTION 2. AND BE IT FURTHER ENACTED, That:**

(a) This section applies to an individual who:

(1) is a member of the Employees' Pension System on June 30, 2014, and employed as a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden; and

(2) on July 1, 2014, continues employment as a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden.

(b) (1) On or after July 1, 2014, but on or before December 31, 2014, an individual described in subsection (a) of this section may cease membership in the Employees' Pension System and be enrolled as a member of the Correctional Officers' Retirement System.

(2) An individual who enrolls as a member of the Correctional Officers' Retirement System under paragraph (1) of this subsection may transfer service credit from the Employees' Pension System to the Correctional Officers' Retirement System.

(3) (i) An individual who chooses to enroll in the Correctional Officers' Retirement System under paragraph (1) of this subsection shall do so by filing an application provided by the Board of Trustees for the State Retirement and Pension System.

(ii) An individual who chooses to transfer service credit to the Correctional Officers' Retirement System under paragraph (2) of this subsection shall do so by filing an application provided by the Board of Trustees for the State Retirement and Pension System.

(4) (i) Service credit transferred under paragraph (2) of this subsection shall be transferred in the same manner as a transfer of service credit made in accordance with Title 37 of the State Personnel and Pensions Article.

(ii) The Executive Director of the State Retirement Agency shall grant a waiver under § 37–203.2 of the State Personnel and Pensions Article if a waiver is necessary to transfer service credit under paragraph (2) of this subsection.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014. Section 2 of this Act shall remain effective for a period of 6 months and, at the end of December 31, 2014, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 189**

### **(Senate Bill 669)**

AN ACT concerning

#### **Procurement – Debarment – Violations of Law**

FOR the purpose of providing that a person may be debarred from entering into a contract with the State if the person, or a certain other person connected to the person, has been convicted of a violation of certain provisions of federal law or State law or, under certain circumstances, has been found to have willfully or knowing violated certain provisions of State law; and generally relating to debarment from State contracts.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 16–203  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

#### **Article – State Finance and Procurement**

16–203.

(a) A person may be debarred from entering into a contract with the State if the person, an officer, partner, controlling stockholder or principal of that person, or any other person substantially involved in that person's contracting activities has:

(1) been convicted under the laws of the State, another state or the United States of:

(i) a criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract, except as provided in § 16–202 of this subtitle; or

(ii) fraud, embezzlement, theft, forgery, falsification or destruction of records, or receiving stolen property;

(2) been convicted of a criminal violation of an antitrust statute of the State, another state, or the United States;

(3) been convicted of a violation of the Racketeer Influenced and Corrupt Organization Act, or the Mail Fraud Act, for acts in connection with the submission of bids or proposals for a public or private contract;

(4) been convicted of a violation of § 14–308 of this article;

(5) been convicted of conspiracy to commit any act or omission that would constitute grounds for conviction under any of the laws or statutes described in items (1), (2), (3), or (4) of this subsection;

**(6) BEEN CONVICTED OF A VIOLATION OF § 7201, § 7203, § 7205, § 7206, OR § 7207 OF THE INTERNAL REVENUE CODE;**

**(7) BEEN CONVICTED OF A VIOLATION OF 18 U.S.C. § 286, § 287, OR § 371;**

**(8) BEEN CONVICTED OF A VIOLATION OF TITLE 13, SUBTITLE 7 OR SUBTITLE 10 OF THE TAX – GENERAL ARTICLE;**

**(9) BEEN FOUND TO HAVE WILLFULLY OR KNOWINGLY VIOLATED TITLE 17, SUBTITLE 2 OR TITLE 18 OF THIS ARTICLE IF:**

**(I) 1. THE FINDING WAS MADE BY A COURT; AND**

**2. ~~THE CONVICTION BECAME A FINAL CONVICTION~~  
DECISION OF THE COURT BECAME FINAL; OR**

**(II) 1. THE FINDING WAS MADE IN A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT; AND**

**2. THE FINDING WAS NOT OVERTURNED ON JUDICIAL REVIEW;**

**(10) BEEN FOUND TO HAVE WILLFULLY OR KNOWINGLY VIOLATED TITLE 3, SUBTITLE 3, SUBTITLE 4, OR SUBTITLE 5 OR TITLE 5 OF THE LABOR AND EMPLOYMENT ARTICLE IF:**

**(I) 1. THE FINDING WAS MADE BY A COURT; AND**

**2. ~~THE CONVICTION BECAME A FINAL CONVICTION~~  
DECISION OF THE COURT BECAME FINAL; OR**

**(II) 1. THE FINDING WAS MADE IN A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT; AND**

**2. THE FINDING WAS NOT OVERTURNED ON JUDICIAL REVIEW;**

**[(6)] (11)** been found civilly liable under an antitrust statute of the State, another state, or the United States for acts or omissions in connection with the submission of bids or proposals for a public or private contract; or

**[(7)] (12)** been found in a final adjudicated decision to have violated the Commercial Nondiscrimination Policy under Title 19 of this article with regard to a public or private contract.

(b) A person may be debarred from entering into a contract with the State if, during the course of an official investigation or other proceedings, the person, an officer, partner, controlling stockholder or principal of that person, or any other person substantially involved in that person's contracting activities has admitted, in writing or under oath, an act or omission that constitutes grounds for conviction or liability under any law or statute described in subsection (a) of this section.

(c) A person may be debarred from entering into a contract with the State if the person, an officer, partner, controlling stockholder or principal of that person, or any other person substantially involved in that person's contracting activities has been debarred from federal contracts under the Federal Acquisition Regulations, as provided in 48 C.F.R. Chapter 1.

(d) A person may be debarred from entering into a contract with the State:

(1) if the Board finds that the person was established or operates in a manner designed to evade the application of this title or to defeat the purpose of this title;

(2) if the person is a successor, assignee, subsidiary, or affiliate of a person who is debarred or suspended;

(3) for one of the following violations of a contract provision if the Board believes it to be serious enough to justify debarment:

(i) the deliberate failure, without good cause, to perform in accordance with the specifications, or within the time limit, provided in a contract; or

(ii) within the preceding 5 years, the failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, unless the failure to perform or unsatisfactory performance was caused by acts beyond the control of the person;

(4) if the person is a competing contractor, or any officer, employee, representative, agent, or consultant of any competing contractor who violates § 13–211 of this article; or

(5) for any other cause that the Board determines to be so serious as to affect the integrity of the procurement process.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 190

**(Senate Bill 685)**

AN ACT concerning

### **Family Law – Child Abuse and Neglect – Provision of Information to Health Care ~~Provider~~ Practitioners**

FOR the purpose of requiring the State Department of Human Resources or a local department of social services to ~~notify a certain physician or health care provider of a child of certain information; requiring the Department or local department to provide the physician or provider to a health care practitioner~~ certain information if requested by the ~~physician or provider~~ health care practitioner or a certain agency, institution, or program under certain circumstances; requiring the Department to work with relevant stakeholders and report the outcome of the work to certain committees of the General Assembly on or before a certain date; defining a certain term; and generally relating to the provision of certain information to a certain physician or health care provider of a child practitioners.

BY adding to

Article – Family Law

Section 5–712.1

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

**Article – Family Law**

**5–712.1.**

~~(A) IN THIS SECTION, “PROVIDER” HAS THE MEANING STATED IN § 5–712 OF THIS SUBTITLE.~~

~~(B) THE DEPARTMENT OR LOCAL DEPARTMENT SHALL NOTIFY THE PRIMARY CARE PHYSICIAN OF A CHILD OR A PROVIDER WHO IS PROVIDING ONGOING CARE TO A CHILD OF:~~

~~(1) THE INITIATION OF AN ASSESSMENT, AN INVESTIGATION, OR A PROVISION OF SERVICES BY A LOCAL DEPARTMENT UNDER THIS SUBTITLE AND THE REASON FOR THE ASSESSMENT, INVESTIGATION, OR PROVISION OF SERVICES TO THE CHILD;~~

~~(2) THE DEVELOPMENT OF A SERVICE PLAN FOR THE CHILD AND THE CHILD’S FAMILY;~~

~~(3) THE FINAL STATUS OF ANY ASSESSMENT, INVESTIGATION, OR ALTERNATIVE RESPONSE AND THE DETERMINATION OR FINDINGS OF THAT ASSESSMENT, INVESTIGATION, OR ALTERNATIVE RESPONSE; AND~~

~~(4) ANY CHANGES TO OR THE CLOSURE OF AN ASSESSMENT, AN INVESTIGATION, OR ANY OTHER PROVISION OF SERVICES.~~

~~(C) IF REQUESTED BY THE PRIMARY CARE PHYSICIAN OF A CHILD OR A PROVIDER WHO IS PROVIDING ONGOING CARE TO A CHILD, THE DEPARTMENT OR LOCAL DEPARTMENT SHALL PROVIDE TO THE PHYSICIAN OR PROVIDER:~~

~~(1) INFORMATION REGARDING THE CONDITION AND WELL BEING OF THE CHILD AND THE PROGRESS AND OUTCOME OF AN INVESTIGATION UNDER THIS SUBTITLE;~~

~~(2) PROTECTIVE SERVICES RECORDS REGARDING THE CHILD AND ANY OTHER CHILD IN THE CHILD’S HOUSEHOLD IF THE INFORMATION RELATES TO THE MEDICAL EVALUATION AND CARE OF THE CHILD; AND~~

~~(3) THE IDENTITY OF OTHER PROVIDERS PROVIDING CARE TO THE CHILD IN ORDER TO OBTAIN THE CHILD'S MEDICAL RECORDS.~~

(A) IN THIS SECTION, "HEALTH CARE PRACTITIONER" HAS THE MEANING STATED IN § 1-301 OF THE HEALTH OCCUPATIONS ARTICLE.

(B) IF REQUESTED BY A HEALTH CARE PRACTITIONER OR ANOTHER AGENCY, INSTITUTION, OR PROGRAM PROVIDING TREATMENT OR CARE TO A CHILD WHO IS THE SUBJECT OF A REPORT OF CHILD ABUSE OR NEGLECT FOR A PURPOSE RELEVANT TO THE TREATMENT OR CARE BEING PROVIDED, THE DEPARTMENT OR LOCAL DEPARTMENT SHALL PROVIDE TO THE REQUESTOR:

(1) INFORMATION REGARDING THE CONDITION AND WELL-BEING OF THE CHILD;

(2) INFORMATION REGARDING THE MEDICAL, MENTAL HEALTH, AND DEVELOPMENTAL NEEDS OF THE CHILD;

(3) THE NAME OF ANY OTHER HEALTH CARE PRACTITIONER IDENTIFIED IN THE RECORD AS PROVIDING CARE OR TREATMENT TO THE CHILD; AND

(4) ANY OTHER RELEVANT INFORMATION IN THE RECORD OR REPORT.

(C) IN PROVIDING INFORMATION UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT OR LOCAL DEPARTMENT MAY NOT RELEASE INFORMATION RELATED TO THE IDENTITY OF THE PERSON WHO REPORTED THE CHILD ABUSE OR NEGLECT.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Human Resources shall:

(a) work with relevant stakeholders to:

(1) identify additional policies, procedures, and systems that can be implemented to improve communication between the Department, local departments, and health care practitioners regarding the health care needs of children who are the subject of a report of child abuse or neglect; and

(2) consider the issues relevant to the adoption by the Department of requirements for affirmative communication with health care practitioners; and

(b) on or before December 1, 2014, report the outcome of the work conducted under subsection (a) of this section to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2-1246 of the State Government Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 191

(Senate Bill 698)

AN ACT concerning

### **Criminal Procedure – Electronic Device Location Information – Warrant Order**

FOR the purpose of ~~prohibiting an agent of the State or a political subdivision of the State from obtaining certain location information without a warrant issued under this Act;~~ authorizing a court to issue a certain ~~warrant~~ warrant order ~~authorizing and directing a law enforcement officer to obtain certain location information from a certain electronic device under certain circumstances; providing requirements for the~~ ~~warrant order~~; allowing extensions of the ~~warrant order~~ under certain circumstances; requiring a certain notification under certain circumstances; providing for the discovery ~~and admissibility~~ of certain evidence; providing certain exceptions to the ~~warrant order~~ requirement under certain circumstances; ~~requiring a certain court to make a certain report; requiring the Administrative Office of the Courts to make a certain annual report; providing that a person may not be held civilly liable for complying with this Act by~~ providing location information; defining certain terms; and generally relating to obtaining information concerning the location of electronic devices.

BY adding to

Article – Criminal Procedure

Section 1-203.1

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

### **Article – Criminal Procedure**

## 1-203.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COURT” MEANS THE DISTRICT COURT OR A CIRCUIT COURT HAVING JURISDICTION OVER THE CRIME BEING INVESTIGATED, REGARDLESS OF THE LOCATION OF THE ELECTRONIC DEVICE FROM WHICH LOCATION INFORMATION IS SOUGHT.

~~(2)~~ (3) (I) “ELECTRONIC DEVICE” MEANS A DEVICE THAT ENABLES ACCESS TO OR USE OF AN ELECTRONIC COMMUNICATION SERVICE, AS DEFINED IN § 10-401 OF THE COURTS ARTICLE, A REMOTE COMPUTING SERVICE, AS DEFINED IN § 10-4A-01(C) OF THE COURTS ARTICLE, OR A GEOGRAPHIC LOCATION INFORMATION SERVICE.

(II) “ELECTRONIC DEVICE” DOES NOT INCLUDE:

1. AN AUTOMATIC IDENTIFICATION SYSTEM INSTALLED ON A VESSEL IN ACCORDANCE WITH TITLE 33, PART 164.46 OF THE CODE OF FEDERAL REGULATIONS; OR

2. A VESSEL MONITORING SYSTEM (VMS) OR A VMS UNIT INSTALLED ON BOARD A VESSEL FOR VESSEL MONITORING IN ACCORDANCE WITH TITLE 50, PART 648 OF THE CODE OF FEDERAL REGULATIONS.

(4) “EXIGENT CIRCUMSTANCES” MEANS AN EMERGENCY OR OTHER JUDICIALLY RECOGNIZED EXCEPTION TO CONSTITUTIONAL WARRANT REQUIREMENTS.

~~(3)~~ (5) “LOCATION INFORMATION” MEANS ~~PAST OR PRESENT INFORMATION CONCERNING THE LOCATION OF AN ELECTRONIC DEVICE THAT, IN WHOLE OR IN PART, IS GENERATED BY OR DERIVED FROM THE OPERATION OF THAT DEVICE~~ REAL-TIME OR PRESENT INFORMATION CONCERNING THE GEOGRAPHIC LOCATION OF AN ELECTRONIC DEVICE THAT IS GENERATED BY OR DERIVED FROM THE OPERATION OF THAT DEVICE.

~~(4)~~ (6) “LOCATION INFORMATION SERVICE” MEANS A GLOBAL POSITIONING SERVICE OR OTHER MAPPING, LOCATIONAL, OR DIRECTIONAL INFORMATION SERVICE.

~~(5)~~ (7) “OWNER” MEANS A PERSON OR AN ENTITY HAVING THE LEGAL TITLE, CLAIM, OR RIGHT TO AN ELECTRONIC DEVICE.

~~(6)~~ (8) "SERVICE PROVIDER" MEANS THE PROVIDER OF AN ELECTRONIC COMMUNICATION SERVICE, A REMOTE COMPUTING SERVICE, OR ANY LOCATION INFORMATION SERVICE.

~~(7)~~ (9) "USER" MEANS A PERSON THAT USES OR POSSESSES AN ELECTRONIC DEVICE.

(B) (1) ~~AN AGENT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT OBTAIN LOCATION INFORMATION WITHOUT A WARRANT ISSUED UNDER THIS SECTION.~~

~~(2) A COURT MAY ISSUE A LOCATION INFORMATION WARRANT BY APPLICATION AS DESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION ON A DETERMINATION THAT PROBABLE CAUSE EXISTS THAT:~~

~~(I) A MISDEMEANOR OR FELONY HAS BEEN OR IS BEING COMMITTED BY THE OWNER OR USER OF THE ELECTRONIC DEVICE OR THE INDIVIDUAL ABOUT WHOM LOCATION INFORMATION IS BEING SOUGHT; AND~~

~~(II) THE LOCATION INFORMATION BEING SOUGHT IS EVIDENCE OF THE MISDEMEANOR OR FELONY BEING OR HAVING BEEN COMMITTED~~ A COURT MAY ISSUE AN ORDER AUTHORIZING OR DIRECTING A LAW ENFORCEMENT OFFICER TO OBTAIN LOCATION INFORMATION FROM AN ELECTRONIC DEVICE AFTER DETERMINING FROM AN APPLICATION DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT:

(I) A MISDEMEANOR OR FELONY HAS BEEN, IS BEING, OR WILL BE COMMITTED BY THE OWNER OR USER OF THE ELECTRONIC DEVICE OR BY THE INDIVIDUAL ABOUT WHOM LOCATION INFORMATION IS BEING SOUGHT; AND

(II) THE LOCATION INFORMATION BEING SOUGHT:

1. IS EVIDENCE OF, OR WILL LEAD TO EVIDENCE OF, THE MISDEMEANOR OR FELONY BEING INVESTIGATED; OR

2. WILL LEAD TO THE APPREHENSION OF AN INDIVIDUAL FOR WHOM AN ARREST WARRANT HAS BEEN PREVIOUSLY ISSUED.

~~(3)~~ (2) AN APPLICATION FOR ~~A WARRANT~~ AN ORDER UNDER THIS SECTION SHALL BE:

- (I) IN WRITING;
- (II) SIGNED AND SWORN TO BY THE APPLICANT; AND
- (III) ACCOMPANIED BY AN AFFIDAVIT THAT:

1. SETS FORTH THE BASIS FOR PROBABLE CAUSE AS DESCRIBED IN PARAGRAPH ~~(2)~~ (1) OF THIS SUBSECTION; AND

2. CONTAINS FACTS WITHIN THE PERSONAL KNOWLEDGE OF THE AFFIANT ~~EVIDENCING THAT PROBABLE CAUSE EXISTS.~~

~~(4)~~ (3) ~~THE WARRANT~~ AN ORDER ISSUED UNDER THIS SECTION SHALL:

(I) NAME OR DESCRIBE WITH REASONABLE PARTICULARITY:

1. ~~THE MEANS USED TO OBTAIN THE LOCATION INFORMATION, INCLUDING, IF APPLICABLE, THE~~ THE TYPE OF ELECTRONIC DEVICE ASSOCIATED WITH THE LOCATION INFORMATION BEING SOUGHT;

2. THE USER OF THE ELECTRONIC DEVICE, IF ~~APPLICABLE KNOWN, OR THE INDIVIDUAL ABOUT WHOM~~ OR THE IDENTIFYING NUMBER OF THE ELECTRONIC DEVICE ABOUT WHICH LOCATION INFORMATION IS SOUGHT;

3. THE OWNER, IF ~~A~~ KNOWN AND IF THE OWNER IS A PERSON OR AN ENTITY OTHER THAN THE USER, OF THE ELECTRONIC DEVICE;

4. THE GROUNDS FOR OBTAINING THE LOCATION INFORMATION; AND

5. THE NAME OF THE APPLICANT ON WHOSE APPLICATION THE ~~WARRANT~~ ORDER WAS ISSUED;

(II) AUTHORIZE THE EXECUTING LAW ENFORCEMENT OFFICER TO OBTAIN THE LOCATION INFORMATION WITHOUT GIVING NOTICE TO THE OWNER OR USER OF THE ELECTRONIC DEVICE OR TO THE INDIVIDUAL ABOUT WHOM THE LOCATION INFORMATION IS BEING SOUGHT FOR THE DURATION OF THE ORDER;

~~(H)~~ (III) SPECIFY THE ~~FIRST AND LAST CALENDAR DAY~~  
~~FOR WHICH THE DISCLOSURE OF~~ PERIOD OF TIME FOR WHICH LOCATION  
INFORMATION IS AUTHORIZED TO BE OBTAINED; AND

~~(H)~~ (IV) IF APPLICABLE, ORDER THE SERVICE PROVIDER  
TO:

1. DISCLOSE TO THE EXECUTING LAW ENFORCEMENT  
OFFICER THE LOCATION INFORMATION ASSOCIATED WITH THE ELECTRONIC  
DEVICE FOR ~~THOSE DAYS FOR WHICH THE DISCLOSURE IS~~ THE PERIOD OF TIME  
AUTHORIZED; AND

2. REFRAIN FROM NOTIFYING THE USER, OWNER, OR  
ANY OTHER PERSON OF THE DISCLOSURE OF LOCATION INFORMATION FOR AS  
LONG AS THE NOTICE UNDER SUBSECTION (D) OF THIS SECTION IS DELAYED.

(C) (1) (I) ~~A SEARCH UNDER THE AUTHORITY OF A WARRANT~~  
~~UNDER THIS SECTION SHALL BE INITIATED WITHIN 15 CALENDAR DAYS AFTER~~  
~~THE DAY THAT THE WARRANT IS ISSUED~~ 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.

~~(II) IF THE SEARCH IS NOT TIMELY INITIATED, THE~~  
~~WARRANT IS VOID~~ LOCATION INFORMATION SHALL BEGIN TO BE OBTAINED BY  
~~THE APPLICANT WITHIN 10~~ THE EXECUTING LAW ENFORCEMENT OFFICER  
WITHIN 10 CALENDAR DAYS AFTER THE ORDER IS ISSUED OR, IF APPLICABLE,  
THE ORDER SHALL BE DELIVERED TO THE SERVICE PROVIDER WITHIN 10  
CALENDAR DAYS AFTER THE ORDER IS ISSUED.

~~(2) AFTER THE EXPIRATION OF THE 15 DAY PERIOD, THE~~  
~~SEARCH WARRANT IS VOID.~~

~~(3) THE SEARCH UNDER THE AUTHORITY OF THE WARRANT,~~  
~~ONCE TIMELY INITIATED, MAY CONTINUE FOR UP TO 15 CALENDAR DAYS.~~

~~(4) (I) THE SEARCH UNDER THE AUTHORITY OF THE WARRANT~~  
~~MAY BE EXTENDED PAST 15 CALENDAR DAYS ON A FINDING BY THE COURT OF~~  
~~CONTINUING PROBABLE CAUSE.~~

~~(H) AN EXTENSION UNDER THIS PARAGRAPH MAY NOT~~  
~~EXCEED 30 CALENDAR DAYS.~~

(2) IF NEITHER OF THE EVENTS DESCRIBED IN SUBSECTION (C)(1)(II) OF THIS SECTION OCCURS WITHIN 10 CALENDAR DAYS OF THE ISSUANCE OF THE ORDER, THE ORDER IS VOID.

(3) (I) THE AUTHORITY TO OBTAIN LOCATION INFORMATION UNDER THE ORDER MAY BE EXTENDED BEYOND 30 CALENDAR DAYS ON A FINDING OF CONTINUING PROBABLE CAUSE.

(II) AN EXTENSION UNDER THIS PARAGRAPH MAY NOT EXCEED AN ADDITIONAL 30 CALENDAR DAYS, UNLESS THE COURT FINDS CONTINUING PROBABLE CAUSE AND DETERMINES THAT GOOD CAUSE EXISTS FOR A LONGER EXTENSION.

(D) (1) NOTICE OF THE LOCATION INFORMATION ~~WARRANT ORDER~~ SHALL BE DELIVERED TO THE USER AND, IF ~~A~~ KNOWN AND IF THE OWNER IS A PERSON OR AN ENTITY OTHER THAN THE USER, THE ~~OWNER~~ SUBSCRIBER OF THE ELECTRONIC DEVICE FROM WHICH THE LOCATION INFORMATION IS SOUGHT.

(2) ~~THE NOTICE MUST CONTAIN THE FOLLOWING:~~

~~(I) A COPY OF THE WARRANT;~~

~~(II) THE IDENTITY AND CONTACT INFORMATION OF THE SERVICE PROVIDER THAT DISCLOSED THE LOCATION INFORMATION;~~

~~(III) A DESCRIPTION OF THE MISDEMEANOR OR FELONY BEING ALLEGED;~~

~~(IV) THE DATES OF THE SEARCH; AND~~

~~(V) THE FACT OF WHETHER NOTICE WAS DELAYED SHALL:~~

(I) STATE THE GENERAL NATURE OF THE LAW ENFORCEMENT INQUIRY; AND

(II) INFORM THE USER OR OWNER:

1. IF APPLICABLE, THAT LOCATION INFORMATION MAINTAINED BY THE SERVICE PROVIDER WAS SUPPLIED TO A LAW ENFORCEMENT OFFICER;

2. IF APPLICABLE, ~~OF THE TELEPHONE~~ THE IDENTIFYING NUMBER ASSOCIATED WITH THE ELECTRONIC DEVICE;

3. ~~OF~~ THE DATES FOR WHICH THE LOCATION INFORMATION WAS SUPPLIED;

4. WHETHER NOTIFICATION WAS DELAYED; AND

5. WHICH COURT AUTHORIZED THE ORDER.

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~ NOTICE MUST BE DELIVERED WITHIN ~~7~~ 10 CALENDAR DAYS AFTER ~~FIRST OBTAINING ANY LOCATION INFORMATION~~ THE EXPIRATION OF THE ORDER.

(4) NOTWITHSTANDING ANY PROVISION OF THE MARYLAND RULES OR THIS SUBTITLE, THE COURT, ON A FINDING OF GOOD CAUSE, MAY ORDER THAT THE ~~NOTIFICATION REQUIRED UNDER THIS SECTION BE DELAYED FOR A PERIOD NOT EXCEEDING 15 CALENDAR DAYS AFTER THE LAST DAY THE SEARCH IS AUTHORIZED~~ APPLICATION, AFFIDAVIT, AND ORDER BE SEALED AND THAT THE NOTIFICATION REQUIRED UNDER THIS SECTION BE DELAYED FOR A PERIOD OF 30 CALENDAR DAYS.

(5) A FINDING OF GOOD CAUSE UNDER PARAGRAPH (4) OF THIS SUBSECTION MAY BE ESTABLISHED BY EVIDENCE THAT:

(I) THE CRIMINAL INVESTIGATION TO WHICH THE ~~SEARCH~~ AFFIDAVIT IS RELATED IS OF A CONTINUING NATURE AND LIKELY TO YIELD FURTHER INFORMATION THAT COULD BE OF USE IN PROSECUTING ALLEGED CRIMINAL ACTIVITIES; AND

(II) THE FAILURE TO MAINTAIN THE CONFIDENTIALITY OF THE INVESTIGATION WOULD:

1. JEOPARDIZE THE USE OF INFORMATION ALREADY OBTAINED IN THE INVESTIGATION;

2. IMPAIR THE CONTINUATION OF THE INVESTIGATION; OR

3. JEOPARDIZE THE SAFETY OF A SOURCE OF INFORMATION.

(6) A COURT MAY ~~GRANT ONE 15 CALENDAR DAY EXTENSION OF THE TIME THAT THE NOTIFICATION REQUIRED UNDER THIS SUBSECTION CAN BE DELAYED~~ ORDER THAT NOTIFICATION UNDER THIS SECTION BE DELAYED BEYOND 30 CALENDAR DAYS IF:

(I) ~~THERE IS A LAW ENFORCEMENT OFFICER PROVIDES~~ CONTINUED EVIDENCE OF A CIRCUMSTANCE DESCRIBED IN PARAGRAPH (5) OF THIS SUBSECTION; AND

(II) THE COURT MAKES A FINDING OF GOOD CAUSE BASED ON ~~THE~~ EVIDENCE THAT NOTICE SHOULD BE FURTHER DELAYED TO PRESERVE THE CONTINUATION OF THE INVESTIGATION.

(E) ~~(1)~~ DISCOVERY OF THE LOCATION INFORMATION APPLICATION, AFFIDAVIT, ~~WARRANT ORDER~~, AND ~~ADDITIONAL~~ RELATED DOCUMENTS, IF ANY, ARE SUBJECT TO THE PROVISIONS OF MARYLAND RULES 4-262 AND 4-263.

~~(2) EXCEPT AS PROOF OF A VIOLATION OF THIS SECTION, NO EVIDENCE OBTAINED IN VIOLATION OF THIS SECTION SHALL BE ADMISSIBLE IN A CRIMINAL, CIVIL, ADMINISTRATIVE, OR OTHER PROCEEDING.~~

(F) ~~(1)~~ NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ~~AN AGENT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE A LAW ENFORCEMENT OFFICER~~ MAY OBTAIN ~~PRESENT~~ LOCATION INFORMATION FOR A PERIOD NOT TO EXCEED 48 HOURS:

~~(I) (1) IN ORDER TO RESPOND TO THE USER'S CALL FOR EMERGENCY SERVICES; EXIGENT CIRCUMSTANCES; OR~~

~~(II) (2) WITH THE EXPRESS CONSENT OF THE USER AND, IF A PERSON OR AN ENTITY OTHER THAN THE USER, THE OR OWNER OF THE ELECTRONIC DEVICE; OR~~

~~(III) IF THE AGENT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE REASONABLY BELIEVES THAT:~~

~~1. AN EMERGENCY INVOLVING IMMEDIATE DANGER OF DEATH OR SERIOUS PHYSICAL INJURY TO A PERSON EXISTS; AND~~

~~2. OBTAINING WITHOUT DELAY LOCATION INFORMATION RELATING TO THE EMERGENCY WILL HELP TO REDUCE THE DANGER.~~

~~(2) (i) NO LATER THAN 48 HOURS AFTER THE DATE ON WHICH AN AGENT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OBTAINS ACCESS TO RECORDS UNDER THIS SUBSECTION, THE AGENT SHALL FILE WITH THE APPROPRIATE COURT A SIGNED, SWORN STATEMENT SETTING FORTH THE GROUNDS FOR THE EMERGENCY ACCESS.~~

~~(H) THE STATEMENT SHALL BE ACCOMPANIED BY THE NAME AND SIGNATURE OF THE AGENT'S SUPERVISOR.~~

~~(G) (1) BY JANUARY 31 OF EACH CALENDAR YEAR, A COURT ISSUING OR DENYING A WARRANT ORDER UNDER THIS SECTION DURING THE PRECEDING CALENDAR YEAR SHALL REPORT TO THE ADMINISTRATIVE OFFICE OF THE COURTS, FOR EACH WARRANT ORDER, THE:~~

~~(I) IDENTITY OF THE AGENCY MAKING THE APPLICATION;~~

~~(II) MISDEMEANOR OR FELONY SPECIFIED IN THE AFFIDAVIT;~~

~~(III) IDENTITY OF THE SERVICE PROVIDER FROM WHICH THE LOCATION INFORMATION WAS TO BE OBTAINED;~~

~~(IV) FACT OF WHETHER THE WARRANT ORDER WAS GRANTED AS APPLIED FOR, WAS MODIFIED, OR WAS DENIED; AND~~

~~(V) NUMBER AND DURATION OF ANY EXTENSIONS OF SEARCH OR DELAYS IN NOTIFICATION.~~

~~(2) (I) IN JUNE OF EACH YEAR, BEGINNING IN 2015, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL TRANSMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A FULL AND COMPLETE REPORT CONCERNING THE DATA REQUIRED TO BE FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(II) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ISSUE REGULATIONS DEALING WITH THE CONTENT AND FORM OF THE REPORTS REQUIRED TO BE FILED BY PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(3) IN JUNE OF EACH YEAR, BEGINNING IN 2015, A SUMMARY OF THE REPORT REQUIRED TO BE FILED BY PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE PUBLICLY AVAILABLE ON THE WEB SITE OF THE ADMINISTRATIVE OFFICE OF THE COURTS.~~

(G) A PERSON MAY NOT BE HELD CIVILLY LIABLE FOR COMPLYING WITH THIS SECTION BY PROVIDING LOCATION INFORMATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 192

(Senate Bill 699)

AN ACT concerning

### **Automatic ~~Motor Vehicle Registration~~ License Plate Readers and Captured Plate Data – Authorized Uses**

FOR the purpose of ~~prohibiting a person from using an automatic motor vehicle registration plate reader system, subject to a certain exception for a law enforcement agency for certain purposes; prohibiting a law enforcement agency from sharing captured plate data for other than certain purposes, subject to a certain exception; prohibiting a law enforcement agency from retaining captured plate data for more than a certain period of time and requiring the law enforcement agency to destroy the captured plate data after that time period, subject to a certain exception for a certain purpose; requiring a law enforcement agency that retains captured plate data for more than the time period allowed under this Act to destroy the captured plate data at the conclusion of certain activity or proceedings; altering the definition of “covert investigation” to include the use of an automatic registration plate reader system for purposes of expanding the application of the prohibition against a law enforcement agency conducting a covert investigation of certain persons engaged in First Amendment activities; requiring a custodian of captured plate data collected by an automatic registration plate reader system to deny inspection of the captured plate data, subject to certain exceptions; prohibiting a law enforcement agency from using captured plate data unless the agency has a legitimate law enforcement purpose; establishing certain penalties for a certain violation; requiring the Department of State Police and certain law enforcement agencies to adopt certain procedures; establishing that information gathered by an automatic license plate reader system is not subject to disclosure under the Maryland Public Information Act; requiring the Department, in conjunction with the Maryland Coordination and Analysis Center and certain law enforcement agencies, to report certain information to certain committees on or before a certain date each year; requiring the Center, in cooperation with certain entities, to develop a certain model audit policy; establishing the policy of the State; defining certain terms; and generally relating to the authorized uses of automatic ~~motor vehicle registration~~ license plate reader systems and captured plate data.~~

BY adding to

Article – Public Safety  
Section 3–509

Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

~~BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 3–701(a)(1) and (c)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 3–701(a)(3)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)~~

~~BY repealing and reenacting, without amendments,  
Article – State Government  
Section 10–616(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)~~

~~BY adding to  
Article – State Government  
Section 10–616(w)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, without amendments,  
Article – General Provisions  
Section 4–304  
Annotated Code of Maryland  
(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of  
2014)

BY adding to  
Article – General Provisions  
Section 4–326  
Annotated Code of Maryland  
(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of  
2014)

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

**Article – Public Safety**

**3–509.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “ACTIVE DATA” MEANS:

1. DATA UPLOADED TO INDIVIDUAL AUTOMATIC LICENSE PLATE READER SYSTEM UNITS BEFORE OPERATION; AND

2. DATA GATHERED DURING THE OPERATION OF AN AUTOMATIC LICENSE PLATE READER SYSTEM.

(II) “ACTIVE DATA” DOES NOT INCLUDE HISTORICAL DATA.

~~(2)~~ (3) “AUTOMATIC ~~REGISTRATION~~ LICENSE PLATE READER SYSTEM” MEANS A SYSTEM OF ONE OR MORE MOBILE OR FIXED ~~AUTOMATED~~ HIGH-SPEED CAMERAS USED IN COMBINATION WITH COMPUTER ALGORITHMS TO CONVERT IMAGES OF LICENSE PLATES INTO COMPUTER-READABLE DATA.

~~(3)~~ (4) (I) “CAPTURED PLATE DATA” MEANS THE GLOBAL POSITIONING SYSTEM COORDINATES, DATES AND TIMES, PHOTOGRAPHS, LICENSE PLATE NUMBERS, AND ANY OTHER DATA COLLECTED BY OR DERIVED FROM AN AUTOMATIC ~~REGISTRATION~~ LICENSE PLATE READER SYSTEM.

(II) “CAPTURED PLATE DATA” INCLUDES ACTIVE DATA AND HISTORICAL DATA.

(5) “CENTER” MEANS THE MARYLAND COORDINATION AND ANALYSIS CENTER.

(6) “HISTORICAL DATA” MEANS ANY DATA COLLECTED BY AN AUTOMATIC LICENSE PLATE READER SYSTEM AND STORED IN AN AUTOMATIC LICENSE PLATE READER DATABASE OPERATED BY THE MARYLAND COORDINATION AND ANALYSIS CENTER OR BY A LAW ENFORCEMENT AGENCY.

(7) “LAW ENFORCEMENT AGENCY” ~~MEANS AN AGENCY THAT IS LISTED IN § 3-101(E)~~ HAS THE MEANING STATED IN § 3-201(D) OF THIS TITLE.

(8) “LEGITIMATE LAW ENFORCEMENT PURPOSE” MEANS THE INVESTIGATION, DETECTION, OR ANALYSIS OF A CRIME OR A VIOLATION OF THE MARYLAND VEHICLE LAWS OR THE OPERATION OF TERRORIST OR MISSING OR ENDANGERED PERSON SEARCHES OR ALERTS.

(B) (1) A LAW ENFORCEMENT AGENCY MAY NOT USE CAPTURED PLATE DATA UNLESS THE AGENCY HAS A LEGITIMATE LAW ENFORCEMENT PURPOSE.

(2) AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY WHO VIOLATES THIS SUBSECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR AND A FINE NOT EXCEEDING \$10,000 OR BOTH.

(C) (1) THE DEPARTMENT OF STATE POLICE AND ANY LAW ENFORCEMENT AGENCY USING AN AUTOMATIC LICENSE PLATE READER SYSTEM SHALL ADOPT PROCEDURES RELATING TO THE OPERATION AND USE OF THE SYSTEM.

(2) THE PROCEDURES SHALL INCLUDE:

(I) WHICH PERSONNEL IN THE CENTER OR A LAW ENFORCEMENT AGENCY ARE AUTHORIZED TO QUERY CAPTURED PLATE DATA GATHERED BY AN AUTOMATIC LICENSE PLATE READER SYSTEM;

(II) AN AUDIT PROCESS TO ENSURE THAT INFORMATION OBTAINED THROUGH THE USE OF AN AUTOMATIC LICENSE PLATE READER SYSTEM IS USED ONLY FOR LEGITIMATE LAW ENFORCEMENT PURPOSES, INCLUDING AUDITS OF REQUESTS MADE BY INDIVIDUAL LAW ENFORCEMENT AGENCIES OR AN INDIVIDUAL LAW ENFORCEMENT OFFICER; AND

(III) PROCEDURES AND SAFEGUARDS TO ENSURE THAT CENTER STAFF WITH ACCESS TO THE AUTOMATIC LICENSE PLATE READER DATABASE ARE ADEQUATELY SCREENED AND TRAINED.

(D) INFORMATION GATHERED BY AN AUTOMATIC LICENSE PLATE READER SYSTEM IS NOT SUBJECT TO DISCLOSURE UNDER THE MARYLAND PUBLIC INFORMATION ACT.

(E) ON OR BEFORE MARCH 1 OF EACH YEAR *BEGINNING IN 2016*, THE DEPARTMENT OF STATE POLICE, IN CONJUNCTION WITH THE CENTER AND LAW ENFORCEMENT AGENCIES THAT MAINTAIN AN AUTOMATIC LICENSE PLATE READER DATABASE, SHALL REPORT TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, THE HOUSE JUDICIARY COMMITTEE, AND THE LEGISLATIVE POLICY COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE FOLLOWING INFORMATION BASED ON DATA FROM THE PREVIOUS CALENDAR YEAR:

(1) THE TOTAL NUMBER OF AUTOMATIC LICENSE PLATE READER UNITS BEING OPERATED IN THE STATE BY LAW ENFORCEMENT AGENCIES AND THE NUMBER OF UNITS SUBMITTING DATA TO THE CENTER;

(2) THE NUMBER OF AUTOMATIC LICENSE PLATE READER READINGS MADE BY A LAW ENFORCEMENT AGENCY THAT MAINTAINS AN AUTOMATIC LICENSE PLATE READER DATABASE AND THE NUMBER OF READINGS SUBMITTED TO THE CENTER;

(3) THE NUMBER OF AUTOMATIC LICENSE PLATE READER READINGS BEING RETAINED ON THE AUTOMATIC LICENSE PLATE READER DATABASE;

(4) THE NUMBER OF REQUESTS MADE TO THE CENTER AND EACH LAW ENFORCEMENT AGENCY THAT MAINTAINS AN AUTOMATIC LICENSE PLATE READER DATABASE FOR AUTOMATIC LICENSE PLATE READER DATA, INCLUDING SPECIFIC NUMBERS FOR:

(I) THE NUMBER OF REQUESTS THAT RESULTED IN A RELEASE OF INFORMATION;

(II) THE NUMBER OF OUT-OF-STATE REQUESTS;

(III) THE NUMBER OF FEDERAL REQUESTS;

(IV) THE NUMBER OF OUT-OF-STATE REQUESTS THAT RESULTED IN A RELEASE OF INFORMATION; AND

(V) THE NUMBER OF FEDERAL REQUESTS THAT RESULTED IN A RELEASE OF INFORMATION;

(5) ANY DATA BREACHES OR UNAUTHORIZED USES OF THE AUTOMATIC LICENSE PLATE READER DATABASE; AND

(6) A LIST OF AUDITS THAT WERE COMPLETED BY THE CENTER OR A LAW ENFORCEMENT AGENCY.

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT USE AN AUTOMATIC REGISTRATION PLATE READER SYSTEM.~~

~~(2) A LAW ENFORCEMENT AGENCY MAY USE AN AUTOMATIC REGISTRATION PLATE READER SYSTEM TO:~~

~~(I) PROTECT PUBLIC SAFETY;~~

~~(II) CONDUCT A CRIMINAL INVESTIGATION; OR~~

~~(III) ENSURE COMPLIANCE WITH LOCAL, STATE, OR  
FEDERAL LAW.~~

~~(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
SUBSECTION, A LAW ENFORCEMENT AGENCY MAY NOT USE OR SHARE  
CAPTURED PLATE DATA FOR ANY PURPOSE OTHER THAN THOSE STATED IN  
SUBSECTION (B)(2) OF THIS SECTION.~~

~~(2) A LAW ENFORCEMENT AGENCY MAY SHARE WITH ANOTHER  
LAW ENFORCEMENT AGENCY CAPTURED PLATE DATA THAT INDICATES  
EVIDENCE OF AN OFFENSE.~~

~~(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
SUBSECTION, A LAW ENFORCEMENT AGENCY:~~

~~(I) MAY NOT RETAIN CAPTURED PLATE DATA FOR MORE  
THAN 30 DAYS; AND~~

~~(II) SHALL DESTROY CAPTURED PLATE DATA AFTER 30  
DAYS.~~

~~(2) (I) A LAW ENFORCEMENT AGENCY MAY RETAIN CAPTURED  
PLATE DATA FOR MORE THAN 30 DAYS AS PART OF AN ONGOING CRIMINAL  
INVESTIGATION.~~

~~(II) A LAW ENFORCEMENT AGENCY THAT RETAINS  
CAPTURED PLATE DATA FOR MORE THAN 30 DAYS UNDER THIS PARAGRAPH  
SHALL DESTROY THE CAPTURED PLATE DATA AT THE CONCLUSION OF:~~

~~1. ANY CRIMINAL INVESTIGATION THAT INVOLVED  
THE CAPTURED PLATE DATA BUT DID NOT RESULT IN THE FILING OF CRIMINAL  
CHARGES; OR~~

~~2. ANY LEGAL ACTION UNDERTAKEN THAT  
INVOLVED THE CAPTURED PLATE DATA.~~

~~3-701.~~

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

~~(3) (i) “Covert investigation” means an infiltration of or attempt to infiltrate a group or organization in a manner that conceals the identity of the law enforcement agency or the identity of an officer or agent of the law enforcement agency.~~

~~(ii) “COVERT INVESTIGATION” INCLUDES THE USE OF AN AUTOMATIC REGISTRATION PLATE READER SYSTEM UNDER § 3-509 OF THIS TITLE.~~

~~(iii) “Covert investigation” does not include the use of plainclothes officers or employees for crowd control and public safety purposes at public events.~~

~~(e) (1) A law enforcement agency may not conduct a covert investigation of a person, a group, or an organization engaged in First Amendment activities unless the chief or the chief’s designee makes a written finding in advance or as soon as is practicable afterwards that the covert investigation is justified because:~~

~~(i) it is based on a reasonable, articulable suspicion that the person, group, or organization is planning or engaged in criminal activity; and~~

~~(ii) a less intrusive method of investigation is not likely to yield satisfactory results.~~

~~(2) Membership or participation in a group or organization engaged in First Amendment activities does not alone establish reasonable, articulable suspicion of criminal activity.~~

#### Article – ~~State Government~~ General Provisions

~~10-616. 4-304.~~

~~(a)~~ Unless otherwise provided by law, a custodian shall deny inspection of a public record, as provided in this ~~section~~ part.

4-326.

~~(w)~~ (A) (1) ~~(i)~~ IN THIS ~~SUBSECTION~~ SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(H)~~ (2) “AUTOMATIC ~~REGISTRATION~~ LICENSE PLATE READER SYSTEM” HAS THE MEANING STATED IN § 3-509 OF THE PUBLIC SAFETY ARTICLE.

~~(HH)~~ (3) “CAPTURED PLATE DATA” HAS THE MEANING STATED IN § 3-509 OF THE PUBLIC SAFETY ARTICLE.

~~(2)~~ (B) EXCEPT AS PROVIDED IN ~~PARAGRAPH (3)~~ SUBSECTIONS (C) AND (D) OF THIS SECTION, A CUSTODIAN OF CAPTURED PLATE DATA COLLECTED BY AN AUTOMATIC ~~REGISTRATION~~ LICENSE PLATE READER SYSTEM SHALL DENY INSPECTION OF THE CAPTURED PLATE DATA.

~~(3)~~ (C) A CUSTODIAN MAY USE OR SHARE CAPTURED PLATE DATA IN THE COURSE OF THE CUSTODIAN'S DUTIES AS AUTHORIZED UNDER § 3-509 OF THE PUBLIC SAFETY ARTICLE.

(D) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO AN ELECTRONIC TOLL COLLECTION SYSTEM OR ASSOCIATED TRANSACTION SYSTEM OPERATED BY OR IN CONJUNCTION WITH THE MARYLAND TRANSPORTATION AUTHORITY.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2015, the Maryland Coordination and Analysis Center, in cooperation with the Maryland Chiefs of Police Association and the Maryland Sheriffs Association, shall develop a model audit policy for access to and use of automatic license plate reader data.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 193

(Senate Bill 736)

AN ACT concerning

### Baltimore City – Property Tax Credit for Historic or Heritage Properties – Calculation

FOR the purpose of authorizing the Mayor and City Council of Baltimore City to implement, by law, a certain property tax credit that may not exceed a certain amount under certain circumstances; authorizing the Mayor and City Council of Baltimore City to adopt certain requirements and procedures to carry out the tax credit; requiring a certain value to be determined by the State Department of Assessments and Taxation; requiring a certain value to be determined by certain professional appraisers; excluding Baltimore City from a certain calculation for a certain property tax credit; and generally relating to a property tax credit for historic and heritage properties in Baltimore City.

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 9–204.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Tax – Property**

9–204.1.

(a) In this section, “eligible improvements” means significant improvements to, or restoration or rehabilitation of, historic or heritage properties.

(b) The General Assembly declares that it is in the general public interest to foster and encourage historic preservation and heritage tourism activities through improvement, restoration, and rehabilitation of, historic or heritage property so as to:

(1) preserve and protect the heritage of the State as represented by its remaining historic buildings and structures;

(2) stimulate the positive aspects of historic or heritage preservation, such as economic development and employment opportunities; and

(3) implement and effect local government planning activities aimed at preserving historic structures, sites, districts, and heritage areas.

(c) It is the intent of the General Assembly that:

(1) the taxation of significant improvements to, and restoration or rehabilitation of, historic or heritage properties be maintained, for a period of up to 10 years, at taxation levels not greater than those in place before the eligible improvements if approved as part of a local government plan for historic or heritage preservation;

(2) the methods and procedures to implement a program for the purposes of this section be determined by the applicable local government; and

(3) State financial assistance to a local government not be conditioned upon the local government implementing a program under this section.

(d) The [Mayor and City Council of Baltimore, the] governing body of each county, **EXCEPT IN BALTIMORE CITY**, and the governing body of each municipal corporation may:

(1) implement, by law, a program that provides for a property tax credit not to exceed the difference between:

(i) the property tax that, but for the tax credit, would be payable after the completion of eligible improvements; and

(ii) the property tax that would be payable if the eligible improvements were not made; and

(2) adopt any requirements and procedures that are necessary or appropriate to carry out the purposes of this section.

**(E) (1) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY:**

**(I) IMPLEMENT, BY LAW, A PROGRAM THAT PROVIDES A PROPERTY TAX CREDIT NOT TO EXCEED:**

**1. FOR PROPERTY TAX CREDITS INITIALLY GRANTED PRIOR TO OCTOBER 1, 2014, AND FOR THE DURATION OF THE CREDIT, THE DIFFERENCE BETWEEN:**

**A. THE REAL PROPERTY TAX ON THE MOST RECENT FULL CASH VALUE OF THE PROPERTY BEFORE THE COMMENCEMENT OF ELIGIBLE IMPROVEMENTS; AND**

**B. THE REAL PROPERTY TAX ON THE MOST RECENT FULL CASH VALUE OF THE PROPERTY AFTER COMPLETION OF THE ELIGIBLE IMPROVEMENTS; OR**

**2. FOR PROPERTY TAX CREDITS INITIALLY GRANTED ON OR AFTER OCTOBER 1, 2014, AND FOR THE DURATION OF THE CREDIT, THE DIFFERENCE BETWEEN:**

**A. THE REAL PROPERTY TAX ON THE FULL CASH VALUE OF THE PROPERTY BEFORE THE COMMENCEMENT OF ELIGIBLE IMPROVEMENTS; AND**

**B. THE REAL PROPERTY TAX ON THE FULL CASH VALUE OF THE PROPERTY AFTER COMPLETION OF THE ELIGIBLE IMPROVEMENTS; AND**

(II) ADOPT ANY REQUIREMENTS AND PROCEDURES THAT ARE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THIS SECTION.

(2) FOR PURPOSES OF THE CALCULATION UNDER PARAGRAPH (1)(I)1 OF THIS SUBSECTION, THE FULL CASH VALUE OF THE PROPERTY SHALL BE THE FULL CASH VALUE PRIOR TO PHASE IN AS DETERMINED BY THE DEPARTMENT THROUGH THE ASSESSMENT PROCEDURES ESTABLISHED UNDER TITLE 8 OF THIS ARTICLE.

(3) FOR PURPOSES OF THE CALCULATION UNDER PARAGRAPH (1)(I)2 OF THIS SUBSECTION, THE FULL CASH VALUE OF THE PROPERTY SHALL BE DETERMINED BY AN APPRAISAL OF THE PROPERTY BEFORE COMMENCEMENT AND AFTER COMPLETION OF ELIGIBLE IMPROVEMENTS BY A PROFESSIONAL APPRAISER SELECTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY AND LICENSED UNDER TITLE 16, SUBTITLE 3 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

[(e)] (F) A property tax credit provided for under this section shall:

(1) be subject to eligibility requirements no less stringent than those applicable to credits authorized under § 9–204 of this subtitle;

(2) be for a period that does not exceed 10 years for each property;

(3) apply to eligible improvements which are:

(i) located within the boundaries of:

1. a property listed individually on the National Register of Historic Places, or a national register historic or landmark district;

2. a property or district designated as a historic property or district under local law; or

3. a property included within the boundaries of a certified heritage area under § 13–1111 of the Financial Institutions Article; and

(ii) for a property or district under paragraph (3)(i)1 or 2 of this subsection, determined by the local historic district commission to be compatible with local historic preservation standards.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

Approved by the Governor, April 14, 2014.

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## **Chapter 194**

### **(House Bill 876)**

AN ACT concerning

#### **Baltimore City – Property Tax Credit for Historic or Heritage Properties – Calculation**

FOR the purpose of authorizing the Mayor and City Council of Baltimore City to implement, by law, a certain property tax credit that may not exceed a certain amount under certain circumstances; authorizing the Mayor and City Council of Baltimore City to adopt certain requirements and procedures to carry out the tax credit; requiring a certain value to be determined by the State Department of Assessments and Taxation; requiring a certain value to be determined by certain professional appraisers; excluding Baltimore City from a certain calculation for a certain property tax credit; and generally relating to a property tax credit for historic and heritage properties in Baltimore City.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–204.1

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

#### **Article – Tax – Property**

9–204.1.

(a) In this section, “eligible improvements” means significant improvements to, or restoration or rehabilitation of, historic or heritage properties.

(b) The General Assembly declares that it is in the general public interest to foster and encourage historic preservation and heritage tourism activities through improvement, restoration, and rehabilitation of, historic or heritage property so as to:

(1) preserve and protect the heritage of the State as represented by its remaining historic buildings and structures;

(2) stimulate the positive aspects of historic or heritage preservation, such as economic development and employment opportunities; and

(3) implement and effect local government planning activities aimed at preserving historic structures, sites, districts, and heritage areas.

(c) It is the intent of the General Assembly that:

(1) the taxation of significant improvements to, and restoration or rehabilitation of, historic or heritage properties be maintained, for a period of up to 10 years, at taxation levels not greater than those in place before the eligible improvements if approved as part of a local government plan for historic or heritage preservation;

(2) the methods and procedures to implement a program for the purposes of this section be determined by the applicable local government; and

(3) State financial assistance to a local government not be conditioned upon the local government implementing a program under this section.

(d) The [Mayor and City Council of Baltimore, the] governing body of each county, **EXCEPT IN BALTIMORE CITY**, and the governing body of each municipal corporation may:

(1) implement, by law, a program that provides for a property tax credit not to exceed the difference between:

(i) the property tax that, but for the tax credit, would be payable after the completion of eligible improvements; and

(ii) the property tax that would be payable if the eligible improvements were not made; and

(2) adopt any requirements and procedures that are necessary or appropriate to carry out the purposes of this section.

**(E) (1) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY:**

**(I) IMPLEMENT, BY LAW, A PROGRAM THAT PROVIDES A PROPERTY TAX CREDIT NOT TO EXCEED:**

**1. FOR PROPERTY TAX CREDITS INITIALLY GRANTED PRIOR TO OCTOBER 1, 2014, AND FOR THE DURATION OF THE CREDIT, THE DIFFERENCE BETWEEN:**

**A. THE REAL PROPERTY TAX ON THE MOST RECENT FULL CASH VALUE OF THE PROPERTY BEFORE THE COMMENCEMENT OF ELIGIBLE IMPROVEMENTS; AND**

**B. THE REAL PROPERTY TAX ON THE MOST RECENT FULL CASH VALUE OF THE PROPERTY AFTER COMPLETION OF THE ELIGIBLE IMPROVEMENTS; OR**

**2. FOR PROPERTY TAX CREDITS INITIALLY GRANTED ON OR AFTER OCTOBER 1, 2014, AND FOR THE DURATION OF THE CREDIT, THE DIFFERENCE BETWEEN:**

**A. THE REAL PROPERTY TAX ON THE FULL CASH VALUE OF THE PROPERTY BEFORE THE COMMENCEMENT OF ELIGIBLE IMPROVEMENTS; AND**

**B. THE REAL PROPERTY TAX ON THE FULL CASH VALUE OF THE PROPERTY AFTER COMPLETION OF THE ELIGIBLE IMPROVEMENTS; AND**

**(II) ADOPT ANY REQUIREMENTS AND PROCEDURES THAT ARE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THIS SECTION.**

**(2) FOR PURPOSES OF THE CALCULATION UNDER PARAGRAPH (1)(i)1 OF THIS SUBSECTION, THE FULL CASH VALUE OF THE PROPERTY SHALL BE THE FULL CASH VALUE PRIOR TO PHASE IN AS DETERMINED BY THE DEPARTMENT THROUGH THE ASSESSMENT PROCEDURES ESTABLISHED UNDER TITLE 8 OF THIS ARTICLE.**

**(3) FOR PURPOSES OF THE CALCULATION UNDER PARAGRAPH (1)(i)2 OF THIS SUBSECTION, THE FULL CASH VALUE OF THE PROPERTY SHALL BE DETERMINED BY AN APPRAISAL OF THE PROPERTY BEFORE COMMENCEMENT AND AFTER COMPLETION OF ELIGIBLE IMPROVEMENTS BY A PROFESSIONAL APPRAISER SELECTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY AND LICENSED UNDER TITLE 16, SUBTITLE 3 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

**[(e)] (F) A property tax credit provided for under this section shall:**

**(1) be subject to eligibility requirements no less stringent than those applicable to credits authorized under § 9–204 of this subtitle;**

**(2) be for a period that does not exceed 10 years for each property;**

(3) apply to eligible improvements which are:

(i) located within the boundaries of:

1. a property listed individually on the National Register of Historic Places, or a national register historic or landmark district;

2. a property or district designated as a historic property or district under local law; or

3. a property included within the boundaries of a certified heritage area under § 13–1111 of the Financial Institutions Article; and

(ii) for a property or district under paragraph (3)(i)1 or 2 of this subsection, determined by the local historic district commission to be compatible with local historic preservation standards.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 195**

**(Senate Bill 803)**

AN ACT concerning

### **Courts and Judicial Proceedings – Communications Between Patient or Client and Health Care Professional – Exceptions to Privilege**

FOR the purpose of creating an exception to the privilege of communications of a certain patient or client if the disclosure is necessary to prove a charge in a certain criminal proceeding against the patient, former patient, client, or former client; creating an exception to the privilege of certain communications of a certain patient or client if the disclosure is necessary to obtain certain relief in a certain peace order proceeding; providing for the application of this Act; and generally relating to communications between a patient or client and health care professional.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 9–109, 9–109.1, and 9–121  
Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

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

**Article – Courts and Judicial Proceedings**

9–109.

(a) (1) “Authorized representative” means a person authorized by the patient to assert the privilege granted by this section and until permitted by the patient to make disclosure, the person whose communications are privileged.

(2) “Licensed psychologist” means a person who is licensed to practice psychology under the laws of Maryland.

(3) “Patient” means a person who communicates or receives services regarding the diagnosis or treatment of his mental or emotional disorder from a psychiatrist, licensed psychologist, or any other person participating directly or vitally with either in rendering those services in consultation with or under direct supervision of a psychiatrist or psychologist.

(4) “Psychiatrist” means a person licensed to practice medicine who devotes a substantial proportion of his time to the practice of psychiatry.

(b) Unless otherwise provided, in all judicial, legislative, or administrative proceedings, a patient or the patient’s authorized representative has a privilege to refuse to disclose, and to prevent a witness from disclosing:

(1) Communications relating to diagnosis or treatment of the patient;  
or

(2) Any information that by its nature would show the existence of a medical record of the diagnosis or treatment.

(c) If a patient is incompetent to assert or waive this privilege, a guardian shall be appointed and shall act for the patient. A previously appointed guardian has the same authority.

(d) There is no privilege if:

(1) A disclosure is necessary for the purposes of placing the patient in a facility for mental illness;

(2) A judge finds that the patient, after being informed there will be no privilege, makes communications in the course of an examination ordered by the court and the issue at trial involves his mental or emotional disorder;

(3) In a civil or criminal proceeding:

(i) The patient introduces his mental condition as an element of his claim or defense; or

(ii) After the patient's death, his mental condition is introduced by any party claiming or defending through or as a beneficiary of the patient;

(4) The patient, an authorized representative of the patient, or the personal representative of the patient makes a claim against the psychiatrist or licensed psychologist for malpractice;

(5) Related to civil or criminal proceedings under defective delinquency proceedings; [or]

(6) The patient expressly consents to waive the privilege, or in the case of death or disability, his personal or authorized representative waives the privilege for purpose of making claim or bringing suit on a policy of insurance on life, health, or physical condition;

**(7) IN A CRIMINAL PROCEEDING AGAINST A PATIENT OR FORMER PATIENT ALLEGING THAT THE PATIENT OR FORMER PATIENT HAS HARASSED OR THREATENED OR COMMITTED ANOTHER CRIMINAL ACT AGAINST THE PSYCHIATRIST OR LICENSED PSYCHOLOGIST, THE DISCLOSURE IS NECESSARY TO PROVE THE CHARGE; OR**

**(8) IN A PEACE ORDER PROCEEDING UNDER TITLE 3, SUBTITLE 15 OF THIS ARTICLE IN WHICH THE PSYCHIATRIST OR LICENSED PSYCHOLOGIST IS A PETITIONER AND A PATIENT OR FORMER PATIENT IS A RESPONDENT, THE DISCLOSURE IS NECESSARY TO OBTAIN RELIEF.**

9–109.1.

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

(2) “Client” means an individual who communicates to or receives services from a psychiatric–mental health nursing specialist or a professional counselor regarding the diagnosis or treatment of the individual's mental or emotional disorder.

(3) “Professional counselor” means an individual who is certified, licensed, or exempted from licensure as a counselor under Title 17 of the Health Occupations Article.

(4) “Psychiatric–mental health nursing specialist” means a registered nurse who:

(i) Has a master’s degree in psychiatric–mental health nursing;  
or

(ii) Has a baccalaureate degree in nursing and a master’s degree in a mental health field; or

(iii) Is certified as a clinical specialist in psychiatric and mental health nursing by the American Nurses’ Association or by a body approved by the Board of Nursing.

(b) Unless otherwise provided, in any judicial, legislative, or administrative proceeding, a client or a client’s authorized representative has a privilege to refuse to disclose, and to prevent a witness from disclosing, communications relating to:

(1) Diagnosis or treatment of the client; or

(2) Any information that by its nature would show a medical record of the diagnosis or treatment exists.

(c) (1) If a client is incompetent to assert or waive this privilege, a guardian shall be appointed and shall act for the client.

(2) A guardian appointed before the proceeding has the authority to act for the client.

(d) There is no privilege if:

(1) A disclosure is necessary for the purpose of placing the client in a facility for mental illness;

(2) A judge finds that the client, after being informed that there will be no privilege, makes communications in the course of an examination ordered by the court and the issue at trial involves the client’s mental or emotional disorder;

(3) In a civil or criminal proceeding:

(i) The client introduces the client’s mental condition as an element of the claim or defense; or

(ii) After the client’s death, the client’s mental condition is introduced by any party claiming or defending through or as a beneficiary of the client;

(4) The client, the authorized representative of the client, or the personal representative of the client makes a claim against the psychiatric–mental health nursing specialist or the professional counselor for malpractice; [or]

(5) The client expressly consents to waive the privilege or, in the case of death or disability, the client’s personal representative waives the privilege for the purpose of making a claim or bringing suit on a policy of insurance on life, health, or physical condition;

**(6) IN A CRIMINAL PROCEEDING AGAINST A CLIENT OR FORMER CLIENT ALLEGING THAT THE CLIENT OR FORMER CLIENT HAS HARASSED OR THREATENED OR COMMITTED ANOTHER CRIMINAL ACT AGAINST THE PSYCHIATRIC–MENTAL HEALTH NURSING SPECIALIST OR THE PROFESSIONAL COUNSELOR, THE DISCLOSURE IS NECESSARY TO PROVE THE CHARGE; OR**

**(7) IN A PEACE ORDER PROCEEDING UNDER TITLE 3, SUBTITLE 15 OF THIS ARTICLE IN WHICH THE PSYCHIATRIC–MENTAL HEALTH NURSING SPECIALIST OR PROFESSIONAL COUNSELOR IS A PETITIONER AND A CLIENT OR FORMER CLIENT IS A RESPONDENT, THE DISCLOSURE IS NECESSARY TO OBTAIN RELIEF.**

(e) There is no privilege in:

(1) Any administrative or judicial nondelinquent juvenile proceeding;

(2) Any guardianship and adoption proceeding initiated by a child placement agency;

(3) Any guardianship and protective services proceeding concerning a disabled person; or

(4) Any criminal or delinquency proceeding in which there is a charge of child abuse or neglect or that arises out of an investigation of suspected child abuse or neglect.

9–121.

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

(2) “Client” means a person who communicates to or receives services from a licensed certified social worker regarding his mental or emotional condition, or from any other person participating directly or vitally with a licensed certified social worker in rendering those services, in consultation with or under direct supervision of a licensed certified social worker.

(3) “Licensed certified social worker” means any person licensed as a certified social worker under Title 19 of the Health Occupations Article.

(4) “Witness” means a licensed certified social worker or any other person participating directly or vitally with a licensed certified social worker in rendering services to a client, in consultation with or under direct supervision of a licensed certified social worker.

(b) Unless otherwise provided, in all judicial or administrative proceedings, a client has a privilege to refuse to disclose, and to prevent a witness from disclosing, communications made while the client was receiving counseling or any information that by its nature would show that such counseling occurred.

(c) If a client is incompetent to assert or waive this privilege, a guardian shall be appointed and shall act for the client. A previously appointed guardian has the same authority.

(d) There is no privilege if:

(1) A disclosure is necessary for the purpose of placing the client in a facility for mental illness;

(2) A judge finds that the client, after being informed there will be no privilege, makes communications in the course of an examination ordered by the court;

(3) In a civil or criminal proceeding:

(i) The client introduces the client’s mental condition as an element of the claim or defense; or

(ii) After the client’s death, the client’s mental condition is introduced by any party claiming or defending through or as a beneficiary of the client;

(4) The client or the personal representative of the client makes a claim against the licensed certified social worker for malpractice; [or]

(5) The client expressly consents to waive the privilege, or in the case of death or disability, the client’s personal representative waives the privilege for purpose of making a claim or bringing suit on a policy of insurance on life, health, or physical condition;

**(6) IN A CRIMINAL PROCEEDING AGAINST A CLIENT OR FORMER CLIENT ALLEGING THAT THE CLIENT OR FORMER CLIENT HAS HARASSED OR THREATENED OR COMMITTED ANOTHER CRIMINAL ACT AGAINST THE LICENSED CERTIFIED SOCIAL WORKER, THE DISCLOSURE IS NECESSARY TO PROVE THE CHARGE; OR**

**(7) IN A PEACE ORDER PROCEEDING UNDER TITLE 3, SUBTITLE 15 OF THIS ARTICLE IN WHICH THE LICENSED CERTIFIED SOCIAL WORKER IS A PETITIONER AND A CLIENT OR FORMER CLIENT IS A RESPONDENT, THE DISCLOSURE IS NECESSARY TO OBTAIN RELIEF.**

(e) There is no privilege in:

- (1) Any administrative or judicial nondelinquent juvenile proceeding;
- (2) Any guardianship and adoption proceeding initiated by a child placement agency;
- (3) Any guardianship and protective services proceeding concerning disabled persons; or
- (4) Any criminal or delinquency proceeding in which there is a charge of child abuse or neglect or which arises out of an investigation of suspected child abuse or neglect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any communication relating to diagnosis, treatment, or counseling of a patient or client, a medical record of the diagnosis, treatment, or counseling, or any information that by its nature would show the existence of the medical record of the diagnosis, treatment, or counseling occurring or made before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 196**

**(House Bill 641)**

AN ACT concerning

### **Courts and Judicial Proceedings – Communications Between Patient or Client and Health Care Professional – Exceptions to Privilege**

FOR the purpose of creating an exception to the privilege of communications of a certain patient or client if the disclosure is necessary to prove a charge in a

certain criminal proceeding against the patient, former patient, client, or former client; creating an exception to the privilege of certain communications of a certain patient or client if the disclosure is necessary to obtain certain relief in a certain peace order proceeding; providing for the application of this Act; and generally relating to communications between a patient or client and health care professional.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 9–109, 9–109.1, and 9–121  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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

**Article – Courts and Judicial Proceedings**

9–109.

(a) (1) “Authorized representative” means a person authorized by the patient to assert the privilege granted by this section and until permitted by the patient to make disclosure, the person whose communications are privileged.

(2) “Licensed psychologist” means a person who is licensed to practice psychology under the laws of Maryland.

(3) “Patient” means a person who communicates or receives services regarding the diagnosis or treatment of his mental or emotional disorder from a psychiatrist, licensed psychologist, or any other person participating directly or vitally with either in rendering those services in consultation with or under direct supervision of a psychiatrist or psychologist.

(4) “Psychiatrist” means a person licensed to practice medicine who devotes a substantial proportion of his time to the practice of psychiatry.

(b) Unless otherwise provided, in all judicial, legislative, or administrative proceedings, a patient or the patient’s authorized representative has a privilege to refuse to disclose, and to prevent a witness from disclosing:

(1) Communications relating to diagnosis or treatment of the patient;  
or

(2) Any information that by its nature would show the existence of a medical record of the diagnosis or treatment.

(c) If a patient is incompetent to assert or waive this privilege, a guardian shall be appointed and shall act for the patient. A previously appointed guardian has the same authority.

(d) There is no privilege if:

(1) A disclosure is necessary for the purposes of placing the patient in a facility for mental illness;

(2) A judge finds that the patient, after being informed there will be no privilege, makes communications in the course of an examination ordered by the court and the issue at trial involves his mental or emotional disorder;

(3) In a civil or criminal proceeding:

(i) The patient introduces his mental condition as an element of his claim or defense; or

(ii) After the patient's death, his mental condition is introduced by any party claiming or defending through or as a beneficiary of the patient;

(4) The patient, an authorized representative of the patient, or the personal representative of the patient makes a claim against the psychiatrist or licensed psychologist for malpractice;

(5) Related to civil or criminal proceedings under defective delinquency proceedings; [or]

(6) The patient expressly consents to waive the privilege, or in the case of death or disability, his personal or authorized representative waives the privilege for purpose of making claim or bringing suit on a policy of insurance on life, health, or physical condition;

**(7) IN A CRIMINAL PROCEEDING AGAINST A PATIENT OR FORMER PATIENT ALLEGING THAT THE PATIENT OR FORMER PATIENT HAS HARASSED OR THREATENED OR COMMITTED ANOTHER CRIMINAL ACT AGAINST THE PSYCHIATRIST OR LICENSED PSYCHOLOGIST, THE DISCLOSURE IS NECESSARY TO PROVE THE CHARGE; OR**

**(8) IN A PEACE ORDER PROCEEDING UNDER TITLE 3, SUBTITLE 15 OF THIS ARTICLE IN WHICH THE PSYCHIATRIST OR LICENSED PSYCHOLOGIST IS A PETITIONER AND A PATIENT OR FORMER PATIENT IS A RESPONDENT, THE DISCLOSURE IS NECESSARY TO OBTAIN RELIEF.**

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

(2) "Client" means an individual who communicates to or receives services from a psychiatric–mental health nursing specialist or a professional counselor regarding the diagnosis or treatment of the individual's mental or emotional disorder.

(3) "Professional counselor" means an individual who is certified, licensed, or exempted from licensure as a counselor under Title 17 of the Health Occupations Article.

(4) "Psychiatric–mental health nursing specialist" means a registered nurse who:

(i) Has a master's degree in psychiatric–mental health nursing;  
or

(ii) Has a baccalaureate degree in nursing and a master's degree in a mental health field; or

(iii) Is certified as a clinical specialist in psychiatric and mental health nursing by the American Nurses' Association or by a body approved by the Board of Nursing.

(b) Unless otherwise provided, in any judicial, legislative, or administrative proceeding, a client or a client's authorized representative has a privilege to refuse to disclose, and to prevent a witness from disclosing, communications relating to:

(1) Diagnosis or treatment of the client; or

(2) Any information that by its nature would show a medical record of the diagnosis or treatment exists.

(c) (1) If a client is incompetent to assert or waive this privilege, a guardian shall be appointed and shall act for the client.

(2) A guardian appointed before the proceeding has the authority to act for the client.

(d) There is no privilege if:

(1) A disclosure is necessary for the purpose of placing the client in a facility for mental illness;

(2) A judge finds that the client, after being informed that there will be no privilege, makes communications in the course of an examination ordered by the court and the issue at trial involves the client's mental or emotional disorder;

(3) In a civil or criminal proceeding:

(i) The client introduces the client's mental condition as an element of the claim or defense; or

(ii) After the client's death, the client's mental condition is introduced by any party claiming or defending through or as a beneficiary of the client;

(4) The client, the authorized representative of the client, or the personal representative of the client makes a claim against the psychiatric-mental health nursing specialist or the professional counselor for malpractice; [or]

(5) The client expressly consents to waive the privilege or, in the case of death or disability, the client's personal representative waives the privilege for the purpose of making a claim or bringing suit on a policy of insurance on life, health, or physical condition;

**(6) IN A CRIMINAL PROCEEDING AGAINST A CLIENT OR FORMER CLIENT ALLEGING THAT THE CLIENT OR FORMER CLIENT HAS HARASSED OR THREATENED OR COMMITTED ANOTHER CRIMINAL ACT AGAINST THE PSYCHIATRIC-MENTAL HEALTH NURSING SPECIALIST OR THE PROFESSIONAL COUNSELOR, THE DISCLOSURE IS NECESSARY TO PROVE THE CHARGE; OR**

**(7) IN A PEACE ORDER PROCEEDING UNDER TITLE 3, SUBTITLE 15 OF THIS ARTICLE IN WHICH THE PSYCHIATRIC-MENTAL HEALTH NURSING SPECIALIST OR PROFESSIONAL COUNSELOR IS A PETITIONER AND A CLIENT OR FORMER CLIENT IS A RESPONDENT, THE DISCLOSURE IS NECESSARY TO OBTAIN RELIEF.**

(e) There is no privilege in:

(1) Any administrative or judicial nondelinquent juvenile proceeding;

(2) Any guardianship and adoption proceeding initiated by a child placement agency;

(3) Any guardianship and protective services proceeding concerning a disabled person; or

(4) Any criminal or delinquency proceeding in which there is a charge of child abuse or neglect or that arises out of an investigation of suspected child abuse or neglect.

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

(2) “Client” means a person who communicates to or receives services from a licensed certified social worker regarding his mental or emotional condition, or from any other person participating directly or vitally with a licensed certified social worker in rendering those services, in consultation with or under direct supervision of a licensed certified social worker.

(3) “Licensed certified social worker” means any person licensed as a certified social worker under Title 19 of the Health Occupations Article.

(4) “Witness” means a licensed certified social worker or any other person participating directly or vitally with a licensed certified social worker in rendering services to a client, in consultation with or under direct supervision of a licensed certified social worker.

(b) Unless otherwise provided, in all judicial or administrative proceedings, a client has a privilege to refuse to disclose, and to prevent a witness from disclosing, communications made while the client was receiving counseling or any information that by its nature would show that such counseling occurred.

(c) If a client is incompetent to assert or waive this privilege, a guardian shall be appointed and shall act for the client. A previously appointed guardian has the same authority.

(d) There is no privilege if:

(1) A disclosure is necessary for the purpose of placing the client in a facility for mental illness;

(2) A judge finds that the client, after being informed there will be no privilege, makes communications in the course of an examination ordered by the court;

(3) In a civil or criminal proceeding:

(i) The client introduces the client’s mental condition as an element of the claim or defense; or

(ii) After the client’s death, the client’s mental condition is introduced by any party claiming or defending through or as a beneficiary of the client;

(4) The client or the personal representative of the client makes a claim against the licensed certified social worker for malpractice; [or]

(5) The client expressly consents to waive the privilege, or in the case of death or disability, the client’s personal representative waives the privilege for

purpose of making a claim or bringing suit on a policy of insurance on life, health, or physical condition;

**(6) IN A CRIMINAL PROCEEDING AGAINST A CLIENT OR FORMER CLIENT ALLEGING THAT THE CLIENT OR FORMER CLIENT HAS HARASSED OR THREATENED OR COMMITTED ANOTHER CRIMINAL ACT AGAINST THE LICENSED CERTIFIED SOCIAL WORKER, THE DISCLOSURE IS NECESSARY TO PROVE THE CHARGE; OR**

**(7) IN A PEACE ORDER PROCEEDING UNDER TITLE 3, SUBTITLE 15 OF THIS ARTICLE IN WHICH THE LICENSED CERTIFIED SOCIAL WORKER IS A PETITIONER AND A CLIENT OR FORMER CLIENT IS A RESPONDENT, THE DISCLOSURE IS NECESSARY TO OBTAIN RELIEF.**

(e) There is no privilege in:

- (1) Any administrative or judicial nondelinquent juvenile proceeding;
- (2) Any guardianship and adoption proceeding initiated by a child placement agency;
- (3) Any guardianship and protective services proceeding concerning disabled persons; or
- (4) Any criminal or delinquency proceeding in which there is a charge of child abuse or neglect or which arises out of an investigation of suspected child abuse or neglect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any communication relating to diagnosis, treatment, or counseling of a patient or client, a medical record of the diagnosis, treatment, or counseling, or any information that by its nature would show the existence of the medical record of the diagnosis, treatment, or counseling occurring or made before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, April 14, 2014.**

AN ACT concerning

**Criminal Law – Telecommunication Devices in Place of Confinement –  
Montgomery County Work Release and Prerelease Programs**

FOR the purpose of exempting certain work release and prerelease programs in Montgomery County from certain prohibitions relating to telecommunication devices in a place of confinement; and generally relating to Montgomery County work release and prerelease programs and telecommunication devices.

BY repealing and reenacting, without amendments,  
Article – Correctional Services  
Section 11–717  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 9–417  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Correctional Services**

11–717.

(a) In this section, “Director” means the Director of the Montgomery County Department of Correction and Rehabilitation.

(b) This section applies only in Montgomery County.

(c) (1) The County Council shall establish work release and prerelease programs in accordance with this section.

(2) A work release or prerelease program shall provide that an inmate of the County Department of Correction and Rehabilitation, on approval of the Director, may leave confinement during necessary and reasonable hours to seek or work at gainful employment and to participate in other rehabilitative activities, including:

- (i) intensive counseling;
- (ii) academic education;

- (iii) home visitation;
- (iv) transitional phased release programs; and
- (v) maximum use of other community resources or other similar rehabilitative activities.

(d) (1) At any time during the confinement of an inmate of the County Department of Correction and Rehabilitation, the judge who ordered the confinement or, if that judge is unable to act, another judge of the committing court, may approve the transfer of the inmate to the work release/prerelease center to participate in a work release or prerelease program:

(i) in accordance with the selection requirements and programs established by the County Council; and

(ii) after a recommendation by the Director or the Director's designee.

(2) After the inmate enters the work release or prerelease program, the judge who ordered confinement or, if that judge is unable to act, another judge of the committing court, may order the release of the inmate from custody based on:

(i) the recommendation of the Director or Director's designee; and

(ii) the report of the inmate's performance in the work release or prerelease program.

(3) When not employed or otherwise participating in a work release program, the inmate shall be confined in the prerelease center unless the committing court directs otherwise.

(e) (1) The Director or the Director's designee shall collect the earnings of an inmate participating in a work release or prerelease program under this section, less any payroll deduction required by law.

(2) From the earnings of the inmate, the Director may deduct:

(i) the amount determined to be the cost to the county of providing food, lodging, and clothing for the inmate;

(ii) actual and necessary food, travel, and other expenses incidental to the inmate's participation in the program;

(iii) an amount the inmate is legally obligated or desires to pay for the support of a dependent;

(iv) if applicable, a reasonable amount to repay the State or the county for an attorney appointed by the court; and

(v) court-ordered payments for restitution.

(3) The Director shall:

(i) credit to the inmate's account any remaining balance; and

(ii) dispose of the balance in the inmate's account as the inmate requests and the Director approves.

(f) (1) If an inmate violates a trust or a condition that the County Council establishes for conduct or employment, the inmate is subject to:

(i) removal from the program; and

(ii) cancellation of any earned diminution of the inmate's term of confinement.

(2) If an inmate violates a condition or a term of the program and the Director or the Director's designee removes the inmate from the program because of the violation, a judge of the committing court may redesignate the Division of Correction as the agency of custody for the remaining term of the inmate's confinement.

(g) (1) The County Department of Correction and Rehabilitation shall provide all work release, prerelease, and similar services to county residents who are sentenced to the jurisdiction of the Division of Correction.

(2) The Commissioner of Correction may transfer to the County Department of Correction and Rehabilitation only those eligible individuals who are screened and recommended for approval for the work release or prerelease program, or both programs, by both correctional agencies.

(3) The county facilities shall operate in accordance with general operational standards that the Commissioner of Correction approves.

(4) The County Department of Correction and Rehabilitation and the Division of Correction shall negotiate a contract each year that provides for State reimbursement on a per diem basis for operational costs to the county for providing the community correctional services described in this section to inmates sentenced to the Division of Correction and confined in the County Department of Correction and Rehabilitation.

**Article – Criminal Law**

9–417.

**(A) THIS SECTION DOES NOT APPLY TO A WORK RELEASE OR PRERELEASE PROGRAM IN MONTGOMERY COUNTY ESTABLISHED UNDER § 11–717 OF THE CORRECTIONAL SERVICES ARTICLE.**

**[(a)] (B)** (1) A person may not deliver a telecommunication device to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(2) A person may not possess a telecommunication device with the intent to deliver it to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(3) A person may not deposit or conceal a telecommunication device in or about a place of confinement with signs posted indicating that such conduct is prohibited or on any land appurtenant to the place of confinement with the intent that it be obtained by a person detained or confined in the place of confinement.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a telecommunication device.

**[(b)] (C)** A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 198**

**(Senate Bill 827)**

AN ACT concerning

**Criminal Law – Possession of Dangerous or Wild Animals**

FOR the purpose of altering the list of entities and individuals to which certain provisions relating to dangerous or wild animals, including a prohibition on

importing into the State, offering for sale, trading, bartering, possessing, breeding, or exchanging certain animals, do not apply; ~~establishing that certain provisions relating to dangerous animals do not prohibit the holder of a certain federal exhibitor's license from importing into the State, offering for sale, trading, bartering, possessing, breeding, or exchanging certain animals; prohibiting a person from allowing a member of the public to come in direct contact with certain animals; requiring an owner of certain animals to report certain potential exposures to disease to the local animal control authority within a certain period of time~~ prohibiting certain holders of a certain federal exhibitor's license from possessing certain animals not possessed on a certain date; authorizing certain holders of a certain federal exhibitor's license to possess or breed certain animals if certain conditions are met; requiring rather than authorizing a local animal control authority to take certain steps to find long-term placement of certain seized animals; and generally relating to the possession of dangerous or wild animals.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 10–621  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

#### Article – Criminal Law

10–621.

(a) (1) **[This] EXCEPT AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION, THIS** section does not apply to:

(i) a research facility or federal research facility licensed under the federal Animal Welfare Act;

(ii) ~~[an exhibitor licensed under the federal Animal Welfare Act that displays the animals specified in subsection (b) of this section in a public setting as the exhibitor's primary function]~~ **AN INSTITUTION ACCREDITED BY THE ASSOCIATION OF ZOOS AND AQUARIUMS OR A CERTIFIED RELATED FACILITY THAT COORDINATES AN ASSOCIATION OF ZOOS AND AQUARIUMS SPECIES SURVIVAL PLAN FOR THE BREEDING OF SPECIES LISTED AS THREATENED OR ENDANGERED UNDER 16 U.S.C. 1533;**

(iii) ~~a person who possesses a valid license or permit issued by the Department of Natural Resources to import, sell, trade, barter, possess, breed, or exchange an animal specified in subsection (b) of this section;~~

~~(iv) an animal sanctuary that:~~

~~1. is a nonprofit organization qualified under § 501(c)(3) of the Internal Revenue Code;~~

~~2. operates a place of refuge for abused, neglected, impounded, abandoned, orphaned, or displaced wildlife;~~

~~3. does not conduct commercial activity with respect to any animal of which the organization is an owner; [and]~~

~~4. does not buy, sell, trade, lease, or breed any animal except as an integral part of [the species survival plan of the American Zoo and Aquarium Association] AN ASSOCIATION OF ZOOS AND AQUARIUMS SPECIES SURVIVAL PLAN; AND~~

~~5. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS;~~

~~(v) an animal control officer under the jurisdiction of the State or a local governing authority, a law enforcement officer acting under the authority of this subtitle, or a private contractor of a county or municipal corporation that is responsible for animal control operations;~~

~~(vi) a person who holds a valid license to practice veterinary medicine in the State and treats the animal specified in subsection (b) of this section in accordance with customary and normal veterinary practices; [and]~~

~~(vii) a person who is not a resident of the State and is in the State for 10 days or less for the purpose of traveling between locations outside of the State; AND~~

~~(viii) A CIRCUS HOLDING A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. §§ 2131 ET SEQ., THAT:~~

~~1. IS IN THE STATE FOR LESS THAN 90 DAYS PER CALENDAR YEAR;~~

~~2. REGULARLY CONDUCTS PERFORMANCES FEATURING LIVE ANIMALS AND MULTIPLE HUMAN ENTERTAINERS INCLUDING ACROBATS AND CLOWNS; AND~~

~~3. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS.~~

~~(2) (i) This section does not prohibit a person who had lawful possession of an animal specified in subsection (b) of this section on or before May 31, 2006, from continuing to possess that animal if the person provides written notification to the local animal control authority on or before August 1, 2006.~~

~~(ii) The notification shall include:~~

- ~~1. the person's name, address, and telephone number;~~
- ~~2. the number and type of animals being kept; and~~
- ~~3. a photograph of the animal or a description of a tattoo or microchip identification of the animal.~~

~~(3) This section does not prohibit a person who has a disability that severely limits mobility from possessing an animal specified in subsection (b) of this section if that animal is:~~

~~(i) trained to perform tasks for the owner by an organization described in Section 501(c) of the Internal Revenue Code; and~~

~~(ii) dedicated to improving the quality of life of a person who has a disability that severely limits mobility.~~

~~(4) (i) SUBJECT TO SUBPARAGRAPH (H) OF THIS PARAGRAPH, THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. §§ 2131 ET SEQ., FROM IMPORTING INTO THE STATE, OFFERING FOR SALE, TRADING, BARTERING, POSSESSING, BREEDING, OR EXCHANGING AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(H) A LICENSEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT IMPORT INTO THE STATE, OFFER FOR SALE, TRADE, BARTER, POSSESS, BREED, OR EXCHANGE ANY NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, COUGAR, OR A HYBRID OF ONE OF THESE ANIMALS.~~

~~(b) (1) A person may not import into the State, offer for sale, trade, barter, possess, breed, or exchange a live:~~

- ~~[(1)] (I) fox, skunk, raccoon, or bear;~~
- ~~[(2)] (II) caiman, alligator, or crocodile;~~
- ~~[(3)] (III) member of the cat family other than the domestic cat;~~
- ~~[(4)] (IV) hybrid of a member of the cat family and a domestic eat if the hybrid weighs over 30 pounds;~~
- ~~[(5)] (V) member of the dog family other than the domestic dog;~~
- ~~[(6)] (VI) hybrid of a member of the dog family and a domestic dog;~~
- ~~[(7)] (VII) nonhuman primate, including a lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or~~
- ~~[(8)] (VIII) poisonous snake in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae.~~

~~(2) NOTWITHSTANDING SUBSECTION (A)(1) OF THIS SECTION:~~

~~(i) A PERSON MAY NOT ALLOW A MEMBER OF THE PUBLIC TO COME IN DIRECT CONTACT WITH AN ANIMAL SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION; AND~~

~~(ii) IF THE ANIMAL POTENTIALLY EXPOSES A HUMAN TO RABIES OR ANY OTHER ZOO NOTIC DISEASE BY PENETRATION OR ABRASION OF THE SKIN, AN OWNER OF AN ANIMAL SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL REPORT THE POTENTIAL EXPOSURE TO THE LOCAL ANIMAL CONTROL AUTHORITY WITHIN 24 HOURS AFTER THE EXPOSURE.~~

(ii) [an exhibitor licensed under the federal Animal Welfare Act] THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., that displays the animals specified in subsection (b) of this section in a public setting as the exhibitor's primary function;

(iii) a person who possesses a valid license or permit issued by the Department of Natural Resources to import, sell, trade, barter, possess, breed, or exchange an animal specified in subsection (b) of this section;

(iv) an animal sanctuary that:

1. is a nonprofit organization qualified under § 501(c)(3) of the Internal Revenue Code;

2. operates a place of refuge for abused, neglected, impounded, abandoned, orphaned, or displaced wildlife;

3. does not conduct commercial activity with respect to any animal of which the organization is an owner; and

4. does not buy, sell, trade, lease, or breed any animal except as an integral part of the species survival plan of the American Zoo and Aquarium Association;

(v) an animal control officer under the jurisdiction of the State or a local governing authority, a law enforcement officer acting under the authority of this subtitle, or a private contractor of a county or municipal corporation that is responsible for animal control operations;

(vi) a person who holds a valid license to practice veterinary medicine in the State and treats the animal specified in subsection (b) of this section in accordance with customary and normal veterinary practices; [and]

(vii) a person who is not a resident of the State and is in the State for 10 days or less for the purpose of traveling between locations outside of the State; AND

**(VIII) A CIRCUS HOLDING A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., THAT:**

**1. IS IN THE STATE FOR LESS THAN 90 DAYS PER CALENDAR YEAR;**

**2. REGULARLY CONDUCTS PERFORMANCES FEATURING LIVE ANIMALS AND MULTIPLE HUMAN ENTERTAINERS, INCLUDING ACROBATS AND CLOWNS; AND**

**3. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS.**

(2) (i) This section does not prohibit a person who had lawful possession of an animal specified in subsection (b) of this section on or before May 31, 2006, from continuing to possess that animal if the person provides written notification to the local animal control authority on or before August 1, 2006.

(ii) The notification shall include:

1. the person's name, address, and telephone number;
2. the number and type of animals being kept; and
3. a photograph of the animal or a description of a tattoo or microchip identification of the animal.

(3) This section does not prohibit a person who has a disability that severely limits mobility from possessing an animal specified in subsection (b) of this section if that animal is:

(i) trained to perform tasks for the owner by an organization described in Section 501(c) of the Internal Revenue Code; and

(ii) dedicated to improving the quality of life of a person who has a disability that severely limits mobility.

(b) (1) A person may not import into the State, offer for sale, trade, barter, possess, breed, or exchange a live:

[(1)] (I) fox, skunk, raccoon, or bear;

[(2)] (II) caiman, alligator, or crocodile;

[(3)] (III) member of the cat family other than the domestic cat;

[(4)] (IV) hybrid of a member of the cat family and a domestic cat if the hybrid weighs over 30 pounds;

[(5)] (V) member of the dog family other than the domestic dog;

[(6)] (VI) hybrid of a member of the dog family and a domestic dog;

[(7)] (VII) nonhuman primate, including a lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or

[(8)] (VIII) poisonous snake in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae.

(2) (I) THIS PARAGRAPH DOES NOT APPLY TO AN ENTITY DESCRIBED IN SUBSECTION (A)(1)(I), (III), (IV), (V), (VI), (VII), OR (VIII) OF THIS SECTION.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY NOT POSSESS A NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE ANIMALS THAT WAS NOT OWNED BY THE HOLDER OF THE LICENSE ON JUNE 30, 2014.

(III) THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY ACQUIRE OR BREED A NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE ANIMALS IF THE HOLDER:

1. MAINTAINS A LIABILITY INSURANCE POLICY OF AT LEAST \$1,000,000;
2. HAS A PAID FULL-TIME DIRECTOR;
3. HAS AT LEAST ONE PAID FULL-TIME STAFF MEMBER TRAINED IN THE CARE OF EACH SPECIES THAT THE HOLDER KEEPS;
4. HAS AN ANIMAL DISPOSITION POLICY THAT PROVIDES FOR THE PLACEMENT OF ANIMALS IN APPROPRIATE FACILITIES IF THE HOLDER'S FACILITY CLOSES; AND
5. MAINTAINS AND IMPLEMENTS A TRAINING PLAN REGARDING ZOOLOGIC DISEASE RISK AND PREVENTION.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

- (i) if an individual, a fine not exceeding \$1,000; or
- (ii) if not an individual, a fine not exceeding \$10,000.

(2) The provisions of this section may be enforced by:

- (i) any State or local law enforcement officer; or
- (ii) the local animal control authority for the jurisdiction where the violation occurs.

(d) (1) An animal specified in subsection (b) of this section may be immediately seized if:

(i) there is probable cause to believe that the possession of the animal is in violation of this section; or

(ii) the animal poses a risk to public health or public safety.

(2) An animal specified in subsection (b) of this section that is seized may be returned to the person who had possession of the animal at the time the animal was seized only if it is established that:

(i) possession of the animal by the person is not a violation of this section; and

(ii) the return of the animal does not pose a risk to public health or public safety.

(3) (i) Notice that the animal was seized shall be served on the person who had possession of the animal at the time the animal was seized by:

1. posting a copy of the notice at the place where the animal was seized;

2. regular and certified mail, return receipt requested; or

3. delivering the notice to a person residing on the property from which the animal was seized.

(ii) The notice shall include:

1. a description of the animal seized;

2. the authority for and the purpose of the seizure;

3. the time, place, and circumstances of the seizure;

4. a contact person and telephone number;

5. a statement that the person from whom the animal was seized may:

A. post security to prevent disposition of the animal; and

B. request a hearing concerning the seizure;

6. a statement that failure to post security or request a hearing within 10 days of the date of the notice will result in the disposition of the animal; and

7. a statement that, unless a court finds that the seizure of the animal was not justified, the actual costs of the care, keeping, and disposal of the animal are the responsibility of the person from whom the animal was seized.

(4) (i) Before a seizure under paragraph (1) of this subsection occurs, the person in possession of the animal to be seized may request that the animal remain in the person's physical custody for 30 days after the date the animal was to be seized.

(ii) During the 30 days provided in subparagraph (i) of this paragraph, the person shall take all necessary actions to comply with this section.

(iii) At any reasonable time during the 30-day period, the local animal control authority may inspect the premises where the animal is being kept.

(5) (i) If a person who retains possession of an animal under paragraph (4) of this subsection is not in compliance with this section after the 30-day period has expired, the local animal control authority shall seize the animal and place it in a holding facility that is appropriate for the species.

(ii) The authority seizing an animal under this paragraph shall provide notice of the seizure in the same manner as provided in paragraph (3) of this subsection.

(6) (i) A person from whom an animal was seized may request a hearing in the District Court within 10 days of the seizure.

(ii) A hearing shall be held as soon as practicable to determine the validity of the seizure and the disposition of the animal.

(7) (i) Unless the court finds that the seizure of the animal was not justified by law, a person from whom the animal specified in subsection (b) of this section is seized is liable for all actual costs of care, keeping, and disposal of the animal.

(ii) The costs required under this paragraph shall be paid in full unless a mutually satisfactory agreement is made between the local animal control authority and the person claiming an interest in the animal.

(8) (i) If there is no request for a hearing within 10 days of the notice or if the court orders a permanent and final disposition of the animal, the local animal control authority ~~may~~ **SHALL** take steps to find long-term placement of the animal with another appropriate facility that is equipped for the continued care of the particular species of the animal.

(ii) If there is no entity that is suitable for the care of the animal, the animal may be euthanized.

(e) This section does not limit a county or municipality from enacting laws or adopting regulations that are more restrictive pertaining to any potentially dangerous animals, including those specified in subsection (b) of this section.

(f) If the owner of an animal specified in subsection (b) of this section dies without making arrangements for the transfer of custody of the animal to another person, the animal may be turned over to one of the organizations specified in subsection (a)(1) of this section or euthanized if no suitable location can be found in a reasonable amount of time.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 199

### (House Bill 1124)

AN ACT concerning

#### **Criminal Law – Possession of Dangerous ~~and~~ or Wild Animals**

FOR the purpose of altering the list of entities and individuals to which certain provisions relating to dangerous ~~and~~ or wild animals, including a prohibition on importing into the State, offering for sale, trading, bartering, possessing, breeding, or exchanging certain animals, do not apply; ~~prohibiting the holder of a certain federal exhibitor's license from possessing certain animals not possessed by the holder on a certain date under certain circumstances; authorizing a holder of a certain federal exhibitor's license to replace certain animals that were owned by the holder on a certain date if certain conditions are met; prohibiting a person from allowing a member of the public to come in direct contact with certain animals; requiring an owner of certain animals to report certain potential exposures to disease to the local animal control authority within a certain period of time~~ prohibiting certain holders of a certain federal exhibitor's license from possessing certain animals not possessed on a certain date; authorizing certain holders of a certain federal exhibitor's license to possess or breed certain animals if certain conditions are met; requiring rather than authorizing a local animal control authority to take certain steps to find long-term placement of certain seized animals; and generally relating to the possession of dangerous ~~and~~ or wild animals.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 10–621  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Law**

10–621.

(a) (1) [This] **EXCEPT AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION, THIS** section does not apply to:

(i) a research facility or federal research facility licensed under the federal Animal Welfare Act;

(ii) ~~[an exhibitor licensed under the federal Animal Welfare Act]~~  
~~THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., that displays the animals specified in subsection (b) of this section in a public setting as the exhibitor's primary function;~~

(iii) ~~a person who possesses a valid license or permit issued by the Department of Natural Resources to import, sell, trade, barter, possess, breed, or exchange an animal specified in subsection (b) of this section;~~

(iv) ~~an animal sanctuary that:~~

~~1. is a nonprofit organization qualified under § 501(c)(3) of the Internal Revenue Code;~~

~~2. operates a place of refuge for abused, neglected, impounded, abandoned, orphaned, or displaced wildlife;~~

~~3. does not conduct commercial activity with respect to any animal of which the organization is an owner; [and]~~

~~4. does not buy, sell, trade, lease, or breed any animal except as an integral part of [the species survival plan of the American Zoo and Aquarium Association] AN ASSOCIATION OF ZOOS AND AQUARIUMS SPECIES SURVIVAL PLAN; AND~~

~~5. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS~~

~~SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS;~~

~~(v) an animal control officer under the jurisdiction of the State or a local governing authority, a law enforcement officer acting under the authority of this subtitle, or a private contractor of a county or municipal corporation that is responsible for animal control operations;~~

~~(vi) a person who holds a valid license to practice veterinary medicine in the State and treats the animal specified in subsection (b) of this section in accordance with customary and normal veterinary practices; [and]~~

~~(vii) a person who is not a resident of the State and is in the State for 10 days or less for the purpose of traveling between locations outside of the State;~~

~~(VIII) A CIRCUS HOLDING A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., THAT:~~

~~1. IS IN THE STATE FOR LESS THAN 90 DAYS PER CALENDAR YEAR;~~

~~2. REGULARLY CONDUCTS PERFORMANCES FEATURING LIVE ANIMALS AND MULTIPLE HUMAN ENTERTAINERS, INCLUDING ACROBATS AND CLOWNS; AND~~

~~3. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS; AND~~

~~(IX) AN INSTITUTION ACCREDITED BY THE ASSOCIATION OF ZOOS AND AQUARIUMS OR A CERTIFIED RELATED FACILITY THAT COORDINATES AN ASSOCIATION OF ZOOS AND AQUARIUMS SPECIES SURVIVAL PLAN FOR THE BREEDING OF SPECIES LISTED AS THREATENED OR ENDANGERED UNDER 16 U.S.C. § 1533.~~

~~(2) (i) This section does not prohibit a person who had lawful possession of an animal specified in subsection (b) of this section on or before May 31, 2006, from continuing to possess that animal if the person provides written notification to the local animal control authority on or before August 1, 2006.~~

~~(ii) The notification shall include:~~

~~1. the person's name, address, and telephone number;~~

~~2. the number and type of animals being kept; and~~

~~3. a photograph of the animal or a description of a tattoo or microchip identification of the animal.~~

~~(3) This section does not prohibit a person who has a disability that severely limits mobility from possessing an animal specified in subsection (b) of this section if that animal is:~~

~~(i) trained to perform tasks for the owner by an organization described in Section 501(c) of the Internal Revenue Code; and~~

~~(ii) dedicated to improving the quality of life of a person who has a disability that severely limits mobility.~~

~~(b) (1) A person may not import into the State, offer for sale, trade, barter, possess, breed, or exchange a live:~~

~~[(1)] (I) fox, skunk, raccoon, or bear;~~

~~[(2)] (II) caiman, alligator, or crocodile;~~

~~[(3)] (III) member of the cat family other than the domestic cat;~~

~~[(4)] (IV) hybrid of a member of the cat family and a domestic cat if the hybrid weighs over 30 pounds;~~

~~[(5)] (V) member of the dog family other than the domestic dog;~~

~~[(6)] (VI) hybrid of a member of the dog family and a domestic dog;~~

~~[(7)] (VII) nonhuman primate, including a lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or~~

~~[(8)] (VIII) poisonous snake in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae.~~

~~(2) NOTWITHSTANDING SUBSECTION (A)(1) OF THIS SECTION:~~

~~(i) 1. A PERSON MAY NOT ALLOW A MEMBER OF THE PUBLIC TO COME IN DIRECT CONTACT WITH AN ANIMAL SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION; AND~~

~~2. AN OWNER OF AN ANIMAL SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION, IF THE ANIMAL POTENTIALLY EXPOSES A~~

~~HUMAN TO RABIES OR ANY OTHER ZOO NOTIC DISEASE BY PENETRATION OR ABRASION OF THE SKIN, SHALL REPORT THE POTENTIAL EXPOSURE TO THE LOCAL ANIMAL CONTROL AUTHORITY WITHIN 24 HOURS OF THE EXPOSURE;~~

~~(H) EXCEPT AS PROVIDED IN ITEM (H) OF THIS PARAGRAPH, THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY NOT POSSESS A NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE ANIMALS THAT WAS NOT OWNED BY THE HOLDER OF THE LICENSE ON SEPTEMBER 30, 2014; AND~~

~~(HH) THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY REPLACE A NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE ANIMALS THAT WAS OWNED BY THE HOLDER OF THE LICENSE ON SEPTEMBER 30, 2014, ONLY IF DURING THE PRIOR 3 YEARS THE HOLDER OF THE LICENSE:~~

~~1. HAS NOT EXPERIENCED AN ESCAPE OF A NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE ANIMALS;~~

~~2. HAS NOT EXPERIENCED AN INCIDENT IN WHICH A NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE ANIMALS HAS INJURED A PERSON;~~

~~3. HAS NO UNITED STATES DEPARTMENT OF AGRICULTURE NONCOMPLIANT ITEMS CATEGORIZED AS DIRECT OR REPEAT;~~

~~4. HAS NO UNITED STATES DEPARTMENT OF AGRICULTURE NONCOMPLIANT ITEMS FOR INSUFFICIENT STAFFING LEVELS OR INADEQUATELY TRAINED EMPLOYEES; AND~~

~~5. HAS NO UNITED STATES DEPARTMENT OF AGRICULTURE NONCOMPLIANT ITEMS FOR FAILURE TO PROVIDE TO A NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE ANIMALS:~~

~~A. VETERINARY CARE;~~

~~B. SEPARATION FROM INCOMPATIBLE ANIMALS;~~

~~C. ENVIRONMENTAL ENRICHMENT;~~

~~D. PROPER HANDLING; OR~~

~~E. MINIMUM SPACE.~~

(ii) [an exhibitor licensed under the federal Animal Welfare Act] THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., that displays the animals specified in subsection (b) of this section in a public setting as the exhibitor's primary function;

(iii) a person who possesses a valid license or permit issued by the Department of Natural Resources to import, sell, trade, barter, possess, breed, or exchange an animal specified in subsection (b) of this section;

(iv) an animal sanctuary that:

1. is a nonprofit organization qualified under § 501(c)(3) of the Internal Revenue Code;

2. operates a place of refuge for abused, neglected, impounded, abandoned, orphaned, or displaced wildlife;

3. does not conduct commercial activity with respect to any animal of which the organization is an owner; and

4. does not buy, sell, trade, lease, or breed any animal except as an integral part of the species survival plan of the American Zoo and Aquarium Association;

(v) an animal control officer under the jurisdiction of the State or a local governing authority, a law enforcement officer acting under the authority of this subtitle, or a private contractor of a county or municipal corporation that is responsible for animal control operations;

(vi) a person who holds a valid license to practice veterinary medicine in the State and treats the animal specified in subsection (b) of this section in accordance with customary and normal veterinary practices; [and]

(vii) a person who is not a resident of the State and is in the State for 10 days or less for the purpose of traveling between locations outside of the State; AND

(VIII) A CIRCUS HOLDING A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., THAT:

1. IS IN THE STATE FOR LESS THAN 90 DAYS PER CALENDAR YEAR;

2. REGULARLY CONDUCTS PERFORMANCES FEATURING LIVE ANIMALS AND MULTIPLE HUMAN ENTERTAINERS, INCLUDING ACROBATS AND CLOWNS; AND

3. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS.

(2) (i) This section does not prohibit a person who had lawful possession of an animal specified in subsection (b) of this section on or before May 31, 2006, from continuing to possess that animal if the person provides written notification to the local animal control authority on or before August 1, 2006.

(ii) The notification shall include:

1. the person's name, address, and telephone number;
2. the number and type of animals being kept; and
3. a photograph of the animal or a description of a tattoo or microchip identification of the animal.

(3) This section does not prohibit a person who has a disability that severely limits mobility from possessing an animal specified in subsection (b) of this section if that animal is:

(i) trained to perform tasks for the owner by an organization described in Section 501(c) of the Internal Revenue Code; and

(ii) dedicated to improving the quality of life of a person who has a disability that severely limits mobility.

(b) (1) A person may not import into the State, offer for sale, trade, barter, possess, breed, or exchange a live:

[(1)] (I) fox, skunk, raccoon, or bear;

[(2)] (II) caiman, alligator, or crocodile;

[(3)] (III) member of the cat family other than the domestic cat;

[(4)] (IV) hybrid of a member of the cat family and a domestic cat if the hybrid weighs over 30 pounds;

[(5)] (V) member of the dog family other than the domestic dog;

[(6)] (VI) hybrid of a member of the dog family and a domestic dog;

[(7)] (VII) nonhuman primate, including a lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or

[(8)] (VIII) poisonous snake in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae.

(2) (I) THIS PARAGRAPH DOES NOT APPLY TO AN ENTITY DESCRIBED IN SUBSECTION (A)(1)(I), (III), (IV), (V), (VI), (VII), OR (VIII) OF THIS SECTION.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY NOT POSSESS A NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE ANIMALS THAT WAS NOT OWNED BY THE HOLDER OF THE LICENSE ON JUNE 30, 2014.

(III) THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY ACQUIRE OR BREED A NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE ANIMALS IF THE HOLDER:

1. MAINTAINS A LIABILITY INSURANCE POLICY OF AT LEAST \$1,000,000;

2. HAS A PAID FULL-TIME DIRECTOR;

3. HAS AT LEAST ONE PAID FULL-TIME STAFF MEMBER TRAINED IN THE CARE OF EACH SPECIES THAT THE HOLDER KEEPS;

4. HAS AN ANIMAL DISPOSITION POLICY THAT PROVIDES FOR THE PLACEMENT OF ANIMALS IN APPROPRIATE FACILITIES IF THE HOLDER'S FACILITY CLOSES; AND

**5. MAINTAINS AND IMPLEMENTS A TRAINING PLAN  
REGARDING ZOONOTIC DISEASE RISK AND PREVENTION.**

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

- (i) if an individual, a fine not exceeding \$1,000; or
- (ii) if not an individual, a fine not exceeding \$10,000.

(2) The provisions of this section may be enforced by:

- (i) any State or local law enforcement officer; or
- (ii) the local animal control authority for the jurisdiction where the violation occurs.

(d) (1) An animal specified in subsection (b) of this section may be immediately seized if:

- (i) there is probable cause to believe that the possession of the animal is in violation of this section; or
- (ii) the animal poses a risk to public health or public safety.

(2) An animal specified in subsection (b) of this section that is seized may be returned to the person who had possession of the animal at the time the animal was seized only if it is established that:

- (i) possession of the animal by the person is not a violation of this section; and
- (ii) the return of the animal does not pose a risk to public health or public safety.

(3) (i) Notice that the animal was seized shall be served on the person who had possession of the animal at the time the animal was seized by:

1. posting a copy of the notice at the place where the animal was seized;
2. regular and certified mail, return receipt requested; or
3. delivering the notice to a person residing on the property from which the animal was seized.

(ii) The notice shall include:

1. a description of the animal seized;
2. the authority for and the purpose of the seizure;
3. the time, place, and circumstances of the seizure;
4. a contact person and telephone number;
5. a statement that the person from whom the animal

was seized may:

- A. post security to prevent disposition of the animal; and
- B. request a hearing concerning the seizure;

6. a statement that failure to post security or request a hearing within 10 days of the date of the notice will result in the disposition of the animal; and

7. a statement that, unless a court finds that the seizure of the animal was not justified, the actual costs of the care, keeping, and disposal of the animal are the responsibility of the person from whom the animal was seized.

(4) (i) Before a seizure under paragraph (1) of this subsection occurs, the person in possession of the animal to be seized may request that the animal remain in the person's physical custody for 30 days after the date the animal was to be seized.

(ii) During the 30 days provided in subparagraph (i) of this paragraph, the person shall take all necessary actions to comply with this section.

(iii) At any reasonable time during the 30-day period, the local animal control authority may inspect the premises where the animal is being kept.

(5) (i) If a person who retains possession of an animal under paragraph (4) of this subsection is not in compliance with this section after the 30-day period has expired, the local animal control authority shall seize the animal and place it in a holding facility that is appropriate for the species.

(ii) The authority seizing an animal under this paragraph shall provide notice of the seizure in the same manner as provided in paragraph (3) of this subsection.

(6) (i) A person from whom an animal was seized may request a hearing in the District Court within 10 days of the seizure.

(ii) A hearing shall be held as soon as practicable to determine the validity of the seizure and the disposition of the animal.

(7) (i) Unless the court finds that the seizure of the animal was not justified by law, a person from whom the animal specified in subsection (b) of this section is seized is liable for all actual costs of care, keeping, and disposal of the animal.

(ii) The costs required under this paragraph shall be paid in full unless a mutually satisfactory agreement is made between the local animal control authority and the person claiming an interest in the animal.

(8) (i) If there is no request for a hearing within 10 days of the notice or if the court orders a permanent and final disposition of the animal, the local animal control authority ~~may~~ **SHALL** take steps to find long-term placement of the animal with another appropriate facility that is equipped for the continued care of the particular species of the animal.

(ii) If there is no entity that is suitable for the care of the animal, the animal may be euthanized.

(e) This section does not limit a county or municipality from enacting laws or adopting regulations that are more restrictive pertaining to any potentially dangerous animals, including those specified in subsection (b) of this section.

(f) If the owner of an animal specified in subsection (b) of this section dies without making arrangements for the transfer of custody of the animal to another person, the animal may be turned over to one of the organizations specified in subsection (a)(1) of this section or euthanized if no suitable location can be found in a reasonable amount of time.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 200

**(Senate Bill 830)**

AN ACT concerning

**Criminal Procedure – Criminal Injuries Compensation Board – Child Abuse  
Victims**

FOR the purpose of altering the date by which, in a case of child abuse, a certain claimant may file a claim with the Criminal Injuries Compensation Board; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section 11–808  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 11–809(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

### **Article – Criminal Procedure**

11–808.

(a) (1) Except as provided in paragraph (2) of this subsection, the following persons are eligible for awards in the manner provided under this subtitle:

- (i) a victim;
- (ii) a dependent of a victim who died as a direct result of:

- 1. a crime or delinquent act;
- 2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony or a delinquent act that would be considered a felony if committed by an adult; or
- 3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties;

(iii) any person who paid or assumed responsibility for the funeral expenses of a victim who died as a direct result of:

- 1. a crime or delinquent act;

2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony; or

3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties; and

(iv) 1. a parent, child, or spouse of a victim who resides with the victim; or

2. a parent, child, or spouse of an individual who is incarcerated for abuse as defined in § 4–501 of the Family Law Article and who, prior to incarceration:

A. resided with the parent, child, or spouse; and

B. provided financial support to the parent, child, or spouse.

(2) A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award with respect to the claim.

(b) A resident of the State is eligible for an award under this subtitle if the resident becomes a victim in another state other than this State that:

(1) does not operate a criminal injuries compensation program;

(2) operates a criminal injuries compensation program for which the victim is ineligible; or

(3) operates a criminal injuries compensation program for which money has not been appropriated or made available.

(c) (1) A person eligible to receive an award under subsection (a) or (b) of this section may file a claim under this subtitle.

(2) If a person eligible to receive an award is under 18 years of age, the person's parent or guardian may file a claim under this subtitle.

(3) If a person eligible to receive an award is mentally incompetent, the person's guardian or other person authorized to administer the person's estate may file the claim on the person's behalf.

11-809.

(a) (1) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** claimant shall file a claim not later than 3 years after the occurrence of the crime or delinquent act or the death of the victim.

(2) In a case of child abuse, a claimant may file a claim:

(I) up to [3 years after the claimant knew or should have known of the child abuse] **THE DATE THE CHILD WHO WAS THE SUBJECT OF THE ABUSE REACHES THE AGE OF 25 YEARS; OR**

(II) **IF THE BOARD DETERMINES THAT THERE WAS GOOD CAUSE FOR FAILURE TO FILE A CLAIM BEFORE THE DATE THE CHILD WHO WAS THE SUBJECT OF THE ABUSE REACHED THE AGE OF 25 YEARS, AT ANY TIME.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 201

**(Senate Bill 860)**

AN ACT concerning

### **Public Safety – ~~Photo and Lineup~~ Eyewitness Identification – Procedures**

FOR the purpose of requiring, on or before a certain date, each law enforcement agency in the State to adopt and implement a certain policy relating to certain identification procedures and file a copy with the Department of State Police; requiring the Department, on or before a certain date, to compile certain written policies; requiring the Department to allow public inspection of certain policies; requiring that a certain identification procedure be conducted by a certain administrator; ~~requiring the Police Training Commission to adopt certain standards and conduct certain training programs;~~ requiring certain identification procedures to be conducted in a certain manner; requiring that a certain record of a certain identification procedure be made; ~~requiring evidence of a failure to comply with this Act to be dealt with by a certain court in a certain manner;~~ defining certain terms; providing for the application of this Act; ~~providing for a delayed effective date;~~ and generally relating to eyewitness identifications.

BY adding to

Article – Public Safety

Section 3–506(d) ~~and (e)~~ and 3–506.1

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

**Article – Public Safety**

3–506.

(D) (1) ON OR BEFORE ~~AUGUST 1, 2014~~ JANUARY 1, 2015 ~~2016~~, EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL:

(I) 1. ADOPT THE POLICE TRAINING COMMISSION’S EYEWITNESS IDENTIFICATION MODEL POLICY; OR

2. ADOPT AND IMPLEMENT A WRITTEN POLICY RELATING TO IDENTIFICATION PROCEDURES THAT COMPLIES WITH § 3–506.1 OF THIS SUBTITLE; AND

(II) FILE A COPY OF THE WRITTEN POLICY WITH THE DEPARTMENT OF STATE POLICE.

(2) ON OR BEFORE ~~DECEMBER 31, 2014~~ FEBRUARY 1, 2015 ~~2016~~, THE DEPARTMENT OF STATE POLICE SHALL COMPILE THE WRITTEN POLICIES RELATING TO IDENTIFICATION PROCEDURES OF EACH LAW ENFORCEMENT AGENCY IN THE STATE.

(3) THE DEPARTMENT OF STATE POLICE SHALL ALLOW PUBLIC INSPECTION OF EACH POLICY COMPILED UNDER THIS SUBSECTION.

~~(E) THE POLICE TRAINING COMMISSION SHALL ADOPT STANDARDS AND CONDUCT TRAINING PROGRAMS RELATING TO IDENTIFICATION PROCEDURES THAT COMPLY WITH § 3–506.1 OF THIS SUBTITLE.~~

3–506.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ADMINISTRATOR” MEANS THE PERSON CONDUCTING AN IDENTIFICATION PROCEDURE.

(3) "BLIND" MEANS THE ADMINISTRATOR DOES NOT KNOW THE IDENTITY OF THE SUSPECT.

(4) "BLINDED" MEANS THE ADMINISTRATOR MAY KNOW WHO THE SUSPECT IS BUT DOES NOT KNOW WHICH LINEUP MEMBER IS BEING VIEWED BY THE EYEWITNESS.

(5) "EYEWITNESS" MEANS A PERSON WHO OBSERVES ANOTHER PERSON AT OR NEAR THE SCENE OF AN OFFENSE.

(6) "FILLER" MEANS A PERSON OR A PHOTOGRAPH OF A PERSON WHO IS NOT SUSPECTED OF AN OFFENSE AND IS INCLUDED IN AN IDENTIFICATION PROCEDURE.

(7) "FOLDER SHUFFLE METHOD" MEANS A SYSTEM FOR CONDUCTING A PHOTO LINEUP THAT:

(I) COMPLIES WITH THE REQUIREMENTS OF THIS SECTION;  
AND

(II) IS CONDUCTED BY PLACING PHOTOGRAPHS IN FOLDERS, RANDOMLY NUMBERING THE FOLDERS, SHUFFLING THE FOLDERS, AND THEN PRESENTING THE FOLDERS SEQUENTIALLY SO THAT THE ADMINISTRATOR CANNOT SEE OR TRACK WHICH PHOTOGRAPH IS BEING PRESENTED TO THE EYEWITNESS UNTIL AFTER THE PROCEDURE IS COMPLETED.

(8) "IDENTIFICATION PROCEDURE" MEANS A PROCEDURE IN WHICH A LIVE LINEUP IS CONDUCTED OR AN ARRAY OF PHOTOGRAPHS, INCLUDING A PHOTOGRAPH OF A ~~SUSPECTED PERPETRATOR~~ SUSPECT AND ADDITIONAL PHOTOGRAPHS OF OTHER PERSONS NOT SUSPECTED OF THE OFFENSE, IS DISPLAYED TO AN EYEWITNESS IN HARD COPY FORM OR BY COMPUTER FOR THE PURPOSE OF DETERMINING WHETHER THE EYEWITNESS IDENTIFIES THE SUSPECT AS THE PERPETRATOR.

(9) "IDENTIFICATION STATEMENT" MEANS A ~~STATEMENT AS TO WHETHER THE EYEWITNESS BELIEVES THAT THE PERPETRATOR HAS BEEN IDENTIFIED DURING THE IDENTIFICATION PROCEDURE~~ DOCUMENTED STATEMENT THAT IS SOUGHT BY THE ADMINISTRATOR WHEN AN IDENTIFICATION IS MADE:

(I) FROM THE EYEWITNESS;

(II) IN THE OWN WORDS OF THE EYEWITNESS, DESCRIBING THE EYEWITNESS’S CONFIDENCE LEVEL THAT THE PERSON IDENTIFIED IS THE PERPETRATOR OF THE CRIME;

~~(H)~~ (III) GIVEN AT THE TIME OF THE VIEWING BY THE EYEWITNESS DURING THE IDENTIFICATION PROCEDURE; AND

~~(HH)~~ (IV) GIVEN BEFORE THE EYEWITNESS IS GIVEN FEEDBACK.

(10) “LIVE LINEUP” MEANS A PROCEDURE IN WHICH A ~~GROUP OF PERSONS IS DISPLAYED TO AN EYEWITNESS FOR THE PURPOSE OF DETERMINING IF THE EYEWITNESS IS ABLE TO IDENTIFY THE PERPETRATOR OF THE CRIME~~ PERPETRATOR IS PLACED AMONG A GROUP OF OTHER PERSONS WHOSE GENERAL APPEARANCE RESEMBLES THE PERPETRATOR.

(11) “PERPETRATOR” MEANS A PERSON WHO COMMITTED AN OFFENSE.

(12) “SUSPECT” MEANS A PERSON WHO IS SUSPECTED OF COMMITTING AN OFFENSE.

(B) (1) AN IDENTIFICATION PROCEDURE SHALL BE CONDUCTED BY A BLIND OR BLINDED ADMINISTRATOR.

(2) AN ADMINISTRATOR MAY BE BLINDED THROUGH THE USE OF:

(I) AN AUTOMATED COMPUTER PROGRAM THAT PREVENTS THE ADMINISTRATOR FROM SEEING WHICH PHOTOS THE EYEWITNESS IS VIEWING UNTIL AFTER THE IDENTIFICATION PROCEDURE IS COMPLETED; OR

(II) THE FOLDER SHUFFLE METHOD.

(3) BEFORE AN IDENTIFICATION PROCEDURE IS CONDUCTED, AN EYEWITNESS SHALL BE INSTRUCTED, WITHOUT OTHER EYEWITNESSES PRESENT, ~~AND ACKNOWLEDGE THE RECEIPT OF THE INSTRUCTIONS IN WRITING THAT:~~

~~(I) THE PERPETRATOR MAY OR MAY NOT BE AMONG THE PERSONS IN THE IDENTIFICATION PROCEDURE;~~

~~(II) THE ADMINISTRATOR DOES NOT KNOW WHO THE PERPETRATOR IS;~~

~~(III) THE EYEWITNESS SHOULD NOT FEEL COMPELLED TO MAKE AN IDENTIFICATION;~~

~~(IV) THE INVESTIGATION WILL CONTINUE WHETHER OR NOT AN IDENTIFICATION IS MADE;~~

~~(V) EXCLUDING INNOCENT PERSONS IS AS IMPORTANT AS IDENTIFYING THE PERPETRATOR; AND~~

~~(VI) THE EYEWITNESS IS NOT TO DISCUSS THE IDENTIFICATION PROCEDURE OR THE RESULTS OF THE PROCEDURE WITH OTHER EYEWITNESSES INVOLVED IN THE CASE AND SHOULD NOT SPEAK TO THE MEDIA THAT THE PERPETRATOR MAY OR MAY NOT BE AMONG THE PERSONS IN THE IDENTIFICATION PROCEDURE.~~

~~(4) IN AN IDENTIFICATION PROCEDURE, EACH INDIVIDUAL OR PHOTO SHALL BE:~~

~~(I) PRESENTED TO AN EYEWITNESS;~~

~~1. SEQUENTIALLY;~~

~~2. WITH EACH INDIVIDUAL OR PHOTO PRESENTED TO THE EYEWITNESS SEPARATELY; AND~~

~~3. IN A PREVIOUSLY DETERMINED ORDER; AND~~

~~(II) REMOVED BEFORE THE NEXT INDIVIDUAL OR PHOTO IS PRESENTED TO THE EYEWITNESS.~~

~~(5) AS THE INDIVIDUALS OR PHOTOS ARE PRESENTED TO AN EYEWITNESS, THE ADMINISTRATOR SHALL DOCUMENT IN WRITING ALL IDENTIFICATION STATEMENTS MADE BY THE EYEWITNESS.~~

~~(6) THE EYEWITNESS MAY NOT BE GIVEN EITHER POSITIVE OR NEGATIVE FEEDBACK AS TO THE ACCURACY OR INACCURACY OF AN IDENTIFICATION BY THE EYEWITNESS TO THE FULLEST EXTENT PRACTICABLE.~~

~~(7) ONLY ONE SUSPECT MAY BE INCLUDED IN EACH IDENTIFICATION PROCEDURE.~~

(4) WHEN AN IDENTIFICATION IS MADE IN A LIVE LINEUP OR PHOTO ARRAY, THE ADMINISTRATOR SHALL DOCUMENT IN WRITING ALL IDENTIFICATION STATEMENTS MADE BY THE EYEWITNESS.

(C) IN AN IDENTIFICATION PROCEDURE:

(1) EACH FILLER SHALL RESEMBLE THE DESCRIPTION OF THE PERPETRATOR GIVEN BY THE EYEWITNESS IN SIGNIFICANT PHYSICAL FEATURES, INCLUDING ANY UNIQUE OR UNUSUAL FEATURES; ~~AND~~

(2) AT LEAST FIVE FILLERS, IN ADDITION TO THE ~~SUSPECT PERPETRATOR~~, SHALL BE INCLUDED WHEN AN ARRAY OF PHOTOGRAPHS IS DISPLAYED TO AN EYEWITNESS ~~OR A LIVE LINEUP IS CONDUCTED FOR AN EYEWITNESS; AND~~

(3) AT LEAST FOUR FILLERS, IN ADDITION TO THE PERPETRATOR, SHALL BE INCLUDED IN A LIVE LINEUP.

(D) IF AN EYEWITNESS HAS PREVIOUSLY PARTICIPATED IN AN IDENTIFICATION PROCEDURE IN CONNECTION WITH THE IDENTIFICATION OF ANOTHER PERSON SUSPECTED OF INVOLVEMENT IN THE OFFENSE, THE FILLERS IN THE IDENTIFICATION PROCEDURE SHALL BE DIFFERENT FROM THE FILLERS USED IN ANY PRIOR IDENTIFICATION PROCEDURE.

(E) IF THERE ARE MULTIPLE EYEWITNESSES:

(1) THE IDENTIFICATION PROCEDURE SHALL BE CONDUCTED SEPARATELY FOR EACH EYEWITNESS;

(2) THE SUSPECT SHALL BE PLACED IN A DIFFERENT POSITION FOR EACH IDENTIFICATION PROCEDURE CONDUCTED FOR EACH EYEWITNESS; AND

(3) THE EYEWITNESSES MAY NOT BE ALLOWED TO COMMUNICATE WITH EACH OTHER UNTIL ALL IDENTIFICATION PROCEDURES HAVE BEEN COMPLETED.

(F) (1) ~~UNLESS NOT PRACTICAL, THE ADMINISTRATOR SHALL MAKE A VIDEO OR AUDIO RECORD OF THE IDENTIFICATION PROCEDURE.~~

~~(2)~~ EXCEPT AS PROVIDED IN PARAGRAPH ~~(3)~~ (2) OF THIS SUBSECTION, THE ADMINISTRATOR SHALL MAKE A WRITTEN RECORD OF THE IDENTIFICATION PROCEDURE THAT INCLUDES THE FOLLOWING INFORMATION:

(I) ALL IDENTIFICATION AND NONIDENTIFICATION RESULTS OBTAINED DURING THE IDENTIFICATION PROCEDURES;

(II) THE SIGNED IDENTIFICATION STATEMENT OF THE EYEWITNESS ~~IN THE EYEWITNESS'S OWN WORDS;~~

(III) THE NAMES OF ALL PERSONS PRESENT AT THE IDENTIFICATION PROCEDURE;

(IV) THE DATE AND TIME OF THE IDENTIFICATION PROCEDURE;

(V) ANY EYEWITNESS IDENTIFICATION OF A FILLER; AND

(VI) ALL PHOTOGRAPHS USED IN THE IDENTIFICATION PROCEDURE.

~~(3)~~ (2) IF A VIDEO OR AUDIO RECORD OF THE IDENTIFICATION PROCEDURE CAPTURES ALL OF THE INFORMATION IN PARAGRAPH ~~(2)~~ (1) OF THIS SUBSECTION, A WRITTEN RECORD IS NOT REQUIRED.

~~(C) FOR AN IDENTIFICATION PROCEDURE:~~

~~(1) EVIDENCE OF A FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL BE CONSIDERED BY THE COURT THAT ADJUDICATES A MOTION TO SUPPRESS THE IDENTIFICATION BY THE EYEWITNESS;~~

~~(2) EVIDENCE OF A FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION IS ADMISSIBLE IN SUPPORT OF A CLAIM OF EYEWITNESS MISIDENTIFICATION IF THE EVIDENCE IS OTHERWISE ADMISSIBLE; AND~~

~~(3) WHEN EVIDENCE OF A FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION IS PRESENTED AT TRIAL, THE JURY SHALL BE INSTRUCTED THAT THE JURY MAY CONSIDER CREDIBLE EVIDENCE OF NONCOMPLIANCE IN DETERMINING THE RELIABILITY OF AN EYEWITNESS IDENTIFICATION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any criminal case commenced before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July 1, 2014~~ ~~January 1, 2015~~ October 1, 2014.

Approved by the Governor, April 14, 2014.

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**Chapter 202****(House Bill 1200)**

AN ACT concerning

**Public Safety – Eyewitness Identification – Procedures**

FOR the purpose of requiring, on or before a certain date, each law enforcement agency in the State to adopt and implement a certain policy relating to certain identification procedures and file a copy with the Department of State Police; requiring the Department, on or before a certain date, to compile certain written policies; requiring the Department to allow public inspection of certain policies; requiring that a certain identification procedure be conducted by a certain administrator; requiring certain identification procedures to be conducted in a certain manner; requiring that a certain record of a certain identification procedure be made; ~~requiring evidence of a failure to comply with this Act to be dealt with by a certain court in a certain manner;~~ defining certain terms; ~~providing for a delayed effective date~~ *the application of this Act*; and generally relating to eyewitness identifications.

BY adding to

Article – Public Safety

Section 3–506(d) and 3–506.1

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

**Article – Public Safety**

3–506.

**(D) (1) ON OR BEFORE ~~AUGUST 1, 2014~~ JANUARY 1, ~~2015~~ 2016, EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL:**

**(i) 1. ADOPT THE POLICE TRAINING COMMISSION’S EYEWITNESS IDENTIFICATION MODEL POLICY ~~OF 2012~~; OR**

**2. ADOPT AND IMPLEMENT A WRITTEN POLICY RELATING TO IDENTIFICATION PROCEDURES THAT COMPLIES WITH § 3–506.1 OF THIS SUBTITLE; AND**

(II) FILE A COPY OF THE WRITTEN POLICY WITH THE DEPARTMENT OF STATE POLICE.

(2) ON OR BEFORE ~~DECEMBER 31, 2014~~ FEBRUARY 1, 2015 ~~2016~~, THE DEPARTMENT OF STATE POLICE SHALL COMPILE THE WRITTEN POLICIES RELATING TO IDENTIFICATION PROCEDURES OF EACH LAW ENFORCEMENT AGENCY IN THE STATE.

(3) THE DEPARTMENT OF STATE POLICE SHALL ALLOW PUBLIC INSPECTION OF EACH POLICY COMPILED UNDER THIS SUBSECTION.

**3-506.1.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ADMINISTRATOR" MEANS THE PERSON CONDUCTING AN IDENTIFICATION PROCEDURE.

(3) "BLIND" MEANS THE ADMINISTRATOR DOES NOT KNOW THE IDENTITY OF THE SUSPECT.

(4) "BLINDED" MEANS THE ADMINISTRATOR MAY KNOW WHO THE SUSPECT IS BUT DOES NOT KNOW WHICH LINEUP MEMBER IS BEING VIEWED BY THE EYEWITNESS.

(5) "EYEWITNESS" MEANS A PERSON WHO OBSERVES ANOTHER PERSON AT OR NEAR THE SCENE OF AN OFFENSE.

(6) "FILLER" MEANS A PERSON OR A PHOTOGRAPH OF A PERSON WHO IS NOT SUSPECTED OF AN OFFENSE AND IS INCLUDED IN AN IDENTIFICATION PROCEDURE.

(7) "FOLDER SHUFFLE METHOD" MEANS A SYSTEM FOR CONDUCTING A PHOTO LINEUP THAT:

(I) COMPLIES WITH THE REQUIREMENTS OF THIS SECTION;  
AND

(II) IS CONDUCTED BY PLACING PHOTOGRAPHS IN FOLDERS, RANDOMLY NUMBERING THE FOLDERS, SHUFFLING THE FOLDERS, AND THEN PRESENTING THE FOLDERS SEQUENTIALLY SO THAT THE ADMINISTRATOR CANNOT SEE OR TRACK WHICH PHOTOGRAPH IS BEING

PRESENTED TO THE EYEWITNESS UNTIL AFTER THE PROCEDURE IS COMPLETED.

(8) “IDENTIFICATION PROCEDURE” MEANS A PROCEDURE IN WHICH A LIVE LINEUP IS CONDUCTED OR AN ARRAY OF PHOTOGRAPHS, INCLUDING A PHOTOGRAPH OF A SUSPECT AND ADDITIONAL PHOTOGRAPHS OF OTHER PERSONS NOT SUSPECTED OF THE OFFENSE, IS DISPLAYED TO AN EYEWITNESS IN HARD COPY FORM OR BY COMPUTER FOR THE PURPOSE OF DETERMINING WHETHER THE EYEWITNESS IDENTIFIES THE SUSPECT AS THE PERPETRATOR.

(9) “IDENTIFICATION STATEMENT” MEANS A DOCUMENTED STATEMENT THAT IS SOUGHT BY THE ADMINISTRATOR WHEN AN IDENTIFICATION IS MADE:

(I) FROM THE EYEWITNESS;

(II) IN THE OWN WORDS OF THE EYEWITNESS, DESCRIBING THE EYEWITNESS’S CONFIDENCE LEVEL THAT THE PERSON IDENTIFIED IS THE PERPETRATOR OF THE CRIME;

(III) GIVEN AT THE TIME OF THE VIEWING BY THE EYEWITNESS DURING THE IDENTIFICATION PROCEDURE; AND

(IV) GIVEN BEFORE THE EYEWITNESS IS GIVEN FEEDBACK.

(10) “LIVE LINEUP” MEANS A PROCEDURE IN WHICH A PERPETRATOR IS PLACED AMONG A GROUP OF OTHER PERSONS WHOSE GENERAL APPEARANCE RESEMBLES THE PERPETRATOR.

(11) “PERPETRATOR” MEANS A PERSON WHO COMMITTED AN OFFENSE.

(12) “SUSPECT” MEANS A PERSON WHO IS SUSPECTED OF COMMITTING AN OFFENSE.

(B) (1) AN IDENTIFICATION PROCEDURE SHALL BE CONDUCTED BY A BLIND OR BLINDED ADMINISTRATOR.

(2) AN ADMINISTRATOR MAY BE BLINDED THROUGH THE USE OF:

(I) AN AUTOMATED COMPUTER PROGRAM THAT PREVENTS THE ADMINISTRATOR FROM SEEING WHICH PHOTOS THE EYEWITNESS IS VIEWING UNTIL AFTER THE IDENTIFICATION PROCEDURE IS COMPLETED; OR

**(II) THE FOLDER SHUFFLE METHOD.**

**(3) BEFORE AN IDENTIFICATION PROCEDURE IS CONDUCTED, AN EYEWITNESS SHALL BE INSTRUCTED, WITHOUT OTHER EYEWITNESSES PRESENT, THAT THE PERPETRATOR MAY OR MAY NOT BE AMONG THE PERSONS IN THE IDENTIFICATION PROCEDURE.**

**(4) WHEN AN IDENTIFICATION IS MADE IN A LIVE LINEUP OR PHOTO ARRAY, THE ADMINISTRATOR SHALL DOCUMENT IN WRITING ALL IDENTIFICATION STATEMENTS MADE BY THE EYEWITNESS.**

**(C) IN AN IDENTIFICATION PROCEDURE:**

**(1) EACH FILLER SHALL RESEMBLE THE DESCRIPTION OF THE PERPETRATOR GIVEN BY THE EYEWITNESS IN SIGNIFICANT PHYSICAL FEATURES, INCLUDING ANY UNIQUE OR UNUSUAL FEATURES;**

**(2) AT LEAST FIVE FILLERS, IN ADDITION TO THE PERPETRATOR, SHALL BE INCLUDED WHEN AN ARRAY OF PHOTOGRAPHS IS DISPLAYED TO AN EYEWITNESS; AND**

**(3) AT LEAST FOUR FILLERS, IN ADDITION TO THE PERPETRATOR, SHALL BE INCLUDED IN A LIVE LINEUP.**

**(D) IF AN EYEWITNESS HAS PREVIOUSLY PARTICIPATED IN AN IDENTIFICATION PROCEDURE IN CONNECTION WITH THE IDENTIFICATION OF ANOTHER PERSON SUSPECTED OF INVOLVEMENT IN THE OFFENSE, THE FILLERS IN THE IDENTIFICATION PROCEDURE SHALL BE DIFFERENT FROM THE FILLERS USED IN ANY PRIOR IDENTIFICATION PROCEDURE.**

**(E) IF THERE ARE MULTIPLE EYEWITNESSES:**

**(1) THE IDENTIFICATION PROCEDURE SHALL BE CONDUCTED SEPARATELY FOR EACH EYEWITNESS;**

**(2) THE SUSPECT SHALL BE PLACED IN A DIFFERENT POSITION FOR EACH IDENTIFICATION PROCEDURE CONDUCTED FOR EACH EYEWITNESS; AND**

**(3) THE EYEWITNESSES MAY NOT BE ALLOWED TO COMMUNICATE WITH EACH OTHER UNTIL ALL IDENTIFICATION PROCEDURES HAVE BEEN COMPLETED.**

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE ADMINISTRATOR SHALL MAKE A WRITTEN RECORD OF THE IDENTIFICATION PROCEDURE THAT INCLUDES THE FOLLOWING INFORMATION:

(I) ALL IDENTIFICATION AND NONIDENTIFICATION RESULTS OBTAINED DURING THE IDENTIFICATION PROCEDURES;

(II) THE SIGNED IDENTIFICATION STATEMENT OF THE EYEWITNESS;

(III) THE NAMES OF ALL PERSONS PRESENT AT THE IDENTIFICATION PROCEDURE;

(IV) THE DATE AND TIME OF THE IDENTIFICATION PROCEDURE;

(V) ANY EYEWITNESS IDENTIFICATION OF A FILLER; AND

(VI) ALL PHOTOGRAPHS USED IN THE IDENTIFICATION PROCEDURE.

(2) IF A VIDEO OR AUDIO RECORD OF THE IDENTIFICATION PROCEDURE CAPTURES ALL OF THE INFORMATION IN PARAGRAPH (1) OF THIS SUBSECTION, A WRITTEN RECORD IS NOT REQUIRED.

~~(G) FOR AN IDENTIFICATION PROCEDURE:~~

~~(1) EVIDENCE OF A FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL BE CONSIDERED BY THE COURT THAT ADJUDICATES A MOTION TO SUPPRESS THE IDENTIFICATION BY THE EYEWITNESS;~~

~~(2) EVIDENCE OF A FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION IS ADMISSIBLE IN SUPPORT OF A CLAIM OF EYEWITNESS MISIDENTIFICATION IF THE EVIDENCE IS OTHERWISE ADMISSIBLE; AND~~

~~(3) WHEN EVIDENCE OF A FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION IS PRESENTED AT TRIAL, THE JURY SHALL BE INSTRUCTED THAT THE JURY MAY CONSIDER CREDIBLE EVIDENCE OF NONCOMPLIANCE IN DETERMINING THE RELIABILITY OF AN EYEWITNESS IDENTIFICATION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any

*effect on or application to any criminal case commenced before the effective date of this Act.*

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July October January~~ October 1, ~~2014 2016~~ 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 203**

**(Senate Bill 867)**

AN ACT concerning

### **Correctional Services – Revocation of Parole – Repeal of Sunset**

FOR the purpose of repealing the termination date for a certain provision of law authorizing the parole commissioner who conducted the hearing on the revocation of an inmate's order of parole to require the inmate to serve any unserved portion of the sentence originally imposed on the inmate; and generally relating to the revocation of parole.

BY repealing and reenacting, with amendments,  
Chapter 381 of the Acts of the General Assembly of 2011  
Section 3

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

### **Chapter 381 of the Acts of 2011**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. [It shall remain effective for a period of 2 years and 9 months and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 204****(Senate Bill 884)**

AN ACT concerning

**Health Insurance – Incentives for Health Care Practitioners**

FOR the purpose of altering the circumstances under which a health insurance carrier is not prohibited from providing bonuses or other incentive–based compensation to a health care practitioner or a set of health care practitioners; defining a certain term; and generally relating to incentives for health care practitioners under health insurance.

BY repealing and reenacting, without amendments,  
Article – Insurance  
Section 15–113(a) and (b)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 15–113(c)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article – Insurance**

15–113.

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

(2) “Carrier” means:

- (i) an insurer;
- (ii) a nonprofit health service plan;
- (iii) a health maintenance organization;
- (iv) a dental plan organization; or

(v) any other person that provides health benefit plans subject to regulation by the State.

(3) "Health care practitioner" means an individual who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services.

(b) A carrier may not reimburse a health care practitioner in an amount less than the sum or rate negotiated in the carrier's provider contract with the health care practitioner.

(c) (1) IN THIS SUBSECTION, "SET OF HEALTH CARE PRACTITIONERS" MEANS:

(I) A GROUP PRACTICE;

(II) A CLINICALLY INTEGRATED ORGANIZATION ESTABLISHED IN ACCORDANCE WITH SUBTITLE 19 OF THIS TITLE; OR

(III) AN ACCOUNTABLE CARE ORGANIZATION ESTABLISHED IN ACCORDANCE WITH 42 U.S.C. § 1899 AND ANY APPLICABLE FEDERAL REGULATIONS.

(2) This section does not prohibit a carrier from providing bonuses or other incentive-based compensation to a health care practitioner OR A SET OF HEALTH CARE PRACTITIONERS if the bonus or other incentive-based compensation:

(1) DOES NOT CREATE A DISINCENTIVE TO THE PROVISION OF MEDICALLY APPROPRIATE OR MEDICALLY NECESSARY HEALTH CARE SERVICES; AND

(II) IF THE CARRIER IS A HEALTH MAINTENANCE ORGANIZATION, complies with the provisions of § 19-705.1 of the Health – General Article;

~~(2) promotes the delivery of medically appropriate care to an enrollee;~~  
~~[and]~~

~~(3) [except for the provision of preventive health care services, is not based on the cost, or number of medical services provided, proposed, or recommended by the health care practitioner without reference to the medical appropriateness or necessity of the services] PROMOTES THE PROVISION OF PREVENTIVE HEALTH CARE SERVICES; AND~~

~~(4) (I) PROMOTES THE PROVISION OF QUALITY HEALTH CARE SERVICES DELIVERED IN AN EFFICIENT MANNER; OR~~

~~(II) REWARDS A HEALTH CARE PRACTITIONER BASED ON SATISFACTION OF PERFORMANCE MEASUREMENTS AGREED ON IN WRITING BY THE CARRIER AND HEALTH CARE PRACTITIONER.~~

(3) A BONUS OR OTHER INCENTIVE-BASED COMPENSATION UNDER THIS SUBSECTION:

(I) IF APPLICABLE, SHALL PROMOTE THE PROVISION OF PREVENTIVE HEALTH CARE SERVICES; OR

(II) MAY REWARD A HEALTH CARE PRACTITIONER OR A SET OF HEALTH CARE PRACTITIONERS, BASED ON SATISFACTION OF PERFORMANCE MEASURES, IF THE FOLLOWING IS AGREED ON IN WRITING BY THE CARRIER AND THE HEALTH CARE PRACTITIONER OR SET OF HEALTH CARE PRACTITIONERS:

1. THE PERFORMANCE MEASURES;

2. THE METHOD FOR CALCULATING WHETHER THE PERFORMANCE MEASURES HAVE BEEN SATISFIED; AND

3. THE METHOD BY WHICH THE HEALTH CARE PRACTITIONER OR SET OF HEALTH CARE PRACTITIONERS MAY REQUEST RECONSIDERATION OF THE CALCULATIONS BY THE CARRIER.

(4) ACCEPTANCE OF A BONUS OR OTHER INCENTIVE-BASED COMPENSATION UNDER THIS SUBSECTION SHALL BE VOLUNTARY.

(5) A CARRIER MAY NOT REQUIRE A HEALTH CARE PRACTITIONER OR A SET OF HEALTH CARE PRACTITIONERS TO PARTICIPATE IN THE CARRIER'S BONUS OR INCENTIVE-BASED COMPENSATION PROGRAM AS A CONDITION OF PARTICIPATION IN THE CARRIER'S PROVIDER NETWORK.

(6) A HEALTH CARE PRACTITIONER, A SET OF HEALTH CARE PRACTITIONERS, A HEALTH CARE PRACTITIONER'S DESIGNEE, OR A DESIGNEE OF A SET OF HEALTH CARE PRACTITIONERS MAY FILE A COMPLAINT WITH THE ADMINISTRATION REGARDING A VIOLATION OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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**Chapter 205****(Senate Bill 922)**

AN ACT concerning

**Crime Victim and Crime Victim's Representative – Electronic Notification**

FOR the purpose of authorizing a victim or a victim's representative to follow a certain protocol in order to request certain notices in a certain electronic form; authorizing the prosecuting attorney and the clerk of certain courts to provide certain notices in a certain electronic form under certain circumstances; authorizing a certain victim or victim's representative to discontinue certain notices under certain circumstances; requiring the State Board of Victim Services to include information regarding a certain process in a certain pamphlet; requiring the Board to provide certain information to certain persons; requiring the Board to develop a certain protocol in consultation with the Administrative Office of the Courts; defining a certain term; altering a certain definition; and generally relating to crime victims and crime victims' representatives and electronic notifications.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 11–101, 11–104, and 11–914  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Procedure**

11–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Child respondent” means a person who:
  - (1) in a petition filed in juvenile court, is alleged to have committed a delinquent act; or
  - (2) has committed a delinquent act.
- (c) “Delinquent act” has the meaning stated in § 3–8A–01 of the Courts Article.

**(D) “MDEC SYSTEM” MEANS THE SYSTEM OF ELECTRONIC FILING AND CASE MANAGEMENT ESTABLISHED BY THE MARYLAND COURT OF APPEALS.**

**[(d)] (E)** “Prosecuting attorney” means:

- (1) the State’s Attorney;
- (2) the State’s Attorney’s designee; **[or]**
- (3) when performing a prosecutorial function at the trial level, the Attorney General or the Attorney General’s designee; **OR**
- (4) THE STATE PROSECUTOR OR THE STATE PROSECUTOR’S DESIGNEE.**

11–104.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Victim” means a person who suffers actual or threatened physical, emotional, or financial harm as a direct result of a crime or delinquent act.
- (3) “Victim’s representative” includes a family member or guardian of a victim who is:
  - (i) a minor;
  - (ii) deceased; or
  - (iii) disabled.
- (b) On first contact with a victim or victim’s representative, a law enforcement officer, District Court commissioner, or juvenile intake officer shall give the victim or the victim’s representative the pamphlet described in § 11–914(9)(i) of this title.
- (c) (1) Within 10 days after the filing or the unsealing of an indictment or information in circuit court, whichever is later, the prosecuting attorney shall:
  - (i) mail or deliver to the victim or victim’s representative the pamphlet described in § 11–914(9)(ii) of this title and the notification request form described in § 11–914(10) of this title; and
  - (ii) certify to the clerk of the court that the prosecuting attorney has complied with this paragraph or is unable to identify the victim or victim’s representative.

(2) If the prosecuting attorney files a petition alleging that a child is delinquent for committing an act that could only be tried in the circuit court if committed by an adult, the prosecuting attorney shall:

(i) inform the victim or victim's representative of the right to request restitution under § 11-606 of this title;

(ii) mail or deliver to the victim or victim's representative the notification request form described in § 11-914(10) of this title; and

(iii) certify to the clerk of the juvenile court that the prosecuting attorney has complied with this paragraph or is unable to identify the victim or victim's representative.

(3) For cases described under this subsection, the prosecuting attorney may provide a State's witness in the case with the guidelines for victims, victims' representatives, and witnesses available under §§ 11-1001 through 11-1004 of this title.

(d) (1) A victim or victim's representative may:

(I) file a completed notification request form with the prosecuting attorney; **OR**

(II) **FOLLOW THE MDEC SYSTEM PROTOCOL TO REQUEST NOTICE.**

(2) (I) **[The] IF THE JURISDICTION HAS NOT IMPLEMENTED THE MDEC SYSTEM,** THE prosecuting attorney shall send a copy of the completed notification request form to the clerk of the circuit court or juvenile court.

(II) **IF THE JURISDICTION HAS IMPLEMENTED THE MDEC SYSTEM AND THE VICTIM OR VICTIM'S REPRESENTATIVE HAS FILED A COMPLETED NOTIFICATION REQUEST FORM, THE PROSECUTING ATTORNEY SHALL ELECTRONICALLY FILE THE FORM WITH THE CLERK OF THE CIRCUIT COURT OR JUVENILE COURT IN THE MDEC SYSTEM.**

(3) By filing a completed notification request form **OR COMPLETING THE MDEC SYSTEM PROTOCOL**, a victim or victim's representative complies with Article 47 of the Maryland Declaration of Rights and each provision of the Code that requires a victim or victim's representative to request notice.

(4) To keep the address **AND ELECTRONIC MAIL ADDRESS** of a victim or victim's representative confidential, the victim or victim's representative shall:

(I) designate in the notification request form a person who has agreed to receive notice for the victim or victim's representative; **OR**

(II) **REQUEST AS PART OF THE MDEC SYSTEM PROTOCOL, WITHOUT FILING A MOTION TO SEAL, THAT THE ADDRESS AND ELECTRONIC MAIL ADDRESS REMAIN CONFIDENTIAL AND AVAILABLE, AS NECESSARY TO ONLY:**

1. **THE COURT;**
2. **THE PROSECUTING ATTORNEY;**
3. **THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;**
4. **THE DEPARTMENT OF JUVENILE SERVICES;**
5. **THE ATTORNEY OF THE VICTIM OR VICTIM'S REPRESENTATIVE; ~~AND~~**
6. **THE STATE'S VICTIM INFORMATION AND NOTIFICATION EVERYDAY VENDOR; AND**
7. **A COMMITMENT UNIT THAT A COURT ORDERS TO RETAIN CUSTODY OF AN INDIVIDUAL.**

(e) (1) **[The] UNLESS PROVIDED BY THE MDEC SYSTEM, THE** prosecuting attorney shall send a victim or victim's representative prior notice of each court proceeding in the case, of the terms of any plea agreement, and of the right of the victim or victim's representative to submit a victim impact statement to the court under § 11-402 of this title if:

- (i) prior notice is practicable; and
- (ii) the victim or victim's representative has filed a notification request form **OR FOLLOWED THE MDEC SYSTEM PROTOCOL** under subsection (d) of this section.

(2) (I) If the case is in a jurisdiction in which the office of the clerk of the circuit court or juvenile court has an automated filing system, the prosecuting attorney may ask the clerk to send the notice required by paragraph (1) of this subsection.

(II) IF THE CASE IS IN A JURISDICTION THAT HAS IMPLEMENTED THE MDEC SYSTEM, THE VICTIM MAY FOLLOW THE MDEC SYSTEM PROTOCOL TO RECEIVE NOTICE BY ELECTRONIC MAIL, TO NOTIFY THE PROSECUTING ATTORNEY, AND TO REQUEST ADDITIONAL NOTICE AVAILABLE THROUGH THE STATE'S VICTIM INFORMATION AND NOTIFICATION EVERYDAY VENDOR.

(3) As soon after a proceeding as practicable, the prosecuting attorney shall tell the victim or victim's representative of the terms of any plea agreement, judicial action, and proceeding that affects the interests of the victim or victim's representative, including a bail hearing, change in the defendant's pretrial release order, dismissal, nolle prosequi, setting of charges, trial, disposition, and postsentencing court proceeding if:

(i) the victim or victim's representative has filed a notification request form **OR FOLLOWED THE MDEC SYSTEM PROTOCOL** under subsection (d) of this section and prior notice to the victim or victim's representative is not practicable; or

(ii) the victim or victim's representative is not present at the proceeding.

(4) Whether or not the victim or victim's representative has filed a notification request form **OR FOLLOWED THE MDEC SYSTEM PROTOCOL** under subsection (d) of this section, the prosecuting attorney may give the victim or victim's representative information about the status of the case if the victim or victim's representative asks for the information.

(f) If a victim or victim's representative has filed a notification request form **OR FOLLOWED THE MDEC SYSTEM PROTOCOL** under subsection (d) of this section, the clerk of the circuit court or juvenile court:

(1) shall include a copy of the form with any commitment order or probation order that is passed **OR ELECTRONICALLY TRANSMIT THE FORM OR THE REGISTRATION INFORMATION FOR THE VICTIM OR THE VICTIM'S REPRESENTATIVE THROUGH THE MDEC SYSTEM;** and

(2) if an appeal is filed, shall send a copy of the form **OR ELECTRONICALLY TRANSMIT THE FORM OR THE REGISTRATION INFORMATION FOR THE VICTIM OR THE VICTIM'S REPRESENTATIVE THROUGH THE MDEC SYSTEM** to the Attorney General and the court to which the case has been appealed.

(g) This section does not prohibit a victim or victim's representative from filing a notification request form with a unit to which a defendant or child respondent has been committed.

(h) (1) After filing a notification request form under subsection (d) of this section, a victim or victim's representative may discontinue further notices by filing a written request with:

[(1)] (I) the prosecuting attorney, if the case is still in a circuit court or juvenile court; or

[(2)] (II) the unit to which the defendant or child respondent has been committed, if a commitment order has been issued in the case.

**(2) AFTER FOLLOWING THE MDEC SYSTEM PROTOCOL FOR ELECTRONIC NOTICES, A VICTIM OR VICTIM'S REPRESENTATIVE MAY DISCONTINUE FURTHER NOTICES BY FOLLOWING THE MDEC SYSTEM PROTOCOL TO TERMINATE NOTICE.**

11-914.

Subject to the authority of the Executive Director, the Board shall:

(1) submit to the Governor an annual written report of its activities, including its administration of the Fund;

(2) monitor the service needs of victims;

(3) advise the Governor on the needs of victims;

(4) recommend the appointment of the Victim Services Coordinator to the Executive Director;

(5) review and approve the Victim Services Coordinator's plans and annual reports, and the Victim Services Coordinator's implementation, operation, and revision of programs;

(6) approve or disapprove each grant application submitted by the Governor's Office of Crime Control and Prevention;

(7) advise the State's Attorneys' Coordination Council on the adoption of regulations governing the administration of the Victim and Witness Protection and Relocation Program established under § 11-902 of this subtitle;

(8) advise the State's Attorneys' Coordinator on the administration of the Victim and Witness Protection and Relocation Program;

(9) develop pamphlets to notify victims **AND VICTIM'S REPRESENTATIVES** of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights or State law, including:

(i) one pamphlet relating to **THE MDEC SYSTEM PROTOCOL REGISTRATION PROCESS AND** the time before and after the filing of a charging document other than an indictment or information in circuit court; and

(ii) a second pamphlet relating to the time after the filing of an indictment or information in circuit court; and

(10) develop a notification request form **AND AN MDEC SYSTEM PROTOCOL** in consultation with the Administrative Office of the Courts, through which a victim **OR VICTIM'S REPRESENTATIVE** may request to be notified under § 11-104 of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 206**

**(Senate Bill 936)**

AN ACT concerning

### **Cecil County – ~~Salary of the~~ Sheriff and Orphans' Court Judges – Salary**

FOR the purpose of increasing the annual salary of the Sheriff of Cecil County, beginning with a certain fiscal year; increasing the salary of each judge of the Orphans' Court for Cecil County; providing for the application of this Act; and generally relating to the salary of the Sheriff and judges of the Orphans' Court of Cecil County.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2-309(i)(1)(i)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 2-108(i)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article – Courts and Judicial Proceedings**

2–309.

(i) (1) (i) The Sheriff of Cecil County shall receive an annual salary of:

1. **[\$64,000] \$71,500** for [calendar] FISCAL year [2007]  
**2015;**
2. **[\$66,500] \$75,075** for [calendar] FISCAL year [2008]  
**2016;**
3. **[\$69,000] \$77,350** for [calendar] FISCAL year [2009]  
**2017; [and]**
4. **[\$71,500] \$79,675** for [calendar] FISCAL year [2010]  
**2018; AND**
5. **\$82,075 FOR FISCAL YEAR 2019** and for each subsequent year.

**Article – Estates and Trusts**

2–108.

(i) **(1)** Each of the judges of the Court for Cecil County shall receive an annual compensation of [\$5,500]:

**(I) \$5,500 FOR FISCAL YEAR 2015;**

**(II) \$6,500 FOR FISCAL YEAR 2016;**

**(III) \$7,500 FOR FISCAL YEAR 2017; AND**

**(IV) \$8,750 FOR FISCAL YEAR 2018 AND EACH SUBSEQUENT FISCAL YEAR.**

**(2) Each judge shall also receive an allowance for traveling expenses of \$780 annually, to be paid quarterly by the County Commissioners.**

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff or judges of the Orphans' Court of Cecil

County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff or judges of the Orphans' Court of Cecil County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 207**

**(Senate Bill 940)**

AN ACT concerning

### **Victims of Crime – Legal Representatives of Minors and Disabled and Elderly Persons**

FOR the purpose of authorizing a certain personal representative to request certain compensation, restitution, or financial property interest for a certain decedent; providing that certain rights, duties, and powers of a certain guardian of the person of a certain minor shall include serving as a victim's representative under certain circumstances; authorizing a court to order a certain guardian of the person of a certain person with a disability to serve as a victim's representative under certain circumstances; authorizing a certain fiduciary to request certain compensation, restitution, or financial property interest of a certain beneficiary; authorizing a certain social services administration to notify a certain court of certain matters under certain circumstances; altering the requirements of a certain adult protective services program to include notification of certain matters to a certain court under certain circumstances; making stylistic changes; and generally relating to legal representation of minors and disabled and elderly persons who are victims of crimes.

BY repealing and reenacting, without amendments,

Article – Estates and Trusts

Section 7–401(a), 13–213, 13–708(a), and 15–102(b)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 7–401(y), 13–702, and 15–102(p)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article – Estates and Trusts

Section 13–708(e)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–532 and 14–202

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

### **Article – Estates and Trusts**

7–401.

(a) (1) In the performance of a personal representative's duties pursuant to § 7–101 of this title, a personal representative may exercise all of the power or authority conferred upon the personal representative by statute or in the will, without application to, the approval of, or ratification by the court.

(2) Except as validly limited by the will or by an order of court, a personal representative may, in addition to the power or authority contained in the will and to other common-law or statutory powers, exercise the powers enumerated in this section.

(y) (1) [He] **A PERSONAL REPRESENTATIVE** may prosecute, defend, or submit to arbitration actions, claims, or proceedings in any appropriate jurisdiction for the protection or benefit of the estate, including the commencement of a personal action which the decedent might have commenced or prosecuted, except that:

[(1)] (I) A personal representative may not institute an action against a defendant for slander against the decedent during the lifetime of the decedent.

[(2)] (II) In an action instituted by the personal representative against a tort-feasor for a wrong which resulted in the death of the decedent, the personal representative may recover the funeral expenses of the decedent up to the amount allowed under § 8–106(c) of this article in addition to other damages recoverable in the action.

**(2) A PERSONAL REPRESENTATIVE MAY REQUEST CRIMINAL INJURIES COMPENSATION, RESTITUTION, OR ANY OTHER FINANCIAL PROPERTY INTEREST FOR A DECEDENT WHO WAS A VICTIM OF A CRIME.**

13-213.

All the provisions of § 15-102 of this article with respect to the powers of a fiduciary and the manner of exercise of those powers are applicable to a guardian.

13-702.

(a) **(1)** If neither parent is serving as guardian of the person and no testamentary appointment has been made, on petition by any person interested in the welfare of the minor, and after notice and hearing, the court may appoint a guardian of the person of an unmarried minor.

**(2)** If the minor has attained his 14th birthday, and if the person otherwise is qualified, the court shall appoint a person designated by the minor, unless the decision is not in the best interests of the minor.

**(3)** This section may not be construed to require court appointment of a guardian of the person of a minor if there is no good reason, such as a dispute, for a court appointment.

(b) **(1)** Venue in proceedings under this subtitle shall be as prescribed by the Maryland Rules.

**(2)** The contents of the petition and the manner of giving notice of the hearing on the petition shall be as prescribed by Maryland Rules.

**(c) IF THERE IS NO VICTIM'S REPRESENTATIVE WHO CAN ADEQUATELY ASSERT THE MINOR'S RIGHTS AS A VICTIM OF A CRIME OR A DELINQUENT ACT AND NO COURT HAS APPOINTED A GUARDIAN AD LITEM TO PROTECT THE MINOR'S INTERESTS, THE RIGHTS, DUTIES, AND POWERS THAT THE COURT MAY ORDER THE GUARDIAN TO EXERCISE SHALL INCLUDE SERVING AS A VICTIM'S REPRESENTATIVE TO ASSERT THE MINOR'S INTERESTS.**

13-708.

(a) **(1)** The court may grant to a guardian of a person only those powers necessary to provide for the demonstrated need of the disabled person.

**(2)** The court may appoint a guardian of the person of a disabled person for the limited purpose of making one or more decisions related to the health care of that person.

**(E) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, AND IN ADDITION TO THE RIGHTS, DUTIES, AND POWERS THAT THE COURT MAY ORDER UNDER SUBSECTION (B) OF THIS SECTION, THE COURT MAY ORDER THE GUARDIAN OF A PERSON WITH A DISABILITY TO SERVE AS A VICTIM'S REPRESENTATIVE TO ASSERT THE PERSON'S INTERESTS IF:**

**(1) THERE IS NO VICTIM'S REPRESENTATIVE WHO CAN ADEQUATELY ASSERT THE PERSON'S RIGHTS AS A VICTIM OF A CRIME OR A DELINQUENT ACT; AND**

**(2) NO COURT HAS APPOINTED A GUARDIAN AD LITEM TO PROTECT THE PERSON'S INTERESTS.**

15–102.

(b) (1) A fiduciary may perform the functions and duties enumerated in this section without application to, approval of, or ratification by a court.

(2) Except as expressly limited in the governing instrument, the powers of a fiduciary under this section are in addition to those derived from common law, statute, or the governing instrument.

(3) The powers listed in this section may be extended or limited by the appropriate court, and the court may also eliminate any limitation imposed by a court on a fiduciary.

(p) (1) Except as provided in the Maryland Rules, [he] A FIDUCIARY may prosecute, defend, or submit to arbitration any actions, claims, or proceedings in any jurisdiction for the protection of the fiduciary estate.

**(2) THE FIDUCIARY MAY REQUEST CRIMINAL INJURIES COMPENSATION, RESTITUTION, OR ANY OTHER FINANCIAL PROPERTY INTEREST OF A BENEFICIARY WHO IS A VICTIM OF A CRIME.**

### **Article – Family Law**

5–532.

(a) The Administration shall adopt rules and regulations to carry out the child welfare services and foster care programs under this subtitle.

(b) The regulations shall authorize the Administration to:

(1) conduct a background check of child support arrearages on an applicant for foster home approval who is also a biological or adoptive parent; [and]

(2) consider any child support arrearage in determining whether to approve or disapprove the application; AND

**(3) NOTIFY THE APPROPRIATE CRIMINAL OR JUVENILE DELINQUENCY COURT IF THE ADMINISTRATION HAS INFORMATION INDICATING THAT THE CHILD'S INTERESTS AS A VICTIM ARE NOT ADEQUATELY PROTECTED IN A CASE BEFORE THE COURT.**

14-202.

(a) The adult protective services program shall include:

(1) intake and investigative services including, if appropriate, medical, social, and psychiatric evaluation;

(2) planning for the needs of the recipient of services;

(3) assistance to locate, apply for, and effectively use home care, day care, chore services, transportation, counseling, emergency arrangements, and other health and social services;

(4) cooperation with the courts, including provision of any necessary recommendations, reports, or petitions;

(5) counsel to represent any indigent recipient of services in any protective proceeding or any review board hearing conducted under Subtitle 3 or Subtitle 4 of this title, and assistance to locate, apply for, and effectively use other legal assistance; [and]

(6) notification of and participation by the Secretary of Aging or the director of the local office on aging, as appropriate, as a party in any protective proceeding or review board hearing relating to an individual who is 65 years old or older; AND

**(7) NOTIFICATION OF THE APPROPRIATE CRIMINAL OR JUVENILE DELINQUENCY COURT IF THE PROGRAM HAS INFORMATION INDICATING THAT THE INTERESTS OF THE PERSON WITH A DISABILITY AS A VICTIM ARE NOT ADEQUATELY PROTECTED IN A CASE BEFORE THE COURT.**

(b) For adults 65 years old and over, the services of the protective services program shall be coordinated with the Department of Aging or the local office on aging as appropriate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 208

### (Senate Bill 988)

AN ACT concerning

#### **State Department of Education – Assessment Report for Broadband Capabilities in Public Schools**

FOR the purpose of requiring the State Department of Education to report to the General Assembly on certain matters relating to broadband capabilities in local school systems on or before a certain date; providing for the termination of this Act; and generally relating to a report on broadband capabilities in public schools by the State Department of Education.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, on or before December 1, 2014, the State Department of Education shall, in accordance with § 2-1246 of the State Government Article, report to the General Assembly on the following:

- (1) existing broadband speeds and connections in all public schools in the State, including capabilities from the main building to classrooms; and
- (2) each local school system's plan to:
  - (i) reach a broadband ~~speed~~ throughput of 1 ~~gigabyte~~ gigabit per 1,000 students for each public school by fiscal year 2020 through public and private efforts; and
  - (ii) offer support and training programs in the use of education technology tools for classroom teachers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014. It shall remain effective for a period of 7 months and, at the end of December 31, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 14, 2014.

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**Chapter 209****(House Bill 1388)**

AN ACT concerning

**State Department of Education – Assessment Report for Broadband Capabilities in Public Schools**

FOR the purpose of requiring the State Department of Education to report to the General Assembly on certain matters relating to broadband capabilities in local school systems on or before a certain date; providing for the termination of this Act; and generally relating to a report on broadband capabilities in public schools by the State Department of Education.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, on or before December 1, 2014, the State Department of Education shall, in accordance with § 2–1246 of the State Government Article, report to the General Assembly on the following:

(1) existing broadband speeds and connections in all public schools in the State, including capabilities from the main building to classrooms; and

(2) each local school system's plan to:

(i) reach a broadband ~~speed~~ throughput of 1 ~~gigabyte~~ gigabit per 1,000 students for each public school by fiscal year 2020 through public and private efforts; and

(ii) offer support and training programs in the use of education technology tools for classroom teachers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014. It shall remain effective for a period of 7 months and, at the end of December 31, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, April 14, 2014.**

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**Chapter 210****(Senate Bill 1103)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Class C Licenses**

FOR the purpose of authorizing the Board of Liquor License Commissioners for Baltimore City to issue a Class C beer, wine and liquor license in ward 5, precinct 1 of the 44th alcoholic beverages district in Baltimore City; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 9–204.1(a), (b), (c), and (d)(1)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 9–204.1(d)(2)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article 2B – Alcoholic Beverages**

9–204.1.

(a) In this section, “Board” means the Board of Liquor License Commissioners for Baltimore City.

(b) This section applies only in Baltimore City.

(c) The alcoholic beverages districts described in this section at all times shall be coterminous with the legislative districts in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

(d) (1) Except as provided in paragraph (2) of this subsection, new licenses for the sale of alcoholic beverages may not be issued in the following areas:

- (i) The 40th alcoholic beverages district (entire district);
- (ii) The 41st alcoholic beverages district (entire district);
- (iii) The 43rd alcoholic beverages district (entire district);
- (iv) The 44th alcoholic beverages district (entire district);
- (v) The 45th alcoholic beverages district (entire district); and

- (vi) The 46th alcoholic beverages district (entire district).
- (2) The Board may issue:
  - (i) Special 1-day licenses;
  - (ii) Class B beer, wine and liquor restaurant licenses to bona fide restaurants having:
    - 1. A minimum capital investment, not including the cost of land and buildings, of \$200,000 for restaurant facilities except in the 46th alcoholic beverages district;
    - 2. A minimum seating capacity of 75 persons; and
    - 3. Additional requirements for Class B beer, wine and liquor licenses issued in the 46th alcoholic beverages district as provided in § 6-201(d) of this article; [or]
  - (iii) A Class C beer, wine and liquor license in the 45th alcoholic beverages district; **OR**

**(IV) A CLASS C BEER, WINE AND LIQUOR LICENSE IN WARD 5, PRECINCT 1 OF THE 44TH ALCOHOLIC BEVERAGES DISTRICT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 211**

**(House Bill 6)**

AN ACT concerning

**Maryland Home Improvement Commission – Guaranty Fund – Claims**

FOR the purpose of altering the maximum amount of a claim against the Home Improvement Guaranty Fund for which the Maryland Home Improvement Commission may issue a proposed order; altering the number of days, following certain notice by the Commission, after which the Commission may bring a certain action in court against a contractor who fails to reimburse the Fund in

full for payment of a certain claim; and generally relating to the Maryland Home Improvement Commission and the Home Improvement Guaranty Fund.

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 8–407 and 8–410  
Annotated Code of Maryland  
(2010 Replacement Volume and 2013 Supplement)

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

**Article – Business Regulation**

8–407.

(a) The procedures for notice, hearings, and judicial review that apply to proceedings under Subtitle 3 of this title also apply to proceedings to recover from the Fund.

(b) On receipt of a claim, the Commission shall:

(1) send a copy of the claim to the contractor alleged to be responsible for the actual loss; and

(2) require a written response to the claim within 10 days.

(c) (1) The Commission:

(i) shall review the claim and any response to it; and

(ii) may investigate the claim.

(2) On the basis of its review and any investigation, the Commission may:

(i) set the matter for a hearing;

(ii) dismiss the claim, if the claim is frivolous, legally insufficient, or made in bad faith; or

(iii) issue a proposed order to pay all or part of the claim or deny the claim if the total claim against a particular contractor does not exceed **[\$5,000]** ~~\$10,000~~ **\$7,500.**

(d) (1) The Commission shall send the proposed order to the claimant and the contractor, at the most recent address on record with the Commission, by:

(i) personal delivery; or

(ii) both regular mail and certified mail, return receipt requested.

(2) Within 21 days after service, receipt, or attempted delivery of the proposed order, the claimant or contractor may submit to the Commission:

- (i) a written request for a hearing before the Commission; or
- (ii) a written exception to the proposed order.

(3) If the claimant or contractor submits a timely exception to the proposed order, the Commission may:

- (i) issue a revised proposed order;
- (ii) set a hearing on the claim; or
- (iii) dismiss the claim.

(4) Unless the claimant or contractor submits a timely request for a hearing or a timely exception, the proposed order is final.

(e) (1) At a hearing on a claim, the claimant has the burden of proof.

(2) If a subcontractor or salesperson is necessary to adjudicate a claim fairly, the Commission shall issue a subpoena for that person to appear at the hearing.

8-410.

(a) (1) After the Commission pays a claim from the Fund:

(i) the Commission is subrogated to all rights of the claimant in the claim up to the amount paid;

(ii) the claimant shall assign to the Commission all rights of the claimant in the claim up to the amount paid; and

(iii) the Commission has a right to reimbursement of the Fund by the contractor who the Commission finds responsible for the act or omission giving rise to the claim for:

1. the amount paid from the Fund; and

2. interest on that amount at an annual rate of at least 10%, as set by the Commission.

(2) All money that the Commission recovers on a claim shall be deposited in the Fund.

(b) If, within [30] 60 days after the Commission gives notice, a contractor on whose account a claim was paid does not reimburse the Fund in full, the Commission may sue the contractor in a court of competent jurisdiction for the unreimbursed amount.

(c) The Commission is entitled to a judgment for the unreimbursed amount if the Commission proves that:

(1) a claim was paid from the Fund on account of the contractor;

(2) the contractor has not reimbursed the Fund in full;

(3) the contractor was given notice and an opportunity to participate in a hearing on the claim before the Commission; and

(4) (i) the Commission directed payment based on a final judgment of a court of competent jurisdiction or a final award in arbitration; or

(ii) the decision or order of the Commission is final in accordance with Title 10, Subtitle 2 of the State Government Article and there is no pending appeal.

(d) The Commission may refer to the Central Collection Unit for collection under §§ 13–912 through 13–919 of the Tax – General Article a debt owed to the Commission by a contractor on whose account a claim was paid from the Fund and who is at least 1 year behind in reimbursement payments to the Fund.

(e) For the purpose of excepting to a discharge of a contractor under federal bankruptcy law, the Commission is a creditor of the contractor for the amount paid from the Fund.

(f) (1) (i) If a person liable for reimbursing the Guaranty Fund under this section receives a demand for reimbursement and fails to reimburse the Fund, the reimbursement amount and any accrued interest or cost are a lien in favor of the State on any real property of the person if the lien is recorded and indexed as provided in this subsection.

(ii) Interest shall continue at the rate of interest on a judgment as provided in § 11–107(a) of the Courts Article until the full amount due the Fund is paid.

(2) The lien in favor of the State created by this subsection may not attach to specific property until the State Central Collection Unit records written notice of the lien in the office of the clerk of the court for the county in which the property subject to the lien or any part of the property is located.

(3) The lien in favor of the State created by this subsection does not have priority as to any specific property over any person who is a lienholder of record at the time the notice required under paragraph (2) of this subsection is recorded.

(4) The notice required under paragraph (2) of this subsection shall contain:

(i) the name and address of the person against whose property the lien exists;

(ii) the amount of the lien;

(iii) a description of or reference to the property subject to the lien; and

(iv) the date the Guaranty Fund paid the claim giving rise to the lien.

(5) Upon presentation of a release of any lien in favor of the State created by this subsection, the clerk of the court in which the lien is recorded and indexed shall record and index the release and shall note in the lien docket the date the release is filed and the fact that the lien is released.

(6) The notice required under paragraph (2) of this subsection and any release filed under paragraph (5) of this subsection shall be indexed with the judgment lien records maintained by the office of the clerk of the court where the notice is recorded.

(7) The clerk may collect a reasonable fee for recording and indexing each notice of lien or release of any lien under this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

AN ACT concerning

**Correctional Services – Healthy Births for Incarcerated Women Act**

FOR the purpose of prohibiting the use of a physical restraint on an inmate while the inmate is in labor or during delivery except under certain circumstances; requiring the medical professional responsible for the care of a certain inmate to determine when the inmate's health allows the inmate to be returned to a correctional facility after giving birth; prohibiting, with certain exceptions, a physical restraint from being used on a certain inmate; ~~requiring a correctional facility to document certain use of a physical restraint~~; requiring the Department of Public Safety and Correctional Services and the managing official of a local correctional facility or the managing official of a certain transport agency to develop a certain policy for use at each correctional facility; ~~requiring~~ authorizing the managing official of a local correctional facility to take certain actions when a certain representation concerning an inmate is made; requiring the Department of Juvenile Services to adopt certain regulations relating to the use of physical restraints on certain individuals; requiring the Secretary of Public Safety and Correctional Services ~~and the managing official of each local correctional facility~~ to provide a certain ~~report~~ reports to the Governor and the General Assembly on or before a certain date each calendar year for a certain period; ~~declaring the findings of the General Assembly~~; defining certain terms; and generally relating to pregnant inmates and the use of physical restraints.

BY repealing and reenacting, with amendments,  
Article – Correctional Services  
Section 9–601  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY adding to  
Article – Correctional Services  
Section 11–206  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,  
Article – Human Services  
Section 9–237(a)  
Annotated Code of Maryland  
(2007 Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Human Services  
Section 9–237(c)  
Annotated Code of Maryland

(2007 Volume and 2013 Supplement)

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

**Article – Correctional Services**

9-601.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “LABOR” MEANS, AS DETERMINED BY THE MEDICAL PROFESSIONAL RESPONSIBLE FOR THE CARE OF THE INMATE OR DETAINEE, THE PERIOD OF TIME BEFORE A BIRTH DURING WHICH CONTRACTIONS ARE OF SUFFICIENT FREQUENCY, INTENSITY, AND DURATION TO BRING ABOUT EFFACEMENT AND PROGRESSIVE DILATION OF THE CERVIX.

(3) “PHYSICAL RESTRAINT” MEANS A RESTRAINT OR MECHANICAL DEVICE USED TO CONTROL OR BIND THE MOVEMENT OF ANY PART OF AN INDIVIDUAL’S BODY OR LIMBS, ~~INCLUDING FLEX CUFFS, SOFT RESTRAINTS, HARD METAL HANDCUFFS, A BLACK BOX, CHUBB CUFFS, LEG IRONS, BELLY CHAINS, TETHER CHAINS, SECURITY CHAINS, OR A CONVEX SHIELD.~~

(4) “POSTPARTUM RECOVERY” MEANS, THE PERIOD IMMEDIATELY FOLLOWING DELIVERY AS DETERMINED BY THE MEDICAL PROFESSIONAL RESPONSIBLE FOR THE CARE OF THE INMATE, ~~THE PERIOD IMMEDIATELY FOLLOWING DELIVERY,~~ INCLUDING THE ENTIRE PERIOD DURING WHICH THE INMATE IS IN THE HOSPITAL OR INFIRMARY AFTER A BIRTH.

~~(B) THE GENERAL ASSEMBLY FINDS THAT:~~

~~(1) THE USE OF PHYSICAL RESTRAINT ON A PREGNANT WOMAN CAN POSE UNDUE HEALTH RISKS TO THE WOMAN AND HER PREGNANCY;~~

~~(2) THE MAJORITY OF FEMALE INMATES IN THE STATE ARE NONVIOLENT OFFENDERS;~~

~~(3) THE USE OF PHYSICAL RESTRAINTS ON INMATES INCREASES THE POTENTIAL FOR PHYSICAL HARM TO THE INMATE FROM AN ACCIDENTAL TRIP OR FALL, WHICH COULD NEGATIVELY IMPACT THE PREGNANCY OF A PREGNANT INMATE;~~

~~(4) FREEDOM FROM THE USE OF PHYSICAL RESTRAINTS IS ESPECIALLY CRITICAL DURING LABOR, DELIVERY, AND POSTPARTUM RECOVERY BECAUSE WOMEN OFTEN NEED TO MOVE DURING LABOR AND RECOVERY, INCLUDING MOVING THEIR LEGS AS PART OF THE BIRTHING PROCESS;~~

~~(5) THE USE OF PHYSICAL RESTRAINTS ON A PREGNANT WOMAN CAN INTERFERE WITH THE MEDICAL STAFF'S ABILITY TO APPROPRIATELY ASSIST IN CHILDBIRTH OR TO CONDUCT SUDDEN EMERGENCY PROCEDURES;~~

~~(6) THE AMERICAN MEDICAL ASSOCIATION, THE FEDERAL BUREAU OF PRISONS, THE U.S. MARSHALS SERVICE, THE AMERICAN CORRECTIONAL ASSOCIATION, THE AMERICAN CONGRESS OF OBSTETRICIANS AND GYNCOLOGISTS, AND THE AMERICAN PUBLIC HEALTH ASSOCIATION OPPOSE THE USE OF PHYSICAL RESTRAINTS ON WOMEN DURING LABOR, DELIVERY, AND POSTPARTUM RECOVERY BECAUSE IT IS UNNECESSARY AND DANGEROUS TO A WOMAN'S HEALTH AND WELL BEING; AND~~

~~(7) INTERNATIONAL HUMAN RIGHTS BODIES HAVE EXPRESSED CONCERN ABOUT POLICIES THAT PERMIT THE USE OF PHYSICAL RESTRAINTS ON PREGNANT AND BIRTHING WOMEN.~~

~~[(a)] ~~(C)~~ (B)~~ If a representation is made to the managing official of a correctional facility in the Department that an inmate in the correctional facility is pregnant and about to give birth, the managing official:

(1) a reasonable time before the anticipated birth, shall make an investigation; and

(2) if the facts require, shall recommend through the Maryland Parole Commission that the Governor exercise executive clemency.

~~[(b)] ~~(D)~~ (C)~~ Without notice, the Governor may:

(1) parole the inmate;

(2) commute the inmate's sentence; or

(3) suspend the execution of the inmate's sentence for a definite period or from time to time.

~~[(c)] ~~(E)~~ (D)~~ If the Governor suspends the execution of an inmate's sentence, the managing official of the correctional facility:

(1) a reasonable time before the anticipated birth, shall have the inmate transferred from the correctional facility to another facility that provides comfortable accommodations, maintenance, and medical care under supervision and safeguards that the managing official determines necessary to prevent the inmate's escape from custody; and

(2) shall require the inmate to be returned to the correctional facility as soon after giving birth as the inmate's health allows, **AS DETERMINED BY THE MEDICAL PROFESSIONAL RESPONSIBLE FOR THE CARE OF THE INMATE.**

~~(F)~~ **(E)** **A PHYSICAL RESTRAINT MAY NOT BE USED ON AN INMATE WHILE THE INMATE IS IN LABOR OR DURING DELIVERY, EXCEPT AS DETERMINED BY THE MEDICAL PROFESSIONAL RESPONSIBLE FOR THE CARE OF THE INMATE.**

~~(G)~~ **(F)** **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PHYSICAL RESTRAINT MAY NOT BE USED ON AN INMATE KNOWN TO BE PREGNANT OR IN POSTPARTUM RECOVERY.**

**(2) A PHYSICAL RESTRAINT MAY BE USED ON AN INMATE KNOWN TO BE PREGNANT OR IN POSTPARTUM RECOVERY IF:**

**(I) THE MANAGING OFFICIAL OF A CORRECTIONAL FACILITY, THE MANAGING OFFICIAL'S DESIGNEE, OR A LOCAL SHERIFF MAKES AN INDIVIDUALIZED DETERMINATION, ~~CONTEMPORANEOUSLY~~ WHICH SHALL BE RECORDED ON THE TRANSPORT OR MEDICAL RECORD OF THE INMATE, THAT A PHYSICAL RESTRAINT ~~MUST BE USED~~ IS REQUIRED TO ENSURE THE SAFETY AND SECURITY OF THE INMATE, THE STAFF OF THE CORRECTIONAL FACILITY OR MEDICAL FACILITY, OTHER INMATES, OR THE PUBLIC ACCORDING TO POLICIES AND PROCEDURES ADOPTED BY THE DEPARTMENT AND THE MANAGING OFFICIAL OF A LOCAL CORRECTIONAL FACILITY OR THE MANAGING OFFICIAL OF THE AGENCY DESIGNATED TO TRANSPORT INMATES; AND**

**(II) THE PHYSICAL RESTRAINT IS THE LEAST RESTRICTIVE NECESSARY AND DOES NOT INCLUDE WAIST OR LEG RESTRAINTS.**

**(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF A DOCTOR, NURSE, OR OTHER HEALTH PROFESSIONAL TREATING AN INMATE KNOWN TO BE PREGNANT OR IN POSTPARTUM RECOVERY REQUESTS THAT PHYSICAL RESTRAINTS NOT BE USED, THE CORRECTIONAL OFFICER OR OTHER LAW ENFORCEMENT OFFICER ACCOMPANYING THE INMATE SHALL IMMEDIATELY REMOVE ALL PHYSICAL RESTRAINTS.**

~~(4) IF A PHYSICAL RESTRAINT IS USED ON AN INMATE UNDER THIS SUBSECTION, THE CORRECTIONAL FACILITY SHALL DOCUMENT THE USE OF PHYSICAL RESTRAINTS, INCLUDING:~~

~~(I) THE TYPE OF PHYSICAL RESTRAINT USED;~~

~~(II) THE CIRCUMSTANCES THAT NECESSITATED THE USE OF THE PHYSICAL RESTRAINT; AND~~

~~(III) THE LENGTH OF TIME THE PHYSICAL RESTRAINT WAS USED~~ THE DEPARTMENT AND THE MANAGING OFFICIAL OF EACH LOCAL CORRECTIONAL FACILITY OR THE MANAGING OFFICIAL OF THE AGENCY DESIGNATED TO TRANSPORT INMATES SHALL DEVELOP A POLICY FOR USE AT EACH CORRECTIONAL FACILITY THAT:

(I) REQUIRES A PHYSICAL RESTRAINT USED ON A PREGNANT INMATE DURING TRANSPORT TO BE THE LEAST RESTRICTIVE NECESSARY; AND

(II) ESTABLISHES A METHOD FOR REPORTING THE USE OF PHYSICAL RESTRAINTS ON PREGNANT INMATES, INCLUDING REFERENCE TO THE CIRCUMSTANCES THAT REQUIRED USE OF THE PHYSICAL RESTRAINTS.

[(d)] ~~(H)~~ (G) (1) The expenses of an inmate's accommodation, maintenance, and medical care incurred as a result of the inmate's transfer under subsection [(c)(1)] ~~(E)(1)~~ (D)(1) of this section shall be paid:

(i) by the inmate;

(ii) by relatives or friends of the inmate; or

(iii) from any available fund that may be used to pay the hospital expenses of an inmate in the correctional facility.

(2) If money is not available under any of the sources identified in paragraph (1) of this subsection to pay the specified expenses:

(i) the county from which the inmate was committed is responsible for payment of the expenses; and

(ii) the managing official of the correctional facility to which the inmate was committed shall collect payment in accordance with Title 16 of the Health – General Article.

**[(e)] ~~(H)~~ (H)** (1) After receiving proof from the father or other relative of the child of the ability to properly care for the child, the Department may order that the father or other relative take custody of the child.

(2) The father or other relative of the child that receives custody under paragraph (1) of this subsection shall maintain and care for the child at the father's or other relative's expense until the inmate is released from the correctional facility or the child, as provided by law, is adopted.

(3) If the father or other relative of the child is unable to properly maintain and care for the child, the Department shall place the child in the care of the Department of Human Resources.

**[(f)] ~~(I)~~ (I)** Notwithstanding any other provision of this section, the Department may allow an inmate to participate in programming and to retain custody of the newborn child in or out of custody if:

(1) the environment and program is consistent with the best interests of the child and consistent with public safety; and

(2) the custody is not inconsistent with the parental rights of any individual who is not detained or confined in a correctional facility.

#### **11-206.**

**(A) IF A REPRESENTATION IS MADE TO THE MANAGING OFFICIAL OF A LOCAL CORRECTIONAL FACILITY THAT AN INMATE IN THE CUSTODY OF THE MANAGING OFFICIAL IS PREGNANT, THE MANAGING OFFICIAL ~~SHALL~~ MAY:**

**(1) BEFORE THE ANTICIPATED BIRTH, HAVE THE INMATE TRANSFERRED FROM THE LOCAL CORRECTIONAL FACILITY TO ANOTHER FACILITY THAT PROVIDES COMFORTABLE ACCOMMODATIONS, MAINTENANCE, AND MEDICAL CARE UNDER SUPERVISION AND SAFEGUARDS THAT THE MANAGING OFFICIAL DETERMINES NECESSARY TO PREVENT THE INMATE'S ESCAPE FROM CUSTODY; AND**

**(2) RETURN THE INMATE TO THE LOCAL CORRECTIONAL FACILITY AS SOON AFTER GIVING BIRTH AS THE INMATE'S HEALTH ALLOWS, AS DETERMINED BY THE MEDICAL PROFESSIONAL RESPONSIBLE FOR THE CARE OF THE INMATE.**

**(B) THE USE OF PHYSICAL RESTRAINTS ON AN INMATE DURING A TRANSFER MADE UNDER THIS SECTION SHALL BE IN ACCORDANCE WITH § 9-601 OF THIS ARTICLE.**

## Article – Human Services

9–237.

(a) The Department shall adopt regulations that set standards for juvenile detention facilities operated by the Department and by private agencies under contract with the Department.

(c) The standards shall include provisions establishing:

(1) a policy that eliminates the unnecessary use of detention and that prioritizes diversion and appropriate nonsecure alternatives;

(2) criteria for the placement of a child in a particular juvenile detention facility;

(3) population limits for each juvenile detention facility that may not be exceeded except in emergency circumstances;

(4) a requirement that staffing ratios and levels of services be maintained during emergencies;

(5) specifications for the architectural structure of a juvenile detention facility;

(6) staff qualifications and training, including training in recognizing and reporting child abuse and neglect;

(7) the ratio of staff to children in a juvenile detention facility;

(8) the rights of children in a juvenile detention facility, including the right to privacy, visitors, telephone use, and mail delivery;

(9) prohibitions against the use of excessive force against a child;  
[and]

(10) internal auditing and monitoring of programs and facilities in the juvenile services system; AND

**(11) PROHIBITIONS AGAINST THE USE OF PHYSICAL RESTRAINT OF A PREGNANT JUVENILE EXCEPT UNDER CIRCUMSTANCES IN WHICH THE USE OF PHYSICAL RESTRAINTS ON A PREGNANT INMATE WOULD BE AUTHORIZED UNDER § 9–601 OF THE CORRECTIONAL SERVICES ARTICLE RESTRAINTS ON AN INDIVIDUAL KNOWN TO BE IN THE THIRD TRIMESTER OF PREGNANCY OR DURING LABOR, DELIVERY, OR POSTPARTUM RECOVERY, INCLUDING DURING ALL TRANSPORTS, UNLESS A FACILITY SUPERINTENDENT OR THE FACILITY**

SUPERINTENDENT'S DESIGNEE DETERMINES THAT A PHYSICAL RESTRAINT IS NECESSARY TO PROTECT THE INDIVIDUAL FROM HARMING HERSELF OR OTHERS OR TO PREVENT THE INDIVIDUAL'S ESCAPE FROM CUSTODY.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before 30 days before the end of each ~~fiscal year~~ calendar year until December 31, 2017, the Secretary of Public Safety and Correctional Services ~~and the managing official of each local correctional facility in which a pregnant inmate has been physically restrained during the previous fiscal year~~ shall *submit a* report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on ~~each instance of the use of physical restraints, including the documentation required to be recorded in accordance with this Act~~ the following information:

- ~~(a) each instance of the use of physical restraints;~~
- ~~(b) the use of restraints on inmates in the second or third trimester of pregnancy or during labor, delivery, or postpartum recovery for the time period between January 1 and November 30 for the reporting year;~~
- ~~(c) an explanation and text of the Pregnancy Management Manual and current policy statement regarding physical restraints used on inmates;~~
- ~~(d) a listing of physical restraints and whether the physical restraint is considered to be least restrictive, moderately restrictive, or most restrictive;~~
- ~~(e) for the Patuxent Institution, Maryland Correctional Institution for Women, and Baltimore City Women's Detention Center:~~
  - ~~(1) the number of times a physical restraint was used on a woman in the facility; and~~
  - ~~(2) a description of the setting in which the physical restraint was used, the reason for the use of the physical restraint, the length of time that the woman was restrained, and the type of restraint used, including the use of waist chains and leg irons; and~~
- ~~(f) a description of corrective actions implemented by the Department for any deficiencies identified with following established procedures regarding the use of physical restraints on pregnant inmates~~ *the number of times physical restraints were used on a pregnant inmate during labor, delivery, and postpartum recovery during the previous calendar year in each State and local correctional facility.*

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 14, 2014.

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**Chapter 213****(House Bill 79)**

AN ACT concerning

**Courts – Juveniles – Expungement of Records**

FOR the purpose of authorizing a person to file a certain petition for expungement of certain juvenile records; requiring the court to serve a certain petition on certain victims, certain family members of certain victims, and a certain State's Attorney; authorizing the court to order the expungement of a certain record under certain circumstances; requiring the court to consider certain criteria in its consideration of a certain petition for expungement of records; authorizing the court to grant a certain petition for expungement without a hearing under certain circumstances; authorizing certain persons to file an objection to a petition for expungement; authorizing and requiring the court to deny a certain petition for expungement under certain circumstances; requiring the court to order the expungement of certain records under certain circumstances; authorizing and requiring the court to hold a certain hearing under certain circumstances; requiring the custodian of certain records to advise in writing certain persons regarding compliance with a certain court order requiring expungement under certain circumstances; authorizing the filing of an appeal by certain persons under certain circumstances; providing that this Act does not apply to certain records; defining certain terms; and generally relating to juveniles and expungement of records.

BY adding to

Article – Courts and Judicial Proceedings

Section 3–8A–27.1

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

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

**Article – Courts and Judicial Proceedings****3–8A–27.1.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “EXPUNGEMENT” ~~MEANS THE PHYSICAL DESTRUCTION OF A RECORD AND OBLITERATION OF A PERSON’S NAME FROM ANY OTHER OFFICIAL~~

~~INDEX OR PUBLIC RECORD OR BOTH~~ HAS THE MEANING STATED IN § 10-101 OF THE CRIMINAL PROCEDURE ARTICLE.

(3) ~~“JUVENILE DELINQUENCY RECORD” INCLUDES~~ MEANS A COURT RECORD, AND POLICE RECORD, ~~AND STATE’S ATTORNEY’S RECORD~~ CONCERNING A CHILD ALLEGED OR ADJUDICATED DELINQUENT OR IN NEED OF SUPERVISION OR WHO HAS RECEIVED A CITATION FOR A VIOLATION.

(4) “VICTIM” MEANS A PERSON AGAINST WHOM A DELINQUENT ACT HAS BEEN COMMITTED OR ATTEMPTED.

(B) (1) A PERSON MAY FILE A PETITION FOR EXPUNGEMENT OF THE PERSON’S JUVENILE ~~DELINQUENCY~~ RECORD IN THE COURT IN WHICH THE ~~DELINQUENCY~~ PETITION OR CITATION WAS FILED.

(2) THE COURT SHALL HAVE A COPY OF THE PETITION FOR EXPUNGEMENT SERVED ON ~~THE~~:

(I) ALL LISTED VICTIMS IN THE CASE IN WHICH THE PERSON IS SEEKING EXPUNGEMENT AT THE ADDRESS LISTED IN THE COURT FILE;

(II) ALL FAMILY MEMBERS OF A VICTIM LISTED IN ITEM (I) OF THIS PARAGRAPH WHO ARE LISTED IN THE COURT FILE AS HAVING ATTENDED THE ADJUDICATION FOR THE CASE IN WHICH THE PERSON IS SEEKING EXPUNGEMENT; AND

(III) THE STATE’S ATTORNEY.

(C) THE COURT MAY ORDER A JUVENILE ~~DELINQUENCY~~ RECORD EXPUNGED IF:

(1) (I) THE STATE’S ATTORNEY ENTERS A NOLLE PROSEQUI;

(II) THE PETITION IS DISMISSED;

(III) THE COURT, IN AN ADJUDICATORY HEARING, DOES NOT FIND THAT THE ALLEGATIONS IN THE PETITION ARE TRUE;

(IV) THE ADJUDICATORY HEARING IS NOT HELD WITHIN 2 YEARS AFTER A PETITION IS FILED; OR

(V) THE COURT, IN A DISPOSITION HEARING, FINDS THAT THE PERSON DOES OR DOES NOT REQUIRE GUIDANCE, TREATMENT, OR REHABILITATION;

~~(1)~~ (2) THE PERSON HAS ATTAINED THE AGE OF 18 YEARS AND AT LEAST 2 YEARS HAVE ELAPSED SINCE THE LAST OFFICIAL ACTION IN THE PERSON'S JUVENILE ~~DELINQUENCY~~ RECORD;

~~(2)~~ (3) THE PERSON HAS NOT BEEN ADJUDICATED DELINQUENT ~~NOT~~ MORE THAN ONCE;

~~(3)~~ (4) THE PERSON HAS NOT SUBSEQUENTLY BEEN CONVICTED OF ANY OFFENSE;

~~(4)~~ (5) NO DELINQUENCY PETITION OR CRIMINAL CHARGE IS PENDING AGAINST THE PERSON;

~~(5)~~ (6) THE PERSON HAS NOT BEEN ADJUDICATED DELINQUENT FOR AN OFFENSE THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A:

(I) A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; ~~OR~~

(II) A VIOLATION OF § 3-308 OF THE CRIMINAL LAW ARTICLE; OR

(III) A FELONY;

~~(6)~~ (7) THE PERSON WAS NOT REQUIRED TO REGISTER AS A SEX OFFENDER UNDER § 11-704(C) OF THE CRIMINAL PROCEDURE ARTICLE;

(8) THE PERSON HAS NOT BEEN ADJUDICATED DELINQUENT FOR AN OFFENSE INVOLVING THE USE OF A FIREARM, AS DEFINED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE, IN THE COMMISSION OF A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; AND

~~(7)~~ (9) THE PERSON HAS FULLY PAID ANY MONETARY RESTITUTION ORDERED BY THE COURT IN THE DELINQUENCY PROCEEDING.

(D) THE COURT SHALL CONSIDER THE BEST INTERESTS OF THE PERSON, THE PERSON'S STABILITY IN THE COMMUNITY, AND THE SAFETY OF THE PUBLIC IN ITS CONSIDERATION OF THE PETITION FOR EXPUNGEMENT.

(E) (1) IF NO OBJECTION IS FILED, THE COURT MAY GRANT THE PETITION WITHOUT A HEARING.

(2) IF THE COURT FINDS THAT A PETITION FAILS ON ITS FACE TO MEET THE REQUIREMENTS UNDER SUBSECTION (C) OF THIS SECTION, THE COURT MAY DENY THE PETITION WITHOUT A HEARING.

(3) (I) 1. THE FOLLOWING PERSONS MAY FILE AN OBJECTION TO A PETITION UNDER THIS SECTION:

A. A LISTED VICTIM IN THE CASE IN WHICH THE PERSON IS SEEKING EXPUNGEMENT;

B. A FAMILY MEMBER OF A VICTIM LISTED IN ITEM A OF THIS SUBSUBPARAGRAPH WHO IS LISTED IN THE COURT FILE AS HAVING ATTENDED THE ADJUDICATION FOR THE CASE IN WHICH THE PERSON IS SEEKING EXPUNGEMENT; AND

C. THE STATE'S ATTORNEY.

2. EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, IF ~~THE STATE'S ATTORNEY~~ A PERSON LISTED IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH FILES AN OBJECTION TO THE PETITION WITHIN 30 DAYS AFTER THE PETITION IS SERVED, THE COURT SHALL HOLD A HEARING.

(II) THE COURT MAY HOLD A HEARING ON ITS OWN INITIATIVE.

(III) IF, AFTER A HEARING, THE COURT FINDS THAT THE PERSON IS ENTITLED TO EXPUNGEMENT, THE COURT SHALL ORDER THE EXPUNGEMENT OF ALL COURT RECORDS, AND POLICE RECORDS, ~~AND STATE'S ATTORNEY'S RECORDS~~ RELATING TO THE DELINQUENCY ~~PROCEEDINGS OR~~ CHILD IN NEED OF SUPERVISION PETITION OR THE CITATION.

(IV) IF, AFTER A HEARING, THE COURT FINDS THAT THE PERSON IS NOT ENTITLED TO EXPUNGEMENT, THE COURT SHALL DENY THE PETITION.

(F) THE PERSON WHO FILED THE PETITION FOR EXPUNGEMENT OR THE STATE'S ATTORNEY MAY APPEAL AN ORDER GRANTING OR DENYING THE PETITION.

(G) UNLESS AN ORDER IS STAYED PENDING AN APPEAL, EACH CUSTODIAN OF ~~POLICE AND COURT~~ JUVENILE RECORDS SUBJECT TO THE ORDER OF EXPUNGEMENT SHALL ADVISE, IN WRITING, THE COURT, THE PETITIONER, AND ALL PARTIES TO THE PETITION FOR EXPUNGEMENT PROCEEDING OF COMPLIANCE WITH THE ORDER WITHIN 60 DAYS AFTER ENTRY OF THE ORDER.

(H) THIS SECTION DOES NOT APPLY TO ~~RECORDS~~:

(1) RECORDS MAINTAINED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE; OR

(2) RECORDS MAINTAINED BY A LAW ENFORCEMENT AGENCY FOR THE SOLE PURPOSE OF COLLECTING STATISTICAL INFORMATION CONCERNING JUVENILE DELINQUENCY AND THAT DO NOT CONTAIN ANY INFORMATION THAT WOULD REVEAL THE IDENTITY OF A PERSON.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 214

(House Bill 104)

AN ACT concerning

### Department of Budget and Management – Budget Analysts – Qualifications

FOR the purpose of repealing certain provisions of law governing the experience, education, and other qualifications for individuals appointed as budget analysts by the Secretary of Budget and Management; and generally relating to budget analysts for the Department of Budget and Management.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 3-203(b)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – State Finance and Procurement**

3–203.

(b) (1) The Secretary shall appoint 1 or more budget analysts.

(2) [Each budget analyst must:

(i) have at least 3 years' experience in personnel and other subjects that are related to the operation of a business organization;

(ii) be a graduate of a recognized school of business administration or have the additional experience that the Secretary requires; and

(iii) meet any other qualifications that the Secretary sets.

(3)] The budget analysts shall:

(i) continually conduct studies of all budget expenditures of units of the Executive Branch of the State government;

(ii) make recommendations to the Secretary for greater efficiency and economy in those units; and

(iii) perform any other duties that the Secretary assigns.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 215****(House Bill 149)**

AN ACT concerning

**Council for the Procurement of Health, Educational, and Social Services –  
Term Limits**

FOR the purpose of establishing the terms of certain members of the Council for the Procurement of Health, Educational, and Social Services who are appointed by the Governor; prohibiting certain members from serving more than a certain number of consecutive terms, subject to a certain exception; authorizing the Governor to remove certain members under certain circumstances; requiring

certain terms to expire in certain years; and generally relating to the Council for the Procurement of Health, Educational, and Social Services and term limits.

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 12–110(b) and (c)(1)(xiii)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY adding to  
Article – State Finance and Procurement  
Section 12–110(c)(3)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – State Finance and Procurement**

12–110.

(b) There is a Council for the Procurement of Health, Educational, and Social Services.

(c) (1) The Council consists of the following members:

(xiii) four representatives of private organizations with experience providing human services funded by contracts through State units, appointed by the Governor;

**(3) (I) THIS PARAGRAPH APPLIES TO MEMBERS OF THE COUNCIL APPOINTED UNDER PARAGRAPH (1)(XIII) OF THIS SUBSECTION.**

**(II) ON OR AFTER JULY 1, 2014, THE TERM OF A MEMBER IS 4 YEARS.**

**(III) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON JULY 1, 2014.**

**(IV) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

(V) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(VI) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS, EXCEPT THAT A MEMBER APPOINTED BEFORE JULY 1, 2014, MAY SERVE ONE ADDITIONAL 4-YEAR TERM WHEN THE MEMBER'S CURRENT TERM EXPIRES.

(VII) THE GOVERNOR MAY REMOVE A MEMBER FOR NEGLECT OF DUTY, INCOMPETENCE, OR MISCONDUCT.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members of the Council for the Procurement of Health, Educational, and Social Services who were appointed by the Governor, as required by § 12-110(c)(1)(xiii) of the State Finance and Procurement Article, in 2012 shall expire as follows:

(1) two members in 2014; and

(2) two members in 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 216

(House Bill 151)

AN ACT concerning

### **Juvenile Services – Child in Need of Supervision Pilot Program – ~~Expansion~~ Reporting Requirement**

FOR the purpose of ~~requiring the Secretary of Juvenile Services to establish a Department of Juvenile Services Child in Need of Supervision Pilot Program in a certain number of counties each year until the Pilot Program is available in every county in the State; requiring the Secretary to determine which counties to add to the Pilot Program based on certain criteria; requiring the Secretary to submit a certain annual report to the General Assembly and the Department of Budget and Management on or before a certain date each year; altering a certain definition~~ altering a certain reporting requirement relating to a certain Child in Need of Supervision Pilot Program; altering a certain obsolete

reference; and generally relating to the ~~expansion of the~~ Department of Juvenile Services Child in Need of Supervision Pilot Program.

BY repealing and reenacting, with amendments,

~~Article – Courts and Judicial Proceedings~~

~~Section 3 – 8A – 10.1~~

~~Annotated Code of Maryland~~

~~(2013 Replacement Volume and 2013 Supplement)~~

~~Chapter 601 of the Acts of the General Assembly of 2005~~

~~Section 2~~

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

~~Article – Courts and Judicial Proceedings~~

~~3 – 8A – 10.1.~~

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

(2) (i) ~~“Designated assessment service provider” means a community based provider of assessment, intervention, and referral services to children alleged to be in need of supervision and their parents or guardians.~~

(ii) ~~“Designated assessment service provider” includes county staff, contractors, and resources that may provide assessment, intervention, and referral services to children alleged to be in need of supervision and their parents or guardians.~~

(3) ~~“Pilot community” means:~~

(i) ~~Baltimore City;~~

(ii) ~~Baltimore County;~~

(iii) ~~Cecil County;~~

(iv) ~~Montgomery County; [or]~~

(v) ~~Prince George’s County; OR~~

~~(VI) A COUNTY DESIGNATED BY THE SECRETARY OF JUVENILE SERVICES AS A PILOT COMMUNITY UNDER SUBSECTION (B)(2) OF THIS SECTION.~~

~~(b) (1) The Secretary of Juvenile Services shall establish a Department of Juvenile Services Child in Need of Supervision Pilot Program in:~~

~~[(1)] (I) Baltimore City;~~

~~[(2)] (II) Baltimore County;~~

~~[(3)] (III) Cecil County;~~

~~[(4)] (IV) Montgomery County; and~~

~~[(5)] (V) Prince George's County.~~

~~(2) (I) BEGINNING JULY 1, 2014, THE SECRETARY OF JUVENILE SERVICES SHALL ESTABLISH A DEPARTMENT OF JUVENILE SERVICES CHILD IN NEED OF SUPERVISION PILOT PROGRAM IN TWO ADDITIONAL COUNTIES EACH YEAR UNTIL THE PILOT PROGRAM IS AVAILABLE IN EVERY COUNTY IN THE STATE.~~

~~(II) THE SECRETARY SHALL DETERMINE WHICH COUNTIES TO ADD TO THE PILOT PROGRAM UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BASED ON COMMUNITY NEED AND LOCAL SUPPORT.~~

~~(3) ON OR BEFORE JULY 1 OF EACH YEAR, THE SECRETARY SHALL REPORT TO THE GENERAL ASSEMBLY AND THE DEPARTMENT OF BUDGET AND MANAGEMENT ON THE SECRETARY'S PROGRESS TOWARD EXPANDING THE PILOT PROGRAM AND THE OUTCOMES OF PRIOR EXPANSIONS.~~

~~(c) (1) The Pilot Program shall select designated assessment service providers in each pilot community.~~

~~(2) The designated assessment service providers shall be contracted and funded by the local management board of each pilot community.~~

~~(d) On receipt of a complaint under § 3-8A-10 of this subtitle that alleges that a child in a pilot community is in need of supervision, unless the intake officer concludes under § 3-8A-10(c) of this subtitle that the court has no jurisdiction or that neither an informal adjustment nor judicial action is appropriate, the intake officer shall refer the child and the child's parents or guardians to a designated assessment service provider for the pilot community before the intake officer may authorize the filing of a petition or peace order request or propose an informal adjustment.~~

~~(e) A designated assessment service provider shall:~~

~~(1) Meet with a child referred to the provider and the child's parents or guardians at least two and not more than six times to discuss the child's:~~

- ~~(i) School performance;~~
- ~~(ii) Family interactions;~~
- ~~(iii) Relationships with peers; and~~
- ~~(iv) Emotional and physical health, including drug and alcohol use;~~

~~(2) Review all available, relevant records concerning the child, including:~~

- ~~(i) Academic records;~~
- ~~(ii) Medical records; and~~
- ~~(iii) Psychiatric records;~~

~~(3) Conduct an assessment of the child; and~~

~~(4) Establish a case plan and a case record for the provision of services to the child, including:~~

- ~~(i) Family counseling;~~
- ~~(ii) Educational advocacy;~~
- ~~(iii) Drug and alcohol counseling;~~
- ~~(iv) Sex education;~~
- ~~(v) After school programs;~~
- ~~(vi) Truancy and dropout prevention;~~
- ~~(vii) Transitional living services;~~
- ~~(viii) Mediation services;~~
- ~~(ix) Employment and job training services;~~
- ~~(x) Alternative school placement; and~~

~~(xi) Drug and alcohol counseling for the parents, guardians, or other family members of the child.~~

~~(f) An intake officer may not authorize the filing of a petition or peace order request or propose an informal adjustment for a child alleged to be in need of supervision in a pilot community unless the designated assessment service provider has filed a report with the intake officer stating:~~

~~(1) The date of the initial meeting with the child and the child's parents or guardians required under this section; and~~

~~(2) That all attempts to provide assessment, intervention, and referral services have failed.~~

### **Chapter 601 of the Acts of 2005**

#### **SECTION 2. AND BE IT FURTHER ENACTED, That[, on]:**

**(A) ON or before December 31, 2006, and annually thereafter, the Department of Juvenile Services and the [Office for Children, Youth, and Families] GOVERNOR'S OFFICE FOR CHILDREN shall jointly report to the General Assembly in accordance with § 2-1246 of the State Government Article on the implementation of this Act.**

**(B) BEGINNING IN 2014, THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE AN EVALUATION OF THE ABILITY OF THE DEPARTMENT OF JUVENILE SERVICES TO EXPAND THE CHILD IN NEED OF SUPERVISION PILOT PROGRAM TO ADDITIONAL COUNTIES IN THE STATE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 14, 2014.

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## **Chapter 217**

**(House Bill 174)**

AN ACT concerning

### **Public Safety – Internal Investigative Unit – Name Change and Duties**

FOR the purpose of changing the name of the Internal Investigative Unit in the Department of Public Safety and Correctional Services to the Intelligence and

Investigative Division; requiring the Intelligence and Investigative Division to oversee and coordinate intelligence efforts within the Department, subject to the authority of the Secretary of Public Safety and Correctional Services; and generally relating to changing the name and duties of the Internal Investigative Unit in the Department of Public Safety and Correctional Services.

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 10–701, 10–901(f), 10–905(a), (b), (m), and (n), 10–907(a), and 10–912(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 2–101(c)(18)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 18–213(a)(3)(xi) and 18–213.2(a)(8)(x)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 3–702(b)(2)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–201(e)(2)(iii)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 26–201(a)(20), 26–202(b)(1)(xvii), 26–203.1(e)(1), and 26–203.3(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

**Article – Correctional Services**

10-701.

(a) (1) There is an [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** in the Department.

(2) The Secretary shall appoint the Director of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION**.

(3) Subject to the authority of the Secretary, the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** shall:

(i) investigate:

1. alleged criminal violations committed by employees of the Department while on duty;

2. alleged criminal violations committed by inmates, visitors, and other individuals that affect the safety or security of the Department's facilities or programs; and

3. alleged professional misconduct by employees of the Department; [and]

(ii) adopt regulations for the conduct of its investigations; **AND**

**(III) OVERSEE AND COORDINATE ALL INTELLIGENCE EFFORTS WITHIN THE DEPARTMENT.**

(b) An investigator in the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** may exercise the powers of a peace or police officer in the State on property that is owned, leased, operated by, or under the control of the Department.

(c) (1) An investigator in the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** may exercise the powers of a peace or police officer in the State on property that is not owned, leased, operated by, or under the control of the Department when:

(i) engaged in fresh pursuit of a suspected offender;

(ii) requested or authorized to do so by the chief executive officer or chief police officer of a county;

(iii) necessary to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of the Department;

(iv) necessary to investigate and protect property that is owned, leased, operated by, or under the control of the Department;

(v) engaged in an active and official investigation of the conduct of an employee of the Department when the employee's alleged conduct will compromise the safety or security of the Department's facilities or programs;

(vi) engaged in an active and official investigation of an inmate in the custody of the Commissioner of Correction or the Commissioner of Pretrial Detention and Services, an inmate subject to the jurisdiction of the Patuxent Institution, or an individual sentenced to probation or released on parole or mandatory supervision; or

(vii) ordered to do so by the Governor.

(2) When acting under the authority granted in this subsection in connection with an investigation or enforcement action, the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** shall notify the following persons:

(i) when in an incorporated municipality, the chief of police, if any, or the chief's designee;

(ii) when in a county that has a county police department, the chief of police or the chief's designee;

(iii) when in a county without a police department, the sheriff or the sheriff's designee;

(iv) when in Baltimore City, the Police Commissioner or the Police Commissioner's designee;

(v) when on any property owned, leased, operated by, or under the control of the Department of Natural Resources, the Secretary of Natural Resources or the Secretary's designee;

(vi) when on any property owned, leased, operated by, or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, the respective chief of police or the chief's designee; and

(vii) unless there is an agreement otherwise with the Department of State Police, the Department of State Police barrack commander or designee.

(3) The notification required under paragraph (2) of this subsection shall be made:

(i) in advance, if practicable; or

(ii) if advance notification is not practicable, as soon as possible after the exercise of the powers.

(4) When acting under the authority granted in this subsection, a member of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** shall have all the immunities from liability and exemptions as that of a State Police officer in addition to any other immunities and exemptions to which the member may otherwise be entitled.

(5) A member of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** who uses the authority granted in this subsection shall at all times and for all purposes remain an employee of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION**.

(d) An individual who is employed as an investigator in the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** shall meet the minimum qualifications required and satisfactorily complete the training prescribed by the Maryland Police Training Commission.

10-901.

(f) ["Internal Investigative Unit"] "**INTELLIGENCE AND INVESTIGATIVE DIVISION**" means the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** established under § 10-701 of this title.

10-905.

(a) The investigation or interrogation by the appointing authority or by the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** of a correctional officer for a reason that may lead to disciplinary action, demotion, or dismissal shall be conducted in accordance with this section.

(b) The investigating officer or interrogating officer shall be a member of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** or a designee of the appointing authority.

(m) On completion of an investigation and at least 20 days before a hearing, the correctional officer under investigation shall be:

(1) notified of the name of each witness and of each charge and specification against the correctional officer; and

(2) provided with a copy of the investigatory file and any exculpatory information, if the correctional officer and the correctional officer's counsel or representative agree to execute a confidentiality agreement with the appointing authority or the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** not to disclose any material contained in the investigatory file or exculpatory information for any purpose other than to defend the correctional officer.

(n) A person may not insert adverse material into a file of the correctional officer, except the file of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION**, unless the correctional officer has an opportunity to review, sign, receive a copy of, and comment in writing on the adverse material.

10-907.

(a) The appointing authority may not bring charges recommending the imposition of discipline more than 90 days after the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** or the appointing authority acquires knowledge of the action that gives rise to the discipline.

10-912.

(a) On request, a correctional officer may have expunged from any file the record of a formal complaint made against the correctional officer if:

(1) the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** that investigated the complaint:

(i) exonerated the correctional officer of all charges in the complaint; or

(ii) determined that the charges were unsustainable or unfounded; or

(2) a hearing board acquitted the correctional officer, dismissed the action, or made a finding of not guilty.

### **Article – Criminal Procedure**

2-101.

(c) “Police officer” means a person who in an official capacity is authorized by law to make arrests and is:

(18) a member of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** of the Department;

### Article – Health – General

18–213.

(a) (3) “Law enforcement officer” means any person who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

(xi) The [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** of the Department of Public Safety and Correctional Services; or

18–213.2.

(a) (8) “Law enforcement officer” means any individual who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

(x) The [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** of the Department of Public Safety and Correctional Services.

### Article – Labor and Employment

3–702.

(b) (2) This section does not apply to an individual who is an employee of or applies for assignment to the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** of the Department of Public Safety and Correctional Services.

### Article – Public Safety

3–201.

(e) (2) “Police officer” includes:

(iii) an investigator of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** of the Department;

### Article – State Personnel and Pensions

26–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(20) a member of the Department of Public Safety and Correctional Services [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** who has the powers granted to a police officer under § 10–701 of the Correctional Services Article; or

26–202.

(b) (1) Subject to paragraph (2) of this subsection, membership in the Law Enforcement Officers' Pension System is optional for an individual described in § 26–201 of this subtitle:

(xvii) who was a member of the Department of Public Safety and Correctional Services [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** who has powers granted to a police officer under § 10–701 of the Correctional Services Article on June 30, 2007, and who elects membership on or before December 31, 2007; or

26–203.1.

(e) (1) This subsection applies to members of the Department of Public Safety and Correctional Services [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** who:

(i) have the powers granted to a police officer under § 10–701 of the Correctional Services Article; and

(ii) transfer to the Law Enforcement Officers' Pension System on or before December 31, 2007.

26–203.3.

(a) This section applies to members of the Department of Public Safety and Correctional Services [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** who:

(1) have the powers granted to a police officer under § 10–701 of the Correctional Services Article; and

(2) transfer to the Law Enforcement Officers' Pension System on or before December 31, 2007.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 218****(House Bill 222)**

AN ACT concerning

**Education – Reportable Offenses – First Degree Burglary and Animal Cruelty**

FOR the purpose of adding first degree burglary and animal cruelty to a list of offenses for which a law enforcement agency that arrests a student for the offense is required to report the arrest to certain school officials under certain circumstances; and generally relating to reporting arrests of a student for first degree burglary or animal cruelty.

BY repealing and reenacting, without amendments,  
Article – Criminal Law  
Section 6–202 and 10–606  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 7–303  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Law**

6–202.

(a) A person may not break and enter the dwelling of another with the intent to commit theft or a crime of violence.

(b) A person who violates this section is guilty of the felony of burglary in the first degree and on conviction is subject to imprisonment not exceeding 20 years.

10–606.

(a) A person may not:

(1) intentionally mutilate, torture, cruelly beat, or cruelly kill an animal;

(2) cause, procure, or authorize an act prohibited under item (1) of this subsection; or

(3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

(b) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

(3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.

### **Article – Education**

7–303.

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

(2) “Criminal gang” has the meaning stated in § 9–801 of the Criminal Law Article.

(3) “Law enforcement agency” means the law enforcement agencies listed in § 3–101(e) of the Public Safety Article.

(4) “Local school system” means the schools and school programs under the supervision of the local superintendent.

(5) “Local superintendent” means:

(i) The county superintendent, for the county in which a student is enrolled, or a designee of the superintendent, who is an administrator; or

(ii) The superintendent of schools for the:

1. Archdiocese of Baltimore;
2. Archdiocese of Washington; and
3. Catholic Diocese of Wilmington.

(6) “Reportable offense” means:

- Law Article;
- (i) A crime of violence, as defined in § 14–101 of the Criminal
- Courts Article;
- (ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the
- Criminal Law Article;
- (iii) A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the
- (iv) A violation of §§ 5–602 through 5–609, §§ 5–612 through 5–614, § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;
- Law Article;
- (v) A violation of § 4–503, § 9–504, or § 9–505 of the Criminal
- (vi) A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the Criminal Law Article;
- (vii) A violation of § 9–802 or § 9–803 of the Criminal Law Article;
- (viii) A violation of § 3–203 of the Criminal Law Article;
- (ix) A violation of § 6–301 of the Criminal Law Article;
- (x) A violation of § 9–302, § 9–303, or § 9–305 of the Criminal Law Article; [or]
- (xi) A violation of § 7–105 of the Criminal Law Article;
- (XII) A VIOLATION OF § 6–202 OF THE CRIMINAL LAW ARTICLE; OR**
- (XIII) A VIOLATION OF § 10–606 OF THE CRIMINAL LAW ARTICLE.**

(7) “School principal” means the principal of the public or nonpublic school in which a student is enrolled, or a designee of the principal, who is an administrator.

(8) (i) “School security officer” includes a school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.

(ii) “School security officer” does not include a teacher.

(9) “Student” means an individual enrolled in a public school system or nonpublic school in the State who is 5 years of age or older and under 22 years of age.

(b) If a student is arrested for a reportable offense or an offense that is related to the student’s membership in a criminal gang, the law enforcement agency making the arrest:

(1) Shall notify the following individuals of the arrest and the charges within 24 hours of the arrest or as soon as practicable:

(i) The local superintendent;

(ii) The school principal; and

(iii) For a school that has a school security officer, the school security officer; and

(2) May notify the State’s Attorney of the arrest and charges.

(c) The State’s Attorney shall promptly notify either the local superintendent or the school principal of the disposition of the reportable offense required to be reported under subsection (b) of this section.

(d) Except by order of a juvenile court or other court upon good cause shown, the information obtained by an individual pursuant to subsections (b) and (c) of this section:

(1) Is confidential and may not be redisclosed by subpoena or otherwise except as provided pursuant to subsections (e) and (f) of this section; and

(2) May not be made part of the student’s permanent educational record.

(e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing shall prohibit a local superintendent or school principal from transmitting the information obtained pursuant to subsections (b) and (c) of this section as a confidential file to the local superintendent of another public school system in the State or another nonpublic school in the State in which the student has enrolled or been transferred in order to carry out the purposes of this section if the disposition of the reportable offense was a conviction or an adjudication of delinquency or the criminal charge or delinquency petition is still pending.

(2) A local superintendent or school principal who transmits information about a student under this subsection shall include in the transmittal

information regarding any educational programming and related services provided to the student.

(f) The State Board shall adopt regulations to ensure that information obtained by a local superintendent, a school principal, or a school security officer under subsections (b), (c), and (e) of this section is:

(1) Used to provide appropriate educational programming and related services to the student and to maintain a safe and secure school environment for students and school personnel;

(2) Transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out the purposes set forth in item (1) of this subsection; and

(3) Destroyed when the student graduates or otherwise permanently leaves school or turns 22 years old, whichever occurs first.

(g) (1) Except as otherwise provided in paragraph (2) of this subsection, the local superintendent and the school principal shall consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the alleged victim of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim.

(2) If a student is arrested for a reportable offense involving rape or a sexual offense and is convicted of or adjudicated delinquent for the rape or sexual offense, the student may not attend the same school or ride on the same school bus as the victim.

(h) Nothing in this section is intended to limit the manner in which a local school obtains information or uses information obtained by any lawful means other than that set forth in subsections (b), (c), and (e) of this section.

(i) Each public school that enrolls students in grades six through twelve in the State shall designate at least one school security officer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

AN ACT concerning

**Charles County – Alcoholic Beverages – Beer, Wine and Liquor Licenses**

FOR the purpose of establishing a Class B–R (restaurant) on–sale beer, wine and liquor license, a Class B–RB (restaurant/bar) on–sale beer, wine and liquor license, a Class B–T (tavern) on–sale beer, wine and liquor license, a Class B–N (nightclub) on–sale beer, wine and liquor license, and a Class B–H (hotel) on–sale beer, wine and liquor license in Charles County; authorizing the Charles County Board of License Commissioners to issue certain licenses; establishing certain conditions for the issuance of certain licenses; prohibiting a certain license holder from establishing an area that is a bar and providing live entertainment; establishing certain annual license fees; requiring certain license holders to pay certain additional annual fees, if they provide live entertainment or outdoor table service; authorizing the Board of License Commissioners to adopt certain regulations; making certain clarifying and stylistic changes; and generally relating to Class B beer, wine and liquor licenses in Charles County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 6–201(j)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article 2B – Alcoholic Beverages**

6–201.

(j) (1) This subsection applies only in Charles County.

**(2) (I) THERE IS A CLASS B–R (RESTAURANT) ON–SALE BEER, WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS.**

**(II) THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE AND LIQUOR ON THE PREMISES OF A RESTAURANT THAT:**

**1. IS PRIMARILY ENGAGED IN THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES; AND**

**2. CONTAINS A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING MEALS.**

**(III) A LICENSE HOLDER MAY NOT:**

**1. ESTABLISH AN AREA ON THE PREMISES OF THE RESTAURANT THAT IS A BAR; OR**

**2. PROVIDE LIVE ENTERTAINMENT.**

**[(2)] (IV) The annual license fee is \$360.**

**(V) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY \$200 IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

**[(3) This license shall provide for the consumption of beer, wine and liquor on the premises only.]**

**(3) (I) THERE IS A CLASS B-RB (RESTAURANT/BAR) ON-SALE BEER, WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS.**

**(II) THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE AND LIQUOR ON THE PREMISES OF A RESTAURANT THAT:**

**1. IS PRIMARILY ENGAGED IN THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES;**

**2. CONTAINS A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING MEALS; AND**

**3. CONTAINS AN AREA COMMONLY KNOWN AS A BAR, WITH STOOLS TO ACCOMMODATE PATRONS WITH OR WITHOUT SERVICE OF FOOD.**

**(III) THE ANNUAL LICENSE FEE IS \$460.**

**(IV) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY:**

1. \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND

2. \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.

(4) (I) THERE IS A CLASS B–T (TAVERN) ON–SALE BEER, WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LIQUOR LICENSE COMMISSIONERS.

(II) THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE AND LIQUOR ON THE PREMISES OF A RESTAURANT OR BAR THAT:

1. IS PRIMARILY ENGAGED IN SELLING AND SERVING ALCOHOLIC BEVERAGES, ON A DRINK–BY–DRINK BASIS; AND

2. HAS A SEATING CAPACITY OF LESS THAN 100 PEOPLE, AS DETERMINED BY THE STATE FIRE MARSHAL.

(III) THE ANNUAL LICENSE FEE IS \$460.

(IV) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY:

1. \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND

2. \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.

(5) (I) THERE IS A CLASS B–N (NIGHTCLUB) ON–SALE BEER, WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS.

(II) THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE AND LIQUOR ON THE PREMISES OF A NIGHTCLUB FACILITY THAT:

1. IS PRIMARILY ENGAGED IN SELLING AND SERVING ALCOHOLIC BEVERAGES, ON A DRINK–BY–DRINK BASIS; AND

**2. HAS A SEATING CAPACITY OF MORE THAN 100 PEOPLE, AS DETERMINED BY THE STATE FIRE MARSHAL.**

**(III) THE ANNUAL LICENSE FEE IS \$610.**

**(IV) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY \$200 IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT.**

**(6) (I) THERE IS A CLASS B-H (HOTEL) ON-SALE BEER, WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS.**

**(II) THE LICENSE AUTHORIZES THE ON PREMISES SALE AND CONSUMPTION OF BEER, WINE AND LIQUOR IN A HOTEL COMMON AREA, FOR A PREMISES PRIMARILY ENGAGED IN THE DAY-TO-DAY RENTAL OF HOTEL ROOMS.**

**(III) THE ANNUAL LICENSE FEE IS \$360.**

**(IV) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY:**

**1. \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**2. \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

**[(4)] (7) (i) There is [in addition to the classes provided for,] a [special Class B license known as a Class BLX] CLASS B-BLX (LUXURY RESTAURANT) ON-SALE BEER, WINE AND LIQUOR LICENSE, which is issued BY THE BOARD OF LICENSE COMMISSIONERS only to luxury-type restaurants.**

**(ii) The Class [BLX] B-BLX license shall be applied for in the same manner as are other classes of licenses.**

**(iii) The ANNUAL license fee is \$2,400.**

**(iv) A luxury-type restaurant shall be defined by the Board of License Commissioners.**

**(v) To qualify for a Class [BLX] B-BLX license a restaurant shall have:**

1. A minimum capital investment of \$550,000 for the dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

2. A seating capacity of at least 150 persons.

(vi) Notwithstanding any other provision of this article, an individual, corporation, limited liability company, partnership, limited partnership, joint venture, association, or other person or combination of persons may not have a direct or indirect interest in any combination in more than 6 Class B–BLX licenses.

(vii) An indirect interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

1. A common parent company;
2. A franchise agreement;
3. A licensing agreement;
4. A concession agreement;
5. Dual membership in a chain of businesses commonly owned and operated;
6. A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;
7. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or
8. A sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

**[(5)] (8)** (i) 1. In this paragraph, “guest” means a person whose name and address appear on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment.

2. “Guest” does not include a person who is registered only for the purpose of obtaining alcoholic beverages.

(ii) There is a [special] Class B–B&B (bed and breakfast) on-sale beer, wine, and liquor license.

(iii) The Board may issue a Class B–B&B **(BED AND BREAKFAST) ON–SALE BEER, WINE, AND LIQUOR** license.

(iv) To qualify for a Class B–B&B license, the applicant's establishment:

1. Shall have rooms, excluding the resident management quarters, that the public, for consideration, may use for sleeping accommodations for a specified period of time; and

2. May not have dining facilities that are open to the general public.

(v) A Class B–B&B [licensee] **LICENSE HOLDER** may sell beer, wine, and liquor only to guests for consumption on the licensed premises.

(vi) The annual license fees are:

1. \$25 for an establishment with one to five bedrooms; or

2. \$50 for an establishment with six or more bedrooms.

(vii) The hours and days for sale under the license shall be in accordance with § 11–509 of this article.

(viii) An applicant for a Class B–B&B license shall meet all other qualifications to hold an alcoholic beverages license in the county.

(ix) The Board may adopt additional regulations consistent with this paragraph.

(x) If the licensed premises ceases to be operated as a bed and breakfast establishment, the license is void.

**[(6)] (9)** (i) There is a Class B–Stadium (baseball stadium) on–sale beer, wine and liquor license.

(ii) The Board of License Commissioners may issue a 7–day Class B–Stadium license to:

1. The owner of any professional team franchise, whether the franchise is a partnership, corporation, or limited liability company; or

2. A private concessionaire that is under contract with the County or a professional baseball team franchise.

(iii) A Class B–Stadium license authorizes the holder to sell beer, wine, and liquor on the premises of a baseball stadium owned or operated by the County to individuals present at baseball games or other events held at the stadium.

(iv) Except as provided in subparagraph (v) of this paragraph, beer, wine, and liquor shall be served in plastic, styrofoam, or paper containers on the stadium premises.

(v) Beer, wine, and liquor may be served in glass containers in an enclosed stadium dining area in which patrons are seated.

(vi) A patron:

1. May consume and carry beer and wine anywhere on the stadium premises; but
2. May consume liquor only in the enclosed stadium dining area or bar; and
3. May not carry liquor out of the enclosed stadium dining area or bar.

(vii) The annual fee for the Class B–Stadium license is \$2,200.

(viii) Except for a distributor of beer who is conducting business with a holder of a Class B–Stadium license for the purposes of this paragraph, the holder may not allow any individual to carry alcoholic beverages onto or from the licensed premises.

(ix) The Board of License Commissioners may adopt additional regulations consistent with this paragraph relating to:

1. The manner of dispensing alcoholic beverages;
2. The number of outlets authorized to dispense alcoholic beverages; and
3. The hours and days of sale of alcoholic beverages.

**(10) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 220

### (House Bill 265)

AN ACT concerning

#### **Task Force to Study How to Improve Student Achievement in Middle School**

FOR the purpose of establishing the Task Force to Study How to Improve Student Achievement in Middle School; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study a certain report and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study How to Improve Student Achievement in Middle School.

#### Preamble

WHEREAS, In 2011, the Southern Regional Education Board's (SREB) Middle Grades Commission published a comprehensive report titled, "A New Mission for the Middle Grades"; and

WHEREAS, The SREB report focuses on the mission to build a strong foundation to prepare students for success in high school, so that more students will graduate from high school and proceed to college or technical training; and

WHEREAS, The SREB report suggests that students should begin to make a connection between their learning experiences in middle school and their pathway through high school to college, technical training, or a career; and

WHEREAS, Research further indicates students and parents are underexposed to the opportunities available through career and technical education; and

WHEREAS, The earlier in a student's academic career that the student begins considering career goals, the easier it is to motivate the student and connect academic subjects and lessons to real life applications; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Task Force to Study How to Improve Student Achievement in Middle School.

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

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) ~~the Assistant State Superintendent for Career and College Readiness in the State Department of Education, or the Assistant State Superintendent's~~ Deputy for Teaching and Learning in the State Department of Education, or the Deputy's designee;

(4) the Secretary of Higher Education, or the Secretary's designee;

(5) the Assistant Secretary for the Division of Workforce Development and Adult Learning in the Department of Labor, Licensing, and Regulation, or the Assistant Secretary's designee; and

(6) the following members, appointed by the Governor:

(i) one representative of the State Board of Education;

(ii) one representative of the Maryland Association of Boards of Education;

(iii) one representative of the Public School Superintendents Association of Maryland;

(iv) one representative of the Maryland State Education Association;

(v) one member who is a principal of a public middle school in the State; ~~and~~

(vi) two members who are middle school teachers in public schools in the State, one of whom shall be a science, technology, engineering, or mathematics teacher; and

(vii) one representative of the Maryland PTA who has a child in middle school.

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

(d) The State Department of Education shall provide staff for the Task Force.

(e) A member of the Task Force:

- (1) may not receive compensation as a member of the Task Force; but
- (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

- (1) study and analyze the findings and recommendations set forth in SREB's "A New Mission for the Middle Grades" report;
- (2) consider whether the findings and recommendations set forth in the SREB report would be feasible and appropriate to implement in the State;
- (3) if the Task Force concludes that the findings and recommendations set forth in the SREB report would be feasible and appropriate to implement in the State, develop a Collaborative Action Plan to create a statewide framework for redesigning the middle school experience for students in grades 6 through 8;
- (4) make recommendations on legislation and policy initiatives to address the educational needs of middle school students; and
- (5) make recommendations on any other relevant issues or considerations identified by the Task Force.

(g) On or before December 1, 2014, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014. It shall remain effective for a period of 1 year and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 221**

**(House Bill 294)**

AN ACT concerning

**Law Enforcement Officers – Entrance-Level and ~~Annual~~ In-Service Training  
Requirements  
(Christopher's Law)**

FOR the purpose of ~~altering~~ requiring the Police Training Commission to require that certain entrance-level and ~~annual~~ in-service training conducted by the State and each county and municipal police training school ~~and required by the Police Training Commission to~~ include certain training consistent with certain provisions; and generally relating to entrance-level and ~~annual~~ in-service training requirements for law enforcement officers.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 3–207  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

### **Article – Public Safety**

3–207.

Subject to the authority of the Secretary, the Commission has the following powers and duties:

- (1) to establish standards for the approval and continuation of approval of schools that conduct police entrance-level and in-service training courses required by the Commission, including State, regional, county, and municipal training schools;
- (2) to approve and issue certificates of approval to police training schools;
- (3) to inspect police training schools;
- (4) to revoke, for cause, the approval or certificate of approval issued to a police training school;
- (5) to establish the following for police training schools:
  - (i) curriculum;
  - (ii) minimum courses of study;
  - (iii) attendance requirements;
  - (iv) eligibility requirements;

- (v) equipment and facilities;
- (vi) standards of operation; and
- (vii) minimum qualifications for instructors;

(6) to require, for entrance-level police training and at least every 3 years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of:

(i) the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures;

(ii) the contact with and treatment of victims of crimes and delinquent acts;

(iii) the notices, services, support, and rights available to victims and victims' representatives under State law; and

(iv) the notification of victims of identity fraud and related crimes of their rights under federal law;

(7) to certify and issue appropriate certificates to qualified instructors for police training schools authorized by the Commission to offer police training programs;

(8) to verify that police officers have satisfactorily completed training programs and issue diplomas to those police officers;

(9) to conduct and operate police training schools authorized by the Commission to offer police training programs;

(10) to make a continuous study of entrance-level and in-service training methods and procedures;

(11) to consult with and accept the cooperation of any recognized federal, State, or municipal law enforcement agency or educational institution;

(12) to consult and cooperate with universities, colleges, and institutions in the State to develop specialized courses of study for police officers in police science and police administration;

(13) to consult and cooperate with other agencies and units of the State concerned with police training;

(14) to develop, with the cooperation of the Office of the Chief Medical Examiner and the Federal Bureau of Investigation, a uniform missing person report form to be available for use by each law enforcement agency of the State on or before October 1, 2008;

(15) to require, for entrance-level police training and annually for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, ~~CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS;~~

~~(I) TRAINING IN LIFESAVING TECHNIQUES, INCLUDING CARDIOPULMONARY RESUSCITATION (CPR);~~

~~(II) TRAINING IN THE PROPER LEVEL AND USE OF FORCE;~~

~~(III) TRAINING REGARDING SENSITIVITY TO CULTURAL AND GENDER DIVERSITY;~~

~~(IV) TRAINING REGARDING INDIVIDUALS WITH PHYSICAL AND INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; AND~~

~~(V) for police officers who are issued an electronic control device by a law enforcement agency, special training in the proper use of electronic control devices, as defined in § 4-109 of the Criminal Law Article, consistent with established law enforcement standards and federal and State constitutional provisions;~~

(16) TO REQUIRE, FOR ENTRANCE-LEVEL POLICE TRAINING AND, AS DETERMINED BY THE COMMISSION, FOR IN-SERVICE LEVEL TRAINING CONDUCTED BY THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE, CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS:

(I) TRAINING IN LIFESAVING TECHNIQUES, INCLUDING CARDIOPULMONARY RESUSCITATION (CPR);

(II) TRAINING IN THE PROPER LEVEL AND USE OF FORCE;

(III) TRAINING REGARDING SENSITIVITY TO CULTURAL AND GENDER DIVERSITY; AND

(IV) TRAINING REGARDING INDIVIDUALS WITH PHYSICAL, INTELLECTUAL, DEVELOPMENTAL, AND PSYCHIATRIC DISABILITIES;

~~(16)~~ **(17)** to develop, with the cooperation of the Office of the Attorney General, the Governor's Office of Crime Control and Prevention, and the Federal Trade Commission, a uniform identity fraud reporting form that:

(i) makes transmitted data available on or before October 1, 2011, for use by each law enforcement agency of State and local government; and

(ii) may authorize the data to be transmitted to the Consumer Sentinel program in the Federal Trade Commission; and

~~(17)~~ **(18)** to perform any other act that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 222**

### **(House Bill 318)**

AN ACT concerning

#### **Garrett County – Salary Study Commission – Member Replacement**

FOR the purpose of altering the membership of the Garrett County Salary Study Commission to include a member appointed by the County Commissioners of Garrett County; repealing obsolete language; and generally relating to the Garrett County Salary Study Commission.

BY repealing and reenacting, with amendments,  
The Public Local Laws of Garrett County  
Section 32.41  
Article 12 – Public Local Laws of Maryland  
(2005 Edition and October 2013 Supplement, as amended)

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

#### **Article 12 – Garrett County**

32.41.

- (A) The Commission consists of 7 members.
- (B) The Commission shall be comprised as follows:
- (1) One member from the Republican Central Committee of Garrett County;
  - (2) One member from the Democrat Central Committee of Garrett County;
  - (3) One member from the Garrett County Mayors Association;
  - (4) One member from the Chamber of Commerce of Garrett County;
  - (5) One member from the Farm Bureau of Garrett County;
  - (6) One member from the [Garrett County Advisory Committee on Education;
  - (7) One member from the] Garrett County Volunteer Firemen's Association, Inc.; AND

**(7) ONE MEMBER APPOINTED BY THE COUNTY COMMISSIONERS.**

(C) Each group listed in division (B) of this section shall appoint the member who represents the group on the Commission.

(D) The County Commissioners may provide compensation or reimbursement for expenses for the members of the Commission.

(E) From among its members, the Commission shall elect a Chairperson.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 223**

**(House Bill 355)**

AN ACT concerning

**Criminal Procedure – Programs for Survivors of Homicide Victims**

FOR the purpose of requiring the Governor's Office of Crime Control and Prevention to help establish and expand programs for survivors of homicide victims in the State; requiring the programs to serve survivors of homicide victims in all parts of the State; requiring the programs to include certain elements; ~~authorizing~~ requiring the Office to award certain grants; requiring the Office to regularly consult, collaborate with, and consider the recommendations of certain service providers on certain matters; requiring money for the programs for survivors of homicide victims to be as provided in the annual State budget and to be used to supplement, but not supplant, money that the programs receive from other sources; requiring the Executive Director of the Office to include a report on the programs for survivors of homicide victims in a certain annual report submitted to the General Assembly; establishing certain findings of the General Assembly; and generally relating to programs for survivors of homicide victims.

BY adding to

Article – Criminal Procedure

Section 11–1006

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

#### **Article – Criminal Procedure**

#### **11–1006.**

**(A) THE GENERAL ASSEMBLY FINDS THAT SURVIVORS OF HOMICIDE VICTIMS IN THE STATE:**

**(1) LACK NECESSARY COUNSELING AND FOLLOW-UP SERVICES TO:**

**(I) TREAT THE SURVIVORS WITH DIGNITY, RESPECT, AND SENSITIVITY; AND**

**(II) INFORM THE SURVIVORS OF THE RIGHTS TO WHICH THEY ARE ENTITLED BY LAW; AND**

**(2) HAVE THE HELP OF ONLY EXTREMELY LIMITED SUPPORT SERVICES IN SOME PARTS OF THE STATE.**

**(B) THE PURPOSE OF THIS SECTION IS TO FACILITATE PROGRAMS THAT ADDRESS THE SPECIAL NEEDS OF SURVIVORS OF HOMICIDE VICTIMS.**

(C) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL HELP ESTABLISH AND EXPAND PROGRAMS FOR SURVIVORS OF HOMICIDE VICTIMS IN THE STATE.

(2) THE PROGRAMS SHALL:

(I) SERVE SURVIVORS OF HOMICIDE VICTIMS IN ALL PARTS OF THE STATE;

(II) PROVIDE OR FACILITATE REFERRALS TO APPROPRIATE COUNSELING, LEGAL, MENTAL HEALTH, AND ADVOCACY SERVICES FOR SURVIVORS OF HOMICIDE VICTIMS INCLUDING SPECIALIZED SUPPORT SERVICES TO ADULT AND MINOR SURVIVORS OF HOMICIDE VICTIMS; AND

(III) PROVIDE A TOLL-FREE TELEPHONE NUMBER AND ASSISTANCE TO EXERCISE THE RIGHTS TO WHICH THE SURVIVORS ARE ENTITLED BY LAW.

(D) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION ~~MAY~~ SHALL AWARD GRANTS TO PUBLIC OR PRIVATE NONPROFIT ORGANIZATIONS TO OPERATE THE PROGRAMS FOR SURVIVORS OF HOMICIDE VICTIMS.

(E) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION REGULARLY SHALL CONSULT, COLLABORATE WITH, AND CONSIDER THE RECOMMENDATIONS OF SERVICE PROVIDERS TO SURVIVORS OF HOMICIDE VICTIMS REGARDING PROGRAMS, POLICIES, PRACTICES, AND PROCEDURES THAT IMPACT SURVIVORS OF HOMICIDE VICTIMS.

(F) MONEY FOR THE PROGRAMS FOR SURVIVORS OF HOMICIDE VICTIMS SHALL BE AS PROVIDED IN THE ANNUAL STATE BUDGET AND SHALL BE USED TO SUPPLEMENT, BUT NOT SUPPLANT, MONEY THAT THE PROGRAMS RECEIVE FROM OTHER SOURCES.

(G) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL INCLUDE A REPORT ON THE PROGRAMS FOR SURVIVORS OF HOMICIDE VICTIMS IN THE ANNUAL REPORT SUBMITTED BY THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 224

### (House Bill 364)

AN ACT concerning

#### **State Prosecutor and Deputy State Prosecutor – Witness Immunity – Compulsory Testimony**

FOR the purpose of altering the definition of “prosecutor” to include the State Prosecutor or Deputy State Prosecutor under provisions of law related to compulsory witness testimony and witness immunity under certain circumstances; making a stylistic change; and generally relating to immunity for witnesses in proceedings before a court or grand jury.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 9–123  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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

#### **Article – Courts and Judicial Proceedings**

9–123.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Other information” includes any book, paper, document, record, recording, or other material.
- (3) “Prosecutor” means:
  - (i) The State’s Attorney for a county;
  - (ii) A Deputy State’s Attorney;
  - (iii) The Attorney General of the State; [or]
  - (iv) A Deputy Attorney General or designated Assistant Attorney General; **OR**

**(V) THE STATE PROSECUTOR OR DEPUTY STATE PROSECUTOR.**

(b) (1) If a witness refuses, on the basis of the privilege against self-incrimination, to testify or provide other information in a criminal prosecution or a proceeding before a grand jury of the State, and the court issues an order to testify or provide other information under subsection (c) of this section, the witness may not refuse to comply with the order on the basis of the privilege against self-incrimination.

(2) No testimony or other information compelled under the order, and no information directly or indirectly derived from the testimony or other information, may be used against the witness in any criminal case, except in a prosecution for perjury, obstruction of justice, or otherwise failing to comply with the order.

(c) (1) If an individual has been, or may be, called to testify or provide other information in a criminal prosecution or a proceeding before a grand jury of the State, the court in which the proceeding is or may be held shall issue, on the request of the prosecutor made in accordance with subsection (d) of this section, an order requiring the individual to give testimony or provide other information which the individual has refused to give or provide on the basis of the individual's privilege against self-incrimination.

(2) The order shall have the effect provided under subsection (b) of this section.

(d) If a prosecutor seeks to compel an individual to testify or provide other information, the prosecutor shall request, by written motion, the court to issue an order under subsection (c) of this section when the prosecutor determines that:

(1) The testimony or other information from the individual may be necessary to the public interest; and

(2) The individual has refused or is likely to refuse to testify or provide other information on the basis of the individual's privilege against self-incrimination.

(e) If a witness refuses to comply with an order issued under subsection (c) of this section, on written motion of the prosecutor and on admission into evidence of the transcript of the refusal, if the refusal was before a grand jury, the court shall treat the refusal as a direct contempt, notwithstanding any law to the contrary, and proceed in accordance with Title 15, Chapter 200 of the Maryland Rules.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 225

### (House Bill 365)

AN ACT concerning

#### **Public Safety – Fire, Rescue, and Ambulance Funds – Distribution**

FOR the purpose of repealing a provision of law prohibiting the Director of the Maryland Emergency Management Agency from requiring that capital equipment purchased with State money have a useful life expectancy of greater than 1 year; authorizing the Senator William H. Amoss Fire, Rescue, and Ambulance Fund to be used to acquire land for a specified purpose; authorizing the Senator William H. Amoss Fire, Rescue, and Ambulance Fund to be used to install certain systems and to acquire telecommunication devices, computers, equipment, and machinery under specified circumstances; requiring the Treasurer to make certain payments by a certain date; repealing a prohibition against certain State money being used to acquire certain alarm systems; repealing a prohibition against certain State money being used to refinance debt or another obligation incurred before a certain date; requiring that certain funds be distributed to volunteer fire, rescue, and ambulance companies based on need; requiring a county to consider certain factors when determining need for purposes of distributing certain funds to volunteer fire, rescue, and ambulance companies; requiring a county to distribute certain money to fire, rescue, and ambulance companies, departments, or stations located in qualified municipalities; providing that a county shall be deemed in compliance with a certain requirement if it has participated in the Maryland Fire Incident Reporting System and Ambulance Information System during a certain year; requiring that the State Fire Marshal and the Executive Director of the Maryland Institute for Emergency Medical Services Systems make certain certifications to the Director of the Maryland Emergency Management Agency by a certain date; requiring the State Fire Marshal and the Executive Director of the Maryland Institute for Emergency Medical Services Systems to adopt policies and procedures for determining whether a county has participated in certain reporting systems; authorizing the Director of the Maryland Emergency Management Agency to withhold certain money from a county if certain requirements are not met; requiring the Director of the Maryland Emergency Management Agency to withhold certain money from a county if certain requirements are not met; specifying how certain penalties are to be determined; making a technical correction; providing that a certain maintenance of effort requirement does not apply to a county if the county requests and is granted a waiver from the requirement based on a certain determination; requiring a county to take certain actions in order to qualify for a certain waiver; requiring the Director of the Maryland Emergency Management Agency to provide a preliminary assessment of a certain waiver request to the Board of Public Works; requiring the Board of Public Works to

consider certain factors when making a determination regarding a certain waiver request; requiring the Board of Public Works to respond to a certain waiver request by a certain date; providing a formula for calculating maintenance of effort if a waiver is granted; authorizing a county to request a waiver to rebase the maintenance of effort calculation under certain circumstances; requiring the Board of Public Works to establish certain policies and procedures relating to rebasing a maintenance of effort calculation; providing a formula to rebase the maintenance of effort calculation; providing that money distributed from the Senator William H. Amoss Fire, Rescue, and Ambulance Fund may be accounted for in a format developed by the Director of the Maryland Emergency Management Agency; requiring that money that remains unencumbered or unexpended after a certain period of time be deposited into the William H. Amoss Fire, Rescue, and Ambulance Fund rather than the General Fund; prohibiting a volunteer company from entering into a certain legal obligation to encumber money received from the William H. Amoss Fire, Rescue, and Ambulance Fund without prior approval from the county; providing that money received from the William H. Amoss Fire, Rescue, and Ambulance Fund be placed in a special fund under certain circumstances; authorizing the Comptroller to set off shared revenues that are due to a county under certain circumstances; requiring that certain encumbrances of a volunteer company be considered an encumbrance of the county; authorizing a county or municipality to hold money distributed from the William H. Amoss Fire, Rescue, and Ambulance Fund in a bank account with other county or municipal funds; requiring a certain report to include specified information; authorizing a county to withhold money from a fire, a rescue, or an ambulance company under certain circumstances; authorizing a county to reallocate money distributed from the Senator William H. Amoss Fire, Rescue, and Ambulance Fund to compliant fire, rescue, and ambulance companies; providing that certain withheld money reverts to the William H. Amoss Fire, Rescue, and Ambulance Fund rather than the General Fund; defining certain terms; altering a certain definition; and generally relating to the distribution of money from the Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 8–101, 8–102, 8–103, 8–104, 8–105, and 8–106

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

### **Article – Public Safety**

8–101.

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

**(B) (1) “ADMINISTRATIVE COSTS” MEANS ANY COSTS THAT ARE FOR ADMINISTRATIVE FUNCTIONS, INCLUDING:**

**(I) BILLING AND COLLECTION EXPENSES;**

**(II) PROMOTION AND MARKETING EXPENSES;**

**(III) TAXES, FEES, AND ASSESSMENTS;**

**(IV) LEGAL EXPENSES; AND**

**(V) OTHER GENERAL AND ADMINISTRATIVE COSTS AS DETERMINED BY THE DIRECTOR.**

**(2) “ADMINISTRATIVE COSTS” DOES NOT INCLUDE:**

**(I) ACCOUNTING AND FINANCIAL REPORTING EXPENSES, INCLUDING THE COSTS OF AUDITING THE FUND IN ACCORDANCE WITH § 8-104 OF THIS SUBTITLE; OR**

**(II) COMPUTER SOFTWARE, IF USED EXCLUSIVELY FOR FIRE PROTECTION, RESCUE, AND AMBULANCE SERVICES.**

**(C) “BANK ACCOUNT” MEANS A CHECKING OR SAVINGS ACCOUNT THAT IS MAINTAINED IN A FINANCIAL INSTITUTION WHOSE DEPOSITS ARE INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.**

**(D) “CAPITAL EQUIPMENT” MEANS ANY EQUIPMENT ITEM OR FURNISHING THAT HAS:**

**(1) A USEFUL LIFE GREATER THAN 1 YEAR; AND**

**(2) A PROCUREMENT COST OF AT LEAST ~~\$100~~ \$10,000 PER UNIT.**

**(E) “CAPITAL EXPENDITURE” MEANS REVENUES APPROPRIATED FOR:**

**(1) THE ACQUISITION OF LAND, BUILDINGS, OR CAPITAL EQUIPMENT; OR**

**(2) NEW CONSTRUCTION.**

**(F) (1) “COMPUTER SOFTWARE” MEANS ANY PROGRAM THAT IS USED TO CAUSE A COMPUTER TO PERFORM A SPECIFIC TASK OR SET OF TASKS.**

**(2) “COMPUTER SOFTWARE” INCLUDES:**

**(I) SYSTEM AND APPLICATION PROGRAMS; AND**

**(II) DATABASE STORAGE AND MANAGEMENT PROGRAMS.**

**[(b)] (G)** “Director” means the Director of the Maryland Emergency Management Agency.

**(H) “ENCUMBER” MEANS TO CREATE A LEGAL OBLIGATION THAT REQUIRES A PORTION OF AN APPROPRIATION TO BE RESERVED TO PAY MONEY IN THE FUTURE.**

**[(c)] (I)** (1) “Expenditures for fire protection” means:

(i) revenues appropriated or to be appropriated by a county for fire protection, rescue, and ambulance services; and

(ii) the proceeds of any county bonds used to finance facilities that house equipment for fire protection, rescue, and ambulance services.

(2) “Expenditures for fire protection” includes:

**(I) REVENUES APPROPRIATED BY A COUNTY TO VOLUNTEER FIRE, RESCUE, AND AMBULANCE COMPANIES;**

**(II) ACCOUNTING AND FINANCIAL REPORTING EXPENSES, INCLUDING THE COSTS OF AUDITING THE FUND IN ACCORDANCE WITH § 8-104 OF THIS SUBTITLE; AND**

**(III) the costs of training personnel.**

(3) “Expenditures for fire protection” does not include:

(i) salaries, workers’ compensation, fringe benefits, or other personnel costs;

(ii) administrative costs; [or]

**(III) CAPITAL EXPENDITURES; OR**

**[(iii)] (IV)** in Carroll County, appropriations for loans to a volunteer fire, rescue, or ambulance company, secured by mortgages, notes, or other evidence of indebtedness of the volunteer fire, rescue, or ambulance company, if the

appropriations derive from the proceeds of bonds used to finance facilities that house equipment for fire protection, rescue, and ambulance services.

**[(d)] (J)** “Fund” means the Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

**(K) “LEGAL OBLIGATION” INCLUDES:**

- (1) A PURCHASE ORDER;**
- (2) A WRITTEN AGREEMENT FOR THE PURCHASE OF GOODS AND SERVICES;**
- (3) A WRITTEN AGREEMENT BETWEEN A COUNTY AND A VOLUNTEER FIRE, RESCUE, OR AMBULANCE COMPANY; AND**
- (4) A WRITTEN AGREEMENT BETWEEN A COUNTY AND A VENDOR.**

**[(e)] (L)** (1) “Qualified municipal corporation” means a municipal corporation in the State whose expenditures for fire protection from municipal sources exceed \$25,000.

(2) “Qualified municipal corporation” does not include Baltimore City.

**(M) “REHABILITATE”, WITH REGARD TO A FACILITY, DOES NOT INCLUDE PURCHASING OFFICE EQUIPMENT OR INCURRING ADMINISTRATIVE EXPENSES.**

**(N) “ROUTINE MAINTENANCE COSTS” MEANS EXPENDITURES FOR ACTIVITIES THAT ARE:**

- (1) NORMALLY ESTABLISHED BY A MANUFACTURER OR AN INDUSTRY TRADE ASSOCIATION;**
- (2) PLANNED AND PERFORMED AT REGULAR INTERVALS; AND**
- (3) NECESSARY TO EXTEND THE USEFUL LIFE OR TO PREVENT THE PREMATURE FAILURE OF BUILDING COMPONENTS OR EQUIPMENT.**

8–102.

- (a) There is a Senator William H. Amoss Fire, Rescue, and Ambulance Fund.
- (b) The purposes of the Fund are to promote:

(1) the delivery of effective and high quality fire protection, rescue, and ambulance services in the State;

(2) increased financial support for fire, rescue, and ambulance companies by counties; and

(3) the continued financial viability of volunteer fire, rescue, and ambulance companies given the greatly increased costs of equipment.

(c) (1) The Director shall administer the Fund.

(2) Subject to paragraph (3) of this subsection, the Director may adopt procedures to carry out this subtitle, including additional auditing and reporting requirements.

(3) The Director may not[:

(i)] impose training or operational requirements as a precondition to receipt of money, except as otherwise expressly provided in this subtitle[; or

(ii) require that capital equipment purchased with State money have a useful life expectancy of greater than 1 year].

(d) The Fund consists of:

(1) money appropriated in the State budget to the Fund; and

(2) revenue distributed to the Fund under § 16–609 of the Business Regulation Article.

(e) (1) As authorized by the Director, the Treasurer shall make payments out of the Fund to each county on warrant of the Comptroller.

(2) The Treasurer shall make the payments required under this subsection to the appropriate county [in approximately equal amounts] on or about [August 15,] November 15[, February 15, and May 15].

(f) (1) State money provided under this section may only be used to:

(i) acquire or rehabilitate fire or rescue equipment, including ambulances;

(ii) acquire or rehabilitate capital equipment used in connection with fire or rescue equipment; [and]

(iii) rehabilitate facilities used primarily to house fire fighting equipment, ambulances, and rescue vehicles;

**(IV) INSTALL LIFE SAFETY AND FIRE PROTECTION SYSTEMS AT A FIRE, A RESCUE, OR AN AMBULANCE FACILITY;**

**(V) ACQUIRE LAND THAT IS ADJACENT TO AN EXISTING FIRE, RESCUE, OR AMBULANCE FACILITY FOR THE PURPOSE OF REHABILITATING THAT FACILITY;**

**(VI) ACQUIRE WIRELESS TELECOMMUNICATIONS DEVICES, COMPUTERS, AND RELATED COMPUTER EQUIPMENT IF USED EXCLUSIVELY FOR FIRE PROTECTION, RESCUE, AND AMBULANCE SERVICES; AND**

**(VII) ACQUIRE MACHINERY AND EQUIPMENT IF USED EXCLUSIVELY FOR FIRE PROTECTION, RESCUE, AND AMBULANCE SERVICES.**

(2) State money provided under this section may not be used:

(i) for administrative costs;

(ii) for compensation or fringe benefits to employees or members of county governments, or fire, rescue, or ambulance companies;

(iii) for travel or meal expenses;

(iv) for fuel, utility, or routine maintenance costs of facilities or equipment;

(v) to acquire new or replacement fire hydrants[,] **OR WATER MAINS** [water mains, or emergency alarm systems not installed at a fire, rescue, or ambulance facility];

(vi) for insurance;

(vii) for fund-raising activities;

(viii) [to refinance debt or another obligation incurred before July 1, 1985;

(ix)] to replace or repair eligible items to the extent that insurance proceeds are available;

**[(x)] (IX)** for costs associated with the “9-1-1” emergency telephone system; or

**[(xi)] (X) for land or interests in land, EXCEPT AS PROVIDED IN PARAGRAPH (1)(V) OF THIS SUBSECTION.**

8–103.

(a) Subject to subsection (c) of this section, each county shall receive an initial allocation of money based on a percentage to be determined in the following manner:

(1) the Director of Assessments and Taxation shall certify to the Director each county's total percentage of land use property tax accounts, including vacant unimproved properties, relative to the statewide total of all land use property tax accounts for the first completed fiscal year immediately preceding the fiscal year for which money is to be allocated;

(2) except as provided in item (3) of this subsection, the percentage determined in item (1) of this subsection shall then be applied for each county to any amount included in the State budget for the purposes of this subtitle; and

(3) each county shall receive an allocation of at least 2% of the total Fund as appropriated in the State budget, in addition to the amount that is distributed to fire, rescue, and ambulance companies, departments, or stations located in qualified municipal corporations in accordance with subsection (c) of this section.

(b) (1) In accordance with the formula provided in paragraph (2) of this subsection, each county shall distribute a minimum percentage of funds that the county receives from the Fund to volunteer fire, rescue, and ambulance companies.

(2) The percentage of funds required to be distributed by each county under paragraph (1) of this subsection shall be equal to the same total percentage of funds distributed by each county to volunteer fire, rescue, and ambulance companies from the Fund in fiscal year 2011 or at least 51% of the allocation received by each county under subsection (a) of this section, whichever is greater.

[(3) Subject to § 2–1246 of the State Government Article, the Director shall report by December 31 of each year to the General Assembly on the funds distributed by each county under paragraph (2) of this subsection to volunteer fire, rescue, and ambulance companies.]

**(3) EACH COUNTY SHALL DISTRIBUTE THE MONEY PROVIDED UNDER THIS SUBSECTION ON THE BASIS OF NEED, AS DETERMINED BY THE COUNTY, TO VOLUNTEER FIRE, RESCUE, AND AMBULANCE COMPANIES.**

**(4) IN DETERMINING NEED UNDER THIS SUBSECTION, THE COUNTY SHALL CONSIDER:**

(I) THE FAILURE TO MEET MINIMUM STANDARDS ESTABLISHED BY THE COUNTY OR THE MARYLAND STATE FIREMEN'S ASSOCIATION;

(II) THE EXISTENCE OR POTENTIAL EXISTENCE OF AN EMERGENCY SITUATION AS DESCRIBED IN § 8-203 OF THIS TITLE;

(III) THE AGE AND CONDITION OF EXISTING FACILITIES AND EQUIPMENT;

(IV) THE LACK OF AVAILABILITY OF MUTUAL AID;

(V) ANY SERVICE PROBLEMS ASSOCIATED WITH DEMOGRAPHIC CONDITIONS;

(VI) A COMPANY'S INABILITY TO RAISE MONEY TO PAY FOR AN ITEM; AND

(VII) ANY OTHER RELEVANT FACTORS.

[(4)] (5) This subsection does not apply to:

(i) Baltimore City; or

(ii) distributions made to fire, rescue, and ambulance companies, departments, or stations located in qualified municipal corporations in accordance with subsection (c) of this section.

(c) (1) Subject to paragraph (6) of this subsection, each county shall distribute the money provided under this subtitle on the basis of need to fire, rescue, and ambulance companies, departments, or stations in the county, including companies, departments, or stations:

(i) located in municipal corporations; or

(ii) located outside the State if the company, department, or station:

1. has been a member of the Maryland State Firemen's Association for at least the past 10 years; and

2. has a first due response area in the State.

(2) Each county shall determine need in accordance with procedures that the county uses to adopt its budget.

(3) In determining need under this subsection, the county shall consider:

(i) the failure to meet minimum standards established by the county or the Maryland State Firemen's Association;

(ii) the existence or potential existence of an emergency situation as described in § 8–203 of this title;

(iii) the age and condition of existing facilities and equipment;

(iv) the lack of availability of mutual aid;

(v) any service problems associated with demographic conditions; and

(vi) any other relevant factors.

(4) In addition to consideration of the factors in paragraph (3) of this subsection, for a volunteer company the county shall consider the company's inability to raise money to pay for the item.

(5) Notwithstanding paragraphs (3) and (4) of this subsection, each county shall give the highest funding priority to the failure to meet minimum standards or the existence of an emergency situation as described in § 8–203 of this title.

**(6) (I) IN THIS PARAGRAPH, “EXPENDITURES OF THE QUALIFIED MUNICIPAL CORPORATION” INCLUDES REVENUES APPROPRIATED TO VOLUNTEER FIRE, RESCUE, AND AMBULANCE COMPANIES.**

**(II)** Distribution of money to fire, rescue, and ambulance companies, departments, or stations located in qualified municipal corporations in a county in the aggregate may not be less than 50% of the proportion that the expenditures of the qualified municipal corporation bear to total aggregate expenditures for fire protection in that county.

**(III) A COUNTY SHALL DISTRIBUTE THE MONEY ALLOCATED UNDER THIS PARAGRAPH TO FIRE, RESCUE, AND AMBULANCE COMPANIES, DEPARTMENTS, OR STATIONS LOCATED IN QUALIFIED MUNICIPALITIES.**

(7) **(I)** To receive money under this subsection, each county shall participate in the Maryland Fire Incident Reporting System and Ambulance Information System.

(II) A COUNTY SHALL BE DEEMED IN COMPLIANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE COUNTY HAS PARTICIPATED IN THE MARYLAND FIRE INCIDENT REPORTING SYSTEM AND AMBULANCE INFORMATION SYSTEM DURING THE IMMEDIATELY PRECEDING FISCAL YEAR FOR WHICH MONEY IS TO BE ALLOCATED.

(III) THE STATE FIRE MARSHAL SHALL:

1. ADOPT POLICIES AND PROCEDURES FOR DETERMINING IF A COUNTY HAS PARTICIPATED IN THE MARYLAND FIRE INCIDENT REPORTING SYSTEM; AND

2. CERTIFY TO THE DIRECTOR BY JULY 1 OF EACH YEAR WHETHER A COUNTY HAS PARTICIPATED IN THE MARYLAND FIRE INCIDENT REPORTING SYSTEM DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.

(IV) THE EXECUTIVE DIRECTOR OF THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS SHALL:

1. ADOPT POLICIES AND PROCEDURES FOR DETERMINING IF A COUNTY HAS PARTICIPATED IN THE AMBULANCE INFORMATION SYSTEM; AND

2. CERTIFY TO THE DIRECTOR BY JULY 1 OF EACH YEAR WHETHER A COUNTY HAS PARTICIPATED IN THE AMBULANCE INFORMATION SYSTEM DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.

8-104.

(a) (1) (i) The money distributed under this subtitle shall be used by each county for the purposes listed in § 8-102(f)(1) of this subtitle as an addition to and may not be substituted for any money appropriated from sources other than the Fund.

(ii) In each fiscal year, each county shall make expenditures for fire protection from sources other than the Fund in an amount that is at least equal to the average amount of the expenditures for fire protection during the 3 preceding fiscal years.

[(iii) Except as provided in paragraph (2) of this subsection, a county that fails to satisfy the requirements of this subsection may not receive money under this subtitle for that fiscal year.]

(2) (I) [For each fiscal year, each county that fails to satisfy the requirements of paragraph (1) of this subsection may receive money under this subtitle subject to a penalty equal to the percentage by which the county fails to meet the county's maintenance of effort for that fiscal year.] ~~THE DIRECTOR MAY WITHHOLD MONEY ALLOCATED FOR THE NEXT FISCAL YEAR FROM A COUNTY IF THE~~ IF A COUNTY DOES NOT COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, THE DIRECTOR MAY WITHHOLD MONEY ALLOCATED TO THE COUNTY FOR THE FISCAL YEAR THAT BEGINS AFTER THE SUBMISSION OF THE REPORT REQUIRED UNDER § 8-105 OF THIS SUBTITLE.

(II) THE PENALTY IMPOSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE EQUAL TO THE PERCENTAGE BY WHICH THE COUNTY FAILED TO MEET THE COUNTY'S MAINTENANCE OF EFFORT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ~~DURING THE PRECEDING FISCAL YEAR.~~

(3) (I) THE DIRECTOR SHALL AUTOMATICALLY WITHHOLD MONEY ALLOCATED TO A COUNTY FROM THE FUND IF:

1. THE COUNTY FAILS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION FOR TWO CONSECUTIVE FISCAL YEARS; AND

2. NO WAIVER HAS BEEN GRANTED BY THE BOARD OF PUBLIC WORKS OR THE GENERAL ASSEMBLY IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

(II) THE PENALTY IMPOSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE EQUAL TO THE PERCENTAGE BY WHICH THE COUNTY FAILED TO MEET THE COUNTY'S MAINTENANCE OF EFFORT FOR THE SECOND CONSECUTIVE FISCAL YEAR UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ~~DURING THE PRECEDING FISCAL YEAR.~~

(b) (1) Each county shall make expenditures for fire protection from its own sources that are at least equal to the amount of State money to be received.

(2) A county may receive less than the amount initially allocated.

(3) In determining the amount of expenditures for fire protection made by a county, before certification, the Director shall review the financial information of the county for the first completed fiscal year before the fiscal year for which State money is appropriated.

(4) Money received from the [Emergency Assistance Trust Fund] **VOLUNTEER COMPANY ASSISTANCE FUND** under § 8–203 of this title or other State money may not be used as the match required under this subsection.

(c) (1) Money not distributed to a county because the requirements of subsections (a) and (b) of this section are not satisfied shall be distributed to the counties that meet the requirements of subsections (a) and (b) of this section in accordance with this subsection.

(2) (i) Subject to subparagraph (ii) of this paragraph, each county that meets the requirements of subsections (a) and (b) of this section shall receive an allocation of the money distributed under paragraph (1) of this subsection based on a percentage to be determined in accordance with § 8–103(a) of this subtitle.

(ii) For purposes of determining the percentage allocated to each county under this subsection, the property tax accounts of each county that fails to satisfy the requirements of subsection (a) or (b) of this section shall be excluded from the statewide total.

(3) Each county shall distribute money provided under this subsection in accordance with § 8–103(c) of this subtitle.

**(D) (1) THE MAINTENANCE OF EFFORT REQUIREMENT IN SUBSECTION (A)(1)(II) OF THIS SECTION DOES NOT APPLY TO A COUNTY IF THE COUNTY REQUESTS AND IS GRANTED A WAIVER FROM THE REQUIREMENT BASED ON A DETERMINATION THAT THE COUNTY'S FISCAL CONDITION SIGNIFICANTLY IMPEDES THE COUNTY'S ABILITY TO FUND THE MAINTENANCE OF EFFORT REQUIREMENT.**

**(2) (I) IN ORDER TO QUALIFY FOR A WAIVER FOR A FISCAL YEAR, A COUNTY SHALL:**

**1. SEEK A WAIVER FROM THE GENERAL ASSEMBLY BY LEGISLATION DURING THE LEGISLATIVE SESSION PRECEDING THE FISCAL YEAR ~~IN WHICH THE WAIVER IS REQUESTED~~ IN WHICH THE PENALTY FOR FAILING TO COMPLY WITH THE MAINTENANCE OF EFFORT REQUIREMENT IS TO BE IMPOSED; OR**

**2. MAKE A REQUEST FOR A WAIVER TO THE BOARD OF PUBLIC WORKS BY JUNE 30 OF THE ~~PRIOR FISCAL YEAR~~ FISCAL YEAR PRECEDING THE FISCAL YEAR IN WHICH THE PENALTY FOR FAILING TO COMPLY WITH THE MAINTENANCE OF EFFORT REQUIREMENT IS TO BE IMPOSED.**

**(II) THE DIRECTOR SHALL PROVIDE A PRELIMINARY ASSESSMENT OF A WAIVER REQUEST TO THE BOARD OF PUBLIC WORKS.**

**(3) WHEN CONSIDERING WHETHER TO GRANT A COUNTY'S WAIVER REQUEST, THE BOARD OF PUBLIC WORKS SHALL CONSIDER THE FOLLOWING FACTORS:**

**(I) EXTERNAL ENVIRONMENTAL FACTORS SUCH AS A LOSS OF A MAJOR EMPLOYER OR INDUSTRY AFFECTING THE COUNTY OR A BROAD ECONOMIC DOWNTURN AFFECTING MORE THAN ONE COUNTY;**

**(II) THE COUNTY'S TAX BASE;**

**(III) THE COUNTY'S MAINTENANCE OF EFFORT REQUIREMENT RELATIVE TO THE COUNTY'S STATUTORY ABILITY TO RAISE REVENUES;**

**(IV) THE COUNTY'S HISTORY OF EXCEEDING THE REQUIRED MAINTENANCE OF EFFORT AMOUNT UNDER SUBSECTION (A)(1)(II) OF THIS SECTION;**

**(V) SIGNIFICANT REDUCTIONS IN STATE AID TO THE COUNTY AND MUNICIPALITIES OF THE COUNTY FOR THE FISCAL YEAR FOR WHICH A WAIVER IS REQUESTED OR NEW COSTS IMPOSED ON THE COUNTY OR MUNICIPALITIES OF THE COUNTY DUE TO A CHANGE IN STATE LAW, REGULATION, OR POLICY; AND**

**(VI) THE NUMBER OF WAIVERS THE COUNTY HAS RECEIVED IN THE PAST 5 YEARS.**

**(4) THE BOARD OF PUBLIC WORKS SHALL INFORM THE COUNTY WHETHER THE WAIVER FOR A FISCAL YEAR IS APPROVED OR DENIED IN WHOLE OR PART NO LATER THAN 60 DAYS AFTER RECEIPT OF AN APPLICATION OR AUGUST 30 OF THE FISCAL YEAR IN WHICH THE WAIVER IS REQUESTED, WHICHEVER IS LATER.**

**(5) IF A COUNTY IS GRANTED A WAIVER FROM THE MAINTENANCE OF EFFORT PROVISION IN SUBSECTION (A)(1)(II) OF THIS SECTION BY EITHER THE BOARD OF PUBLIC WORKS OR THE GENERAL ASSEMBLY FOR ANY FISCAL YEAR, THE MAINTENANCE OF EFFORT CALCULATION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE THREE MOST RECENT FISCAL YEARS IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT.**

**(6) (I) IF A COUNTY IS GRANTED A WAIVER FROM THE MAINTENANCE OF EFFORT CALCULATION IN SUBSECTION (A)(1)(II) OF THIS**

SECTION BY EITHER THE BOARD OF PUBLIC WORKS OR THE GENERAL ASSEMBLY FOR 5 CONSECUTIVE FISCAL YEARS, THE COUNTY MAY REQUEST A WAIVER FROM THE BOARD OF PUBLIC WORKS TO REBASE THE MAINTENANCE OF EFFORT CALCULATION.

**(II) THE BOARD OF PUBLIC WORKS SHALL ESTABLISH POLICIES AND PROCEDURES FOR:**

**1. REQUESTING A WAIVER TO REBASE THE MAINTENANCE OF EFFORT CALCULATION; AND**

**2. DETERMINING WHETHER TO GRANT A WAIVER TO REBASE THE MAINTENANCE OF EFFORT CALCULATION.**

**(III) IF A WAIVER TO REBASE THE MAINTENANCE OF EFFORT CALCULATION UNDER THIS PARAGRAPH IS GRANTED, THE MAINTENANCE OF EFFORT CALCULATION SHALL BE REBASED TO THE AVERAGE AMOUNT OF EXPENDITURES FOR FIRE PROTECTION FROM SOURCES OTHER THAN THE FUND DURING THE 3 PRECEDING FISCAL YEARS.**

**(7) A WAIVER GRANTED BY EITHER THE BOARD OF PUBLIC WORKS OR THE GENERAL ASSEMBLY MAY NOT RELIEVE A COUNTY OF THE REQUIREMENT UNDER SUBSECTION (B)(1) OF THIS SECTION.**

**[(d)] (E) (1)** The money distributed under this subtitle and allocated to a county shall be **[accounted for and]**:

**(I)** audited in accordance with the procedures for accounting and auditing of other governmental revenues; **OR**

**(II) ACCOUNTED FOR IN A FORMAT DEVELOPED BY THE DIRECTOR.**

**(2)** Money not expended by the county by the end of a fiscal year shall be placed in a special fund for expenditure in the next succeeding fiscal year.

**(3) (i)** Money distributed under this subtitle that remains unencumbered or unexpended by the county after the second fiscal year shall be repaid to the Director for deposit in the **[General Fund] FUND.**

**(ii)** The Comptroller may set off any shared revenues due to a county instead of repayment under this subsection.

**(4) A VOLUNTEER FIRE, RESCUE, OR AMBULANCE COMPANY MAY NOT ENTER INTO A LEGAL OBLIGATION TO ENCUMBER MONEY RECEIVED UNDER**

THIS SUBTITLE WITH A DURATION OF MORE THAN 2 YEARS WITHOUT PRIOR APPROVAL FROM THE COUNTY.

**(5) (I) IF A WRITTEN AGREEMENT BETWEEN A COUNTY AND A VOLUNTEER FIRE, RESCUE, OR AMBULANCE COMPANY TO ENCUMBER MONEY BECOMES NULL AND VOID, THE MONEY SHALL BE PLACED IN A SPECIAL FUND FOR EXPENDITURE BY THE COUNTY IN THE NEXT SUCCEEDING FISCAL YEAR.**

**(II) MONEY DISTRIBUTED UNDER THIS PARAGRAPH THAT REMAINS UNENCUMBERED OR UNEXPENDED BY THE COUNTY AFTER THE SECOND FISCAL YEAR SHALL BE REPAID TO THE DIRECTOR FOR DEPOSIT IN THE FUND.**

**(III) THE COMPTROLLER MAY SET OFF ANY SHARED REVENUES DUE TO A COUNTY INSTEAD OF REPAYMENT UNDER THIS PARAGRAPH.**

**(6) IF A VOLUNTEER FIRE, RESCUE, OR AMBULANCE COMPANY CREATES A LEGAL OBLIGATION TO ENCUMBER MONEY RECEIVED FROM THE FUND, THE DIRECTOR SHALL CONSIDER THE LEGAL OBLIGATION TO BE AN ENCUMBRANCE OF THE COUNTY FOR PURPOSES OF THIS SUBTITLE.**

**[(4)] (7) (i)** Money distributed under this subtitle to be expended by a volunteer or municipal fire, rescue, or ambulance company shall be:

- 1.** maintained in a separate BANK account; and
- 2.** **[shall be] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** audited in the same manner as other money of the volunteer or municipal company is audited.

**(II) MONEY DISTRIBUTED UNDER THIS SUBTITLE TO A VOLUNTEER OR MUNICIPAL FIRE, RESCUE, OR AMBULANCE COMPANY MAY BE ACCOUNTED FOR IN A FORMAT DEVELOPED BY THE DIRECTOR.**

**[(ii)] (III)** Copies of the audit of the separate BANK account shall be submitted to the respective county government and to the Maryland Emergency Management Agency.

**(8) (I) A COUNTY OR MUNICIPALITY MAY HOLD MONEY DISTRIBUTED UNDER THIS SUBTITLE TO A FIRE, RESCUE, OR AMBULANCE COMPANY IN THE COUNTY OR MUNICIPALITY'S BANK ACCOUNT.**

(II) MONEY HELD BY A COUNTY OR MUNICIPALITY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE MAINTAINED IN A BANK ACCOUNT WITH OTHER COUNTY OR MUNICIPAL FUNDS.

(III) MONEY HELD BY A COUNTY OR MUNICIPALITY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE:

1. AUDITED IN ACCORDANCE WITH THE PROCEDURES FOR ACCOUNTING AND AUDITING OF OTHER GOVERNMENTAL REVENUES; OR

2. ACCOUNTED FOR IN A FORMAT DEVELOPED BY THE DIRECTOR.

8–105.

(a) (1) On or before December 31 of each year, each county shall submit to the Director a report for the preceding fiscal year [that states:] **IN THE FORMAT PROVIDED BY THE DIRECTOR.**

**(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:**

(i) the amount of money distributed to each recipient and the purpose of expenditure of this money categorized as provided in § 8–102(f)(1) of this subtitle;

(ii) the amount and disposition of any unencumbered or unexpended money;

(iii) the amount of expenditures for fire protection by the county, including the amount of money distributed to volunteer fire, rescue, and ambulance companies from sources other than the Fund; and

(iv) the nature and estimated dollar amount of any in-kind contributions made by the county to volunteer fire, rescue, and ambulance companies.

**[(2)] (3)** Each county shall provide a copy of the report required under paragraph (1) of this subsection, subject to § 2–1246 of the State Government Article, to the Department of Legislative Services.

(b) **(1)** Each year the Director shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly on the information provided by the counties on the distribution of money provided under this subtitle, including an assessment of the extent to which the purposes of this subtitle are being achieved.

**(2) THE REPORT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL STATE THE AMOUNT OF MONEY DISTRIBUTED BY EACH COUNTY UNDER § 8–103(B) OF THIS SUBTITLE TO VOLUNTEER FIRE, RESCUE, AND AMBULANCE COMPANIES.**

8–106.

**(A) (1) AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING, A COUNTY MAY WITHHOLD MONEY ALLOCATED FOR THE NEXT FISCAL YEAR FROM A FIRE, RESCUE, OR AMBULANCE COMPANY THAT DOES NOT COMPLY WITH THE PROVISIONS OF THIS SUBTITLE.**

**(2) THE FAILURE OF A FIRE, RESCUE, OR AMBULANCE COMPANY TO COMPLY WITH THIS SUBTITLE MAY RESULT IN THE FORFEITURE OF THE ALLOCATED MONEY, IN WHOLE OR IN PART.**

**(3) MONEY FORFEITED BY A FIRE, RESCUE, OR AMBULANCE COMPANY UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE REALLOCATED BY THE COUNTY TO COMPLIANT FIRE, RESCUE, AND AMBULANCE COMPANIES.**

**[(a)] (B) (1)** The Director may withhold money allocated for the next fiscal year under this subtitle from a county if the county does not comply with this subtitle.

**(2)** After notice and an opportunity for a hearing, failure of a county to comply with this subtitle may result in the forfeiture of the allocated money, in whole or in part.

**[(b)] (C)** Money withheld under this section reverts to the **[General Fund] FUND.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 226**

**(House Bill 385)**

AN ACT concerning

**Privileged Communications – Dissemination of News or Information by  
Certain Persons**

FOR the purpose of applying certain provisions of law that protect privileged communications with members of the news media to a person who is, or has been, an independent contractor ~~or agent~~ of the news media under certain circumstances; and generally relating to privileged communications with the news media.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 9–112  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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

**Article – Courts and Judicial Proceedings**

9–112.

(a) In this section, “news media” means:

- (1) Newspapers;
- (2) Magazines;
- (3) Journals;
- (4) Press associations;
- (5) News agencies;
- (6) Wire services;
- (7) Radio;
- (8) Television; and

(9) Any printed, photographic, mechanical, or electronic means of disseminating news and information to the public.

(b) The provisions of this section apply to any person who is, or has been:

(1) Employed by the news media in any news gathering or news disseminating capacity; [or]

**(2) AN INDEPENDENT CONTRACTOR ~~OR AGENT~~ OF THE NEWS MEDIA ACTING WITHIN THE SCOPE OF A CONTRACT IN ANY NEWS GATHERING OR NEWS DISSEMINATING CAPACITY, ~~INCLUDING A SELF-EMPLOYED JOURNALIST~~; OR**

**[(2)] (3)** Enrolled as a student in an institution of postsecondary education and engaged in any news gathering or news disseminating capacity recognized by the institution as a scholastic activity or in conjunction with an activity sponsored, funded, managed, or supervised by school staff or faculty.

(c) Except as provided in subsection (d) of this section, any judicial, legislative, or administrative body, or anybody that has the power to issue subpoenas may not compel any person described in subsection (b) of this section to disclose:

(1) The source of any news or information procured by the person while employed by the news media or while enrolled as a student, whether or not the source has been promised confidentiality; or

(2) Any news or information procured by the person while employed by the news media **OR WHILE ACTING AS AN INDEPENDENT CONTRACTOR OF THE NEWS MEDIA**, in the course of pursuing a professional activity, or any news or information procured by the person while enrolled as a student, in the course of pursuing a scholastic activity or in conjunction with an activity sponsored, funded, managed, or supervised by school staff or faculty, for communication to the public but which is not so communicated, in whole or in part, including:

(i) Notes;

(ii) Outtakes;

(iii) Photographs or photographic negatives;

(iv) Video and sound tapes;

(v) Film; and

(vi) Other data, irrespective of its nature, not itself disseminated in any manner to the public.

(d) (1) A court may compel disclosure of news or information, if the court finds that the party seeking news or information protected under subsection (c)(2) of this section has established by clear and convincing evidence that:

(i) The news or information is relevant to a significant legal issue before any judicial, legislative, or administrative body, or anybody that has the power to issue subpoenas;

(ii) The news or information could not, with due diligence, be obtained by any alternate means; and

(iii) There is an overriding public interest in disclosure.

(2) A court may not compel disclosure under this subsection of the source of any news or information protected under subsection (c)(1) of this section.

(e) If any person described in subsection (b) of this section disseminates a source of any news or information, or any portion of the news or information procured while pursuing an activity described in subsection (b) of this section, the protection from compelled disclosure under this section is not waived by the person.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 227

### (House Bill 397)

AN ACT concerning

#### **Peace Orders and Protective Orders – Consent Orders – Shielding**

FOR the purpose of authorizing a petitioner to file a written request to shield court records relating to a peace order or protective order proceeding under certain circumstances; authorizing a respondent who consents to the entry of a peace order or protective order to file a written request to shield petitioner or a respondent to file a written request to shield court records relating to ~~the~~ a peace order or protective order proceeding if the respondent consented to the entry of the peace order or protective order under certain circumstances; altering the circumstances under which a court is required to order the shielding of all court records relating to a peace order or protective order proceeding if a certain petition was denied or dismissed; authorizing a respondent to refile a written request to shield court records relating to a peace order or protective order proceeding under certain circumstances; requiring authorizing the court, under certain circumstances, to order the shielding of all court records relating to a peace order or protective order proceeding if the respondent ~~consents~~ consented to the entry of the peace order or protective

~~order; authorizing the court, under certain circumstances, to deny a request to shield court records relating to a peace order or protective order proceeding for good cause requiring the court to balance certain considerations in determining whether to shield court records relating to a peace order or protective order proceeding; requiring the court, in ruling on a certain motion for access to a shielded record, to balance the person's need for access with the petitioner's right to privacy and the potential harm of certain adverse consequences to the petitioner that the disclosure may create; authorizing the Governor's Office of Crime Control and Prevention, in consultation with the Maryland Judiciary, to adopt certain regulations; altering a certain definition; making certain clarifying and conforming changes; and generally relating to the shielding of certain peace order and protective order records.~~

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–1510  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 4–512  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

### **Article – Courts and Judicial Proceedings**

3–1510.

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

(2) (i) “Court record” means an official record of a court about a proceeding that the clerk of a court or other court personnel keeps.

(ii) “Court record” includes:

1. An index, a docket entry, a petition, a memorandum, a transcription of proceedings, an electronic recording, an order, and a judgment; and

2. Any electronic information about a proceeding on the Web site maintained by the Maryland Judiciary.

(3) “Shield” means to remove information from public inspection in accordance with this section.

(4) “Shielding” means:

(i) With respect to a record kept in a courthouse, removing the record to a separate secure area to which persons who do not have a legitimate reason for access are denied access; and

(ii) With respect to electronic information about a proceeding on the Web site maintained by the Maryland Judiciary, completely removing all information concerning the proceeding from the public Web site, including the names of the parties, case numbers, and any reference to the proceeding or any reference to the removal of the proceeding from the public Web site.

(5) “Victim services provider” means a nonprofit OR GOVERNMENTAL organization that has been authorized by the Governor’s Office of Crime Control and Prevention ~~or the Department of Human Resources~~ to have ONLINE access to records of shielded peace orders in order to assist victims of abuse.

(b) ~~[If a petition filed under this subtitle is denied or dismissed at the interim, temporary, or final peace order stage of a proceeding under this subtitle, the] A respondent may file a written request to shield all court records relating to [the proceeding] A PETITION FILED UNDER THIS SUBTITLE IF:~~

~~(1) THE PETITION IS DENIED OR DISMISSED AT THE INTERIM, TEMPORARY, OR FINAL PEACE ORDER STAGE OF THE PROCEEDING UNDER THIS SUBTITLE; OR~~

~~(2) THE RESPONDENT CONSENTS TO THE ENTRY OF THE PEACE ORDER~~

(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A PETITION FILED UNDER THIS SUBTITLE WAS DENIED OR DISMISSED AT THE INTERIM, TEMPORARY, OR FINAL PEACE ORDER STAGE OF A PROCEEDING UNDER THIS SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF THE RESPONDENT CONSENTED TO THE ENTRY OF A PEACE ORDER UNDER THIS SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.

(c) A request for shielding under this section may not be filed within 3 years after the denial or dismissal of the petition **OR THE CONSENT TO THE ENTRY OF**

**THE PEACE ORDER** unless the ~~respondent~~ **REQUESTING PARTY** files with the request a general waiver and release of all the ~~respondent's~~ **PARTY'S** tort claims related to the proceeding under this subtitle.

(d) (1) ~~On~~ **IF A PETITION WAS DENIED OR DISMISSED AT THE INTERIM, TEMPORARY, OR FINAL PEACE ORDER STAGE OF A PROCEEDING UNDER THIS SUBTITLE, ON** the filing of a **WRITTEN** request for shielding under this section, the court shall schedule a hearing on the request.

(2) The court shall give notice of the hearing to the ~~petitioner~~ **OTHER PARTY** or the ~~petitioner's~~ **OTHER PARTY'S** counsel of record.

(3) Except as provided in paragraphs (4) and (5) of this subsection, after the hearing, the court shall order the shielding of all court records relating to the proceeding if the court finds:

(i) ~~1.~~ That the petition was denied or dismissed at the interim, temporary, or final peace order stage of the proceeding; ~~OR~~

~~2. THAT THE RESPONDENT CONSENTED TO THE ENTRY OF THE PEACE ORDER;~~

(ii) That a final peace order or protective order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent; ~~and~~

**(III) THAT THE RESPONDENT HAS NOT BEEN FOUND GUILTY OF A CRIME ARISING FROM AN ACT DESCRIBED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE PETITIONER; AND**

~~(iii)~~ **(IV)** That none of the following are pending at the time of the hearing:

1. An interim or temporary peace order or protective order issued against the respondent in a proceeding between the petitioner and the respondent; or

2. A criminal charge against the respondent arising from an alleged act described in § 3-1503(a) of this subtitle against the petitioner.

(4) (i) ~~If the petitioner appears at the shielding hearing and objects to the shielding~~ **ON ITS OWN MOTION OR ON THE OBJECTION OF THE OTHER PARTY**, the court may, for good cause, deny the shielding.

(ii) In determining whether there is good cause ~~to grant the request to shield court records~~ UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, the court shall balance the privacy of the PETITIONER OR THE respondent and potential danger of adverse consequences to the PETITIONER OR THE respondent against the potential risk of future harm and danger to the petitioner and the community.

(5) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(E) (1) (I) IF THE RESPONDENT CONSENTED TO THE ENTRY OF A PEACE ORDER UNDER THIS SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN REQUEST FOR SHIELDING AT ANY TIME AFTER THE PEACE ORDER EXPIRES.

(II) ON THE FILING OF A REQUEST FOR SHIELDING UNDER THIS PARAGRAPH, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.

(III) THE COURT SHALL GIVE NOTICE OF THE HEARING TO THE OTHER PARTY OR THE OTHER PARTY'S COUNSEL OF RECORD.

(IV) EXCEPT AS PROVIDED IN ~~SUBPARAGRAPHS (V) AND~~ SUBPARAGRAPH (VI) OF THIS PARAGRAPH AND SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, AFTER THE HEARING, THE COURT ~~SHALL~~ MAY ORDER THE SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE COURT FINDS:

1. FOR CASES IN WHICH THE RESPONDENT REQUESTS SHIELDING, THAT THE PETITIONER CONSENTS TO THE SHIELDING;

2. THAT THE RESPONDENT DID NOT VIOLATE THE PEACE ORDER DURING ITS TERM;

3. THAT A FINAL PEACE ORDER OR PROTECTIVE ORDER HAS NOT BEEN PREVIOUSLY ISSUED AGAINST THE RESPONDENT IN A PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;

4. THAT THE RESPONDENT HAS NOT BEEN FOUND GUILTY OF A CRIME ARISING FROM AN ACT DESCRIBED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE PETITIONER; AND

5. THAT NONE OF THE FOLLOWING ARE PENDING AT THE TIME OF THE HEARING:

A. AN INTERIM OR TEMPORARY PEACE ORDER OR PROTECTIVE ORDER ISSUED AGAINST THE RESPONDENT ~~IN A PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT~~; OR

B. A CRIMINAL CHARGE AGAINST THE RESPONDENT ARISING FROM AN ALLEGED ACT DESCRIBED IN § 3-1503(A) OF THIS SUBTITLE ~~AGAINST THE PETITIONER~~.

(V) ~~1. ON ITS OWN MOTION OR ON THE OBJECTION OF THE OTHER PARTY, THE COURT MAY, FOR GOOD CAUSE, DENY THE REQUEST FOR SHIELDING.~~

~~2.~~ IN DETERMINING WHETHER ~~THERE IS GOOD CAUSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH~~ COURT RECORDS SHOULD BE SHIELDED UNDER THIS PARAGRAPH, THE COURT SHALL BALANCE THE PRIVACY OF THE PETITIONER OR THE RESPONDENT AND POTENTIAL DANGER OF ADVERSE CONSEQUENCES TO THE PETITIONER OR THE RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO THE PETITIONER AND THE COMMUNITY.

(VI) INFORMATION ABOUT THE PROCEEDING MAY NOT BE REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.

(2) (I) IF THE RESPONDENT CONSENTED TO THE ENTRY OF A PEACE ORDER UNDER THIS SUBTITLE BUT THE PETITIONER DID NOT CONSENT TO SHIELDING AT THE HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE RESPONDENT MAY REFILE A WRITTEN REQUEST FOR SHIELDING AFTER 1 YEAR FROM THE DATE OF THE HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) ON THE FILING OF A REQUEST FOR SHIELDING UNDER THIS PARAGRAPH, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.

(III) THE COURT SHALL GIVE NOTICE OF THE HEARING TO THE OTHER PARTY OR THE OTHER PARTY'S COUNSEL OF RECORD.

(IV) EXCEPT AS PROVIDED IN ~~SUBPARAGRAPHS (V) AND SUBPARAGRAPH (VI)~~ OF THIS PARAGRAPH ~~AND SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH~~, AFTER THE HEARING, THE COURT ~~SHALL~~ MAY ORDER THE SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE COURT FINDS:

1. A. THAT THE PETITIONER CONSENTS TO THE SHIELDING; OR

B. THAT THE PETITIONER DOES NOT CONSENT TO THE SHIELDING, BUT THAT IT IS UNLIKELY THAT THE RESPONDENT WILL COMMIT AN ACT SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE PETITIONER IN THE FUTURE;

2. THAT THE RESPONDENT DID NOT VIOLATE THE PEACE ORDER DURING ITS TERM;

3. THAT A FINAL PEACE ORDER OR PROTECTIVE ORDER HAS NOT BEEN PREVIOUSLY ISSUED AGAINST THE RESPONDENT IN A PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;

4. THAT THE RESPONDENT HAS NOT BEEN FOUND GUILTY OF A CRIME ARISING FROM AN ACT DESCRIBED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE PETITIONER; AND

5. THAT NONE OF THE FOLLOWING ARE PENDING AT THE TIME OF THE HEARING:

A. AN INTERIM OR TEMPORARY PEACE ORDER OR PROTECTIVE ORDER ISSUED AGAINST THE RESPONDENT ~~IN A PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;~~ OR

B. A CRIMINAL CHARGE AGAINST THE RESPONDENT ARISING FROM AN ALLEGED ACT DESCRIBED IN § 3-1503(A) OF THIS SUBTITLE ~~AGAINST THE PETITIONER.~~

(V) ~~1. ON ITS OWN MOTION OR ON THE OBJECTION OF THE OTHER PARTY, THE COURT MAY, FOR GOOD CAUSE, DENY THE REQUEST FOR SHIELDING.~~

~~2. IN DETERMINING WHETHER THERE IS GOOD CAUSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH~~ COURT RECORDS SHOULD BE SHIELDED UNDER THIS PARAGRAPH, THE COURT SHALL BALANCE THE PRIVACY OF THE PETITIONER OR THE RESPONDENT AND POTENTIAL DANGER OF ADVERSE CONSEQUENCES TO THE PETITIONER OR THE RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO THE PETITIONER AND THE COMMUNITY.

(VI) INFORMATION ABOUT THE PROCEEDING MAY NOT BE REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.

~~(e)~~ **(F)** (1) This section does not preclude the following persons from accessing a shielded record for a legitimate reason:

- (i) A law enforcement officer;
- (ii) An attorney who represents or has represented the petitioner or the respondent in a proceeding;
- (iii) A State's Attorney;
- (iv) An employee of a local department of social services; or
- (v) A victim services provider.

(2) (i) A person not listed in paragraph (1) of this subsection may subpoena, or file a motion for access to, a record shielded under this section.

(ii) If the court finds that the person has a legitimate reason for access, the court may grant the person access to the shielded record under the terms and conditions that the court determines.

(iii) In ruling on a motion under this paragraph, the court shall balance the person's need for access to the record with the **PETITIONER'S OR THE** respondent's right to privacy and the potential harm of unwarranted adverse consequences to the **PETITIONER OR THE** respondent that the disclosure may create.

~~(F)~~ **(G)** Within 60 days after entry of an order **FOR SHIELDING** under ~~subsection (d)(3) of~~ this section, each custodian of court records that are subject to the order of shielding shall advise in writing the court and the respondent of compliance with the order.

**(H) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, IN CONSULTATION WITH THE MARYLAND JUDICIARY, MAY ADOPT REGULATIONS GOVERNING ONLINE ACCESS TO SHIELDED RECORDS BY A VICTIM SERVICES PROVIDER.**

## Article – Family Law

4–512.

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

(2) (i) “Court record” means an official record of a court about a proceeding that the clerk of a court or other court personnel keeps.

(ii) “Court record” includes:

1. an index, a docket entry, a petition, a memorandum, a transcription of proceedings, an electronic recording, an order, and a judgment; and

2. any electronic information about a proceeding on the website maintained by the Maryland Judiciary.

(3) “Shield” means to remove information from public inspection in accordance with this section.

(4) “Shielding” means:

(i) with respect to a record kept in a courthouse, removing the record to a separate secure area to which persons who do not have a legitimate reason for access are denied access; and

(ii) with respect to electronic information about a proceeding on the website maintained by the Maryland Judiciary, completely removing all information concerning the proceeding from the public Web site, including the names of the parties, case numbers, and any reference to the proceeding or any reference to the removal of the proceeding from the public Web site.

(5) “Victim services provider” means a nonprofit OR GOVERNMENTAL organization that has been authorized by the Governor’s Office of Crime Control and Prevention ~~or the Department of Human Resources~~ to have ONLINE access to records of shielded protective orders in order to assist victims of abuse.

(b) ~~[If a petition filed under this subtitle is denied or dismissed at the interim, temporary, or final protective order stage of a proceeding under this subtitle, the] A respondent may file a written request to shield all court records relating to [the proceeding] A PETITION FILED UNDER THIS SUBTITLE IF:~~

~~(1) THE PETITION IS DENIED OR DISMISSED AT THE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER STAGE OF THE PROCEEDING UNDER THIS SUBTITLE; OR~~

~~(2) THE RESPONDENT CONSENTS TO THE ENTRY OF THE PROTECTIVE ORDER~~

(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A PETITION FILED UNDER THIS SUBTITLE WAS DENIED OR DISMISSED AT THE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER STAGE OF A PROCEEDING UNDER THIS SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

**(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF THE RESPONDENT CONSENTED TO THE ENTRY OF A PROTECTIVE ORDER UNDER THIS SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.**

(c) A request for shielding under this section may not be filed within 3 years after the denial or dismissal of the petition **OR THE CONSENT TO THE ENTRY OF THE PROTECTIVE ORDER**, unless the ~~respondent~~ **REQUESTING PARTY** files with the request a general waiver and release of all the ~~respondent's~~ **PARTY'S** tort claims related to the proceeding under this subtitle.

(d) (1) ~~On~~ **IF A PETITION WAS DENIED OR DISMISSED AT THE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER STAGE OF A PROCEEDING UNDER THIS SUBTITLE, ON** the filing of a **WRITTEN** request for shielding under this section, the court shall schedule a hearing on the request.

(2) The court shall give notice of the hearing to the ~~petitioner~~ **OTHER PARTY** or the ~~petitioner's~~ **OTHER PARTY'S** counsel of record.

(3) Except as provided in paragraphs (4) and (5) of this subsection, after the hearing, the court shall order the shielding of all court records relating to the proceeding if the court finds:

(i) ~~1.~~ that the petition was denied or dismissed at the interim, temporary, or final protective order stage of the proceeding; ~~OR~~

~~2. THAT THE RESPONDENT CONSENTED TO THE ENTRY OF THE PROTECTIVE ORDER;~~

(ii) that a final protective order or peace order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent; ~~and~~

**(III) THAT THE RESPONDENT HAS NOT BEEN FOUND GUILTY OF A CRIME ARISING FROM ABUSE AGAINST THE PETITIONER; AND**

~~(iii)~~ **(IV)** that none of the following are pending at the time of the hearing:

1. an interim or temporary protective order or peace order issued against the respondent in a proceeding between the petitioner and the respondent; or

2. a criminal charge against the respondent arising from alleged abuse against the petitioner.

(4) (i) ~~If the petitioner appears at the shielding hearing and objects to the shielding~~ **ON ITS OWN MOTION OR ON THE OBJECTION OF THE OTHER PARTY**, the court may, for good cause, deny the shielding.

(ii) In determining whether there is good cause ~~to grant the request to shield court records~~ **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH**, the court shall balance the privacy of the **PETITIONER OR THE** respondent and potential danger of adverse consequences to the **PETITIONER OR THE** respondent against the potential risk of future harm and danger to the petitioner and the community.

(5) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

**(E) (1) (I) IF THE RESPONDENT CONSENTED TO THE ENTRY OF A PROTECTIVE ORDER UNDER THIS SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN REQUEST FOR SHIELDING AT ANY TIME AFTER THE PROTECTIVE ORDER EXPIRES.**

**(II) ON THE FILING OF A REQUEST FOR SHIELDING UNDER THIS PARAGRAPH, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.**

**(III) THE COURT SHALL GIVE NOTICE OF THE HEARING TO THE OTHER PARTY OR THE OTHER PARTY'S COUNSEL OF RECORD.**

**(IV) EXCEPT AS PROVIDED IN ~~SUBPARAGRAPHS (V) AND SUBPARAGRAPH (VI)~~ OF THIS PARAGRAPH AND SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, AFTER THE HEARING, THE COURT ~~SHALL~~ MAY ORDER THE SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE COURT FINDS:**

**1. FOR CASES IN WHICH THE RESPONDENT REQUESTS SHIELDING, THAT THE PETITIONER CONSENTS TO THE SHIELDING;**

**2. THAT THE RESPONDENT DID NOT VIOLATE THE PROTECTIVE ORDER DURING ITS TERM;**

**3. THAT A FINAL PEACE ORDER OR PROTECTIVE ORDER HAS NOT BEEN PREVIOUSLY ISSUED AGAINST THE RESPONDENT IN A PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;**

4. THAT THE RESPONDENT HAS NOT BEEN FOUND GUILTY OF A CRIME ARISING FROM ABUSE AGAINST THE PETITIONER; AND

5. THAT NONE OF THE FOLLOWING ARE PENDING AT THE TIME OF THE HEARING:

A. AN INTERIM OR TEMPORARY PEACE ORDER OR PROTECTIVE ORDER ISSUED AGAINST THE RESPONDENT ~~IN A PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT~~; OR

B. A CRIMINAL CHARGE AGAINST THE RESPONDENT ARISING FROM ALLEGED ABUSE AGAINST ~~THE PETITIONER~~ AN INDIVIDUAL.

(V) ~~1. ON ITS OWN MOTION, OR ON THE OBJECTION OF THE OTHER PARTY, THE COURT MAY, FOR GOOD CAUSE, DENY THE REQUEST FOR SHIELDING.~~

~~2. IN DETERMINING WHETHER THERE IS GOOD CAUSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH~~ COURT RECORDS SHOULD BE SHIELDED UNDER THIS PARAGRAPH, THE COURT SHALL BALANCE THE PRIVACY OF THE PETITIONER OR THE RESPONDENT AND POTENTIAL DANGER OF ADVERSE CONSEQUENCES TO THE PETITIONER OR THE RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO THE PETITIONER AND THE COMMUNITY.

(VI) INFORMATION ABOUT THE PROCEEDING MAY NOT BE REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.

(2) (I) IF THE RESPONDENT CONSENTED TO THE ENTRY OF A PROTECTIVE ORDER UNDER THIS SUBTITLE, BUT THE PETITIONER DID NOT CONSENT TO SHIELDING AT THE HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE RESPONDENT MAY REFILE A WRITTEN REQUEST FOR SHIELDING AFTER 1 YEAR FROM THE DATE OF THE HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) ON THE FILING OF A REQUEST FOR SHIELDING UNDER THIS PARAGRAPH, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.

(III) THE COURT SHALL GIVE NOTICE OF THE HEARING TO THE OTHER PARTY OR THE OTHER PARTY'S COUNSEL OF RECORD.

(IV) EXCEPT AS PROVIDED IN ~~SUBPARAGRAPHS (V) AND SUBPARAGRAPH (VI)~~ OF THIS PARAGRAPH AND SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, AFTER THE HEARING, THE COURT ~~SHALL~~ MAY ORDER THE

SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE COURT FINDS:

1. A. THAT THE PETITIONER CONSENTS TO THE SHIELDING; OR

B. THAT THE PETITIONER DOES NOT CONSENT TO THE SHIELDING, BUT THAT IT IS UNLIKELY THAT THE RESPONDENT WILL COMMIT AN ACT OF ABUSE AGAINST THE PETITIONER IN THE FUTURE;

2. THAT THE RESPONDENT DID NOT VIOLATE THE PROTECTIVE ORDER DURING ITS TERM;

3. THAT A FINAL PEACE ORDER OR PROTECTIVE ORDER HAS NOT BEEN PREVIOUSLY ISSUED AGAINST THE RESPONDENT IN A PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;

4. THAT THE RESPONDENT HAS NOT BEEN FOUND GUILTY OF A CRIME ARISING FROM ABUSE AGAINST THE PETITIONER; AND

5. THAT NONE OF THE FOLLOWING ARE PENDING AT THE TIME OF THE HEARING:

A. AN INTERIM OR TEMPORARY PEACE ORDER OR PROTECTIVE ORDER ISSUED AGAINST THE RESPONDENT ~~IN A PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT~~; OR

B. A CRIMINAL CHARGE AGAINST THE RESPONDENT ARISING FROM ALLEGED ABUSE AGAINST ~~THE PETITIONER~~ AN INDIVIDUAL.

(V) ~~1. ON ITS OWN MOTION OR ON THE OBJECTION OF THE OTHER PARTY, THE COURT MAY, FOR GOOD CAUSE, DENY THE REQUEST FOR SHIELDING.~~

~~2.~~ IN DETERMINING WHETHER ~~THERE IS GOOD CAUSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH~~ COURT RECORDS SHOULD BE SHIELDED UNDER THIS PARAGRAPH, THE COURT SHALL BALANCE THE PRIVACY OF THE PETITIONER OR THE RESPONDENT AND POTENTIAL DANGER OF ADVERSE CONSEQUENCES TO THE PETITIONER OR THE RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO THE PETITIONER AND THE COMMUNITY.

(VI) INFORMATION ABOUT THE PROCEEDING MAY NOT BE REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.

~~(E)~~ **(F)** (1) This section does not preclude the following persons from accessing a shielded record for a legitimate reason:

- (i) a law enforcement officer;
- (ii) an attorney who represents or has represented the petitioner or the respondent in a proceeding;
- (iii) a State's Attorney;
- (iv) an employee of a local department; or
- (v) a victim services provider.

(2) (i) A person not listed in paragraph (1) of this subsection may subpoena, or file a motion for access to, a record shielded under this section.

(ii) If the court finds that the person has a legitimate reason for access, the court may grant the person access to the shielded record under the terms and conditions that the court determines.

(iii) In ruling on a motion under this paragraph, the court shall balance the person's need for access to the record with the **PETITIONER'S OR THE** respondent's right to privacy and the potential harm of unwarranted adverse consequences to the **PETITIONER OR THE** respondent that the disclosure may create.

~~(F)~~ **(G)** Within 60 days after entry of an order **FOR SHIELDING** under ~~subsection (d)(3) of this section~~, each custodian of court records that are subject to the order of shielding shall advise in writing the court and the respondent of compliance with the order.

**(H) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, IN CONSULTATION WITH THE MARYLAND JUDICIARY, MAY ADOPT REGULATIONS GOVERNING ONLINE ACCESS TO SHIELDED RECORDS BY A VICTIM SERVICES PROVIDER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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**Chapter 228****(House Bill 451)**

AN ACT concerning

**Neighborhood Business Development Program – Financial Assistance for  
Food ~~Desert Areas~~ Deserts**

FOR the purpose of altering the ~~purpose~~ purposes of the Neighborhood Business Development Program to include ~~help creating~~ helping to create certain small businesses and other food-related enterprises in food deserts; requiring the Business Development Program in the Neighborhood Business Development Program to provide financial assistance to projects in food deserts; authorizing certain entities to apply for financial assistance for a project in a food desert under certain circumstances; establishing the Interagency Food Desert Advisory Committee; establishing the membership, chair, staffing, and duties of the Advisory Committee; authorizing the Secretary of Housing and Community Development, on the recommendation of the Advisory Committee, to designate an area as a food desert after considering certain factors; requiring the Department of Housing and Community Development to adopt certain regulations; authorizing a certain entity to originate and administer financial assistance to a food desert project under certain circumstances; authorizing the Department to provide financial assistance in a certain manner when an approved entity originates or provides financial assistance for a food desert project under certain circumstances; requiring the Department to submit a certain report to certain committees of the General Assembly on or before a certain date each year; defining a certain term; and generally relating to the Neighborhood Business Development Program and food deserts.

BY repealing and reenacting, with amendments,  
Article – Housing and Community Development  
Section 6–301, 6–303, 6–304, 6–305, and 6–308  
Annotated Code of Maryland  
(2006 Volume and 2013 Supplement)

BY adding to  
Article – Housing and Community Development  
Section 6–308.2, 6–308.3, and 6–308.4  
Annotated Code of Maryland  
(2006 Volume and 2013 Supplement)

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

**Article – Housing and Community Development**

6–301.

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

(b) (1) “Development costs” means the costs incurred to construct or rehabilitate a neighborhood business development project.

(2) “Development costs” includes the costs of:

- (i) necessary studies, surveys, plans, and specifications;
- (ii) architectural, engineering, or other special services, including flood plain studies, environmental audits, and critical area or wetland assessments;
- (iii) land and improvements;
- (iv) site preparation;
- (v) construction, reconstruction, and rehabilitation;
- (vi) machinery, equipment, and furnishings;
- (vii) essential start-up operating costs, including working capital and initial occupancy expenses;
- (viii) indemnity and surety bonds and premiums on insurance;
- (ix) temporary relocation expenses; and
- (x) other necessary fees.

**(C) “FOOD DESERT” MEANS THE PART OF A PRIORITY FUNDING AREA DESIGNATED BY THE SECRETARY UNDER § 6–308(C) OF THIS SUBTITLE.**

**[(c)] (D)** “Fund” means the Neighborhood Business Development Fund.

**[(d)] (E)** “Microenterprise” means a business with not more than five employees that:

- (1) requires not more than \$35,000 in total start-up capital or financial assistance; and
- (2) does not have access to the traditional commercial banking sector.

**[(e)] (F)** “Program” means the Neighborhood Business Development Program.

**[(f)] (G)** (1) “Project” means a neighborhood business development project that receives financial assistance from the Fund.

(2) “Project” includes a microenterprise project that receives financial assistance from the Fund.

**[(g)] (H)** “Small business” means a business that qualifies as a small business under § 6–302 of this subtitle.

**[(h)] (I)** “Sustainable community” means the part of a priority funding area that:

(1) as determined by the Smart Growth Subcabinet, satisfies the requirements of § 6–205 of this title;

(2) has been designated as a BRAC Revitalization and Incentive Zone under Title 5, Subtitle 13 of the Economic Development Article; or

(3) has been designated a transit-oriented development under § 7–101 of the Transportation Article.

6–303.

(a) There is a Neighborhood Business Development Program.

(b) The purposes of the Program [are,] **ARE:**

**(1)** in sustainable communities, to:

**[(1)] (I)** help develop, redevelop, or expand small businesses and microenterprises;

**[(2)] (II)** stimulate investment by the private sector;

**[(3)] (III)** invest in revitalization projects for small businesses and microenterprises; and

**[(4)] (IV)** stimulate political subdivisions to participate in developing and expanding small businesses and microenterprises; **AND**

**(2) IN FOOD DESERTS, TO HELP CREATE SMALL BUSINESSES AND OTHER FOOD-RELATED ENTERPRISES THAT PROVIDE FRESH FRUITS,**

**VEGETABLES, AND OTHER HEALTHY FOODS TO RESIDENTS IN THE FOOD DESERT.**

- (c) The Program includes:
  - (1) the Business Development Program; and
  - (2) the Capital Access Program.

6–304.

(a) There is a Business Development Program in the Neighborhood Business Development Program.

(b) The Business Development Program shall provide financial assistance to projects in sustainable communities **AND FOOD DESERTS**.

6–305.

(a) (1) A small business, nonprofit organization, or microenterprise may apply for financial assistance under the Business Development Program.

(2) The Department shall review each application.

(b) An applicant may qualify for financial assistance for a project in a sustainable community **OR FOOD DESERT** if the application demonstrates that:

(1) except for a microenterprise project, the project has significant commitments for financing from other private and nonstate public sources that are sufficient to complete the project with the money from the Fund;

(2) the financial assistance from the Fund is the minimum amount necessary to make the project financially feasible;

(3) the project is ready to proceed when it receives financial assistance from the Business Development Program; [and]

(4) the political subdivision has adopted a resolution, or its authorized designee has delivered a letter to the Business Development Program, that expresses support for the project; **AND**

**(5) ANY FOOD DESERT PROJECT INCLUDES A PLAN TO SEEK OUT SOURCES OF MARYLAND–GROWN PRODUCE AND MARYLAND PRODUCED FOODS.**

(c) Financial assistance under the Business Development Program may be provided to a small business, nonprofit organization, or microenterprise as:

- (1) a grant;
- (2) a loan;
- (3) a reduction in the principal obligation of or interest rate on a loan or portion of a loan;
- (4) a prepayment of interest on a subordinate or superior loan or portion of a loan;
- (5) an assurance;
- (6) a guarantee; or
- (7) any other form of credit enhancement.

6–308.

(a) The Department shall:

- (1) administer the Business Development Program;
- (2) adopt regulations to carry out the Business Development Program, **INCLUDING A PROCESS TO DESIGNATE AN AREA AS A FOOD DESERT UNDER SUBSECTION (C) OF THIS SECTION;**
- (3) establish, for each category of financing described in § 6–306(c) of this subtitle, minimum percentages or amounts of private and nonstate public financing that an applicant for the Business Development Program must secure; and
- (4) make a reasonable, good faith effort to make 25% of the Business Development Program loans and grants to microenterprises.

(b) The Department may:

- (1) sell, assign, or otherwise dispose of a Program loan or revenue from a loan on terms and conditions acceptable to the Department, including selling loans at a discount, if the maximum sale proceeds in any fiscal year do not exceed \$4,000,000; and
- (2) apply the proceeds received from a sale, assignment, or other disposition under item (1) of this subsection to the Fund.

**(C) THE SECRETARY, ON THE RECOMMENDATION OF THE INTERAGENCY FOOD DESERT ADVISORY COMMITTEE ESTABLISHED UNDER §**

**6–308.2 OF THIS SUBTITLE, MAY DESIGNATE AN AREA AS A FOOD DESERT AFTER CONSIDERING THE FOLLOWING FACTORS:**

- (1) AVAILABILITY OF FRESH FRUIT, VEGETABLES, AND OTHER HEALTHY FOODS IN THE AREA;**
- (2) INCOME LEVELS OF LOCAL RESIDENTS;**
- (3) TRANSPORTATION NEEDS OF LOCAL RESIDENTS AND THE AVAILABILITY OF PUBLIC TRANSPORTATION;**
- (4) COMMENTS FROM LOCAL GOVERNMENTS; AND**
- (5) ANY OTHER FACTORS THAT THE DEPARTMENT CONSIDERS RELEVANT.**

**6–308.2.**

- (A) THERE IS AN INTERAGENCY FOOD DESERT ADVISORY COMMITTEE.**
- (B) THE COMMITTEE CONSISTS OF THE FOLLOWING SEVEN MEMBERS:**
  - (1) THE SECRETARY, OR THE SECRETARY’S DESIGNEE;**
  - (2) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY’S DESIGNEE;**
  - (3) THE SECRETARY OF PLANNING, OR THE SECRETARY’S DESIGNEE;**
  - (4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY’S DESIGNEE;**
  - (5) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY’S DESIGNEE;**
  - (6) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR THE SECRETARY’S DESIGNEE; AND**
  - (7) THE SECRETARY OF EDUCATION, OR THE SECRETARY’S DESIGNEE.**
- (C) THE SECRETARY OR THE SECRETARY’S DESIGNEE IS THE CHAIR OF THE COMMITTEE.**

(D) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMITTEE.

(E) THE COMMITTEE SHALL:

(1) ADVISE AND MAKE RECOMMENDATIONS TO THE DEPARTMENT ON THE DEVELOPMENT AND ADOPTION OF REGULATIONS RELATED TO FOOD DESERTS PROJECTS;

(2) MAKE RECOMMENDATIONS TO THE SECRETARY ON APPLICATIONS FOR DESIGNATING AN AREA AS A FOOD DESERT; AND

(3) MAKE RECOMMENDATIONS FOR INTERAGENCY COORDINATION TO REDUCE THE NUMBER OF FOOD DESERTS AND PROMOTE HEALTHY FOOD ACCESS FOR MARYLAND NEIGHBORHOODS.

**6-308.3.**

(A) IF THE DEPARTMENT DETERMINES THAT AN ENTITY IS CAPABLE OF ADMINISTERING A FOOD DESERT PROJECT, THE ENTITY MAY ORIGINATE AND ADMINISTER FINANCIAL ASSISTANCE TO A FOOD DESERT PROJECT IN ACCORDANCE WITH STANDARDS THE DEPARTMENT ADOPTS BY REGULATION.

(B) THE DEPARTMENT MAY:

(1) PAY AN APPROVED ENTITY A REASONABLE ORIGINATION, APPLICATION, AND PROCESSING FEE FOR EACH FOOD DESERT PROJECT THAT IS ORIGINATED BY THE APPROVED ENTITY;

(2) DIRECTLY FUND THE FINANCIAL ASSISTANCE FOR A FOOD DESERT PROJECT THAT IS ORIGINATED BY AN APPROVED ENTITY; AND

(3) PROVIDE FINANCIAL ASSISTANCE TO AN APPROVED ENTITY FOR THE PURPOSE OF THE APPROVED ENTITY PROVIDING FINANCIAL ASSISTANCE FOR A FOOD DESERT PROJECT IN ACCORDANCE WITH THIS SUBTITLE.

**6-308.4.**

(A) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE PROGRAM, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE.

**(B) THE REPORT UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:**

**(1) THE NAMES OF APPROVED ENTITIES AWARDED FINANCIAL ASSISTANCE FOR FOOD DESERT PROJECTS;**

**(2) THE TYPE OF ACTIVITIES IN WHICH THE APPROVED ENTITIES ARE ENGAGED;**

**(3) THE LOCATION OF THE APPROVED ENTITY'S OPERATION;**

**(4) THE AMOUNT OF EACH GRANT AWARD;**

**(5) THE NUMBER OF EMPLOYEES EMPLOYED BY THE APPROVED ENTITY;**

**(6) THE BASIS FOR APPROVING THE GRANT;**

**(7) AN EXPLANATION OF HOW THE APPROVED ENTITY'S OPERATION ADVANCES THE POLICY GOAL OF REDUCING FOOD DESERTS; AND**

**(8) IF AVAILABLE, HOW LONG THE GRANTEE'S OPERATION STAYED IN BUSINESS FOLLOWING THE AWARDING OF THE GRANT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 229

(House Bill 453)

AN ACT concerning

### **Housing and Community Development – Multifamily Rental Housing Programs Efficiency Act**

FOR the purpose of repealing certain provisions of law governing the Elderly Rental Housing Program, the Nonprofit Rehabilitation Program, and the Rental Housing Production Program and establishing a new Rental Housing Program in the Department of Housing and Community Development; consolidating

certain loan programs within the Department into a single program; providing for certain types of financing and repayment terms; establishing certain uses for loan proceeds; clarifying certain standards for multifamily loans; requiring the Department to provide notice of certain projects to certain local jurisdictions; altering certain standards for the Department's consultation with local jurisdictions on certain projects; requiring the Department to establish certain regulations; transferring authority over a certain fund from the Community Development Administration to the Department; repealing a certain finding relating to a proper public purpose for public money; authorizing the Department to make loans directly or through the Administration under certain circumstances; altering the circumstances under which the Department may approve the use of partnership rental housing funds under certain circumstances; authorizing funds provided under the Partnership Rental Housing Program to be made available as a deferred payment loan under certain circumstances; defining certain terms; making conforming and technical changes; and generally relating to the Rental Housing Program and the Partnership Rental Housing Program in the Department of Housing and Community Development.

BY repealing

Article – Housing and Community Development

Section 4–401 through 4–409 and the subtitle “Subtitle 4. Elderly Rental Housing Program”; 4–929; and 4–1501 through 4–1511 and the subtitle “Subtitle 15. Rental Housing Production Program”

Annotated Code of Maryland

(2006 Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 2–102(a)(9), 4–101, 4–103, 4–213, 4–504, 4–901, 4–903, 4–905, 4–906, 4–907, 4–918, 4–921, 4–923, 4–1205, 4–1207, and 4–1208

Annotated Code of Maryland

(2006 Volume and 2013 Supplement)

BY adding to

Article – Housing and Community Development

Section 4–401 through 4–411 to be under the new subtitle “Subtitle 4. Rental Housing Program”

Annotated Code of Maryland

(2006 Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4–401 through 4–409 and the subtitle “Subtitle 4. Elderly Rental Housing Program”; 4–929; and 4–1501 through 4–1511 and the subtitle “Subtitle 15. Rental Housing Production Program” of Article – Housing and Community Development of the Annotated Code of Maryland be repealed.

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

**Article – Housing and Community Development**

2–102.

(a) The Department shall:

(9) administer federal programs **RELATING** to community assistance;  
and

4–101.

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

(b) “Administration” means the Community Development Administration.

(c) “Division” means the Division of Development Finance.

(d) “Elderly household” means one or more individuals who occupy a residential dwelling unit, at least one of whom meets the age limit specified by the Secretary that:

(1) is greater than or equal to age 55; and

(2) may vary for different programs or types of projects.

[(e) “Elderly rental housing project” means a project that meets the qualifications in § 4–407 of this title.]

[(f)] **(E)** “Nonprofit sponsor” means a sponsor that is:

(1) a nonprofit organization; or

(2) a limited partnership, if:

(i) 1. each general partner is a nonprofit organization; or

2. each general partner is a wholly owned subsidiary of a nonprofit organization;

(ii) the limited partnership is formed to undertake a project that is eligible as a whole or in part for a federal program or incentive, including low-income housing tax credits; and

(iii) a nonprofit organization manages the project or will receive the net cash flow or residual sale proceeds on the sale of the project.

4–103.

The Division includes:

- (1) the Community Development Administration;
- (2) the Disaster Relief Housing Program;
- (3) the Down Payment and Settlement Expense Loan Program;
- [(4) the Elderly Rental Housing Program;]
- [(5)] (4) federal and State weatherization programs;
- [(6)] (5) the Group Home Financing Program;
- [(7)] (6) the Lead Hazard Reduction Grant Program;
- [(8)] (7) the Lead Hazard Reduction Loan Program;
- [(9)] (8) the local government infrastructure program;
- [(10)] (9) the Maryland Home Financing Program;
- [(11)] (10) the Maryland Housing Rehabilitation Program;
- [(12)] (11) the Neighborhood Housing Services Fund;
- [(13)] (12) the Operating Assistance Grants Demonstration Projects;
- [(14)] (13) the Partnership Rental Housing Program;
- [(15)] (14) the Radium [Pilot] Grant Program;
- [(16)] (15) the Rental Allowance Program and other rental assistance programs;
- [(17)] (16) the Rental Housing [Production] Program; and
- [(18)] (17) the Self-Help Homeownership Technical Assistance Program.

4–213.

(a) In accordance with regulations that the Secretary adopts, an agreement that the Administration makes to carry out its functions and responsibilities under §§ 4–211, 4–214, and 4–225 through 4–235 of this subtitle shall be approved by:

- (1) the Secretary; and
- (2) the Board of Public Works, if its approval is required by law.

(b) The Administration shall [get approval of the land use for a community development project by resolution of the appropriate governing body] **PROVIDE WRITTEN NOTICE AND A REASONABLE OPPORTUNITY TO COMMENT TO THE CHIEF EXECUTIVE OFFICER OR THE EQUIVALENT OFFICER AND THE HEAD OR PRESIDENT OF THE LEGISLATIVE BODY of the [locality] POLITICAL SUBDIVISION in which [the] A PROPOSED COMMUNITY development PROJECT OR A PUBLIC PURPOSE PROJECT is located [before:**

- (1) (i) acquiring, owning, or holding land that is not open, mainly open, or undeveloped, personal property, or mixed property;
  - (ii) clearing, improving, constructing, or rehabilitating the property; or
  - (iii) transferring, leasing, mortgaging, or otherwise disposing of the property; or
- (2) building housing on any land].

**(C) IF THE PROPOSED PROJECT IS LOCATED IN A MUNICIPAL CORPORATION, THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE SENT TO THE CHIEF EXECUTIVE OFFICER AND HEAD OR PRESIDENT OF THE LEGISLATIVE BODY OF THE MUNICIPAL CORPORATION AND NOT TO THE COUNTY.**

**[(c)] (D)** A project that the Administration finances is subject to applicable zoning and building codes.

**[(d)] (E)** (1) This subsection applies notwithstanding any other provision of this subtitle or other State law.

(2) In exercising its functions and responsibilities, the Administration may sell or lease for a term not exceeding 99 years all or part of the real, mixed, or personal property constituting a community development project.

- (3) A sale or lease under this section may be made:

(i) without public bidding or public sale; and

(ii) on terms and conditions that make housing in that development economically feasible for families of limited income.

(4) A sale or lease under this section shall conform with a plan for community development that the Secretary approves at a public hearing held after notice is published in at least one newspaper of general circulation in the political subdivision in which the development is located.

(5) The plan for community development presented at the hearing shall be in accordance with regulations that the Secretary adopts, requiring:

(i) a description of the property;

(ii) a statement of the identity of the proposed purchaser or lessee and the proposed use or reuse of the property;

(iii) the price or rental to be paid by the purchaser or lessee; and

(iv) the conditions of the sale or lease that ensure that the community development purposes of this subtitle will be carried out.

**[(e)] (F)** In carrying out this subtitle, the Administration shall comply with local laws applicable to the community development project.

**[(f)] (G)** (1) In carrying out this subtitle, the Administration shall:

**[(i)]** work closely, consult, and cooperate with local elected officials;

**[(ii)]** give primary consideration to local needs and desires;

**[(iii)] (I)** foster local initiative and participation in community development activities; and

**[(iv)] (II)** consider local and regional goals and policies as expressed in urban renewal, community renewal, and local comprehensive land use plans and regional plans.

(2) Wherever possible, the Administration shall carry out community development projects together with and through the use of:

(i) private enterprise;

(ii) limited dividend corporations;

- (iii) local development agencies; and
- (iv) local development entities.

#### **SUBTITLE 4. RENTAL HOUSING PROGRAM.**

##### **4-401.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “FUND” MEANS THE RENTAL HOUSING FUND ESTABLISHED UNDER § 4-504 OF THIS TITLE.

(C) “HOUSEHOLD OF LIMITED INCOME” MEANS ~~A FAMILY OR AN INDIVIDUAL WHOSE~~ ONE OR MORE INDIVIDUALS WHO OCCUPY THE SAME RESIDENTIAL DWELLING UNIT AND WHOSE TOTAL HOUSEHOLD INCOME DOES NOT EXCEED THE UPPER INCOME LIMITS ESTABLISHED BY THE SECRETARY FOR THE PROGRAM UNDER § 4-404 OF THIS SUBTITLE.

(D) “OFFICE OR OTHER COMMERCIAL SPACE CONVERSION” MEANS THE CONVERSION TO RENTAL HOUSING OF A BUILDING THAT:

- (1) IS IN A SUSTAINABLE COMMUNITY AS DEFINED IN § 6-301 OF THIS ARTICLE;
- (2) WAS BUILT MORE THAN 30 YEARS BEFORE AN APPLICATION IS SUBMITTED TO THE DEPARTMENT TO FINANCE THE CONVERSION;
- (3) CONSISTS OF AT LEAST TWO FLOORS AT OR ABOVE GROUND LEVEL; AND
- (4) WAS LAST USED AS OFFICE OR OTHER COMMERCIAL SPACE.

(E) “PROGRAM” MEANS THE RENTAL HOUSING PROGRAM.

(F) “RENTAL HOUSING PROJECT” MEANS A PROJECT ELIGIBLE FOR FINANCIAL ASSISTANCE UNDER § 4-407 OF THIS SUBTITLE.

##### **4-402.**

**THERE IS A RENTAL HOUSING PROGRAM.**

##### **4-403.**

**THE PURPOSES OF THE PROGRAM ARE TO:**

**(1) STIMULATE THE PRODUCTION AND PRESERVATION OF RENTAL HOUSING;**

**(2) INCREASE AND IMPROVE THE SUPPLY OF DECENT, SAFE, AND SANITARY RENTAL HOUSING AT COSTS THAT ARE AFFORDABLE TO HOUSEHOLDS OF LIMITED INCOME;**

**(3) USE AVAILABLE RESOURCES EFFICIENTLY TO SERVE THE HOUSEHOLDS THAT ARE IN NEED OF QUALITY AFFORDABLE HOUSING OPPORTUNITIES, INCLUDING FAMILIES, THE ELDERLY, AND PERSONS WITH DISABILITIES OR SPECIAL NEEDS;**

**(4) SUPPORT ECONOMIC GROWTH AND ACTIVITY BY FINANCING, IN WHOLE OR IN PART, THE CONSTRUCTION OR SUBSTANTIAL REHABILITATION OF RENTAL HOUSING PROJECTS; AND**

**(5) REVITALIZE SUSTAINABLE COMMUNITIES, AS DEFINED IN § 6-301 OF THIS ARTICLE, THROUGH OFFICE OR OTHER COMMERCIAL SPACE CONVERSION.**

**4-404.**

**(A) THE DEPARTMENT SHALL:**

**(1) ADMINISTER THE PROGRAM;**

**(2) ADOPT POLICIES TO ENSURE THAT RENTAL HOUSING IS MADE AVAILABLE TO HOUSEHOLDS OF LIMITED INCOME;**

**(3) DEVELOP PROCEDURES TO ENSURE THAT THE PROJECTS RECEIVING FINANCIAL ASSISTANCE FROM THE PROGRAM ARE IN COMPLIANCE WITH APPLICABLE OCCUPANCY RESTRICTIONS;**

**(4) USE FEDERAL AND STATE PROGRAMS TO HELP CARRY OUT THE PROGRAM; AND**

**(5) ENCOURAGE THE ASSISTANCE OR PARTICIPATION OF LOCAL POLITICAL SUBDIVISIONS.**

**(B) THE SECRETARY SHALL SET INCOME GUIDELINES BY CONSIDERING:**

- (1) THE MEDIAN INCOME FOR THE AREA;
- (2) THE MINIMUM INCOME NEEDED TO AFFORD AVAILABLE STANDARD RENTAL UNITS IN THE AREA;
- (3) FEDERAL INCOME GUIDELINES, INCLUDING THE REQUIREMENTS OF THE FEDERAL LOW-INCOME HOUSING TAX CREDIT PROGRAM; AND
- (4) ANY OTHER RELEVANT FACTOR.

(C) IN ADMINISTERING THE PROGRAM UNDER THIS SUBTITLE, THE DEPARTMENT MAY ACT EITHER DIRECTLY OR THROUGH THE ADMINISTRATION.

(D) THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE AND A REASONABLE OPPORTUNITY TO COMMENT TO THE CHIEF EXECUTIVE OFFICER OR THE EQUIVALENT OFFICER AND THE HEAD OR PRESIDENT OF THE LEGISLATIVE BODY OF THE POLITICAL SUBDIVISION IN WHICH A PROPOSED PROJECT IS LOCATED.

(E) IF THE PROPOSED PROJECT IS LOCATED IN A MUNICIPAL CORPORATION, THE NOTICE REQUIRED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE SENT TO THE CHIEF EXECUTIVE OFFICER AND HEAD OR PRESIDENT OF THE MUNICIPAL CORPORATION AND NOT TO THE COUNTY.

4-405.

TO ACHIEVE THE PURPOSES OF THE PROGRAM, THE DEPARTMENT SHALL, FROM TIME TO TIME, ASK THE STATE TO INCREASE OR REPLACE AMOUNTS DEPOSITED WITH THE STATE TREASURER IN THE FUND.

4-406.

(A) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROGRAM.

(B) THE REGULATIONS SHALL PROVIDE FOR:

- (1) APPLICATIONS FOR MONEY FROM THE FUND;
- (2) STANDARDS OF ELIGIBILITY, TERMS, AND FEES;
- (3) CHARGES THAT SHALL BE IMPOSED ON PROGRAM LOANS; AND

(4) THE RECAPTURE OF MONEY OF THE FUND FROM A BORROWER THAT DOES NOT USE THE MONEY IN A TIMELY MANNER.

4-407.

(A) A PROJECT QUALIFIES AS A RENTAL HOUSING PROJECT UNDER THIS SUBTITLE IF:

(1) ITS PURPOSE IS TO ACQUIRE, CONSTRUCT, OR REHABILITATE REAL PROPERTY OR ALL OR PART OF A BUILDING OR IMPROVEMENTS THAT WILL BE OCCUPIED BY HOUSEHOLDS OF LIMITED INCOME AS PROVIDED IN THIS SUBSECTION; AND

(2) A PORTION OF THE RENTAL UNITS IN THE PROJECT ARE SET ASIDE FOR HOUSEHOLDS OF LOWER INCOME FOR THE GREATER OF:

(I) 15 YEARS; OR

(II) THE NUMBER OF YEARS REQUIRED BY FEDERAL LAW.

(B) THE MINIMUM NUMBER OF RENTAL UNITS SET ASIDE UNDER SUBSECTION (A)(2) OF THIS SECTION SHALL BE THE GREATER OF:

(1) THE NUMBER THAT BEARS THE SAME RATIO TO THE WHOLE NUMBER OF RENTAL UNITS IN THE PROJECT AS THE AMOUNT OF THE PROGRAM LOAN BEARS TO THE WHOLE FINANCING OF THE UNDERTAKING; OR

(2) THE NUMBER OF RENTAL UNITS CHOSEN BY THE SPONSOR TO SATISFY FEDERAL OCCUPANCY REQUIREMENTS, IF THE PROJECT RECEIVES FEDERAL LOW-INCOME HOUSING TAX CREDITS OR IS FINANCED IN PART WITH GOVERNMENT-ISSUED, FEDERALLY TAX-EXEMPT REVENUE BONDS.

(C) RENTAL UNITS RESTRICTED FOR OCCUPANCY TO MEET OTHER FEDERAL, STATE, OR LOCAL OCCUPANCY REQUIREMENTS MAY BE COUNTED TOWARD THE MINIMUM NUMBER REQUIRED UNDER THIS SECTION.

(D) A RENTAL UNIT THAT CONTINUES TO MEET APPLICABLE FEDERAL OCCUPANCY RESTRICTIONS UNDER SUBSECTION ~~(A)(2)(H)~~ (B)(2) OF THIS SECTION SHALL BE DEEMED TO CONTINUE TO MEET THE APPLICABLE RESTRICTIONS FOR PURPOSES OF THIS SUBTITLE.

(E) A PROJECT QUALIFIES AS A RENTAL HOUSING PROJECT UNDER THIS SUBTITLE AND IS NOT SUBJECT TO THE INCOME RESTRICTIONS SPECIFIED IN THIS SECTION IF IT WILL:

(1) EFFECT AN OFFICE OR OTHER COMMERCIAL SPACE CONVERSION INTO MARKET RATE RENTAL HOUSING; AND

(2) PROVIDE SUBSTANTIAL ECONOMIC DEVELOPMENT TO A SUSTAINABLE COMMUNITY AS DEFINED IN § 6-301 OF THIS ARTICLE.

4-408.

(A) THE DEPARTMENT SHALL REVIEW APPLICATIONS FOR LOANS SUBMITTED BY PRIVATE OR NONPROFIT SPONSORS, POLITICAL SUBDIVISIONS, OR LOCAL HOUSING AUTHORITIES ESTABLISHED UNDER DIVISION II OF THIS ARTICLE ON BEHALF OF SPONSORS OF PROPOSED RENTAL HOUSING PROJECTS.

(B) IN REVIEWING AN APPLICATION FOR A PROGRAM LOAN UNDER THIS SUBTITLE, THE DEPARTMENT SHALL CONSIDER:

(1) THE EXTENT TO WHICH HOUSEHOLDS OF LIMITED INCOME WILL BE ASSISTED BY THE PROPOSED PROJECT;

(2) THE NUMBER AND PERCENTAGE OF HOUSEHOLDS OF LIMITED INCOME CURRENTLY LIVING IN THE COMMUNITY WHERE THE PROJECT IS PROPOSED;

(3) THE QUANTITY, CONDITION, AND AFFORDABILITY OF RESIDENTIAL PROPERTY IN THE COMMUNITY WHERE THE PROJECT IS PROPOSED;

(4) THE ECONOMIC FEASIBILITY OF THE PROPOSED PROJECT;

(5) THE DEGREE OF LOCAL GOVERNMENT INCENTIVE AND SUPPORT PROVIDED TO THE PROPOSED PROJECT, INCLUDING CONTRIBUTION OF LAND, ABATEMENT OF TAXES OR FEES, DIRECT OR INDIRECT RENTAL SUBSIDIES, AND GRANTS; AND

(6) ANY OTHER RELEVANT FACTORS.

4-409.

(A) MONEY IN THE FUND MAY BE USED TO MAKE LOANS TO AN APPROVED APPLICANT TO:

(1) ACQUIRE, CONSTRUCT, OR REHABILITATE A RENTAL HOUSING PROJECT;

(2) CONVERT AN EXISTING BUILDING OR BUILDINGS TO A RENTAL HOUSING PROJECT; OR

(3) PROVIDE OPERATING ASSISTANCE TO REDUCE THE OPERATING COSTS OF A PROJECT BY DEPOSITING THE PROCEEDS OF THE PROGRAM LOAN IN AN INTEREST BEARING ACCOUNT THAT IS UNDER THE CONTROL OF THE DEPARTMENT AND IS USED TO PAY THE OPERATING COSTS, INCLUDING THE PRINCIPAL AND INTEREST WHEN DUE, ON ANY PRIOR MORTGAGE LOAN SECURING THE PROJECT.

(B) A PROGRAM LOAN MAY:

(1) BE SECURED BY A MORTGAGE LIEN;

(2) BE SUBORDINATE TO OTHER FINANCING;

(3) HAVE AN INTEREST RATE AS LOW AS ZERO PERCENT;

(4) BE PAYABLE OUT OF SURPLUS CASH;

(5) BE A DEFERRED PAYMENT LOAN;

(6) PROVIDE FOR AN EQUITY PARTICIPATION BY THE DEPARTMENT OR CONTINGENT INTEREST PAYABLE OUT OF SURPLUS CASH OR NET EQUITY; OR

(7) HAVE ANY OTHER TERMS THE DEPARTMENT MAY REQUIRE.

(C) TO FACILITATE REPAYMENT OF THE PROGRAM LOAN AND ACHIEVE THE PURPOSES OF THE PROGRAM, THE DEPARTMENT MAY MODIFY:

(1) THE INTEREST RATE;

(2) THE TIME OR AMOUNT OF PAYMENT; OR

(3) ANY OTHER TERM OF THE PROGRAM LOAN.

4-410.

(A) IF A PROGRAM LOAN IS SECURED BY A MORTGAGE, THE DEPARTMENT MAY:

(1) ENFORCE THE MORTGAGE;

**(2) FORECLOSE ON THE MORTGAGE AND TAKE TITLE TO THE MORTGAGED PROPERTY OR TAKE DEED IN LIEU OF FORECLOSURE;**

**(3) CONVEY TITLE TO A PURCHASER;**

**(4) OBTAIN AND ENFORCE A DEFICIENCY JUDGMENT;**

**(5) ALLOW ASSUMPTION OF THE MORTGAGE; AND**

**(6) CONTRACT WITH A PRIVATE MORTGAGE SERVICER TO PERFORM ON BEHALF OF THE DEPARTMENT ANY FUNCTIONS A SERVICER ORDINARILY PERFORMS.**

**(B) WITHOUT APPROVAL OR EXECUTION BY THE BOARD OF PUBLIC WORKS, THE DEPARTMENT MAY:**

**(1) ASSIGN A MORTGAGE FOR VALUE; OR**

**(2) CONVEY PROPERTY AFTER ACQUISITION.**

**4-411.**

**(A) (1) A PERSON MAY NOT KNOWINGLY MAKE OR CAUSE TO BE MADE A FALSE STATEMENT OR REPORT IN A DOCUMENT REQUIRED TO BE SUBMITTED TO THE DEPARTMENT UNDER AN AGREEMENT RELATING TO A PROGRAM LOAN.**

**(2) A LOAN APPLICANT MAY NOT KNOWINGLY MAKE OR CAUSE A FALSE STATEMENT OR REPORT TO BE MADE TO INFLUENCE THE ACTION OF THE DEPARTMENT ON A PROGRAM LOAN APPLICATION OR TO INFLUENCE ACTION OF THE DEPARTMENT AFFECTING A PROGRAM LOAN ALREADY MADE.**

**(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.**

**4-504.**

**(a) In this section, “Fund” means the Rental Housing [Programs] Fund.**

**(b) There is a Rental Housing [Programs] Fund.**

**(c) [(1)] The Department shall use the Fund to[:**

**(i)] operate, make loans, and pay expenses of the [Maryland] RENTAL Housing [Rehabilitation] Program, including reserves for anticipated future**

losses directly related to the [Maryland Housing Rehabilitation] **RENTAL HOUSING** Program, as provided in the State budget[]; and

(ii) operate, make loans, and pay expenses of the Rental Housing Production Program].

~~(2) The [Administration] DEPARTMENT shall use the Fund to operate, make loans, and pay expenses of the [Elderly] Rental Housing Program.~~

~~(3) (i) The [Administration] DEPARTMENT may use the Fund to make deferred payment loans to approved applicants to enable the applicants to acquire, construct, or rehabilitate elderly rental housing projects or to convert existing rental housing to elderly rental housing projects.~~

~~(ii) Deferred payment loans may be subordinate to other financing.~~

(d) The [Administration] DEPARTMENT shall administer the Fund **EITHER DIRECTLY OR THROUGH THE ADMINISTRATION.**

(e) [(1)] The Fund consists of:

[(i)] (1) money appropriated by the State for [rental housing programs, including the Elderly Rental Housing Program] **THE RENTAL HOUSING PROGRAM** under § 4-402 of this title[, the Multifamily Rehabilitation Program under § 4-906(b) of this title, the Nonprofit Rehabilitation Program under § 4-929 of this title, and the Rental Housing Production Program under § 4-1502 of this title];

[(ii)] (2) repayments and prepayments of loans made under the [programs set forth in item (i) of this paragraph] **RENTAL HOUSING PROGRAM AND FROM LOAN PROGRAMS UNDER THIS TITLE THAT HAVE BEEN REPEALED;**

[(iii)] (3) money appropriated under § 4-501(c) of this subtitle;

[(iv)] (4) money transferred to the Fund in accordance with §§ 4-502(e), 4-503(d), and 4-505(h) of this subtitle and [§§ 3-203(i) and 6-310(g)] **§ 3-203 3-203(I)** of this article;

**(5) FUNDS RECEIVED BY THE DEPARTMENT OR THE ADMINISTRATION FROM THE FEDERAL GOVERNMENT OR OTHER PUBLIC OR PRIVATE SOURCES;** and

[(v)] (6) investment earnings of the Fund.

[(2) The State, under § 4–501(c) of this subtitle, may appropriate to the Fund money received as repayment of principal or payment of interest on a loan made by the Maryland Housing Rehabilitation Program.]

(f) (1) When the Department issues a binding commitment to make a loan, the Department shall withdraw from the Fund an amount equal to the commitment.

(2) Subject to § 7–209 of the State Finance and Procurement Article and except as otherwise provided in the State budget, after the first 8 months of a fiscal year the Department may transfer unencumbered money in the Fund to any other fund established under this title.

4–901.

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

(b) “Cooperative housing corporation” has the meaning stated in § 5–6B–01 of the Corporations and Associations Article.

(c) “Cooperative interest” has the meaning stated in § 5–6B–01 of the Corporations and Associations Article.

(d) (1) “Family of limited income” means a family or individual whose income does not exceed the limits that the Secretary establishes under § 4–915 of this subtitle.

(2) “Family of limited income” includes a trust described in 42 U.S.C. § 1396p(d)(4), or a trust established for the benefit of an individual with a disability by an individual other than the beneficiary and that is funded with assets that were never owned or controlled by the beneficiary, if:

(i) the income of the trust does not exceed the upper income limits established by the Secretary under § 4–915 of this subtitle; and

(ii) the beneficiary of the trust is an individual who resides in the residential building owned by the trust.

(e) “Local rehabilitation program” means a rehabilitation program that uses Program loans and is administered by a political subdivision.

(f) “Member” has the meaning stated in § 5–6B–01 of the Corporations and Associations Article.

(g) “Minimum livability code” means a regulation, statute, or ordinance that establishes minimum property maintenance standards that the State or a political subdivision adopts under § 12–203 of the Public Safety Article.

(h) “Nonprofit sponsor” means:

(1) a nonprofit organization;

(2) a political subdivision; or

(3) a limited partnership formed to undertake a rehabilitation project that is eligible wholly or partly for federal programs or incentives[, including low-income housing tax credits], if:

(i) each general partner is a nonprofit organization or a political subdivision; or

(ii) 1. each general partner is a wholly owned subsidiary of a nonprofit organization or political subdivision; and

2. a nonprofit organization or political subdivision manages the rehabilitation project or will receive net cash flow or the residual sale proceeds on the sale of the rehabilitation project.

(i) “Program” means the Maryland Housing Rehabilitation Program.

(j) “Program loan” means a loan or grant under the Maryland Housing Rehabilitation Program or a special loan program.

**(K) “REGULAR REHABILITATION PROGRAM” MEANS THE PROGRAM WHEN USED TO FUND A LOAN ~~FROM~~ FOR A SINGLE FAMILY PROJECT.**

**[(k)] (L)** (1) “Rehabilitation project” means a project to repair, reconstruct, renovate, redevelop, improve, modify, or add to a building for a purpose listed in § 4-923 of this subtitle.

(2) “Rehabilitation project” includes providing utility submetering for dwellings in a residential rental building.

**[(l)] (M)** “Special loan program” means:

(1) the Accessory, Shared, and Sheltered Housing Program;

(2) the Indoor Plumbing Program;

(3) the Lead Paint Abatement Program;

(4) the Migratory Worker Housing Program;

- (5) the Radon and Asbestos Abatement Pilot Program; and
- (6) the Accessible Homes for Senior Homeowners Grant Program.

**(N) “SPECIAL REHABILITATION PROGRAM” MEANS THE PROGRAM WHEN USED TO FUND A LOAN UNDER A SPECIAL LOAN PROGRAM.**

**[(m)] (O)** “Sponsor” means an owner who receives a loan to rehabilitate a building for residential rental purposes or nonresidential purposes.

4–903.

The General Assembly finds that:

(1) (i) many residents of the State live in dwellings that do not conform to building, health, safety, fire, occupancy, or other codes and standards applicable to housing;

(ii) many communities or political subdivisions in the State do not have a minimum livability code; and

(iii) these conditions impede the development and maintenance of healthy, safe, and viable communities;

(2) private sector financing is often unavailable for rehabilitation because:

(i) owner–occupants of housing in need of rehabilitation often have low incomes; and

(ii) nonoccupant owners often incur high risks in owning and managing the housing;

(3) rehabilitating suitable housing:

(i) increases the economic life of the housing;

(ii) is often more economical and less disruptive than replacing the housing and relocating its occupants;

(iii) can better promote community development when it is done through organized housing rehabilitation programs;

(iv) is essential for sound community development; and

(v) can be helped by rehabilitating commercial buildings serving communities where housing rehabilitation is desirable;

(4) it is a proper public purpose for which public money may be spent and property acquired to:

- (i) rehabilitate housing;
- (ii) develop healthful, safe, and viable communities;
- (iii) rehabilitate commercial buildings to help rehabilitate and develop housing; and
- (iv) provide healthful and safe housing for migratory workers to maintain and expand the agricultural activities that are dependent on the labor of these workers; and

(5) it is a proper public purpose for which public money may be spent to:

(i) improve, modify, and add to housing to increase the supply of special housing for special populations, such as elderly households, individuals with disabilities, and other disadvantaged residents of the State;

(ii) prevent lead poisoning by modifying older housing to provide a lead-safe environment, as lead paint in older housing is a major source of lead poisoning in children;

(iii) provide adequate indoor plumbing, water supply, and sewage disposal systems for dwellings; **AND**

**[(iv) rehabilitate or acquire and rehabilitate large rental housing facilities for low- and moderate-income individuals and keep those facilities in a decent, safe, and sanitary condition; and]**

**[(v) (IV) reduce or eliminate radon and asbestos, which are major detriments to the health and safety of residents, on a pilot program basis.**

4-905.

The Maryland Housing Rehabilitation Program includes:

- (1) the Accessory, Shared, and Sheltered Housing Program;
- (2) the Indoor Plumbing Program;
- (3) the Migratory Worker Housing Program;

[(4) the Nonprofit Rehabilitation Program;]

[(5)] (4) the Radon and Asbestos Abatement Pilot Program; and

[(6)] (5) the Accessible Homes for Senior Homeowners Grant Program.

4–906.

(a) (1) The Department shall operate the Program and make Program loans.

(2) As much as possible, the Program shall be administered:

(i) in conjunction with federal programs assisting rehabilitation of housing, to ensure maximum use of available federal money; and

(ii) consistently with locally approved plans or programs of concentrated neighborhood revitalization.

(b) [(1) The Multifamily Rehabilitation Program consists of:

(i) Program loans made to rehabilitate or acquire and rehabilitate buildings providing more than four dwellings or serving nonresidential needs; and

(ii) Program loans to nonprofit sponsors under § 4–929 of this subtitle.]

[(2)] (1) Except for Program loans made under a special loan program, the Regular Rehabilitation Program consists of Program loans to rehabilitate residential buildings providing four or fewer dwellings.

[(3)] (2) The Special Rehabilitation Program consists of Program loans made under a special loan program.

4–907.

(a) The Regular Rehabilitation Program and the Special Rehabilitation Program shall operate with money in the Special Loan Programs Fund and other money available to the Department for these programs.

(b) [(1)] If the applications that qualify for a Program loan under the Regular Rehabilitation Program or a special loan program do not commit all money appropriated to that loan program within 6 months after the appropriation, the

Department may reallocate the remaining appropriated money to any other program financed by the Special Loan Programs Fund.

[(2) In like circumstances, the Department may reallocate money appropriated to the Nonprofit Rehabilitation Program or the Multifamily Rehabilitation Program to any other program financed by the Rental Housing Programs Fund.]

4-918.

(a) (1) When the Department makes a Program loan to finance a residential rehabilitation project, the sponsor or nonprofit sponsor shall restrict some dwellings for occupancy by families of limited income for at least the greater of 15 years and the number of years required by federal law.

(2) The number of dwellings restricted under paragraph (1) of this subsection shall be at least the greater of:

(i) the number that bears the same ratio to the total number of dwellings in the project as the amount the Program loan bears to the total financing of the undertaking; **AND**

[(ii) the number of dwellings chosen by the sponsor to satisfy federal occupancy requirements if the residential rehabilitation project receives an allocation of federal low-income housing tax credits; and]

[(iii)] **(II)** the number of dwellings required for a community development project under § 4-217(b)(1)(ii) of this title or the number of dwellings that the issuer of the bonds chooses, whichever is greater, if a portion of the costs of the residential rehabilitation project is financed by government-issued, federally tax-exempt revenue bonds.

(b) Dwellings restricted for occupancy to meet other federal or State occupancy requirements may be counted toward the number required under subsection (a) of this section.

[(c) As a condition to certain types of Program loans, the Department may require the political subdivision where a rehabilitation project is located to make a contribution to the project.]

4-921.

[(a) Rehabilitation loans under the Multifamily Rehabilitation Program and nonprofit rehabilitation loans shall be financed by the Rental Housing Programs Fund.]

(b)] Rehabilitation loans under the Regular Rehabilitation Program and special loan programs shall be financed by the Special Loan Programs Fund.

4–923.

(a) The purpose of a rehabilitation project is:

(1) to bring a building to a decent, safe, and sanitary condition in accordance with applicable codes and standards, including those for construction, health, safety, fire, and occupancy;

(2) to maintain the building in that condition;

(3) to make the building more useful and attractive;

(4) to conform the building to the appropriate minimum livability code;

[(5) to acquire a building containing more than four dwelling units for the purposes set forth in items (1) through (4) of this subsection;]

[(6)] (5) to provide, under applicable special loan programs:

(i) lead paint abatement;

(ii) indoor plumbing; or

(iii) shared, accessory, or sheltered housing;

[(7)] (6) in the case of a loan or grant to an elderly household or a disabled homeowner, to modify or improve a dwelling to make it more accessible or functional for the occupants, if the building is, or after improvements will be, structurally sound and free of health and safety hazards; or

[(8)] (7) to provide, under applicable special loan pilot programs, radon abatement or asbestos abatement.

(b) (1) The applicable codes and standards under subsection (a)(1) of this section are:

(i) those in force in the political subdivision where the building is located; or

(ii) those that the Department sets by regulation for that political subdivision solely for purposes of this subtitle, if the political subdivision

lacks codes and standards that the Secretary considers sufficient to promote the objectives of this subtitle.

(2) With the approval of the local enforcement authority, the Secretary may allow exceptions to a code or standard to preserve the historic or architectural value of a building undergoing rehabilitation under this subtitle.

4-1205.

(a) The Department shall:

(1) administer the Program;

(2) adopt policies and procedures that encourage partnership rental housing throughout the State; and

(3) adopt regulations to carry out the Program, including regulations that specify criteria for local contributions to the cost of partnership projects undertaken by a political subdivision or housing authority.

(b) The Department may establish:

(1) maximum limits for financing that it will provide to:

(i) individual partnership rental housing units;

(ii) any one partnership project; or

(iii) any political subdivision or housing authority;

(2) a process for approving financing for partnership projects that encourages a broad geographic distribution of money; and

(3) the time that a household may occupy the partnership rental housing after the annual income of the household exceeds the continuing occupancy income limits for households of lower income.

**(c) IN ADMINISTERING THE PROGRAM, THE DEPARTMENT MAY MAKE LOANS EITHER DIRECTLY OR THROUGH THE ADMINISTRATION.**

4-1207.

(a) Except as provided in subsection (c) of this section, the Department may approve an application for a proposed partnership project only if:

(1) the application is authorized by the chief elected official of the political subdivision or, if there is no chief elected official, by the governing body of the political subdivision in which the project is located;

(2) the political subdivision or housing authority:

(i) contributes from nonstate sources the land for the partnership rental housing;

(ii) funds the part of the acquisition cost of the property that is attributable to the value of the land; or

(iii) makes a contribution under § 4–1208(d)(2) of this subtitle that equals or exceeds the value of the land;

(3) the political subdivision or housing authority is to have an ownership interest in the partnership project or in the rental units financed by the Program and sold to the political subdivision or housing authority or to a partnership that includes the political subdivision or housing authority;

(4) the political subdivision or housing authority directly or indirectly manages the partnership project;

(5) the rental units financed by the Program are to be occupied on completion of the acquisition, construction, reconstruction, renovation, or rehabilitation by households of lower income;

(6) **UNLESS PROHIBITED BY ANY APPLICABLE FEDERAL REQUIREMENT**, the households of lower income occupying the partnership project or the part financed by the Program are required to contribute services to enhance or maintain the partnership project or the community in a way that the political subdivision or housing authority accepts; and

(7) it is reasonable to anticipate that:

(i) more State subsidies will not be needed for long-term occupancy by households of lower income; and

(ii) rental income, including any contribution to allow for more affordable rents under § 4–1208(d) of this subtitle, will be enough to pay the operating costs of the partnership project and to build an adequate reserve for the long-term maintenance and renovation of the partnership project.

(b) The rental units financed by the Program may include, as among those that must be occupied by households of lower income, rental units restricted for occupancy to meet other federal or State occupancy requirements.

(c) The Department may approve the use of partnership rental housing funds for a unit of partnership rental housing that [is not owned in whole or in part by a political subdivision or housing authority] **DOES NOT COMPLY WITH EACH REQUIREMENT SET FORTH IN SUBSECTION (A) OF THIS SECTION** if:

(1) the unit will be occupied by a household of lower income that includes one or more individuals with disabilities or special needs; and

(2) the project in which the unit is located complies with the requirements of the other State housing programs financing the project~~], if any,~~ [including requirements for local support or local contribution].

4-1208.

(a) A political subdivision [or], housing authority, **OR OTHER ELIGIBLE BORROWER** may participate in the Program and do all things necessary or convenient to its participation, including:

(1) developing, acquiring, improving, owning, operating, and managing rental housing;

(2) borrowing money; and

(3) mortgaging, pledging, and granting a security interest in real or personal property related to a particular partnership project.

(b) [The] **EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, THE** Department may not require a [political subdivision or housing authority] **BORROWER** to repay money made available under the Program, unless the [political subdivision or housing authority] **BORROWER**:

(1) sells the partnership project; or

(2) fails to operate the partnership project for the benefit of households of lower income in accordance with agreements between the Department and the political subdivision or housing authority.

(c) The Department shall secure the obligations of the [political subdivision, housing authority, or private sector entity] **BORROWER** by using a mortgage, deed of trust, or other security device that the Department accepts on the property or on revenues derived from the property.

(d) (1) To allow for more affordable rents, a political subdivision or housing authority may contribute local money, including locally administered federal money or federal rental assistance.

(2) The contributions of political subdivisions or housing authorities under § 4–1207(a)(2)(iii) of this subtitle may include the costs of:

- (i) necessary studies, surveys, tests, plans, and specifications;
- (ii) architectural, design, engineering, and other special services;
- (iii) site preparation;
- (iv) indemnity and surety bonds and premiums on title and hazard insurance; and
- (v) other costs of development.

(e) To participate in the Program and to receive loans, a political subdivision or housing authority may not be required to pledge its full faith and credit.

(f) For rental housing financed from the Fund and owned or managed by a housing authority, this subtitle supersedes:

- (1) §§ 12–401, 12–402, and 12–405 of this article; and
- (2) all other restrictions on tenant income under Division II of this article.

**(G) IF NECESSARY TO COMPLY WITH, OR RECEIVE THE BENEFIT OF, FEDERAL OR OTHER FINANCIAL ASSISTANCE, FUNDS PROVIDED UNDER THE PROGRAM MAY BE MADE AVAILABLE AS A DEFERRED PAYMENT LOAN REPAYABLE ON THE LATER OF:**

- (1) THE OCCURRENCE OF ONE OF THE EVENTS SET FORTH IN SUBSECTION (B) OF THIS SECTION; OR**
- (2) A MATURITY DATE SET BY THE DEPARTMENT.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 14, 2014.

AN ACT concerning

**Gaming – Emergency Suspension of License**

FOR the purpose of authorizing the State Lottery and Gaming Control Commission to suspend a certain gaming license on an emergency basis under certain circumstances; requiring the Commission to schedule promptly a certain hearing and provide certain notice under certain circumstances; authorizing the Commission to delegate certain authority to the Director of the State Lottery and Gaming Control Agency; and generally relating to the State Lottery and Gaming Control Commission and the regulation of gaming in the State.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 9–1A–04(a)(4) and (b)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – State Government**

9–1A–04.

(a) The Commission shall:

(4) **EXCEPT AS PROVIDED IN SUBSECTION (B)(1)(V) OF THIS SECTION**, after a hearing, suspend or revoke as applicable the license of a licensee who has a license suspended or revoked in another state;

(b) **(1)** The Commission may:

**[(1)] (I)** issue subpoenas to compel the attendance of witnesses at any place within the State in the course of any investigation or hearing under this subtitle;

**[(2)] (II)** administer oaths and require testimony under oath before the Commission in the course of any investigation or hearing conducted under this subtitle;

**[(3)] (III)** serve or cause to be served its process or notices in a manner provided for service of process in civil actions under the Maryland Rules; **[and]**

**[(4)] (IV)** propound written interrogatories; **AND**

(V) SUSPEND A LICENSE ON AN EMERGENCY BASIS IF IT IS DETERMINED THAT THE SUSPENSION IS NECESSARY TO PROTECT THE STATE'S GAMING PROGRAM AGAINST A SERIOUS AND IMMINENT RISK OF HARM TO ITS INTEGRITY, SECURITY, OR PROFITABILITY.

(2) IF THE COMMISSION SUSPENDS A LICENSE ON AN EMERGENCY BASIS, THE COMMISSION SHALL SCHEDULE PROMPTLY A HEARING ON THE SUSPENSION AND PROVIDE THE LICENSEE WITH WRITTEN NOTICE OF THE SUSPENSION.

(3) THE COMMISSION MAY DELEGATE TO THE DIRECTOR ITS AUTHORITY UNDER PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 231

(House Bill 460)

AN ACT concerning

### Gaming – Background Investigations

FOR the purpose of requiring the State Lottery and Gaming Control Commission, rather than the Department of State Police, to conduct certain background investigations in connection with certain gaming licenses; and generally relating to the regulation of gaming in the State.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 9–1A–07(d) and 9–1A–20  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

### Article – State Government

9–1A–07.

(d) **(1)** On the filing of an application for any license required under this subtitle and any supplemental information required by the Commission, the Commission shall:

**[(1)] (I)** [refer the application to the Department of State Police or an approved vendor] **CONDUCT A BACKGROUND INVESTIGATION** under § 9–1A–20 of this subtitle [to conduct a background investigation] on the qualifications of the applicant and any person who is required to be qualified under this subtitle as a condition of a license; and

**[(2)] (II)** if the applicant is applying for a video lottery operation license, conduct a hearing on the qualifications of the applicant and any person who is required to be qualified under this subtitle as a condition of a license.

**(2) THE COMMISSION MAY REFER AN APPLICATION FOR A LICENSE TO AN APPROVED VENDOR UNDER § 9–1A–20 OF THIS SUBTITLE TO CONDUCT THE BACKGROUND INVESTIGATION FOR THE COMMISSION.**

9–1A–20.

(a) In this section, “approved vendor” means a person that:

- (1) specializes in conducting background investigations;
- (2) has experience in the gaming industry; and

(3) obtains the approval of the Commission to conduct background investigations under this section.

(b) The [Department of State Police] **COMMISSION** or an approved vendor shall[:

**(1)]** conduct a background investigation in a timely manner of:

**[(i)] (1)** an applicant for a video lottery operation license;

**[(ii)] (2)** a video lottery operator; and

**[(iii)] (3)** any other applicant the Commission considers necessary[; and

(2) cooperate with the Commission in obtaining and providing the necessary background investigation information].

(c) (1) An applicant shall provide the [Department of State Police] **COMMISSION** or an approved vendor with all information the [Department] **COMMISSION** requires in order to conduct a background investigation.

(2) Failure to provide timely or accurate information is grounds for the Commission to deny an application.

(d) (1) The [Department of State Police] **COMMISSION** or an approved vendor shall apply to the Central Repository for a State and a national criminal history records check for the applicant, if required by the Commission.

(2) As part of the application for a criminal history records check, the [Department of State Police] **COMMISSION** or an approved vendor shall submit to the Central Repository:

(i) two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records;

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

(iv) the mandatory processing fee required by Interpol for an international criminal history records check.

(3) In accordance with §§ 10–201 through 10–234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Commission a printed statement of the applicant's criminal history record information.

(4) Information obtained from the Central Repository under this section:

(i) shall be confidential;

(ii) may not be disseminated; and

(iii) may be used only in connection with the issuance of a license required under this subtitle.

(5) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

(e) After completion of [the] A background investigation [of each person specified in subsection (b)(1) of] **CONDUCTED UNDER** this section, [the Department of State Police or] an approved vendor shall promptly forward the results of the investigation to the Commission.

(f) The Commission shall adopt regulations specifying the factors used to determine whether an applicant for a license must submit to an international criminal history records check.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 232**

**(House Bill 461)**

AN ACT concerning

### **State Early Childhood Advisory Council**

FOR the purpose of establishing the State Early Childhood Advisory Council; providing for the composition, chair, and staffing of the Council; prohibiting a member of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; providing for the purposes of the Council; requiring the Council to hold certain meetings at least a certain number of times per year and to maintain minutes of meetings; authorizing the Council to adopt certain procedures and bylaws; providing for the automatic resignation of a Council member, subject to a certain waiver, under certain circumstances; requiring the Council to take certain actions, including developing a strategic plan to improve the school readiness skills of young children and generally providing an infrastructure of continuous program improvement for the State's early learning and development programs; requiring the Council to provide a certain statewide strategic report to the Governor and the General Assembly on or before a certain date; requiring the Council to meet periodically after a certain report is submitted to review implementation of the report's recommendations and any changes in State and local need; defining a certain term; and generally relating to the State Early Childhood Advisory Council.

BY adding to

Article – Education

Section 7–1601 through 7–1608 to be under the new subtitle “Subtitle 16. State Early Childhood Advisory Council”

Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

**Article – Education**

**SUBTITLE 16. STATE EARLY CHILDHOOD ADVISORY COUNCIL.**

**7–1601.**

IN THIS SUBTITLE, “COUNCIL” MEANS THE STATE EARLY CHILDHOOD ADVISORY COUNCIL.

**7–1602.**

(A) THERE IS A STATE EARLY CHILDHOOD ADVISORY COUNCIL IN THE DEPARTMENT.

(B) THE PURPOSES OF THE COUNCIL ARE TO:

(1) COORDINATE EFFORTS AMONG EARLY CHILDHOOD CARE AND EDUCATION PROGRAMS;

(2) CONDUCT NEEDS ASSESSMENTS CONCERNING EARLY CHILDHOOD EDUCATION AND DEVELOPMENT PROGRAMS; AND

(3) DEVELOP A STATEWIDE STRATEGIC REPORT REGARDING EARLY CHILDHOOD EDUCATION AND CARE.

**7–1603.**

(A) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(3) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE SUPERINTENDENT’S DESIGNEE;

(4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE;

~~(4)~~ (5) THE DIRECTOR OF THE HEAD START STATE COLLABORATION, OR THE DIRECTOR'S DESIGNEE;

~~(5)~~ (6) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE FOR CHILDREN, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

~~(6)~~ (7) THE ASSISTANT STATE SUPERINTENDENT OF THE DIVISION OF EARLY CHILDHOOD DEVELOPMENT, OR THE ASSISTANT STATE SUPERINTENDENT'S DESIGNEE;

~~(7)~~ (8) THE ~~STATE CHILD CARE ADMINISTRATOR~~ DIRECTOR OF THE OFFICE OF CHILD CARE WITHIN THE DIVISION OF EARLY CHILDHOOD DEVELOPMENT, OR THE DIRECTOR'S DESIGNEE;

~~(8)~~ (9) THE ASSISTANT ~~STATE~~ SUPERINTENDENT OF THE DIVISION OF SPECIAL EDUCATION/EARLY INTERVENTION SERVICES, OR THE ASSISTANT STATE SUPERINTENDENT'S DESIGNEE;

~~(9)~~ (10) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(I) ~~UP TO TWO REPRESENTATIVES~~ ONE REPRESENTATIVE OF A LOCAL EDUCATION ~~AGENCIES~~ AGENCY;

(II) ~~UP TO TWO REPRESENTATIVES~~ ONE REPRESENTATIVE OF ~~INSTITUTIONS~~ AN INSTITUTION OF HIGHER EDUCATION IN THE STATE;

(III) ~~UP TO FOUR REPRESENTATIVES OF TWO REPRESENTATIVES WHO ARE LOCAL PROVIDERS OF EARLY CHILDHOOD EDUCATION AND DEVELOPMENT SERVICES~~ ONE REPRESENTATIVE OF THE MARYLAND STATE CHILD CARE ASSOCIATION;

(IV) ONE REPRESENTATIVE OF THE MARYLAND STATE FAMILY CHILD CARE ASSOCIATION;

(V) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN;

(VI) ONE REPRESENTATIVE OF THE MARYLAND SCHOOL AGE CHILD CARE ALLIANCE;

(VII) ONE REPRESENTATIVE OF A NONPUBLIC PREKINDERGARTEN PROVIDER;

~~(IV)~~ (VIII) ~~UP TO TWO REPRESENTATIVES~~ ONE REPRESENTATIVE OF A HEAD START ~~AGENCIES LOCATED~~ AGENCY IN THE STATE;

~~(V) UP TO TWO REPRESENTATIVES OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AT LEAST ONE OF WHOM SPECIALIZES IN MATERNAL AND CHILD HEALTH;~~

~~(VI)~~ ~~(V)~~ (IX) ONE REPRESENTATIVE OF A LOCAL MANAGEMENT BOARD;

~~(VII)~~ ~~(VI)~~ (X) ONE REPRESENTATIVE OF THE STATE INTERAGENCY COORDINATING COUNCIL;

~~(VIII)~~ ~~(VII)~~ (XI) ONE REPRESENTATIVE OF THE READY AT FIVE PARTNERSHIP;

~~(IX)~~ ~~(VIII)~~ (XII) ONE REPRESENTATIVE OF THE MARYLAND PARENT TEACHER ASSOCIATION;

~~(X)~~ ~~(IX)~~ (XIII) ONE REPRESENTATIVE OF THE MARYLAND ~~PUBLIC LIBRARIES~~ LIBRARY ASSOCIATION;

~~(XI)~~ ~~(X)~~ (XIV) ~~UP TO TWO REPRESENTATIVES~~ ONE REPRESENTATIVE OF THE BUSINESS COMMUNITY WITH DEMONSTRATED LEADERSHIP IN EARLY CHILDHOOD CARE AND EDUCATION;

~~(XII)~~ ~~(XI)~~ (XV) ~~UP TO TWO REPRESENTATIVES~~ ONE REPRESENTATIVE OF THE MARYLAND FAMILY NETWORK;

~~(XIII)~~ ~~(XII)~~ (XVI) ONE REPRESENTATIVE OF THE OFFICE OF CHILD CARE ADVISORY COUNCIL;

~~(XIV)~~ ~~(XIII)~~ (XVII) ONE REPRESENTATIVE OF THE MARYLAND STATE EDUCATION ASSOCIATION;

~~(XV)~~ ~~(XIV)~~ (XVIII) ONE REPRESENTATIVE OF THE SERVICE EMPLOYEES INTERNATIONAL UNION;

~~(XVI)~~ ~~(XV)~~ (XIX) ONE REPRESENTATIVE OF THE DEPARTMENT OF DISABILITIES;

~~(XVII)~~ ~~(XVI)~~ (XX) ONE REPRESENTATIVE OF THE SOCIAL SERVICES ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES;

~~(XVIII)~~ ~~(XVII)~~ (XXI) ONE REPRESENTATIVE OF A PHILANTHROPIC INSTITUTION;

~~(XIX)~~ ~~(XVIII)~~ (XXII) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS;

~~(XX)~~ ~~(XIX)~~ (XXIII) ONE REPRESENTATIVE OF A LOCAL GOVERNMENT AGENCY THAT PROVIDES SERVICES TO CHILDREN;

~~(XXI)~~ ~~(XX)~~ (XXIV) ONE REPRESENTATIVE OF A LOCAL COMMUNITY ACTION AGENCY;

~~(XXII)~~ ~~(XXI)~~ (XXV) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS; ~~AND~~

~~(XXIII)~~ ~~(XXII)~~ (XXVI) ONE REPRESENTATIVE ~~OF~~ WHO PROVIDES SCHOOL HEALTH SERVICES TO CHILDREN; AND

~~(XXIII)~~ (XXVII) ONE REPRESENTATIVE OF THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL;

~~(XXIV)~~ (XXVIII) ONE REPRESENTATIVE OF THE MARYLAND COUNCIL FOR AMERICAN PRIVATE EDUCATION;

~~(XXV)~~ (XXIX) ONE REPRESENTATIVE FROM THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION;

~~(XXVI)~~ (XXX) ONE REPRESENTATIVE FROM THE HOME VISITING ALLIANCE; AND

~~(XXVII)~~ (XXXI) ONE REPRESENTATIVE WHO ADVOCATES FOR HOMELESS CHILDREN; AND

~~(10)~~ (11) ~~UP TO FIVE ONE EX-OFFICIO MEMBERS~~ MEMBER, APPOINTED BY THE COUNCIL.

(B) (1) ~~THE MEMBERS~~ A MEMBER APPOINTED BY THE GOVERNOR SHALL SERVE AT THE PLEASURE OF THE GOVERNOR FOR STAGGERED 4-YEAR TERMS, ~~AS DETERMINED BY THE GOVERNOR.~~

(2) ~~MEMBERS~~ A MEMBER MAY SERVE UP TO TWO CONSECUTIVE 4-YEAR TERMS.

(3) A MEMBER SELECTED TO FILL A VACANCY SERVES ONLY FOR THE BALANCE OF THE TERM REMAINING AT THE TIME OF APPOINTMENT.

7-1604.

(A) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COUNCIL, ~~AND THE CHAIR SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.~~

(B) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COUNCIL.

(C) A MEMBER OF THE COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

7-1605.

(A) THE COUNCIL SHALL MEET AT LEAST THREE TIMES PER CALENDAR YEAR.

(B) MEETINGS SHALL BE:

(1) OPEN TO THE GENERAL PUBLIC;

(2) HELD IN A PLACE ACCESSIBLE TO THE GENERAL PUBLIC; AND

(3) ANNOUNCED IN ADVANCE.

(C) MINUTES SHALL BE KEPT OF ALL COUNCIL MEETINGS.

7-1606.

THE COUNCIL MAY ADOPT PROCEDURES AND BYLAWS AS NECESSARY TO ENSURE THE ORDERLY TRANSACTION OF BUSINESS.

7-1607.

(A) A MEMBER OF THE COUNCIL APPOINTED BY THE GOVERNOR WHO FAILS TO ATTEND AT LEAST 50% OF THE REGULARLY SCHEDULED MEETINGS OF THE COUNCIL DURING ANY CONSECUTIVE 12-MONTH PERIOD SHALL BE CONSIDERED TO HAVE RESIGNED.

(B) (1) ON OR BEFORE JANUARY 15 OF EACH CALENDAR YEAR, THE CHAIR OF THE COUNCIL SHALL FORWARD TO THE GOVERNOR:

(I) THE NAME OF ANY MEMBER CONSIDERED TO HAVE RESIGNED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) A STATEMENT DESCRIBING THE MEMBER'S HISTORY OF ATTENDANCE DURING THE PRECEDING 12-MONTH PERIOD.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AFTER RECEIVING THE CHAIR'S NOTICE, THE GOVERNOR SHALL APPOINT A SUCCESSOR FOR THE REMAINDER OF THE TERM OF THE RESIGNING MEMBER.

(3) IF A MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE GOVERNOR, THE GOVERNOR MAY WAIVE THE RESIGNATION.

7-1608.

(A) THE COUNCIL SHALL:

(1) CONDUCT A PERIODIC STATEWIDE NEEDS ASSESSMENT CONCERNING THE QUALITY AND AVAILABILITY OF EARLY CHILDHOOD EDUCATION AND DEVELOPMENT PROGRAMS AND SERVICES FOR CHILDREN FROM BIRTH TO SCHOOL ENTRY, INCLUDING:

(I) ~~AN ASSESSMENT OF THE~~ THE AVAILABILITY OF HIGH QUALITY PREKINDERGARTEN SERVICES FOR LOW-INCOME CHILDREN IN THE STATE; ~~AND~~

(II) HEALTH-RELATED BARRIERS TO SCHOOL READINESS AND EARLY CHILDHOOD EDUCATIONAL SUCCESS; AND

(III) AN ASSESSMENT OF THE AVAILABILITY OF HIGH QUALITY EARLY CHILDHOOD EDUCATION AND DEVELOPMENT PROGRAMS THAT SERVE CHILDREN WITH AND WITHOUT DISABILITIES TOGETHER;

(2) IDENTIFY OPPORTUNITIES FOR, AND BARRIERS TO, COLLABORATION AND COORDINATION AMONG FEDERALLY FUNDED AND STATE-FUNDED CHILD DEVELOPMENT, CHILD CARE, AND EARLY CHILDHOOD EDUCATION PROGRAMS;

(3) ASSESS THE CAPACITY AND EFFECTIVENESS OF 2-YEAR AND 4-YEAR PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TOWARD SUPPORTING THE DEVELOPMENT OF EARLY CHILDHOOD EDUCATORS, INCLUDING THE EXTENT TO WHICH THE INSTITUTIONS HAVE ARTICULATION AGREEMENTS, PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT PLANS, AND PRACTICE OR INTERNSHIPS FOR STUDENTS TO SPEND TIME IN A HEAD START OR PREKINDERGARTEN PROGRAM;

~~(3)~~ (4) ~~DEVELOP RECOMMENDATIONS FOR~~ MAKE  
RECOMMENDATIONS:

(I) FOR INCREASING THE OVERALL PARTICIPATION OF CHILDREN IN EXISTING FEDERAL, STATE, AND LOCAL CHILD CARE AND EARLY CHILDHOOD EDUCATION PROGRAMS, INCLUDING OUTREACH TO UNDERREPRESENTED AND SPECIAL POPULATIONS;

~~(4)~~ (II) ~~DEVELOP RECOMMENDATIONS REGARDING~~  
REGARDING THE ESTABLISHMENT OF A UNIFIED DATA COLLECTION SYSTEM FOR PUBLIC EARLY CHILDHOOD EDUCATION AND DEVELOPMENT PROGRAMS AND SERVICES THROUGHOUT THE STATE;

~~(5)~~ (III) ~~DEVELOP RECOMMENDATIONS REGARDING~~  
REGARDING STATEWIDE PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT PLANS FOR EARLY CHILDHOOD EDUCATORS IN THE STATE; AND

~~(6)~~ ~~ASSESS THE CAPACITY AND EFFECTIVENESS OF 2-YEAR AND 4-YEAR PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TOWARD SUPPORTING THE DEVELOPMENT OF EARLY CHILDHOOD EDUCATORS, INCLUDING THE EXTENT TO WHICH THE INSTITUTIONS HAVE ARTICULATION AGREEMENTS, PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT PLANS, AND PRACTICE OR INTERNSHIPS FOR STUDENTS TO SPEND TIME IN A HEAD START OR PREKINDERGARTEN PROGRAM;~~

~~(7)~~ (IV) ~~MAKE RECOMMENDATIONS FOR~~ FOR IMPROVEMENTS TO STATE EARLY LEARNING STANDARDS AND HOW TO UNDERTAKE EFFORTS TO DEVELOP HIGH-QUALITY COMPREHENSIVE EARLY LEARNING STANDARDS, AS APPROPRIATE;

~~(8)~~ **(5)** HOLD PUBLIC HEARINGS AND PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT ON THE ACTIVITIES DESCRIBED IN ITEMS **(1)** THROUGH ~~(7)~~ **(4)** OF THIS SUBSECTION; AND

~~(9)~~ **(6)** PERFORM ANY OTHER DUTIES THAT MAY BE REQUESTED BY THE GOVERNOR.

**(B) (1)** ON OR BEFORE DECEMBER 1, 2015, THE COUNCIL SHALL SUBMIT TO THE GOVERNOR, THE STATE SUPERINTENDENT OF SCHOOLS, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, A STATEWIDE STRATEGIC REPORT ON THE ACTIVITIES DESCRIBED IN SUBSECTION (A)(1) THROUGH ~~(7)~~ **(4)** OF THIS SECTION.

**(2)** AFTER SUBMISSION OF THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COUNCIL SHALL CONTINUE TO MEET PERIODICALLY TO REVIEW IMPLEMENTATION OF THE REPORT'S RECOMMENDATIONS AND ANY CHANGES IN STATE AND LOCAL NEEDS AFTER SUBMISSION OF THE REPORT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 233

(House Bill 595)

AN ACT concerning

### **Real Property – Foreclosure of Residential Property – Certified Community Development Financial Institutions**

FOR the purpose of ~~prohibiting a foreclosure sale of residential property before a secured party responds in a certain manner to a bona fide offer from~~ providing that no person may require, as a condition of a sale or transfer of owner-occupied residential property to a certified community development financial institution to purchase the property, any affidavit, statement, agreement, or addendum that limits ownership or occupancy of the property by the immediately preceding mortgagor or grantor under certain circumstances; providing that any affidavit, statement, agreement, or addendum that limits ownership or occupancy of owner-occupied residential property by the immediately preceding mortgagor or grantor may not serve as a basis to avoid a sale or transfer of the property to a certified community development financial

institution and is unenforceable against certain persons under certain circumstances; exempting a certified community development financial institution from the applicability of certain homeowners in foreclosure protection laws under certain circumstances; providing certain exemptions under the recordation tax and State transfer tax for an instrument of writing relating to a transfer from a certified community development financial institution under certain circumstances; defining a certain term; making this Act an emergency measure; and generally relating to the foreclosure of residential property and certified community development financial institutions.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 7–105.1(a) and 7–302

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Real Property

Section 7–105.1(m), (n), (p), (q), and (s)

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY adding to

Article – Real Property

Section 7–105.1(n–1)

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY adding to

Article – Tax – Property

Section 12–108(ff) and 13–207(a)(24)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 13–207(a)(22) and (23)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

**Article – Real Property**

7–105.1.

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

**(2) (I) “CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION” MEANS A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION THAT IS CERTIFIED BY THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND IN THE U.S. DEPARTMENT OF THE TREASURY UNDER 12 U.S.C. § 4701 ET SEQ.**

**(II) “CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION” INCLUDES ~~AN AFFILIATE OF~~ ANY COMPANY THAT CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH A CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.**

**[(2)] (3)** “Final loss mitigation affidavit” means an affidavit that:

(i) Is made by a person authorized to act on behalf of a secured party of a mortgage or deed of trust on owner-occupied residential property that is the subject of a foreclosure action;

(ii) Certifies the completion of the final determination of loss mitigation analysis in connection with the mortgage or deed of trust; and

(iii) If denied, provides an explanation for the denial of a loan modification or other loss mitigation.

**[(3)] (4)** “Foreclosure mediation” means a conference at which the parties in a foreclosure action, their attorneys, additional representatives of the parties, or a combination of those persons appear before an impartial individual to discuss the positions of the parties in an attempt to reach agreement on a loss mitigation program for the mortgagor or grantor.

**[(4)] (5)** “Housing counseling services” means assistance provided to mortgagors or grantors by nonprofit and governmental entities that are identified on a list maintained by the Department of Housing and Community Development.

**[(5)] (6)** “Loss mitigation analysis” means an evaluation of the facts and circumstances of a loan secured by owner-occupied residential property to determine:

(i) Whether a mortgagor or grantor qualifies for a loan modification; and

(ii) If there will be no loan modification, whether any other loss mitigation program may be made available to the mortgagor or grantor.

**[(6)] (7)** “Loss mitigation program” means an option in connection with a loan secured by owner–occupied residential property that:

(i) Avoids foreclosure through loan modification or other changes to existing loan terms that are intended to allow the mortgagor or grantor to stay in the property;

(ii) Avoids foreclosure through a short sale, deed in lieu of foreclosure, or other alternative that is intended to simplify the mortgagor’s or grantor’s relinquishment of ownership of the property; or

(iii) Lessens the harmful impact of foreclosure on the mortgagor or grantor.

**[(7)] (8)** “Owner–occupied residential property” means residential property in which at least one unit is occupied by an individual who:

(i) Has an ownership interest in the property; and

(ii) Uses the property as the individual’s primary residence.

**[(8)] (9)** “Postfile mediation” means foreclosure mediation that occurs in accordance with subsection (j) of this section after the date on which the order to docket or complaint to foreclose is filed.

**[(9)] (10)** “Prefile mediation” means foreclosure mediation that occurs in accordance with subsection (d) of this section before the date on which the order to docket or complaint to foreclose is filed.

**[(10)] (11)** “Preliminary loss mitigation affidavit” means an affidavit that:

(i) Is made by a person authorized to act on behalf of a secured party of a mortgage or deed of trust on owner–occupied residential property that is the subject of a foreclosure action;

(ii) Certifies the status of an incomplete loss mitigation analysis in connection with the mortgage or deed of trust; and

(iii) Includes reasons why the loss mitigation analysis is incomplete.

**[(11)] (12)** “Residential property” means real property improved by four or fewer single family dwelling units that are designed principally and are intended for human habitation.

(m) (1) If the parties do not reach an agreement at the postfile mediation, or the 60-day mediation period expires without an extension granted by the Office of Administrative Hearings, the foreclosure attorney may schedule the foreclosure sale.

(2) (i) In the case of postfile mediation, subject to subparagraphs (ii), (iii), and (iv) of this paragraph, the mortgagor or grantor may file a motion to stay the foreclosure sale.

(ii) A motion to stay under this paragraph shall be filed within 15 days after:

1. The date the postfile mediation is held; or

2. If no postfile mediation is held, the date the Office of Administrative Hearings files its report with the court.

(iii) A motion to stay under this paragraph must allege specific reasons why loss mitigation should have been granted.

(3) Nothing in this subtitle precludes the mortgagor or grantor from pursuing any other remedy or legal defense available to the mortgagor or grantor.

(n) A foreclosure sale of residential property may not occur until:

(1) If the residential property is not owner-occupied residential property, at least 45 days after service of process is made under subsection (h) of this section;

(2) If the residential property is owner-occupied residential property and foreclosure mediation is not held, the later of:

(i) At least 45 days after service of process that includes a final loss mitigation affidavit made under subsection (h) of this section; or

(ii) At least 30 days after a final loss mitigation affidavit is mailed under subsection (i) of this section; and

(3) If the residential property is owner-occupied residential property and postfile mediation is requested, at least 15 days after:

(i) The date the postfile mediation is held; or

(ii) If no postfile mediation is held, the date the Office of Administrative Hearings files its report with the court.

**(N-1) (1) IF A CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION MAKES ~~A BONA FIDE~~ AN OFFER TO A SECURED PARTY TO**

~~PURCHASE OWNER-OCCUPIED RESIDENTIAL PROPERTY FOR THE PURPOSE OF TRANSFERRING THE PROPERTY TO THE IMMEDIATELY PRECEDING MORTGAGOR OR GRANTOR, A FORECLOSURE SALE MAY NOT OCCUR BEFORE THE SECURED PARTY RESPONDS IN A COMMERCIALY REASONABLE MANNER TO THE BONA FIDE OFFER.~~

~~(2) A SECURED PARTY MAY NOT AVOID OR PREVENT A FORECLOSURE SALE OF PROPERTY FOR WHICH A BONA FIDE OFFER HAS BEEN MADE AS DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION BECAUSE OF ANY AFFIDAVIT, STATEMENT, OR AGREEMENT THAT LIMITS THE OWNERSHIP OR OCCUPANCY OF THE PROPERTY BY THE MORTGAGOR OR GRANTOR. NO PERSON MAY REQUIRE, AS A CONDITION OF A SALE OR TRANSFER OF THE PROPERTY TO THE CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION, ANY AFFIDAVIT, STATEMENT, AGREEMENT, OR ADDENDUM THAT LIMITS OWNERSHIP OR OCCUPANCY OF THE PROPERTY BY THE IMMEDIATELY PRECEDING MORTGAGOR OR GRANTOR.~~

(2) ANY AFFIDAVIT, STATEMENT, AGREEMENT, OR ADDENDUM THAT LIMITS OWNERSHIP OR OCCUPANCY OF OWNER-OCCUPIED RESIDENTIAL PROPERTY BY THE IMMEDIATELY PRECEDING MORTGAGOR OR GRANTOR:

(I) MAY NOT SERVE AS A BASIS TO AVOID A SALE OR TRANSFER OF THE PROPERTY TO A CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION; AND

(II) IS UNENFORCEABLE AGAINST ANY PERSON NAMED IN THE AFFIDAVIT, STATEMENT, AGREEMENT, OR ADDENDUM.

(p) (1) The mortgagor or grantor of residential property has the right to cure the default by paying all past due payments, penalties, and fees and reinstate the loan at any time up to 1 business day before the foreclosure sale occurs.

(2) The secured party or an authorized agent of the secured party shall, on request, provide to the mortgagor or grantor or the mortgagor's or grantor's attorney within a reasonable time the amount necessary to cure the default and reinstate the loan and instructions for delivering the payment.

(q) An action for failure to comply with the provisions of this section shall be brought within 3 years after the date of the order ratifying the sale.

(s) The Commissioner of Financial Regulation may adopt additional regulations necessary to carry out the requirements of this section.

(a) Except as provided in subsection (b) of this section, this subtitle does not apply to:

(1) An individual admitted to practice law in the State, while performing any activity related to the individual's regular practice of law in the State;

(2) A person who holds or services a mortgage loan secured by a residence in default while the person performs servicing, collection, and loss mitigation activities in regard to that mortgage loan, provided the mortgage loan did not arise as a result of a foreclosure consulting contract;

(3) (i) A person doing business under any law of this State or the United States regulating banks, trust companies, savings and loan associations, credit unions, or insurance companies, while the person performs services as a part of the person's normal business activities; and

(ii) Any subsidiary, affiliate, or agent of a person described in item (i) of this item, while the subsidiary, affiliate, or agent performs services as a part of the subsidiary's, affiliate's, or agent's normal business activities;

(4) A judgment creditor of the homeowner, if the judgment creditor's claim accrued before the written notice of foreclosure sale required under § 7-105.2 of this title is sent;

(5) A person licensed as a mortgage lender under Title 11, Subtitle 5 of the Financial Institutions Article while:

(i) Acting under the authority of that license in regard to a residence in default; and

(ii) Arranging for a refinancing of a mortgage loan for the residence in default;

(6) A person licensed as a real estate broker, associate real estate broker, or real estate salesperson under Title 17 of the Business Occupations and Professions Article only:

(i) While the person:

1. Engages in any activity for which the person is licensed under Title 17 of the Business Occupations and Professions Article; and

2. Does not violate any provision of § 7-307 of this subtitle or Title 17 of the Business Occupations and Professions Article; and

(ii) If the residence in default for which the person is conducting a licensed activity:

1. Is listed in the local multiple listing service; and
2. Is sold or transferred through a settlement, including the conveyance or transfer of deed, title, or establishment of equitable interest; [or]

(7) A nonprofit organization that solely offers counseling or advice to homeowners in foreclosure or loan default, if the organization is not directly or indirectly related to and does not contract for services with for-profit lenders; **OR**

**(8) A CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION THAT PURCHASES OWNER-OCCUPIED RESIDENTIAL PROPERTY FOR THE PURPOSE OF TRANSFERRING THE PROPERTY TO THE IMMEDIATELY PRECEDING MORTGAGOR OR GRANTOR UNDER THE CIRCUMSTANCES SPECIFIED IN § 7-105.1 OF THIS TITLE.**

(b) This subtitle does apply to an individual who:

(1) Is functioning in a position listed under subsection (a)**(1) THROUGH (7)** of this section; and

(2) Is engaging in activities or providing services designed or intended to transfer title to a residence in default directly or indirectly to that individual, a relative of that individual, or an agent or affiliate of that individual.

#### **Article – Tax – Property**

12-108.

**(FF) AN INSTRUMENT OF WRITING THAT TRANSFERS RESIDENTIAL REAL PROPERTY FROM A CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION TO THE IMMEDIATELY PRECEDING MORTGAGOR OR GRANTOR OF THE PROPERTY UNDER THE CIRCUMSTANCES SPECIFIED IN § 7-105.1 OF THE REAL PROPERTY ARTICLE IS NOT SUBJECT TO RECORDATION TAX.**

13-207.

(a) An instrument of writing is not subject to transfer tax to the same extent that it is not subject to recordation tax under:

(22) § 12-108(dd) of this article (Transfer from an estate); [or]

(23) § 12-108(ee) of this article (Transfer to a trust and transfer from a trust under specified circumstances); **OR**

**(24) § 12-108(F) OF THIS ARTICLE (TRANSFER FROM A CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION).**

SECTION 2. 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 shall take effect from the date it is enacted.

**Approved by the Governor, April 14, 2014.**

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**Chapter 234**

**(House Bill 598)**

AN ACT concerning

**Law Enforcement Officers' Bill of Rights – ~~Prosecutorial~~ Disclosures – Punitive Action**

FOR the purpose of ~~prohibiting punitive action from being taken against a law enforcement officer based solely on the fact that a prosecutorial agency determined that it must disclose information about the law enforcement officer to the defense under certain circumstances; specifying that this Act does not limit a law enforcement agency from taking punitive action against a law enforcement officer based on the underlying acts or omissions for which information about the law enforcement officer was disclosed; providing for the construction of this Act;~~ authorizing a certain law enforcement agency to maintain a list of certain law enforcement officers solely for the purpose of satisfying a certain disclosure requirement relating to impeachment or exculpatory evidence; prohibiting a certain law enforcement agency from taking certain punitive action against a law enforcement officer whose name is on the list under certain circumstances; requiring a certain law enforcement agency to provide a certain notice to a certain law enforcement officer under certain circumstances; providing that a law enforcement officer maintains all rights of appeal under certain circumstances; and generally relating to ~~prosecutorial~~ disclosures and the Law Enforcement Officers' Bill of Rights.

BY adding to

Article – Public Safety

Section 3-106.1

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

Article – Public Safety

3-106.1.

~~(A) BASED SOLELY ON THE FACT THAT A PROSECUTORIAL AGENCY HAS DETERMINED THAT IT SHALL DISCLOSE INFORMATION ABOUT A LAW ENFORCEMENT OFFICER TO THE DEFENSE IN ACCORDANCE WITH MARYLAND RULES 4-262(D) OR 4-263(D), THE LAW ENFORCEMENT OFFICER MAY NOT:~~

~~(1) BE DEMOTED;~~

~~(2) BE DISMISSED;~~

~~(3) BE TRANSFERRED;~~

~~(4) LOSE PAY;~~

~~(5) BE REASSIGNED; OR~~

~~(6) FACE ANY OTHER SIMILAR ACTION THAT IS CONSIDERED PUNITIVE.~~

~~(B) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT THE ABILITY OF A LAW ENFORCEMENT AGENCY TO TAKE PUNITIVE ACTION AGAINST A LAW ENFORCEMENT OFFICER BASED ON THE UNDERLYING ACTS OR OMISSIONS FOR WHICH INFORMATION ABOUT THE LAW ENFORCEMENT OFFICER WAS DISCLOSED TO THE DEFENSE IN ACCORDANCE WITH MARYLAND RULES 4-262(D) OR 4-263(D).~~

(A) A LAW ENFORCEMENT AGENCY REQUIRED BY LAW TO DISCLOSE INFORMATION FOR USE AS IMPEACHMENT OR EXCULPATORY EVIDENCE IN A CRIMINAL CASE, SOLELY FOR THE PURPOSE OF SATISFYING THE DISCLOSURE REQUIREMENT, MAY MAINTAIN A LIST OF LAW ENFORCEMENT OFFICERS WHO HAVE BEEN FOUND OR ALLEGED TO HAVE COMMITTED ACTS WHICH BEAR ON CREDIBILITY, INTEGRITY, HONESTY, OR OTHER CHARACTERISTICS THAT WOULD CONSTITUTE EXCULPATORY OR IMPEACHMENT EVIDENCE.

(B) A LAW ENFORCEMENT AGENCY MAY NOT, BASED SOLELY ON THE FACT THAT A LAW ENFORCEMENT OFFICER IS INCLUDED ON THE LIST MAINTAINED UNDER SUBSECTION (A) OF THIS SECTION, TAKE PUNITIVE ACTION AGAINST THE LAW ENFORCEMENT OFFICER, INCLUDING:

- (1) DEMOTION;
- (2) DISMISSAL;
- (3) SUSPENSION WITHOUT PAY; OR
- (4) REDUCTION IN PAY.

(C) A LAW ENFORCEMENT AGENCY THAT MAINTAINS A LIST OF LAW ENFORCEMENT OFFICERS UNDER SUBSECTION (A) OF THIS SECTION SHALL PROVIDE TIMELY NOTICE TO EACH LAW ENFORCEMENT OFFICER WHOSE NAME HAS BEEN PLACED ON THE LIST.

(D) A LAW ENFORCEMENT OFFICER MAINTAINS ALL RIGHTS OF APPEAL PROVIDED IN THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 235

(House Bill 695)

AN ACT concerning

### **Crimes – Obstructing Justice – Tampering With or Fabricating Physical Evidence**

FOR the purpose of prohibiting a person from destroying, altering, concealing, or removing physical evidence that the person believes may be used in a certain pending or future official proceeding with the intent to impair the verity or availability of the physical evidence in the proceeding; prohibiting a person from fabricating physical evidence with the intent to deceive in order to impair the verity of the physical evidence with the intent that the fabricated physical evidence be introduced in a certain pending or future official proceeding; prohibiting a person from introducing fabricated physical evidence in a certain official proceeding under certain circumstances; establishing a certain penalty; and generally relating to tampering with or fabricating physical evidence.

BY repealing and reenacting, without amendments,  
Article – Criminal Law

Section 9–301(a) and (b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY adding to

Article – Criminal Law  
Section 9–307  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Law**

9–301.

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

(b) “Official proceeding” includes a criminal trial, a hearing related to a criminal trial or adjudicatory hearing, a grand jury proceeding, and any other proceeding that is part of a criminal action or juvenile delinquency case.

**9–307.**

**(A) A PERSON MAY NOT DESTROY, ALTER, CONCEAL, OR REMOVE PHYSICAL EVIDENCE THAT THE PERSON BELIEVES MAY BE USED IN A PENDING OR FUTURE OFFICIAL PROCEEDING WITH THE INTENT TO IMPAIR THE VERITY OR AVAILABILITY OF THE PHYSICAL EVIDENCE IN THE OFFICIAL PROCEEDING.**

**(B) A PERSON MAY NOT FABRICATE PHYSICAL EVIDENCE IN ORDER TO IMPAIR THE VERITY OF THE PHYSICAL EVIDENCE WITH THE INTENT TO DECEIVE AND THAT THE FABRICATED PHYSICAL EVIDENCE BE INTRODUCED IN A PENDING OR FUTURE OFFICIAL PROCEEDING.**

**(C) A PERSON MAY NOT INTRODUCE PHYSICAL EVIDENCE IN AN OFFICIAL PROCEEDING IF THE PERSON KNOWS ~~OR SHOULD KNOW~~ THAT THE EVIDENCE HAS BEEN ALTERED OR FABRICATED WITH THE INTENT TO DECEIVE IN ORDER TO IMPAIR THE VERITY OF THE PHYSICAL EVIDENCE.**

**(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 236

(House Bill 697)

AN ACT concerning

### Crimes – Threat of Mass Violence

FOR the purpose of prohibiting a person from threatening to commit, or ~~causing~~ *threatening to cause* to be committed, a certain crime of violence that would place others at substantial risk of death or serious physical injury if there ~~are~~ certain probable consequences is a certain result of the threat; establishing that this Act applies to a threat made by oral or written communication or electronic mail; establishing that a person who violates this Act is guilty of the misdemeanor of making a threat of mass violence; establishing a penalty for a violation of this Act; requiring a court to order a person convicted under this Act to reimburse certain persons; providing for the venue for a prosecution under this Act; defining certain terms; and generally relating to the misdemeanor of making a threat of mass violence.

BY adding to

Article – Criminal Law

Section 3–1001 to be under the new subtitle “Subtitle 10. Threat of Mass Violence”

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

### Article – Criminal Law

#### SUBTITLE 10. THREAT OF MASS VIOLENCE.

#### 3–1001.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DWELLING” HAS THE MEANING STATED IN § 6–201 OF THIS ARTICLE.

(3) “PUBLIC PLACE” HAS THE MEANING STATED IN § 10–201 OF THIS ARTICLE.

(4) “STOREHOUSE” HAS THE MEANING STATED IN § 6–201 OF THIS ARTICLE.

(B) THIS SECTION APPLIES TO A THREAT MADE BY ORAL OR WRITTEN COMMUNICATION OR ELECTRONIC MAIL, AS DEFINED IN § 3–805(A) OF THIS TITLE.

(C) A PERSON MAY NOT KNOWINGLY THREATEN TO COMMIT OR THREATEN TO CAUSE TO BE COMMITTED A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THIS ARTICLE, THAT WOULD PLACE OTHERS AT SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY, AS DEFINED IN § 3–201 OF THIS TITLE, IF ~~THE NATURAL AND PROBABLE CONSEQUENCE AS A RESULT OF THE THREAT, REGARDLESS OF WHETHER THE CONSEQUENCE OCCURS, WOULD BE THAT THAT THREAT IS CARRIED OUT,~~ FIVE OR MORE PEOPLE ~~COULD BE~~ ARE:

(1) PLACED IN REASONABLE FEAR THAT THE CRIME WILL BE COMMITTED;

(2) ~~REQUIRED TO EVACUATE~~ EVACUATED FROM A DWELLING, STOREHOUSE, OR PUBLIC PLACE;

(3) REQUIRED TO MOVE TO A DESIGNATED AREA WITHIN A DWELLING, STOREHOUSE, OR PUBLIC PLACE; OR

(4) REQUIRED TO REMAIN IN A DESIGNATED SAFE AREA WITHIN A DWELLING, STOREHOUSE, OR PUBLIC PLACE.

(D) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF MAKING A THREAT OF MASS VIOLENCE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

(2) IN ADDITION TO THE PENALTIES PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, A COURT SHALL ORDER A PERSON CONVICTED UNDER THIS SECTION TO REIMBURSE THE APPROPRIATE UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT OR OTHER PERSON FOR EXPENSES AND LOSSES INCURRED IN RESPONDING TO THE UNLAWFUL THREAT UNLESS THE COURT STATES ON THE RECORD THE REASONS WHY REIMBURSEMENT WOULD BE INAPPROPRIATE.

**(E) A PERSON WHO VIOLATES THIS SECTION MAY BE INDICTED, PROSECUTED, TRIED, AND CONVICTED IN ANY COUNTY WHERE:**

- (1) THE THREAT WAS RECEIVED;**
- (2) THE THREAT WAS MADE; OR**
- (3) THE CONSEQUENCES OF THE THREAT OCCURRED.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 237**

**(House Bill 714)**

AN ACT concerning

### **Criminal Law – Identity Fraud – Prohibitions**

FOR the purpose of prohibiting a person from maliciously using an interactive computer service to disclose or assist another person to disclose certain personal identifying information of an individual, without the consent of the individual, in order to annoy, threaten, embarrass, or harass the individual; providing penalties for a violation of this Act; defining a certain term; and generally relating to identity fraud.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 8–301(a) and (g)(4)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY adding to  
Article – Criminal Law  
Section 8–301(b–1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Law**

8–301.

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

(2) “Health care” means care, services, or supplies related to the health of an individual that includes the following:

(i) preventative, diagnostic, therapeutic, rehabilitative, maintenance care, palliative care and counseling, service assessment, or procedure:

1. with respect to the physical or mental condition or functional status of an individual; or

2. that affects the structure or function of the body; and

(ii) the sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

(3) “Health information” means any information, whether oral or recorded in any form or medium, that:

(i) is created or received by:

1. a health care provider;

2. a health care carrier;

3. a public health authority;

4. an employer;

5. a life insurer;

6. a school or university; or

7. a health care clearinghouse; and

(ii) relates to the:

1. past, present, or future physical or mental health or condition of an individual;

2. provision of health care to an individual; or

3. past, present, or future payment for the provision of health care to an individual.

**(4) “INTERACTIVE COMPUTER SERVICE” MEANS AN INFORMATION SERVICE, SYSTEM, OR ACCESS SOFTWARE PROVIDER THAT PROVIDES OR ENABLES COMPUTER ACCESS BY MULTIPLE USERS TO A COMPUTER SERVER, INCLUDING A SYSTEM THAT PROVIDES ACCESS TO THE INTERNET AND CELLULAR PHONES.**

**[(4)] (5)** “Payment device number” has the meaning stated in § 8–213 of this title.

**[(5)] (6)** (i) “Personal identifying information” includes a name, address, telephone number, driver’s license number, Social Security number, place of employment, employee identification number, health insurance identification number, medical identification number, mother’s maiden name, bank or other financial institution account number, date of birth, personal identification number, unique biometric data, including fingerprint, voice print, retina or iris image or other unique physical representation, digital signature, credit card number, or other payment device number.

(ii) “Personal identifying information” may be derived from any element in subparagraph (i) of this paragraph, alone or in conjunction with any other information to identify a specific natural or fictitious individual.

**[(6)] (7)** “Re–encoder” means an electronic device that places encoded personal identifying information or a payment device number from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card or any electronic medium that allows such a transaction to occur.

**[(7)] (8)** “Skimming device” means a scanner, skimmer, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, personal identifying information or a payment device number encoded on the magnetic strip or stripe of a credit card.

**(B–1) A PERSON MAY NOT MALICIOUSLY USE AN INTERACTIVE COMPUTER SERVICE TO DISCLOSE OR ASSIST ANOTHER PERSON TO DISCLOSE THE DRIVER’S LICENSE NUMBER, BANK OR OTHER FINANCIAL INSTITUTION ACCOUNT NUMBER, CREDIT CARD NUMBER, PAYMENT DEVICE NUMBER, SOCIAL SECURITY NUMBER, OR EMPLOYEE IDENTIFICATION NUMBER OF AN INDIVIDUAL, WITHOUT THE CONSENT OF THE INDIVIDUAL, IN ORDER TO ANNOY, THREATEN, EMBARRASS, OR HARASS THE INDIVIDUAL.**

(g) (4) A person who violates subsection **(B-1)**, (c)(1), (e), or (f) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 238

(House Bill 807)

AN ACT concerning

### **Criminal Law – Burglary in the First Degree – Home Invasion and ~~Armed~~ ~~Home Invasion~~**

FOR the purpose of ~~prohibiting a person from breaking and entering the dwelling of another and committing a crime of violence against a person in the dwelling; prohibiting a person from employing or displaying a dangerous weapon during the commission of a home invasion; establishing a unit of prosecution for a certain violation; establishing certain criminal penalties; authorizing a sentence imposed under this Act to be separate from and consecutive to a sentence for any other crime that arises from the conduct underlying the home invasion or armed home invasion; defining certain terms; altering a certain definition; increasing the maximum penalty of imprisonment for breaking and entering the dwelling of another with the intent to commit a crime of violence; designating a certain offense to be the felony of home invasion; and generally relating to the prohibition against home invasion~~ home invasion.

~~BY adding to~~

~~Article – Criminal Law~~

~~Section 3-1001 and 3-1002 to be under the new subtitle “Subtitle 10. Home  
Invasion”~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section ~~14-101(a)~~ 6-202

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

~~SUBTITLE 10. HOME INVASION.~~

~~§ 1001.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) “BREAK” RETAINS ITS JUDICIALLY DETERMINED MEANING EXCEPT TO THE EXTENT THAT ITS MEANING IS EXPRESSLY OR IMPLIEDLY CHANGED IN THIS SUBTITLE.~~

~~(C) “CRIME OF VIOLENCE” HAS THE MEANING STATED IN § 14-101 OF THIS ARTICLE.~~

~~(D) “DWELLING” RETAINS ITS JUDICIALLY DETERMINED MEANING EXCEPT TO THE EXTENT THAT ITS MEANING IS EXPRESSLY OR IMPLIEDLY CHANGED IN THIS SUBTITLE.~~

~~(E) “ENTER” RETAINS ITS JUDICIALLY DETERMINED MEANING EXCEPT TO THE EXTENT THAT ITS MEANING IS EXPRESSLY OR IMPLIEDLY CHANGED IN THIS SUBTITLE.~~

~~§ 1002.~~

~~(A) A PERSON MAY NOT:~~

~~(1) BREAK AND ENTER THE DWELLING OF ANOTHER IF THE PERSON KNOWS OR HAS REASON TO KNOW THAT ONE OR MORE OTHER PERSONS ARE PRESENT IN THE DWELLING; AND~~

~~(2) COMMIT A CRIME OF VIOLENCE AGAINST A PERSON IN THE DWELLING.~~

~~(B) A PERSON MAY NOT EMPLOY OR DISPLAY A DANGEROUS WEAPON DURING THE COMMISSION OF A HOME INVASION UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(C) THE UNIT OF PROSECUTION FOR A VIOLATION OF THIS SECTION IS BASED ON THE NUMBER OF PERSONS IN THE DWELLING AT THE TIME OF THE HOME INVASION.~~

~~(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS.~~

~~(E) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM AND CONSECUTIVE TO A SENTENCE FOR ANY OTHER CRIME THAT ARISES FROM THE CONDUCT UNDERLYING THE HOME INVASION VIOLENT CRIME OR ARMED HOME INVASION VIOLENT CRIME.~~

~~14-101.~~

~~(a) In this section, “crime of violence” means:~~

- ~~(1) abduction;~~
- ~~(2) arson in the first degree;~~
- ~~(3) kidnapping;~~
- ~~(4) manslaughter, except involuntary manslaughter;~~
- ~~(5) mayhem;~~
- ~~(6) maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;~~
- ~~(7) murder;~~
- ~~(8) rape;~~
- ~~(9) robbery under § 3-402 or § 3-403 of this article;~~
- ~~(10) carjacking;~~
- ~~(11) armed carjacking;~~
- ~~(12) sexual offense in the first degree;~~
- ~~(13) sexual offense in the second degree;~~
- ~~(14) use of a handgun in the commission of a felony or other crime of violence;~~
- ~~(15) child abuse in the first degree under § 3-601 of this article;~~
- ~~(16) sexual abuse of a minor under § 3-602 of this article if:~~

~~(i) the victim is under the age of 13 years and the offender is an adult at the time of the offense; and~~

~~(ii) the offense involved:~~

~~1. vaginal intercourse, as defined in § 3-301 of this article;~~

~~2. a sexual act, as defined in § 3-301 of this article;~~

~~3. an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or~~

~~4. the intentional touching, not through the clothing, of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;~~

~~(17) an attempt to commit any of the crimes described in items (1) through (16) of this subsection;~~

~~(18) continuing course of conduct with a child under § 3-315 of this article;~~

~~(19) assault in the first degree;~~

~~(20) assault with intent to murder;~~

~~(21) assault with intent to rape;~~

~~(22) assault with intent to rob;~~

~~(23) HOME INVASION UNDER § 3-1002(A) OF THIS ARTICLE;~~

~~(24) ARMED HOME INVASION UNDER § 3-1002(B) OF THIS ARTICLE;~~

~~[(23)] (25) assault with intent to commit a sexual offense in the first degree; and~~

~~[(24)] (26) assault with intent to commit a sexual offense in the second degree.~~

(a) A person may not break and enter the dwelling of another with the intent to commit theft [or a crime of violence].

(B) A PERSON MAY NOT BREAK AND ENTER THE DWELLING OF ANOTHER WITH THE INTENT TO COMMIT A CRIME OF VIOLENCE.

[(b)](C) A person who violates SUBSECTION (A) OF this section is guilty of the felony of burglary in the first degree and on conviction is subject to imprisonment not exceeding 20 years.

(D) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE FELONY OF HOME INVASION AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 25 YEARS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 239

(House Bill 822)

AN ACT concerning

### **State Employee and Retiree Health and Welfare Benefits Program – Participation in Program – City of Hyattsville and Satellite Organizations**

FOR the purpose of authorizing an employee or a former employee of the City of Hyattsville and a surviving spouse or dependent child of the employee or former employee to enroll and participate in the State Employee and Retiree Health and Welfare Benefits Program under certain circumstances; authorizing the State to charge the City of Hyattsville and certain entities certain costs resulting from certain individuals participating in the Program; requiring the City of Hyattsville to determine the extent to which the City will subsidize participation in the Program; authorizing a former employee of a certain satellite organization and the spouse or dependent child of the former employee, who is enrolled and participating in the Program as a retiree or a dependent of a retiree as of the effective date of this Act, to continue to participate in the Program under certain circumstances; requiring a certain satellite organization to determine the extent to which the satellite organization will subsidize participation in the Program by its former employees; defining a certain term; making certain conforming changes; and generally relating to enrollment and

participation in the State Employee and Retiree Health and Welfare Benefits Program.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 2–511

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

**Article – State Personnel and Pensions**

2–511.

(a) This section applies to employees of:

- (1) the Maryland Environmental Service;
- (2) the Northeast Maryland Waste Disposal Authority;
- (3) the Baltimore Metropolitan Council; [and]
- (4) the Maryland Automobile Insurance Fund; **AND**
- (5) THE CITY OF HYATTSVILLE.**

(b) Subject to the regulations adopted under § 2–503 of this subtitle, an employee or, while receiving an allowance under the Employees' Retirement System of the State of Maryland or the Employees' Pension System of the State of Maryland, an employee's surviving spouse:

(1) may enroll and participate in the health insurance or other benefit options established under the Program; and

(2) except as provided in subsection (d) of this section, is subject to the same terms and conditions as those provided under § 2–507 of this subtitle.

(c) While receiving an allowance under the Employees' Retirement System of the State of Maryland or the Employees' Pension System of the State of Maryland, a former employee or a former employee's surviving spouse or dependent child:

(1) may enroll and participate in the health insurance benefit options established under the Program; and

(2) except as provided in subsection (d) of this section, is subject to the same terms and conditions as those provided under § 2–508 of this subtitle, with the employee’s service with the Maryland Environmental Service, Northeast Maryland Waste Disposal Authority, the Baltimore Metropolitan Council, [and] the Maryland Automobile Insurance Fund, **AND THE CITY OF HYATTSVILLE** being included as part of the employee’s State service.

(d) (1) (I) [For each participant under this section,] **THE STATE MAY CHARGE** the Maryland Environmental Service, the Northeast Maryland Waste Disposal Authority, the Baltimore Metropolitan Council, and the Maryland Automobile Insurance Fund, or any successor agency, [shall pay to the State] the respective **PARTICIPANT’S TOTAL COST RESULTING FROM PARTICIPATION IN THE PROGRAM UNDER THIS SECTION.**

(II) **THE RESPECTIVE** employer share of the cost of the Program **UNDER THIS PARAGRAPH SHALL BE** based on the State subsidy allowed under this subtitle.

(2) (I) **THE STATE MAY CHARGE THE CITY OF HYATTSVILLE THE PARTICIPANT’S TOTAL COST RESULTING FROM PARTICIPATION IN THE PROGRAM UNDER THIS SECTION.**

(II) **THE CITY OF HYATTSVILLE SHALL DETERMINE THE EXTENT TO WHICH THE CITY WILL SUBSIDIZE PARTICIPATION IN THE PROGRAM.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) In this section, “satellite organization” has the meaning stated in § 2–501 of the State Personnel and Pensions Article.

(b) Subject to the approval of the satellite organization, a former employee of a participating satellite organization or a former employee’s spouse or dependent child who is enrolled and participating in the State Employee and Retiree Health and Welfare Benefits Program as a retiree or dependent of a retiree on the effective date of this Act may continue to participate in the Program as long as the total costs resulting from participation in the Program are paid to the Program by the satellite organization.

(c) A satellite organization whose former employees are authorized to participate in the Program under this section shall determine the extent to which the satellite organization will subsidize participation by its former employees.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 240

(House Bill 881)

AN ACT concerning

### Medical Marijuana – Natalie M. LaPrade Medical Marijuana Commission

FOR the purpose of altering the purpose of the Natalie M. LaPrade Medical Marijuana Commission to include the ~~registration~~ approval and regulation of certain physicians, the publishing and dissemination of certain information, and the research of certain issues; requiring the Commission to develop certain identification cards; requiring the Commission to develop and maintain a certain Web site; increasing the membership of the Commission; requiring the Department of Health and Mental Hygiene to adopt certain regulations; authorizing the Commission to set reasonable fees to cover certain costs; altering the contents of the Natalie M. LaPrade Medical Marijuana Commission Fund to include certain fees collected by the Commission; requiring the Commission to approve certain individuals as certifying physicians; requiring a physician to submit a certain proposal to the Commission to be ~~registered~~ approved as a certifying physician; encouraging and authorizing the Commission to approve certain applications; prohibiting a certifying physician and the spouse of a certifying physician from receiving gifts from, or having any financial interest in, a medical marijuana grower or a dispensary; authorizing a certifying physician to receive certain compensation if the certifying physician obtains certain approval and discloses certain information; providing that a qualifying patient may be a patient of the certifying physician or referred to the certifying physician; requiring a certifying physician to provide each written certification to the Commission; requiring the Commission to issue certain identification cards under certain circumstances; authorizing a certifying physician to discuss medical marijuana with certain patients; providing that certain qualifying patients and caregivers may obtain medical marijuana only from a ~~licensed~~ medical marijuana grower or dispensary licensed by the Commission; providing that certain qualifying patients may obtain medical marijuana only through the patient's caregiver; prohibiting a caregiver from serving more than a certain number of qualifying patients at any time; prohibiting a qualifying patient from having more than a certain number of caregivers; requiring each certifying physician to submit a certain annual report to the Commission; authorizing a certifying physician to apply for a renewal of ~~a registration~~ an approval on a certain basis; requiring the Commission to grant or deny a renewal of ~~a registration~~ an approval based on a certifying physician's performance in complying with certain regulations; ~~providing that a certifying~~

~~physician shall be protected from certain penalties for certain actions; altering the contents of a certain report the Commission is required to make to the Governor and General Assembly each year; altering the number of medical marijuana growers the Commission may license; providing for the term of an initial and renewed medical marijuana grower license; providing for the form of an application to operate as a medical marijuana grower; requiring the Commission to establish a certain application review process for granting medical marijuana grower licenses; prohibiting the Commission from issuing more than one medical marijuana grower license to an applicant; requiring a medical marijuana grower to pay a certain fee; altering the entities to which a licensed medical marijuana grower may provide marijuana; providing for the term of an initial and a renewal medical marijuana grower license; providing for the form of an application to operate as a medical marijuana grower; requiring the Commission to set certain standards for licensure; requiring a medical marijuana grower agent to be registered with the Commission; requiring a medical marijuana grower to apply to the Commission for a registration card for each grower agent by submitting certain information to the Commission; requiring each medical marijuana grower agent to obtain a criminal history records check; encouraging the Commission to license medical marijuana growers that grow certain strains of marijuana and, prepare medical marijuana in a range of routes of administration, and are located in agricultural zones; requiring the Commission to actively seek to achieve racial, ethnic, and geographic diversity and to encourage certain applicants when licensing medical marijuana growers; requiring certain growers to submit a certain annual report to the Commission beginning on a certain date; requiring an entity seeking licensure as a medical marijuana grower to meet local zoning and planning requirements; prohibiting the Commission from setting certain site and planning requirements; prohibiting a medical marijuana grower agent and certain family members of a medical marijuana grower agent from being employed by, and receiving any compensation or gifts from, or having any financial interest in a certifying physician or a medical marijuana treatment center; authorizing an entity licensed to grow marijuana under certain provisions of law to provide marijuana to certain patients or certain caregivers and only to certain programs, certain licensed dispensaries, qualified patients, and caregivers; authorizing a medical marijuana grower to distribute marijuana at certain facilities; authorizing a qualifying patient or caregiver to obtain medical marijuana from certain facilities; requiring an entity licensed to grow marijuana under certain provisions of law to ensure that certain safety precautions are followed by certain facilities; requiring a dispensary to be licensed by the Commission; requiring an applicant to be licensed as a dispensary to submit to the Commission a certain application fee and a certain application; requiring the Commission to establish a certain application review process for granting dispensary licenses and to actively seek to achieve racial, ethnic, and geographic diversity when licensing dispensaries; prohibiting certain entities and agents from being arrested or penalized for certain actions; requiring the medical marijuana treatment center agents to meet certain qualifications; requiring dispensaries to apply to the Commission for registration cards for~~

certain agents by submitting certain information; requiring, under certain circumstances, dispensaries to notify the Commission and return registration cards of certain agents to the Commission within a certain time period; requiring the Commission, on receipt of a certain notice, to immediately revoke certain registrations and, under certain circumstances, notify the Department of State Police that certain registration cards have not been returned; prohibiting the Commission from registering certain persons as dispensary agents; requiring an applicant for certain criminal history records checks to submit to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services certain sets of fingerprints and certain fees; requiring the Central Repository to forward to the Commission and the applicant certain information; authorizing, under certain circumstances, the Commission to accept an alternate method of criminal history records checks as permitted by certain individuals; providing that certain information obtained from the Central Repository is confidential, may not be redisseminated, and may be used only for a certain purpose; authorizing the subject of a certain criminal history records check to contest the contents of a certain statement; adding to the persons that may not be subject to arrest, prosecution, or certain penalties, or be denied any right or privilege, for the medical use of marijuana; providing that a person may not distribute, possess, manufacture, or use marijuana that has been diverted from a qualifying patient; providing that this Act may not be construed to require a hospital or hospice program to report certain information to the Commission; requiring the Commission to adopt certain regulations on or before a certain date; requiring the Commission to report to certain committees of the General Assembly on or before a certain date in certain years on any change in marijuana use by minors; requiring the Commission to study and report its recommendations to the General Assembly on how to provide access to medical marijuana for certain veterans; requiring the Commission to report to the General Assembly on or before a certain date on the level of competition in the market for medical marijuana; requiring the Commission, in consultation with the Comptroller, to study the taxation of medical marijuana and the impact that medical marijuana laws have had on banking and financial transactions in other states and to report the Commission's findings and recommendations to the General Assembly on or before a certain date; defining certain terms; making certain conforming changes; and generally relating to the Natalie M. LaPrade Medical Marijuana Commission and medical marijuana.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–3301 through 13–3303 and 13–3307 through 13–3311

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – Health – General

Section 13–3307 ~~and 13–3313~~, 13–3310, 13–3311, 13–3312, and 13–3316

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 13–3304 through 13–3306

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

**Article – Health – General**

13–3301.

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

(b) “Academic medical center” means a hospital that:

(1) Operates a medical residency program for physicians; and

(2) Conducts research that is overseen by the federal Department of Health and Human Services and involves human subjects.

**(c) “CAREGIVER” MEANS:**

**(1) A PERSON WHO HAS AGREED TO ASSIST WITH A QUALIFYING PATIENT’S MEDICAL USE OF MARIJUANA; AND**

**(2) FOR A QUALIFIED PATIENT UNDER THE AGE OF 18 YEARS, A PARENT OR LEGAL GUARDIAN.**

**(d) “CERTIFYING PHYSICIAN” MEANS AN INDIVIDUAL WHO:**

**(1) IS LICENSED BY THE STATE BOARD OF PHYSICIANS UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE TO PRACTICE MEDICINE; AND**

**(2) IS ~~ON STAFF OR IS A MEMBER OF THE MEDICAL STAFF AT A HOSPITAL OR WITH A HOSPICE PROGRAM IN THE STATE; AND~~**

**(3) ~~REGISTERS WITH~~ APPROVED BY THE COMMISSION TO MAKE MARIJUANA AVAILABLE TO PATIENTS FOR MEDICAL USE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION.**

[(c)] ~~(D)~~ (E) “Commission” means the Natalie M. LaPrade Medical Marijuana Commission established under this subtitle.

(F) “DISPENSARY” MEANS AN ENTITY LICENSED UNDER THIS SUBTITLE THAT ACQUIRES, POSSESSES, PROCESSES, TRANSFERS, TRANSPORTS, SELLS, DISTRIBUTES, DISPENSES, OR ADMINISTERS MARIJUANA, PRODUCTS CONTAINING MARIJUANA, RELATED SUPPLIES, RELATED PRODUCTS INCLUDING FOOD, TINCTURES, AEROSOLS, OILS, OR OINTMENTS, OR EDUCATIONAL MATERIALS FOR USE BY A QUALIFYING PATIENT OR CAREGIVER.

(G) “DISPENSARY AGENT” MEANS AN OWNER, A MEMBER, AN EMPLOYEE, A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A DISPENSARY.

[(d)] ~~(E)~~ ~~(F)~~ (H) “Fund” means the Natalie M. LaPrade Medical Marijuana Commission Fund established under § 13–3303 of this subtitle.

[(e)] ~~(F)~~ ~~(G)~~ (I) “MEDICAL MARIJUANA GROWER AGENT” MEANS AN OWNER, AN EMPLOYEE, A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A MEDICAL MARIJUANA GROWER LICENSED UNDER THIS SUBTITLE.

(J) “Program” means an investigational use–type program overseen by an academic medical center through which marijuana is made available to patients for medical use.

~~(G)~~ ~~(H)~~ (K) “QUALIFYING PATIENT” MEANS A RESIDENT OF THE STATE WHO:

~~(1) IS AT LEAST 18 YEARS OLD, UNLESS THE COMMISSION GRANTS AN EXCEPTION AT THE RECOMMENDATION OF THE PATIENT’S CERTIFYING PHYSICIAN; AND~~

~~(2)~~ ~~(H)~~ (I) HAS BEEN PROVIDED WITH A WRITTEN CERTIFICATION BY A CERTIFYING PHYSICIAN IN ACCORDANCE WITH A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP; OR ~~OR~~

~~(H)~~ ~~(2)~~ (II) IS ENROLLED IN A RESEARCH PROGRAM WITH A REGISTERED ACADEMIC MEDICAL CENTER; OR AND

~~(3)~~ (2) IF UNDER THE AGE OF 18 YEARS, HAS A CAREGIVER.

~~(H)~~ ~~(I)~~ (L) “WRITTEN CERTIFICATION” MEANS A CERTIFICATION THAT:

(1) IS ISSUED BY A CERTIFYING PHYSICIAN TO A QUALIFYING PATIENT WITH WHOM THE PHYSICIAN HAS A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP; AND

(2) INCLUDES A WRITTEN STATEMENT CERTIFYING THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, AFTER HAVING COMPLETED A FULL ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION, THE PATIENT HAS A CONDITION:

(I) THAT MEETS THE INCLUSION CRITERIA AND DOES NOT MEET THE EXCLUSION CRITERIA OF THE CERTIFYING PHYSICIAN'S APPLICATION; AND

(II) FOR WHICH:

~~1. RECOGNIZED DRUGS OR TREATMENT WOULD NOT BE EFFECTIVE OR OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE EFFECTS OR A GREATER RISK OF ADDICTION; AND~~

~~2. THE THE~~ POTENTIAL BENEFITS OF THE MEDICAL USE OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE PATIENT.

13-3302.

(a) There is a Natalie M. LaPrade Medical Marijuana Commission.

(b) The Commission is an independent commission that functions within the Department.

(c) The purpose of the Commission is to:

(1) Develop requests for applications for academic medical centers to operate programs in accordance with this subtitle;

(2) Approve or deny applications for programs;

(3) Approve or deny applications for renewal of programs; [and]

(4) Monitor and oversee programs approved for operation under this subtitle; ~~AND~~

(5) ~~REGISTER~~ APPROVE ~~AND REGULATE~~ CERTIFYING PHYSICIANS;

(6) PUBLISH AND DISSEMINATE ANY INFORMATION THAT RELATES TO THE MEDICAL USE OF MARIJUANA AND RELATED RESEARCH; AND

(7) RESEARCH ISSUES RELATED TO THE MEDICAL USE OF MARIJUANA.

(D) (1) THE COMMISSION SHALL:

~~(I) DEVELOP DEVELOP IDENTIFICATION CARDS FOR QUALIFYING PATIENTS AND CAREGIVERS; AND~~

~~(II) DEVELOP AND MAINTAIN A WEB SITE THAT PROVIDES A LIST OF CERTIFYING PHYSICIANS AND CONTACT INFORMATION FOR LICENSED MEDICAL MARIJUANA GROWERS.~~

(2) (I) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ESTABLISH THE REQUIREMENTS FOR IDENTIFICATION CARDS PROVIDED BY THE COMMISSION.

(II) THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE:

1. THE INFORMATION TO BE INCLUDED ON AN IDENTIFICATION CARD;

2. THE METHOD THROUGH WHICH THE COMMISSION WILL DISTRIBUTE IDENTIFICATION CARDS; AND

3. THE METHOD THROUGH WHICH THE COMMISSION WILL TRACK IDENTIFICATION CARDS.

(E) THE COMMISSION SHALL DEVELOP AND MAINTAIN A WEB SITE THAT:

(1) PROVIDES INFORMATION ON HOW AN INDIVIDUAL CAN OBTAIN MEDICAL MARIJUANA IN THE STATE AND HOW AN INDIVIDUAL CAN FIND A CERTIFYING PHYSICIAN; AND

(2) PROVIDES CONTACT INFORMATION FOR LICENSED GROWERS AND LICENSED DISPENSARIES.

13-3303.

(a) The Commission consists of the following ~~12~~ 15 members:

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

(2) The following ~~11~~ 14 members, appointed by the Governor:

(i) One member of the public who supports the use of marijuana for medical purposes and who is or was a patient who found relief from the use of medical marijuana;

(ii) One member of the public designated by the Maryland Chapter of the National Council on Alcoholism and Drug Dependence;

(iii) Three physicians licensed in the State who specialize in addiction, pain, oncology, neurology, or clinical research;

(iv) One nurse licensed in the State who has experience in hospice care, nominated by a State research institution or trade association;

(v) One pharmacist licensed in the State, nominated by a State research institution or trade association;

(vi) One scientist who has experience in the science of marijuana, nominated by a State research institution;

(vii) One representative of the Maryland State's Attorneys' Association;

(viii) One representative of the Maryland Chiefs of Police; ~~and~~

(ix) An attorney who is knowledgeable about medical marijuana laws in the United States;

**(X) AN INDIVIDUAL WITH EXPERIENCE IN HORTICULTURE, RECOMMENDED BY THE DEPARTMENT OF AGRICULTURE;**

**(XI) ONE REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND EXTENSION; AND**

**(XII) ONE REPRESENTATIVE OF THE OFFICE OF THE COMPTROLLER.**

(b) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members on October 1, 2013.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member may not serve more than three consecutive full terms.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(c) The Governor shall designate the chair from among the members of the Commission.

(d) A majority of the full authorized membership of the Commission is a quorum.

(e) A member of the Commission:

(1) May not receive compensation as a member of the Commission; but

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

(f) The Commission may employ a staff, including contractual staff, in accordance with the State budget.

**(G) THE COMMISSION MAY SET REASONABLE FEES TO COVER THE COSTS OF OPERATING THE COMMISSION.**

**[(g)] (H)** (1) There is a Natalie M. LaPrade Medical Marijuana Commission Fund.

(2) The Commission shall administer the Fund.

(3) The Fund is a special continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(4) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(5) The Fund shall be invested and reinvested in the same manner as other State funds, and any investment earnings shall be retained to the credit of the Fund.

(6) The Fund shall be subject to an audit by the Office of Legislative Audits as provided for in § 2–1220 of the State Government Article.

(7) The Comptroller shall pay out money from the Fund as directed by the Commission.

(8) The Fund consists of:

(i) Any money appropriated in the State budget to the Fund;

(ii) Any other money from any other source accepted for the benefit of the Fund, in accordance with any conditions adopted by the Commission for the acceptance of donations or gifts to the Fund; **AND**

**(III) ANY FEES COLLECTED BY THE COMMISSION UNDER THIS SUBTITLE.**

(9) No part of the Fund may revert or be credited to:

(i) The General Fund of the State; or

(ii) Any other special fund of the State.

(10) Expenditures from the Fund may be made only in accordance with the State budget.

13–3304.

(a) The Commission shall issue at least annually a request for applications for academic medical centers to operate medical marijuana compassionate use programs.

(b) An application submitted by an academic medical center to operate a program under this subtitle shall:

(1) Specify the medical conditions to be treated under the program to be operated by the academic medical center, proposed on the basis of evidence;

(2) Specify the criteria by which the academic medical center will include and exclude patients from participation in the program;

(3) Specify how patients will be assessed for addiction before and during treatment using marijuana through the program;

(4) Describe the source of the marijuana to be used in a program and include scientific details of the type of marijuana to be used in the program;

(5) Specify the length of treatment and dosage permitted under the program;

(6) Describe how health care providers will be eligible to participate in the program and what training they will receive;

(7) Include a description of whether and how caregivers will interact with patients participating in the program;

(8) Demonstrate approval of the program by the academic medical center's institutional review board;

(9) Describe the plan for defining and monitoring the success or failure of treatment using marijuana through the program;

(10) Include a plan for monitoring aggregate data and outcomes and publishing results from the program, as appropriate;

(11) Include a description of the sources of funding for the program, including any research grants;

(12) Describe any required training for health care providers and patients participating in the program on diversion-related issues;

(13) Describe steps the academic medical center will take to prevent and monitor for diversion and address violations of its diversion policy;

(14) Describe how the program will dispose of any unused marijuana; and

(15) Describe how the academic medical center and the program will meet any other criteria established by the Commission related to diversion or other aspects of programs overseen by the Commission.

(c) The Commission shall set application fees and renewal fees that cover its expenses in reviewing and approving applications and providing oversight to programs.

13-3305.

(a) The Commission shall establish an application review process that includes reviewers with expertise in scientific research and analysis, medical training, and law enforcement.

(b) The reviewers shall:

(1) Review, evaluate, and rate applications for medical marijuana compassionate use programs submitted by academic medical centers based on the procedures and guidelines established by the Commission; and

(2) Make recommendations to the Commission, based on the ratings awarded to proposals by the reviewers, for approval of applications from medical marijuana compassionate use programs.

(c) The Commission may grant a 1-year approval to a program, which may be renewed by the Commission.

(d) The Commission may approve no more than five programs to operate at one time.

13-3306.

(a) (1) An academic medical center approved to operate a program under this subtitle shall provide to the Commission updated data each day on patients and caregivers participating in each program overseen by the academic medical center.

(2) The Commission shall make the data available in real time to law enforcement.

(b) An academic medical center operating a program approved under this subtitle may use marijuana obtained only from:

(1) The federal government; or

(2) A medical marijuana grower licensed under this subtitle.

(c) If an academic medical center utilizes caregivers as part of a program approved under this subtitle, the academic medical center shall:

(1) Limit the number of patients a caregiver is allowed to serve to no more than five; and

(2) Limit the number of caregivers that serve a particular patient to no more than two.

(d) An academic medical center operating a program approved under this subtitle shall report annually to the Commission, in the form specified by the Commission, on:

(1) The number of patients served through the program;

(2) The county of residence of the patients served by the program;

(3) The conditions treated under the program;

(4) Any outcomes data on the results of treatment through the program; and

(5) Any research studies conducted under the program.

(e) An academic medical center operating a program approved under this subtitle shall apply annually to the Commission for renewal of approval of the program, in accordance with any procedures established by the Commission.

(f) An academic medical center operating a program approved under this subtitle is subject to inspection by the Commission to ensure that the program is operating according to the conditions of approval established by the Commission.

(g) The Commission may rescind approval of a program if the Commission finds that the program is not in compliance with the conditions of approval established by the Commission.

**13-3307.**

**(A) THE COMMISSION SHALL APPROVE AS A CERTIFYING PHYSICIAN AN INDIVIDUAL WHO:**

**(1) MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND**

**(2) SUBMITS APPLICATION MATERIALS THAT ARE SATISFACTORY TO THE COMMISSION.**

**(B) TO BE ~~REGISTERED~~ APPROVED AS A CERTIFYING PHYSICIAN, A PHYSICIAN SHALL SUBMIT A PROPOSAL TO THE COMMISSION THAT INCLUDES:**

**(1) THE REASONS FOR INCLUDING A PATIENT UNDER THE CARE OF THE PHYSICIAN FOR THE PURPOSES OF THIS SUBTITLE, INCLUDING THE PATIENT'S QUALIFYING MEDICAL CONDITIONS;**

**(2) THE REASONS THE PHYSICIAN WILL USE TO EXCLUDE PATIENTS FROM THE CARE OF THE PHYSICIAN FOR THE PURPOSES OF THIS SUBTITLE;**

**(3) THE PHYSICIAN'S PLAN FOR SCREENING A PATIENT FOR DEPENDENCE, BOTH BEFORE AND AFTER THE QUALIFYING PATIENT IS ISSUED A WRITTEN CERTIFICATION; AND**

**(4) THE PHYSICIAN'S PLAN FOR THE ONGOING ASSESSMENT AND FOLLOW-UP CARE OF A PATIENT AND FOR COLLECTING AND ANALYZING DATA.**

**(C) THE COMMISSION IS ENCOURAGED TO APPROVE PHYSICIAN APPLICATIONS FOR THE FOLLOWING MEDICAL CONDITIONS:**

(1) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION THAT RESULTS IN A PATIENT BEING ADMITTED INTO HOSPICE OR RECEIVING PALLIATIVE CARE; OR

(2) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION THAT PRODUCES:

(I) CACHEXIA, ANOREXIA, OR WASTING SYNDROME;

(II) SEVERE OR CHRONIC PAIN;

(III) SEVERE NAUSEA;

(IV) SEIZURES; OR

(V) SEVERE OR PERSISTENT MUSCLE SPASMS.

(D) THE COMMISSION MAY APPROVE APPLICATIONS THAT INCLUDE ANY OTHER CONDITION THAT IS SEVERE AND ~~RESISTANT TO CONVENTIONAL MEDICINE~~ FOR WHICH OTHER MEDICAL TREATMENTS HAVE BEEN INEFFECTIVE IF THE SYMPTOMS REASONABLY CAN BE EXPECTED TO BE RELIEVED BY THE MEDICAL USE OF MARIJUANA.

(E) (1) A CERTIFYING PHYSICIAN OR THE SPOUSE OF A CERTIFYING PHYSICIAN MAY NOT RECEIVE ANY GIFTS FROM OR HAVE AN OWNERSHIP INTEREST IN A MEDICAL MARIJUANA GROWER OR A DISPENSARY.

(2) A CERTIFYING PHYSICIAN MAY RECEIVE COMPENSATION FROM A MEDICAL MARIJUANA GROWER OR DISPENSARY IF:

(I) THE CERTIFYING PHYSICIAN OBTAINS THE APPROVAL OF THE COMMISSION BEFORE RECEIVING THE COMPENSATION; AND

(II) DISCLOSES THE AMOUNT OF COMPENSATION RECEIVED FROM THE MEDICAL MARIJUANA GROWER OR DISPENSARY TO THE COMMISSION.

~~(E)~~ (F) (1) A QUALIFYING PATIENT MAY BE A PATIENT OF THE CERTIFYING PHYSICIAN OR MAY BE REFERRED TO THE CERTIFYING PHYSICIAN.

(2) A CERTIFYING PHYSICIAN SHALL PROVIDE EACH WRITTEN CERTIFICATION TO THE COMMISSION.

(3) ON RECEIPT OF THE WRITTEN CERTIFICATION PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION SHALL ISSUE AN IDENTIFICATION CARD TO EACH QUALIFYING PATIENT OR CAREGIVER NAMED IN THE WRITTEN CERTIFICATION.

(4) A CERTIFYING PHYSICIAN MAY DISCUSS MEDICAL MARIJUANA WITH A QUALIFYING PATIENT.

(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A QUALIFYING PATIENT OR CAREGIVER MAY OBTAIN MEDICAL MARIJUANA ONLY FROM A ~~LICENSED GROWER~~ MEDICAL MARIJUANA GROWER LICENSED BY THE COMMISSION OR A DISPENSARY LICENSED BY THE COMMISSION.

(II) A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS MAY OBTAIN MEDICAL MARIJUANA ONLY THROUGH THE QUALIFYING PATIENT'S CAREGIVER.

(6) (I) A CAREGIVER MAY SERVE NO MORE THAN FIVE QUALIFYING PATIENTS AT ANY TIME.

(II) A QUALIFYING PATIENT MAY HAVE NO MORE THAN TWO CAREGIVERS.

~~(E) (F)~~ (G) (1) EACH CERTIFYING PHYSICIAN SHALL SUBMIT AN ANNUAL REPORT TO THE COMMISSION.

(2) THE ANNUAL REPORT SHALL INCLUDE:

(I) THE NUMBER OF PATIENTS SERVED;

(II) THE COUNTY OF RESIDENCE OF EACH PATIENT SERVED;

(III) ANY MEDICAL CONDITION FOR WHICH MEDICAL MARIJUANA WAS RECOMMENDED; AND

(IV) A SUMMARY OF CLINICAL OUTCOMES, INCLUDING ADVERSE EVENTS AND ANY CASES OF SUSPECTED DIVERSION.

(3) THE ANNUAL REPORT MAY NOT INCLUDE ANY PERSONAL INFORMATION THAT IDENTIFIES A PATIENT.

~~(F) (G) (H)~~ (1) A CERTIFYING PHYSICIAN MAY APPLY BIENNIALY ~~FOR A RENEWAL OF A REGISTRATION~~ TO THE COMMISSION FOR APPROVAL.

(2) THE COMMISSION SHALL GRANT OR DENY A RENEWAL OF ~~A REGISTRATION~~ AN APPLICATION FOR APPROVAL BASED ON THE PHYSICIAN'S PERFORMANCE IN COMPLYING WITH REGULATIONS ADOPTED BY THE COMMISSION.

~~(G) (H) A CERTIFYING PHYSICIAN SHALL BE PROTECTED FROM CIVIL AND CRIMINAL PENALTIES UNDER STATE AND LOCAL LAW FOR ACTIONS AUTHORIZED UNDER THIS SUBTITLE, INCLUDING THE ISSUANCE OF WRITTEN CERTIFICATIONS AND THE COLLECTION AND ANALYSIS OF DATA.~~

[13-3307.] 13-3308.

On or before January 1 each year, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on [programs]:

(1) PROGRAMS approved to operate under this subtitle; AND

(2) PHYSICIANS CERTIFIED UNDER THIS SUBTITLE.

[13-3308.] 13-3309.

(a) (1) The Commission shall license medical marijuana growers THAT MEET ALL REQUIREMENTS ESTABLISHED BY THE COMMISSION to operate in the State to provide marijuana to ~~programs~~:

(I) PROGRAMS approved for operation under this subtitle;

(II) DISPENSARIES LICENSED BY THE COMMISSION UNDER THIS SUBTITLE; AND

(III) QUALIFYING PATIENTS AND CAREGIVERS.

(2) (I) ~~The~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE Commission may license no more than ~~five~~ 10 15 medical marijuana growers [for each approved program].

(II) BEGINNING JUNE 1, 2016, THE COMMISSION MAY ISSUE THE NUMBER OF LICENSES NECESSARY TO MEET THE DEMAND FOR MEDICAL MARIJUANA BY QUALIFYING PATIENTS AND CAREGIVERS ISSUED IDENTIFICATION CARDS UNDER THIS SUBTITLE IN AN AFFORDABLE, ACCESSIBLE, SECURE, AND EFFICIENT MANNER.

(III) THE COMMISSION SHALL ESTABLISH AN APPLICATION REVIEW PROCESS FOR GRANTING MEDICAL MARIJUANA GROWER LICENSES IN WHICH APPLICATIONS ARE REVIEWED, EVALUATED, AND RANKED BASED ON CRITERIA ESTABLISHED BY THE COMMISSION.

(IV) THE COMMISSION MAY NOT ISSUE MORE THAN ONE MEDICAL MARIJUANA GROWER LICENSE TO EACH APPLICANT.

(V) A GROWER SHALL PAY AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION CONSISTENT WITH THIS SUBTITLE.

(3) THE COMMISSION SHALL SET STANDARDS FOR LICENSURE AS A MEDICAL MARIJUANA GROWER TO ENSURE PUBLIC SAFETY AND SAFE ACCESS TO MEDICAL MARIJUANA, WHICH MAY INCLUDE A REQUIREMENT FOR THE POSTING OF SECURITY.

(4) EACH MEDICAL MARIJUANA GROWER AGENT SHALL:

(I) BE REGISTERED WITH THE COMMISSION BEFORE THE AGENT MAY VOLUNTEER OR WORK FOR A LICENSED GROWER; AND

(II) OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 13-3312 OF THIS SUBTITLE.

(5) (I) A LICENSED GROWER SHALL APPLY TO THE COMMISSION FOR A REGISTRATION CARD FOR EACH GROWER AGENT BY SUBMITTING THE NAME, ADDRESS, AND DATE OF BIRTH OF THE AGENT.

(II) 1. WITHIN 1 BUSINESS DAY AFTER A GROWER AGENT CEASES TO BE ASSOCIATED WITH A GROWER, THE GROWER SHALL:

A. NOTIFY THE COMMISSION; AND

B. RETURN THE GROWER AGENT'S REGISTRATION CARD TO THE COMMISSION.

2. ON RECEIPT OF A NOTICE DESCRIBED IN SUBSUBPARAGRAPH 1A OF THIS SUBPARAGRAPH, THE COMMISSION SHALL:

A. IMMEDIATELY REVOKE THE REGISTRATION CARD OF THE GROWER AGENT; AND

**B. IF THE REGISTRATION CARD WAS NOT RETURNED TO THE COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.**

**(III) THE COMMISSION MAY NOT REGISTER A PERSON WHO HAS BEEN CONVICTED OF A FELONY DRUG OFFENSE AS A GROWER AGENT.**

~~(H)~~ ~~1.~~ (6) (I) A MEDICAL MARIJUANA GROWER LICENSE IS VALID FOR ~~5~~ 2 YEARS ON INITIAL LICENSURE.

~~2.~~ (II) A MEDICAL MARIJUANA GROWER LICENSE IS VALID FOR ~~10~~ 2 YEARS ON RENEWAL.

~~(H)~~ (7) AN APPLICATION TO OPERATE AS A MEDICAL MARIJUANA GROWER MAY BE SUBMITTED IN PAPER OR ELECTRONIC FORM.

~~(3)~~ (8) (I) THE COMMISSION SHALL ENCOURAGE LICENSING MEDICAL MARIJUANA GROWERS THAT GROW STRAINS OF MARIJUANA, INCLUDING STRAINS WITH HIGH CANNABIDIOL CONTENT, WITH DEMONSTRATED SUCCESS IN ALLEVIATING SYMPTOMS OF SPECIFIC DISEASES OR CONDITIONS.

**(II) THE COMMISSION SHALL ENCOURAGE LICENSING MEDICAL MARIJUANA GROWERS THAT PREPARE MEDICAL MARIJUANA IN A RANGE OF ROUTES OF ADMINISTRATION.**

**(III) THE COMMISSION SHALL ENCOURAGE LICENSING MEDICAL MARIJUANA GROWERS LOCATED IN AGRICULTURAL ZONES.**

~~(H)~~ ~~1.~~ (9) (I) THE COMMISSION SHALL:

**1. ACTIVELY SEEK TO ACHIEVE RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY WHEN LICENSING MEDICAL MARIJUANA GROWERS; AND**

**2. ENCOURAGE APPLICANTS WHO QUALIFY AS A MINORITY BUSINESS ENTERPRISE, AS DEFINED IN § 14-301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(II) BEGINNING JUNE 1, 2016, A GROWER LICENSED UNDER THIS SUBTITLE TO OPERATE AS A MEDICAL MARIJUANA GROWER SHALL REPORT ANNUALLY TO THE COMMISSION ON THE MINORITY OWNERS AND EMPLOYEES OF THE GROWER.**

~~(IV) 1.~~ (10) AN ENTITY SEEKING LICENSURE AS A MEDICAL MARIJUANA GROWER SHALL MEET LOCAL ZONING AND PLANNING REQUIREMENTS.

~~2. THE COMMISSION MAY NOT SET SITE OR PLANNING REQUIREMENTS FOR MEDICAL MARIJUANA GROWERS BEYOND THE REQUIREMENTS SET BY THE LOCAL AUTHORITY.~~

(b) An entity licensed to grow marijuana under this section may provide marijuana ~~only to~~:

~~(1) TO PATIENTS PARTICIPATING IN A PROGRAM OPERATED BY an academic medical center [approved to operate a program] under this subtitle; OR~~

~~(2) TO A QUALIFYING PATIENT OF A CERTIFYING PHYSICIAN OR THE QUALIFYING PATIENT'S DESIGNATED CERTIFIED CAREGIVER. PROGRAMS APPROVED FOR OPERATION UNDER THIS SUBTITLE;~~

~~(2) DISPENSARIES LICENSED BY THE COMMISSION UNDER THIS SUBTITLE;~~

~~(3) QUALIFIED PATIENTS; AND~~

~~(4) CAREGIVERS.~~

(C) (1) AN ENTITY LICENSED TO GROW MARIJUANA UNDER THIS SECTION MAY DISTRIBUTE MARIJUANA AT THE GROWER'S FACILITY OR AT A SATELLITE FACILITY OF THE GROWER.

(2) A QUALIFYING PATIENT OR CAREGIVER MAY OBTAIN MEDICAL MARIJUANA FROM A GROWER'S FACILITY OR FROM A SATELLITE FACILITY OF THE GROWER.

(D) AN ENTITY LICENSED TO GROW MARIJUANA UNDER THIS SECTION SHALL ENSURE THAT SAFETY PRECAUTIONS ESTABLISHED BY THE COMMISSION ARE FOLLOWED BY ANY FACILITY OPERATED BY THE GROWER.

~~(e)~~ (E) The Commission shall establish requirements for security and the manufacturing process that a grower must meet in order to obtain a license under this section, including a requirement for a product-tracking system.

~~(d)~~ (F) The Commission may inspect growers licensed under this section to ensure compliance with this section.

~~(e)~~ (G) The Commission may impose penalties or rescind the license of a grower that does not meet the standards for licensure set by the Commission.

13-3310.

(A) A DISPENSARY SHALL BE LICENSED BY THE COMMISSION.

(B) TO BE LICENSED AS A DISPENSARY, AN APPLICANT SHALL SUBMIT TO THE COMMISSION:

(1) AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION CONSISTENT WITH THIS SUBTITLE; AND

(2) AN APPLICATION THAT INCLUDES:

(I) THE LEGAL NAME AND PHYSICAL ADDRESS OF THE PROPOSED DISPENSARY;

(II) THE NAME, ADDRESS, AND DATE OF BIRTH OF EACH PRINCIPAL OFFICER AND EACH DIRECTOR, NONE OF WHOM MAY HAVE SERVED AS A PRINCIPAL OFFICER OR DIRECTOR FOR A DISPENSARY THAT HAS HAD ITS REGISTRATION CERTIFICATE REVOKED; AND

(III) OPERATING PROCEDURES THAT THE DISPENSARY WILL USE, CONSISTENT WITH COMMISSION REGULATIONS FOR OVERSIGHT, INCLUDING STORAGE OF MARIJUANA ONLY IN ENCLOSED AND LOCKED FACILITIES.

(C) THE COMMISSION SHALL:

(1) ESTABLISH AN APPLICATION REVIEW PROCESS FOR GRANTING DISPENSARY LICENSES IN WHICH APPLICATIONS ARE REVIEWED, EVALUATED, AND RANKED BASED ON CRITERIA ESTABLISHED BY THE COMMISSION; AND

(2) ACTIVELY SEEK TO ACHIEVE RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY WHEN LICENSING DISPENSARIES.

(D) A DISPENSARY LICENSED UNDER THIS SECTION OR A DISPENSARY AGENT REGISTERED UNDER § 13-3311 OF THIS SUBTITLE MAY NOT BE PENALIZED OR ARRESTED UNDER STATE LAW FOR ACQUIRING, POSSESSING, PROCESSING, TRANSFERRING, TRANSPORTING, SELLING, DISTRIBUTING, OR DISPENSING MARIJUANA, PRODUCTS CONTAINING MARIJUANA, RELATED SUPPLIES, OR EDUCATIONAL MATERIALS FOR USE BY A QUALIFYING PATIENT OR A CAREGIVER.

13-3311.(A) A DISPENSARY AGENT SHALL:

(1) BE AT LEAST 21 YEARS OLD;

(2) BE REGISTERED WITH THE COMMISSION BEFORE THE AGENT MAY VOLUNTEER OR WORK AT A DISPENSARY; AND

(3) OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 13-3312 OF THIS SUBTITLE.

(B) A DISPENSARY SHALL APPLY TO THE COMMISSION FOR A REGISTRATION CARD FOR EACH DISPENSARY AGENT BY SUBMITTING THE NAME, ADDRESS, AND DATE OF BIRTH OF THE AGENT.

(C) (1) WITHIN 1 BUSINESS DAY AFTER A DISPENSARY AGENT CEASES TO BE ASSOCIATED WITH A DISPENSARY, THE DISPENSARY SHALL:

(I) NOTIFY THE COMMISSION; AND

(II) RETURN THE DISPENSARY AGENT'S REGISTRATION CARD TO THE COMMISSION.

(2) ON RECEIPT OF A NOTICE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL:

(I) IMMEDIATELY REVOKE THE REGISTRATION CARD OF THE DISPENSARY AGENT; AND

(II) IF THE REGISTRATION CARD WAS NOT RETURNED TO THE COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.

(D) THE COMMISSION MAY NOT REGISTER A PERSON WHO HAS BEEN CONVICTED OF A FELONY DRUG OFFENSE AS A DISPENSARY AGENT.

13-3312.

(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

(3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE COMMISSION AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.

(D) IF AN APPLICANT HAS MADE TWO OR MORE UNSUCCESSFUL ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE COMMISSION MAY ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION SHALL BE:

(1) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

(2) USED ONLY FOR THE REGISTRATION PURPOSE AUTHORIZED BY THIS SUBTITLE.

(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY, AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

[13-3309.] ~~13-3310.~~ 13-3313.

(a) Any of the following persons acting in accordance with the provisions of this subtitle may not be subject to arrest, prosecution, or any civil or administrative

penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of marijuana:

(1) A **QUALIFYING** patient [enrolled]:

(I) **ENROLLED** in a program approved under this subtitle who is in possession of an amount of marijuana authorized under the program; **OR**

(II) **IN POSSESSION OF AN AMOUNT OF MARIJUANA AUTHORIZED BY A CERTIFYING PHYSICIAN IN ACCORDANCE WITH THIS SUBTITLE DETERMINED BY THE COMMISSION TO CONSTITUTE A 30-DAY SUPPLY;**

(2) A grower licensed under [§ 13-3308] **§ 13-3309** of this subtitle or an employee of the licensed grower who is acting in accordance with the terms of the license; [or]

(3) An academic medical center, an employee of the academic medical center, or any other person associated with the operation of a program approved under this subtitle for activities conducted in accordance with the program approved under this subtitle; **OR**

(4) A **CERTIFYING PHYSICIAN;**

(5) A CAREGIVER; **OR**

(6) A DISPENSARY LICENSED UNDER § 13-3310 OF THIS SUBTITLE OR A DISPENSARY AGENT REGISTERED UNDER § 13-3311 OF THIS SUBTITLE; OR

~~(6) (7)~~ A HOSPITAL OR HOSPICE PROGRAM WHERE A CERTIFYING PHYSICIAN IS ON STAFF QUALIFYING PATIENT IS RECEIVING TREATMENT OR IS A MEMBER OF THE MEDICAL STAFF.

(b) (1) A person may not distribute, possess, manufacture, or use marijuana that has been diverted from a program approved under this subtitle or from a **QUALIFYING patient, A CAREGIVER, A LICENSED GROWER, OR A LICENSED DISPENSARY** [who is enrolled in a program approved under this subtitle].

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(3) The penalty under this subsection is in addition to any penalties that a person may be subject to for manufacture, possession, or distribution of marijuana under the Criminal Law Article.

[13–3310.] ~~13–3311.~~ 13–3314.

(a) This subtitle may not be construed to authorize any individual to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for, the following:

(1) Undertaking any task under the influence of marijuana, when doing so would constitute negligence or professional malpractice;

(2) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or boat while under the influence of marijuana;

(3) Smoking marijuana in any public place;

(4) Smoking marijuana in a motor vehicle; or

(5) Smoking marijuana on a private property that:

(i) 1. Is rented from a landlord; and

2. Is subject to a policy that prohibits the smoking of marijuana on the property; or

(ii) Is subject to a policy that prohibits the smoking of marijuana on the property of an attached dwelling adopted by one of the following entities:

1. The board of directors of the council of unit owners of a condominium regime; or

2. The governing body of a homeowners association.

(b) This subtitle may not be construed to provide immunity to a person who violates the provisions of this subtitle from criminal prosecution for a violation of any law prohibiting or regulating the use, possession, dispensing, distribution, or promotion of controlled dangerous substances, dangerous drugs, detrimental drugs, or harmful drugs, or any conspiracy or attempt to commit any of those offenses.

**(c) THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE A HOSPITAL OR HOSPICE PROGRAM TO REPORT TO THE COMMISSION ANY DISCIPLINARY ACTION TAKEN BY THE HOSPITAL OR HOSPICE PROGRAM AGAINST A CERTIFYING PHYSICIAN, INCLUDING THE REVOCATION OF PRIVILEGES, AFTER THE ~~REGISTRATION~~ APPROVAL OF THE CERTIFYING PHYSICIAN ~~WITH~~ BY THE COMMISSION.**

[13-3311.] ~~13-3312.~~ 13-3315.

(a) Notwithstanding § 12-315 of the State Government Article, a State employee who incurs counsel fees in connection with a federal criminal investigation or prosecution solely related to the employee's good faith discharge of public responsibilities under this subtitle is eligible for reimbursement of counsel fees as authorized by § 12-314 of the State Government Article.

(b) The Governor may suspend implementation of this subtitle on making a determination that there is a reasonable chance of federal prosecution of State employees for involvement with implementation of this subtitle.

~~13-3313.~~ 13-3316.

~~THE~~ ON OR BEFORE SEPTEMBER 15, 2014, THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1 of any year in which the results of the Maryland Youth Behavior Survey are published, the Natalie M. LaPrade Medical Marijuana Commission shall report to the Senate Judicial Proceedings Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Judiciary Committee, and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on any change in marijuana use by minors in Maryland.

SECTION 3. AND BE IT FURTHER ENACTED, That the Natalie M. LaPrade Medical Marijuana Commission shall study and report its recommendations, in accordance with § 2-1246 of the State Government Article, to the General Assembly on how to provide access to medical marijuana for veterans who are receiving treatment at a medical facility operating under the auspices of the United States Veterans Health Administration, the United States Department of Veterans Affairs, the Maryland Department of Veterans Affairs, or any other facility in the State certified by the United States Department of Veterans Affairs Medical Center.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 1, 2015, the Natalie M. LaPrade Medical Marijuana Commission shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the level of competition in the market for medical marijuana and:

(1) whether the supply of medical marijuana exceeds the demand, and, if so, whether the oversupply has caused the diversion of medical marijuana to persons not authorized by law to possess it; or

(2) whether the demand exceeds the supply, and, if so, whether additional medical marijuana grower licenses are necessary to meet the demand for medical marijuana by qualifying patients and caregivers issued identification cards

under Title 13, Subtitle 33 of the Health – General Article in an affordable, accessible, secure, and efficient manner.

**SECTION 5. AND BE IT FURTHER ENACTED, That:**

(a) The Natalie M. LaPrade Medical Marijuana Commission, in consultation with the Comptroller, shall study the taxation of medical marijuana and the impact that medical marijuana laws have had on banking and financial transactions in other states that have implemented medical marijuana laws.

(b) The study required under subsection (a) of this section shall include an examination of federal laws and policies related to the taxation of medical marijuana and banking and financial transactions affected by medical marijuana laws.

(c) On or before December 1, 2014, the Commission shall report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article, regarding taxation of medical marijuana in this State and the impact of medical marijuana laws on banking and financial transactions.

SECTION ~~2~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 241**

**(House Bill 882)**

AN ACT concerning

**Motor Vehicles – Low Speed Vehicles – Power Source**

FOR the purpose of altering the definition of the term “low speed vehicle” as it applies to the Maryland Vehicle Law to mean a motor vehicle with a certain maximum speed capability regardless of how the vehicle is powered; making this Act an emergency measure; and generally relating to authorized power sources for low speed vehicles.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 11–130.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation  
Section 13–939.2, 21–1125, and 25–102(a)(17)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Transportation**

11–130.1.

“Low speed vehicle” means a four-wheeled [electric] **MOTOR** vehicle that has a maximum speed capability that exceeds 20 miles per hour but is less than 25 miles per hour.

13–939.2.

(a) When registered with the Administration, every low speed vehicle is a Class R (low speed) vehicle.

(b) For each Class R (low speed) vehicle, the annual registration fee is \$35.00.

21–1125.

Notwithstanding any other provision of this title, a person may not drive a low speed vehicle:

(1) On a highway for which the posted maximum speed limit exceeds 30 miles per hour;

(2) On an expressway or another controlled access highway that is signed in accordance with § 21–313 of this title;

(3) On a highway on which driving a low speed vehicle is prohibited by a county or municipal ordinance; or

(4) Across a highway for which the posted maximum speed limit exceeds 45 miles per hour, except at an intersection that is controlled by:

(i) A traffic control signal; or

(ii) A stop sign at each approach to the intersection.

25–102.

(a) The provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction:

(17) Restricting use of a low speed vehicle on a highway; and

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October-June 1, 2014.~~

SECTION 2. 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 shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2014.

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## Chapter 242

(House Bill 912)

AN ACT concerning

### Courts – Electronic Communications – Privacy

FOR the purpose of ~~altering provisions of law governing the manner in which an investigative or law enforcement officer may require a wire or electronic communication service to disclose the contents of certain wire or electronic communications; requiring a certain probable cause for the issuance of a certain warrant under certain circumstances; requiring a court that issues a certain warrant to indicate a certain deadline to a certain service provider; authorizing service of the warrant on a certain service provider; requiring a certain service provider to produce certain information; authorizing a certain service provider to request a certain extension; authorizing the court to grant an extension under certain circumstances; authorizing a service provider to provide certain information on the request of an agent of this State or a political subdivision of this State in response to a certain request under certain circumstances; requiring a certain subscriber to be provided a certain notice; authorizing a certain subscriber to seek judicial review of a certain warrant, court order, or subpoena; requiring a certain agent to provide a certain notice under certain circumstances in a certain manner; authorizing a court to grant a certain application to direct a certain service provider not to make a certain notification under certain circumstances; authorizing a court to grant a certain application under certain circumstances; providing for the admissibility of certain communications content; requiring a certain court to annually submit a certain~~

~~report to the Administrative Office of the Courts on a certain date; requiring the Administrative Office of the Courts to annually submit a certain report to the General Assembly on a certain date; providing for a certain cause of action; defining certain terms; expanding the application of a provision of law that requires an investigative or law enforcement officer to obtain a certain search warrant in order to require a provider of wire or electronic communication service to disclose the contents of wire or electronic communication that is in electronic storage in a wire or electronic communications system for 180 days or less to a wire or electronic communication that is in electronic storage for any amount of time; making certain stylistic and conforming changes; and generally relating to the privacy of electronic communications.~~

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 10-4A-04 ~~and 10-4A-06~~  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

~~BY adding to~~  
~~Article – Courts and Judicial Proceedings~~  
~~Section 10-4A-09 and 10-4A-10~~  
~~Annotated Code of Maryland~~  
~~(2013 Replacement Volume and 2013 Supplement)~~

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

### Article – Courts and Judicial Proceedings

10-4A-04.

(a) ~~(1)~~ An investigative or law enforcement officer may require a provider of wire or electronic communication service to disclose the contents of wire or electronic communication that is in electronic storage in a wire or electronic communications system [for 180 days or less,] only in accordance with a search warrant issued by a court of competent jurisdiction ~~BASED ON PROBABLE CAUSE THAT:~~

~~(I) A SPECIFIC MISDEMEANOR OR FELONY HAS BEEN OR IS BEING COMMITTED; AND~~

~~(II) THE ELECTRONIC CUSTOMER DATA OR COMMUNICATIONS CONTENT BEING SOUGHT CONSTITUTES EVIDENCE OF THE MISDEMEANOR OR FELONY.~~

~~(B) (1) A COURT THAT ISSUES A WARRANT UNDER SUBSECTION (A) OF THIS SECTION SHALL INDICATE IN THE WARRANT THE DEADLINE FOR COMPLIANCE BY THE SERVICE PROVIDER.~~

~~(2) (i) A WARRANT UNDER SUBSECTION (A) OF THIS SECTION MAY BE SERVED ON A SERVICE PROVIDER THAT IS A DOMESTIC ENTITY OR A COMPANY OR ENTITY OTHERWISE DOING BUSINESS IN THE STATE UNDER A CONTRACT OR A TERMS OF SERVICE AGREEMENT WITH A RESIDENT OF THE STATE ONLY IF PART OF THAT CONTRACT OR AGREEMENT IS TO BE PERFORMED IN THE STATE.~~

~~(ii) THE SERVICE PROVIDER DESCRIBED IN SUBPARAGRAPH (i) OF THIS PARAGRAPH SHALL PRODUCE ALL INFORMATION SOUGHT:~~

~~1. REGARDLESS OF WHETHER THE INFORMATION IS HELD AT A LOCATION IN THIS STATE OR AT A LOCATION IN ANOTHER STATE; AND~~

~~2. WITHIN THE PERIOD ALLOWED FOR COMPLIANCE WITH THE WARRANT.~~

~~(3) (i) A SERVICE PROVIDER RESPONDING TO A WARRANT ISSUED UNDER SUBSECTION (A) OF THIS SECTION MAY REQUEST AN EXTENSION OF THE PERIOD FOR COMPLIANCE WITH THE WARRANT IF EXTENUATING CIRCUMSTANCES EXIST TO JUSTIFY THE EXTENSION.~~

~~(ii) THE COURT SHALL GRANT A REQUEST FOR AN EXTENSION BASED ON THE CIRCUMSTANCES DESCRIBED IN SUBPARAGRAPH (i) OF THIS PARAGRAPH IF:~~

~~1. THE LAW ENFORCEMENT OFFICER AUTHORIZED TO APPLY FOR THE WARRANT OR ANOTHER APPROPRIATE AUTHORIZED LAW ENFORCEMENT OFFICER AGREES TO THE EXTENSION; OR~~

~~2. THE COURT FINDS THAT THE NEED FOR THE EXTENSION OUTWEIGHS THE LIKELIHOOD THAT THE EXTENSION COULD RESULT IN:~~

~~A. DANGER TO THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL;~~

~~B. A FLIGHT FROM PROSECUTION BY AN ALLEGED OFFENDER;~~

~~C. THE DESTRUCTION OF OR TAMPERING WITH EVIDENCE;~~

~~D. THE INTIMIDATION OF A POTENTIAL WITNESS; OR~~

~~E. SERIOUS JEOPARDY TO AN INVESTIGATION OR UNDUE DELAY OF A TRIAL.~~

~~(4) ONLY THE COMMUNICATIONS CONTENT DESCRIBED IN THE WARRANT APPLICATION MAY BE SEIZED UNDER THE WARRANT.~~

[(2) An investigative or law enforcement officer may require a provider of wire or electronic communications services to disclose the contents of wire or electronic communication that has been in electronic storage in an electronic communications system for more than 180 days in accordance with the procedures provided under subsection (b) of this section.

(b) (1) An investigative or law enforcement officer may require a provider of remote computing service to disclose the contents of wire or electronic communication to which this paragraph applies under paragraph (2) of this subsection:

(i) Without notice to the subscriber or customer, if the officer obtains a search warrant issued by a court of competent jurisdiction; or

(ii) With prior notice from the officer to the subscriber or customer, if the officer:

1. Uses a grand jury subpoena; or

2. Obtains a court order requiring the disclosure under subsection (d) of this section.

(2) Paragraph (1) of this subsection applies to any wire or electronic communication that is held or maintained on a remote computing service:

(i) On behalf of, and received by means of electronic transmission from, or created by means of computer processing of communications received by means of electronic transmission from, a subscriber or customer of the remote computing service; and

(ii) Solely for the purpose of providing storage or computer processing services to the subscriber or customer, if the provider is not authorized to access the contents of any communication for purposes of providing any services other than storage or computer processing.]

~~(C) A SERVICE PROVIDER MAY DIVULGE THE CONTENTS OF A COMMUNICATION TO AN AGENT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IN RESPONSE TO A REQUEST IF:~~

~~(1) THE SERVICE PROVIDER REASONABLY BELIEVES THAT AN EMERGENCY INVOLVING IMMEDIATE DANGER OF THE DEATH OF OR SERIOUS PHYSICAL INJURY TO AN INDIVIDUAL REQUIRES DISCLOSURE WITHOUT DELAY OF COMMUNICATIONS RELATING TO THE EMERGENCY;~~

~~(2) THE REQUEST DOCUMENTS THE FACTUAL BASIS FOR BELIEVING THAT THE EMERGENCY REQUIRES OBTAINING WITHOUT DELAY THE INFORMATION RELATING TO THE EMERGENCY; AND~~

~~(3) NOT LATER THAN 48 HOURS AFTER THE AGENT OBTAINS ACCESS TO RECORDS, THE AGENT FILES WITH THE APPROPRIATE COURT A SIGNED, SWORN STATEMENT BY A SUPERVISORY OFFICIAL PROVIDING THE GROUNDS FOR THE EMERGENCY ACCESS AND SEEKING RETROACTIVE APPROVAL.~~

[ (c) ] ~~(D)~~ (B) (1) (i) In this subsection, “record or other information” includes name, address, local and long distance telephone connection records, or records of session times and durations, length of service (including start date) and types of service utilized, telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address, and means and source of payment for such service, including any credit card or bank account number.

(ii) “Record or other information” does not include the contents of communications to which [subsections (a) and (b)] **SUBSECTION (A)** of this section [apply] **APPLIES**.

(2) (i) ~~[Except as provided in]~~ **SUBJECT TO** subparagraph (ii) of this paragraph, a provider of electronic communications service or remote computing service may disclose a record or other information pertaining to a subscriber to or a customer of the service to ~~[any person other than]~~ an investigative or law enforcement officer.

(ii) A provider of electronic communications service or remote computing service shall disclose a record or other information pertaining to a subscriber to or a customer of the service to an investigative or law enforcement officer only if the officer:

~~1. OBTAINS A SEARCH WARRANT ISSUED BY A COURT OF COMPETENT JURISDICTION WITHOUT NOTICE TO THE SUBSCRIBER OR CUSTOMER; OR~~

~~2. WITH PRIOR NOTICE FROM THE OFFICER TO THE  
SUBSCRIBER OR CUSTOMER:~~

~~{1.} A.~~ Uses a subpoena issued by a court of competent jurisdiction, a State grand jury subpoena, or a subpoena authorized under § 15–108 of the Criminal Procedure Article;

~~{2.}~~ Obtains a warrant from a court of competent jurisdiction;

~~3.} B.~~ Obtains a court order requiring the disclosure under [subsection (d)] ~~SUBSECTION (F) (C)~~ of this section; or

~~{4.} C.~~ Has the consent of the subscriber or customer to the disclosure.

~~{(3)}~~ An investigative or law enforcement officer receiving records or information under this subsection is not required to provide notice to a subscriber or customer.~~}~~

~~(E) A SUBSCRIBER WHOSE COMMUNICATIONS CONTENT OR  
SUBSCRIBER INFORMATION IS SOUGHT IN ACCORDANCE WITH A WARRANT,  
COURT ORDER, OR SUBPOENA ISSUED UNDER THIS SUBTITLE MAY SEEK  
JUDICIAL REVIEW OF THE WARRANT, COURT ORDER, OR SUBPOENA.~~

~~[(d)] (F) (C)~~ (1) A court of competent jurisdiction may issue an order requiring disclosure under [subsection (b) or (c)] ~~SUBSECTION (D) (B)~~ of this section only if the investigative or law enforcement officer shows that there is reason to believe the ~~contents of a wire or electronic communication, or the~~ records or other information sought, are relevant to a legitimate law enforcement inquiry.

(2) A court issuing an order under this section may quash or modify the order, on a motion made promptly by the service provider, if the information or records requested are unusually voluminous in nature or if compliance with the order otherwise would cause an undue burden on the provider.

~~[(e)] (G) (D)~~ Nothing in this subtitle may be construed as creating a cause of action against any provider of wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, subpoena, or certification under this subtitle.

~~10-4A-06.~~

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

~~(2) “Adverse result” means:~~

- ~~(i) Endangering the life or physical safety of an individual;~~
- ~~(ii) Flight from prosecution;~~
- ~~(iii) Destruction of or tampering with evidence;~~
- ~~(iv) Intimidation of potential witnesses; or~~
- ~~(v) Otherwise seriously jeopardizing an investigation or unduly delaying a trial.~~

~~(3) “Supervisory official” means:~~

- ~~(i) The Secretary or Deputy Secretary of State Police;~~
- ~~(ii) The chief of police, deputy chief of police, or equivalent official of a law enforcement agency of any political subdivision of the State;~~
- ~~(iii) The Attorney General of the State or a Deputy Attorney General;~~
- ~~(iv) The State Prosecutor or Deputy State Prosecutor; or~~
- ~~(v) A State’s Attorney or Deputy State’s Attorney.~~

~~(b) (1) (i) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, NOT LATER THAN 3 BUSINESS DAYS AFTER AN AGENT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE RECEIVES COMMUNICATIONS CONTENT FROM A SERVICE PROVIDER IN ACCORDANCE WITH § 10-4A-04 OF THIS SUBTITLE, THE AGENT SHALL SERVE ON OR DELIVER TO THE SUBSCRIBER OR CUSTOMER A NOTICE AS DESCRIBED IN SUBSECTION (E) OF THIS SECTION.~~

~~(ii) THE NOTICE REQUIRED IN SUBPARAGRAPH (i) OF THIS PARAGRAPH MAY BE SERVED OR DELIVERED BY REGISTERED OR FIRST-CLASS MAIL, ELECTRONIC MAIL, OR OTHER MEANS REASONABLY CALCULATED TO BE EFFECTIVE AS SPECIFIED BY THE COURT ISSUING THE WARRANT.~~

~~(2) An investigative or law enforcement officer [acting under § 10-4A-04 of this subtitle] may:~~

~~[(1)] (i) If a [court order] WARRANT is sought, include in the application a request for an order delaying the notification required under [§~~

~~10-4A-05 of] this subtitle for a period not to exceed 90 days, which the court shall grant, if the court determines that there is reason to believe that notification of the existence of the court order may have an adverse result; or~~

~~[(2)] (H) If a subpoena issued by a court of competent jurisdiction or a grand jury subpoena is obtained UNDER § 10-4A-04(D) OF THIS SUBTITLE, delay the notification required under [§ 10-4A-05 of] this subtitle for a period not to exceed 90 days, upon the execution of a written certification to a court of competent jurisdiction by a supervisory official that there is reason to believe that notification of the existence of the subpoena may have an adverse result.~~

~~(e) The investigative or law enforcement officer shall maintain a true copy of a certification executed under [subsection (b)(2)] SUBSECTION (B)(2)(H) of this section.~~

~~(d) (1) Extensions of a delay in notification may be granted by the court upon application or by certification by a supervisory official under subsection (b) of this section.~~

~~(2) An extension DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION may not exceed 90 days.~~

~~(e) [Upon] IN ACCORDANCE WITH SUBSECTION (B)(1) OF THIS SECTION, OR ON expiration of the period of a delay of notification under [subsection (b) or (d)] SUBSECTION (B)(2) OR (D) of this section, the investigative or law enforcement officer shall serve upon, or deliver by registered or first class mail, to the customer or subscriber a copy of the process or request together with a notice that:~~

~~(1) States with reasonable specificity the nature of the law enforcement inquiry; and~~

~~(2) Informs the customer or subscriber:~~

~~(i) That information maintained for the customer or subscriber by the service provider named in the process or request was supplied to or requested by that investigative or law enforcement officer and the date on which the information was supplied or the request was made;~~

~~(ii) That notification of the customer or subscriber was delayed;~~

~~(iii) Of the identity of the investigative or law enforcement officer or court that made the certification or determination authorizing the delay; and~~

~~(iv) Of the statutory authority for the delay.~~

~~(f) (1) (I) If notice to the subscriber is [not required under § 10-4A-04(b)(1) of this subtitle or if notice is] delayed under subsection (b) or (d) of this section, an investigative or law enforcement officer acting under § 10-4A-04 of this subtitle may apply to a court for an order requiring a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.~~

~~(H) The court shall enter an order under this subsection if the court determines that there is reason to believe that notification of the existence of the warrant, subpoena, or court order will have an adverse result.~~

~~(2) THE COURT MAY, ON APPLICATION, GRANT ONE OR MORE EXTENSIONS OF AN ORDER GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR AN ADDITIONAL 15 DAYS.~~

~~(G) (1) EXCEPT IN A JUDICIAL OR AN ADMINISTRATIVE PROCEEDING ALLEGING A VIOLATION OF THIS SECTION, NO COMMUNICATIONS CONTENT OBTAINED IN VIOLATION OF THIS SECTION SHALL BE ADMISSIBLE IN A CRIMINAL, A CIVIL, AN ADMINISTRATIVE OR ANY OTHER PROCEEDING.~~

~~(2) DISCOVERY OF THE LOCATION INFORMATION APPLICATION, AFFIDAVIT, WARRANT, AND ADDITIONAL RELATED DOCUMENTS, IF ANY, IS SUBJECT TO THE PROVISIONS OF MARYLAND RULES 4-262 AND 4-263.~~

~~10-4A-09.~~

~~(A) ON THE SECOND FRIDAY IN JANUARY OF EACH CALENDAR YEAR, A COURT THAT ISSUED OR DENIED A WARRANT UNDER THIS SECTION DURING THE PRECEDING CALENDAR YEAR SHALL SUBMIT A REPORT TO THE ADMINISTRATIVE OFFICE OF THE COURTS SPECIFYING WITH REGARD TO EACH WARRANT APPLICATION RECEIVED BY THE COURT:~~

~~(1) THE IDENTITY OF THE AGENT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAKING THE APPLICATION;~~

~~(2) THE OFFENSE SPECIFIED IN THE WARRANT OR APPLICATION FOR THE WARRANT;~~

~~(3) THE NATURE OF THE FACILITIES FROM WHICH OR THE PLACE WHERE THE INFORMATION WAS TO BE OBTAINED;~~

~~(4) WHETHER THE WARRANT WAS GRANTED AS APPLIED FOR, WAS MODIFIED, OR WAS DENIED; AND~~

~~(5) THE PERIOD OF DISCLOSURES AUTHORIZED BY THE WARRANT AND THE NUMBER AND DURATION OF EXTENSIONS OF THE WARRANT.~~

~~(B) (1) IN JUNE OF EACH YEAR, BEGINNING IN 2015, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL TRANSMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1254 OF THE STATE GOVERNMENT ARTICLE, AND MAKE AVAILABLE ON THE ADMINISTRATIVE OFFICE OF THE COURTS' PUBLIC WEB SITE A FULL AND COMPLETE REPORT CONCERNING THE NUMBER OF APPLICATIONS FOR WARRANTS AUTHORIZING OR REQUIRING THE DISCLOSURE OF INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION.~~

~~(2) (I) A REPORT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A SUMMARY AND ANALYSIS OF THE DATA REQUIRED TO BE FILED WITH THAT OFFICE.~~

~~(H) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ISSUE GUIDANCE REGARDING THE FORM OF A REPORT UNDER THIS SUBSECTION.~~

~~10-4A-10.~~

~~(A) A SERVICE PROVIDER OR A SUBSCRIBER OR CUSTOMER OF THAT PROVIDER THAT IS AGGRIEVED BY A VIOLATION OF THIS SUBTITLE HAS A CIVIL CAUSE OF ACTION IF THE CONDUCT CONSTITUTING THE VIOLATION WAS COMMITTED KNOWINGLY OR INTENTIONALLY.~~

~~(B) AN AGGRIEVED PERSON UNDER SUBSECTION (A) OF THIS SECTION IS ENTITLED TO:~~

~~(1) INJUNCTIVE RELIEF;~~

~~(2) REASONABLE ATTORNEY'S FEES AND OTHER LITIGATION COSTS REASONABLY INCURRED; AND~~

~~(3) THE SUM OF THE ACTUAL DAMAGES SUFFERED AND ALL PROFITS MADE BY THE VIOLATOR AS A RESULT OF THE VIOLATION OR \$1,000, WHICHEVER IS GREATER.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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**Chapter 243****(House Bill 914)**

AN ACT concerning

**Charles County – Orphans’ Court Judges – Salary**

FOR the purpose of altering the salary of each judge of the Orphans’ Court for Charles County; providing for the application of this Act; and generally relating to the salary of a judge of the Orphans’ Court for Charles County.

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 2–108(j)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article – Estates and Trusts**

2–108.

(j) (1) The annual salary for each judge of the Court for Charles County is [\$10,000]:

**(I) \$10,500 FOR CALENDAR YEAR 2015;**

**(II) \$11,000 FOR CALENDAR YEAR 2016;**

**(III) \$11,500 FOR CALENDAR YEAR 2017; AND**

**(IV) \$12,000 FOR CALENDAR YEAR 2018 AND EACH SUBSEQUENT CALENDAR YEAR.**

(2) Each judge is entitled to \$500 each year for travel expenses, payable quarterly.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of a judge of the Orphans’ Court for Charles County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of a judge of the Orphans’

Court for Charles County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 244**

**(House Bill 957)**

AN ACT concerning

### **Impaired Driving – Repeat Offenders – Penalties**

FOR the purpose of altering the penalties for a third or subsequent violation of certain prohibitions against driving while impaired by alcohol or drugs; ~~altering the application of certain mandatory sanctions and minimum penalties for repeat offenders to apply to a broader range of drug and alcohol related driving offenses;~~ making certain conforming changes; and generally relating to penalties for impaired driving.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 21-902  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 27-101(f), ~~(g)~~, and (q)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

### **Article – Transportation**

21-902.

(a) (1) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(2) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(3) A person may not violate paragraph (1) or (2) of this subsection while transporting a minor.

(b) (1) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(2) A person may not violate paragraph (1) of this subsection while transporting a minor.

(c) (1) A person may not drive or attempt to drive any vehicle while he is so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that he cannot drive a vehicle safely.

(2) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely driving a vehicle.

(3) A person may not violate paragraph (1) of this subsection while transporting a minor.

(d) (1) A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as that term is defined in § 5–101 of the Criminal Law Article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(2) A person may not violate paragraph (1) of this subsection while transporting a minor.

(e) For purposes of the application of subsequent offender penalties under § 27–101 of this article, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State, would constitute a violation of subsection (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b), (c), or (d) of this section.

27–101.

(f) (1) A person is subject to a fine not exceeding \$500 or imprisonment not exceeding 1 year or both, if the person is convicted of:

(i) A violation of § 14–103 of this article (“Possession of motor vehicle master key”); or

(ii) Except as provided in subsection (q) of this section, a second [or subsequent] violation of:

1. § 21-902(b) of this article ("Driving while impaired by alcohol"); or
2. § 21-902(c) of this article ("Driving while impaired by drugs or drugs and alcohol").

**(2) EXCEPT AS PROVIDED IN SUBSECTION (Q) OF THIS SECTION, A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT VIOLATION OF § 21-902(B) OR (C) OF THIS ARTICLE IS SUBJECT TO A FINE NOT EXCEEDING \$3,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.**

~~[(2)] (3)~~ Except as provided in subsection (q) of this section, for the purpose of second or subsequent offender penalties for a violation of § 21-902(b) of this article provided under [paragraph] **PARAGRAPHS (1) AND (2)** of this subsection, a prior conviction of § 21-902(a), (c), or (d) of this article shall be considered a conviction of § 21-902(b) of this article.

~~[(3)] (4)~~ Except as provided in subsection (q) of this section, for the purpose of second or subsequent offender penalties for a violation of § 21-902(c) of this article provided under [paragraph] **PARAGRAPHS (1) AND (2)** of this subsection, a prior conviction of § 21-902(a), (b), or (d) of this article shall be considered a conviction of § 21-902(c) of this article.

- ~~(i) (1) In this subsection, "imprisonment" includes confinement in:~~
- ~~(i) An inpatient rehabilitation or treatment center; or~~
  - ~~(ii) Home detention that includes electronic monitoring for the purpose of participating in an alcohol treatment program that is:~~
- ~~1. Certified by the Department of Health and Mental Hygiene;~~
  - ~~2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or~~
  - ~~3. Approved by the court.~~

~~(2) (i) A person who is convicted of a violation of [§ 21-902(a)] § 21-902 of this article within 5 years after a prior conviction under that [subsection] SECTION is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.~~

~~(ii) A person who is convicted of a third or subsequent offense under [§ 21-902(a)] § 21-902 of this article within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.~~

~~(3) [(i) A person who is convicted of a violation of § 21-902(d) of this article within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.~~

~~(ii) A person who is convicted of a third or subsequent offense under § 21-902(d) of this article within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.~~

~~(4)] A person who is convicted of an offense under [§ 21-902(a)] § 21-902 of this article within 5 years of a prior conviction of any offense under that [subsection] SECTION shall be required by the court to:~~

~~(i) Undergo a comprehensive alcohol OR DRUG abuse assessment; and~~

~~(ii) If recommended at the conclusion of the assessment, participate in an alcohol OR DRUG program as ordered by the court that is:~~

~~1. Certified by the Department of Health and Mental Hygiene;~~

~~2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or~~

~~3. Approved by the court.~~

~~[(5) A person who is convicted of an offense under § 21-902(d) of this article within 5 years of a prior conviction of any offense under that subsection shall be required by the court to:~~

~~(i) Undergo a comprehensive drug abuse assessment; and~~

~~(ii) If recommended at the conclusion of the assessment, participate in a drug program as ordered by the court that is:~~

~~1. Certified by the Department of Health and Mental Hygiene;~~

~~2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or~~

~~3. Approved by the court.~~

~~(6)] (5) The penalties provided by this subsection are mandatory and are not subject to suspension or probation.~~

(q) (1) Any person who is convicted of a violation of § 21-902(a)(3) or (d)(2) of this article is subject to:

(i) For a first offense, a fine of not more than \$2,000 or imprisonment for not more than 2 years or both;

(ii) For a second offense, a fine of not more than \$3,000 or imprisonment for not more than 3 years or both; and

(iii) For a third or subsequent offense, a fine of not more than \$4,000 or imprisonment for not more than 4 years or both.

(2) Any person who is convicted of a violation of § 21-902(b)(2) or (c)(3) of this article is subject to:

(i) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; [and]

(ii) For a second [or subsequent] offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both; AND

**(III) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN \$4,000 OR IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR BOTH.**

(3) For the purpose of determining second or subsequent offender penalties provided under this subsection, a prior conviction of any provision of § 21-902 of this article that subjected a person to the penalties under this subsection shall be considered a prior conviction.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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**Chapter 245**

**(House Bill 976)**

AN ACT concerning

**Prince George's County – State's Attorney – Salary****PG 310–14**

FOR the purpose of altering the annual salary of the State's Attorney of Prince George's County; providing that this Act does not apply to the salary or compensation of the State's Attorney of Prince George's County while serving in a certain term of office; providing that a certain limitation does not apply to a certain individual; and generally relating to the salary of the State's Attorney of Prince George's County.

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section 15–417(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 15–417(b)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

**Article – Criminal Procedure**

15–417.

(a) This section applies only in Prince George's County.

(b) (1) ~~¶The State's Attorney's salary is \$150,000~~ \$199,000 ~~THE STATE'S ATTORNEY SHALL RECEIVE AN ANNUAL SALARY OF:~~

~~(I) \$195,000 FOR CALENDAR YEAR 2015;~~

~~(II) \$201,250 FOR CALENDAR YEAR 2016;~~

~~(III) \$207,500 FOR CALENDAR YEAR 2017;~~

~~(IV) \$213,750 FOR CALENDAR YEAR 2018; AND~~

~~(V) \$220,000 FOR CALENDAR YEAR 2019 AND EACH YEAR THEREAFTER.~~

(2) The State's Attorney's salary and expenses shall be paid in equal semimonthly installments.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the State's Attorney of Prince George's County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the State's Attorney of Prince George's County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill an expired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 246**

**(House Bill 1164)**

AN ACT concerning

**~~Common Core State~~ Maryland College and Career-Ready Standards and  
Partnership for Assessment of Readiness for College and Careers (PARCC)  
Implementation Review Workgroup**

FOR the purpose of establishing the ~~Common Core State~~ Maryland College and Career-Ready Standards and Partnership for Assessment of Readiness for College and Careers (PARCC) Implementation Review Workgroup; providing for the composition, chairs, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to hold its first meeting on or before a certain date; requiring the Workgroup to assess certain needs, design certain plans, and make certain recommendations regarding certain matters; requiring the Workgroup to submit a preliminary and a final report of its findings and recommendations to the Governor, the State ~~Department~~ Board of Education, and the General Assembly on or before a certain date; ~~requiring the Workgroup to report any recommendations for legislation relating to certain matters to the Governor and the General Assembly on or before a certain date;~~ making this Act an emergency measure; ~~providing for the termination of this Act;~~ and generally relating to the ~~Common Core State~~ Maryland College and Career-Ready Standards and PARCC Implementation Review Workgroup.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a ~~Common Core State~~ Maryland College and Career-Ready Standards and Partnership for Assessment of Readiness for College and Careers (PARCC) Implementation Review Workgroup.

(b) The Workgroup consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the State Superintendent of Schools, or the State Superintendent's designee; ~~and~~

(4) the Secretary of Higher Education, or the Secretary's designee; and

~~(4)~~ (5) the following members, appointed on or before May 15, 2014, by the Governor:

(i) one representative of the State Board of Education;

(ii) two representatives of the Maryland State Education Association;

(iii) one representative of the Baltimore Teachers Union;

(iv) one representative of the Public School Superintendents Association of Maryland;

(v) one representative of the Maryland Association of Boards of Education;

(vi) two representatives of the Maryland Parent Teacher Association who are parents of students enrolled in Maryland public schools;

(vii) one representative of the Maryland Association of Student Councils who is a student enrolled in a Maryland public school;

(viii) one academic expert whose area of expertise is educational measurement; ~~and~~

(ix) one academic expert whose area of expertise is curriculum and instruction;

(x) one representative of the Maryland Business Roundtable for Education;

(xi) one representative of the Maryland Association of Elementary School Principals; and

(xii) one representative from the Maryland Association of Secondary School Principals.

(c) The Governor shall designate two cochairs of the Workgroup.

(d) The State Department of Education shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall:

(1) hold its first meeting on or before June 1, 2014;

(2) identify and analyze the best practices of local education agencies in the State and in other jurisdictions that are successfully implementing the Common Core State Standards and the PARCC assessments;

(3) assess how the Maryland College and Career-Ready Standards and the PARCC assessments will affect students with disabilities, English language learners, and students who qualify for free and reduced-price meals;

(4) determine what, if any, new curriculum resources will be needed in order to fully implement the Maryland College and Career-Ready Standards;

(5) identify how the State Department of Education plans to assist local education agencies in preparing parents and students for the PARCC assessments;

~~(2)~~ (6) assess the needs of teachers and principals in the area of professional development related to the implementation of the ~~Common Core State~~ Maryland College and Career-Ready Standards, including determining:

(i) what, if any, State and federal funding is available to supplement the funding that local governments provide toward the professional development of teachers and principals; and

(ii) what, if any, professional development and ongoing support from local education agencies is available to expand the use of technology as an instructional tool in the classroom;

~~(9)~~ (7) assess the technological readiness and needs of the public schools for the implementation of the PARCC assessments, including what resources will be needed to teach students the necessary computer skills to take the PARCC assessments;

~~(4)~~ (8) design begin recommending a professional development plan for the State Department of Education to implement during the 2014–2015 school year to assist local education agencies in implementing the Common Core State Maryland College and Career–Ready Standards;

~~(5)~~ (9) design recommend a plan to meet the technological infrastructure needs of public schools related to the implementation of the PARCC assessments; and

(10) assess how the PARCC assessments testing window will affect the normal school calendar and school schedule;

(11) assess how local education agencies are including teachers in the discussion to improve the implementation of the Maryland College and Career–Ready Standards;

(12) analyze the guidance local education agencies have received from the State Department of Education in regards to measuring student growth in light of the new teacher evaluation system and student learning objectives;

(13) assess how the new teacher evaluation system is impacting local education agencies' ability to implement the Maryland College and Career–Ready Standards; and

(14) develop a plan to transfer from the Maryland High School Assessments in English and Algebra/Data Analysis to the comparable PARCC assessments as a graduation requirement.

~~(6) make recommendations regarding the findings of the Workgroup, including any State budget action and legislation needed to improve the implementation of the Common Core State Standards and PARCC assessments and to ensure the readiness of the public schools for future changes in curricula and assessments.~~

(g) On or before ~~September 1, 2014~~ August 15, 2014, the Workgroup shall submit a preliminary report of its findings and recommendations on the matters listed in subsection (f)(2) through (6) of this section to the Governor, the State ~~Department~~ Board of Education, and, in accordance with § 2-1246 of the State Government Article, the General Assembly, ~~including:~~

~~(1) the anticipated cost of the implementation of the PARCC assessments;~~

~~(2) the status of readiness of local education associations and the State Department of Education related to the implementation of the PARCC assessments; and~~

~~(3) an analysis of technological and infrastructure deficiencies and recommendations for State budget action to ensure that schools are capable of administering the PARCC assessments.~~

(h) On or before ~~January 1, 2015~~ December 31, 2014, the Workgroup shall submit a final report of its findings and recommendations on the matters listed in subsection (f)(7) through (14) to the Governor, the State Board of Education, and, in accordance with § 2-1246 of the State Government Article, the General Assembly, ~~any recommendations for legislation to:~~

~~(1) improve the future implementation of the Common Core State Standards, including professional development and resources;~~

~~(2) improve the implementation of the PARCC assessments;~~

~~(3) codify changes in the process for rolling out a new curriculum to achieve smoother rollouts and better preparation in the future; or~~

~~(4) ensure adequate time and training for teachers to implement future new curricula.~~

SECTION 2. 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 yea and nay vote supported by three fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through June 30, 2015, and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect shall take effect June 1, 2014~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2014.

## Chapter 247

### (House Bill 1206)

AN ACT concerning

#### **Baltimore City – Orphans’ Court Judges – Salary and Pension**

FOR the purpose of altering the salary of each associate judge of the Orphans’ Court of Baltimore City and the annual salary of the Chief Judge of the Orphans’ Court of Baltimore City; altering the pension of certain associate judges of the Orphans’ Court of Baltimore City and the pension of a Chief Judge of the Orphans’ Court of Baltimore City; providing for the application of this Act; and generally relating to the Orphans’ Court of Baltimore City.

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 2–108(d)(1)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

#### **Article – Estates and Trusts**

2–108.

(d) (1) (i) Each associate judge of the Court of Baltimore City shall receive an annual compensation of ~~[\$62,500]~~ **\$74,000**, and the Chief Judge shall receive an annual compensation of ~~[\$72,500]~~ **\$84,500**.

(ii) Each associate judge who was in active service on or after January 1, 1984 shall be paid after the termination of active service, if he is then at least 60 years of age or when he shall attain 60 years of age, a pension or salary calculated at the rate of ~~[\$3,125]~~ **\$3,725** annually for each year, or a part of a year, of active service; but the maximum pension or salary for the service by an associate judge may not exceed ~~[\$31,250]~~ **\$37,250** annually.

(iii) Each Chief Judge who was in active service on or after January 1, 1984, shall be paid, after the termination of active service, if he is then at least 60 years of age or when he shall attain 60 years of age, a pension or salary calculated at the rate of ~~[\$3,625]~~ **\$4,225** annually for each year, or a part of a year of active service; but the maximum pension or salary for the service by a Chief Judge may not exceed ~~[\$36,250]~~ **\$42,250** annually. The pension or salary shall be paid by

the City of Baltimore in the same manner as the salaries of the judges of the Court for the City are paid.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of an associate judge or the Chief Judge of the Orphans' Court of Baltimore City while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of an associate judge or the Chief Judge of the Orphans' Court of Baltimore City shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 248

(House Bill 1212)

AN ACT concerning

### **Use of Text Messaging Device or Handheld Telephone While Driving – Accidents Resulting in Death or Serious Injury – Penalties**

FOR the purpose of prohibiting a person from committing a violation of a certain prohibition against using a text messaging device or a handheld telephone while driving that ~~substantially contributes to~~ causes an accident that directly results in the death or serious bodily injury of another; ~~requiring a person who is involved in a motor vehicle accident that results in the death of or a life threatening injury to another person and who is detained by a police officer who has reasonable grounds to believe that the person has been driving while using a text messaging device or a handheld telephone in violation of a certain provision of law to provide the officer with certain information regarding the device;~~ establishing certain criminal penalties for a certain violation of this Act; providing that a sentence imposed under this Act shall be separate from and concurrent with a sentence for a certain other crime; providing for the assessment of certain points for a violation of a certain provision of this Act; and generally relating to the prohibitions on using a text messaging device and a handheld telephone while driving.

BY adding to  
Article – Transportation

Section 16–402(a)(39), 21–1124.3, and 27–115  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 21–1124.1 and 21–1124.2  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Transportation**

16–402.

(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, § 2–209, or § 3–211 of the Criminal Law Article, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

**(39) A VIOLATION OF ~~§ 21–1124.3(A)~~ § 21–1124.3 OF THIS  
ARTICLE ..... 12 POINTS**

21–1124.1.

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

(2) “9–1–1 system” has the meaning stated in § 1–301 of the Public Safety Article.

(3) “Text messaging device” means a handheld device used to send a text message or an electronic message via a short message service, wireless telephone service, or electronic communication network.

(b) Subject to subsection (c) of this section, an individual may not use a text messaging device to write, send, or read a text message or an electronic message while operating a motor vehicle in the travel portion of the roadway.

(c) This section does not apply to the use of:

(1) A global positioning system; or

(2) A text messaging device to contact a 9–1–1 system.

(d) (1) If the Administration receives satisfactory evidence that an individual who is under the age of 18 years has violated this section, the Administration:

(i) May suspend the individual's driver's license for not more than 90 days; and

(ii) May issue a restricted license for the period of suspension that is limited to driving a motor vehicle:

1. In the course of the individual's employment;
2. For the purpose of driving to or from a place of employment; or
3. For the purpose of driving to or from school.

(2) An individual may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.

21-1124.2.

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

(2) "Handheld telephone" means a handheld device used to access wireless telephone service.

(3) "9-1-1 system" has the meaning stated in § 1-301 of the Public Safety Article.

(b) This section does not apply to:

(1) Emergency use of a handheld telephone, including calls to:

- (i) A 9-1-1 system;
- (ii) A hospital;
- (iii) An ambulance service provider;
- (iv) A fire department;
- (v) A law enforcement agency; or
- (vi) A first aid squad;

(2) Use of a handheld telephone by the following individuals when acting within the scope of official duty:

- (i) Law enforcement personnel; and
- (ii) Emergency personnel;

(3) Use of a handheld telephone as a text messaging device as defined in § 21–1124.1 of this subtitle; and

(4) Use of a handheld telephone as a communication device utilizing push-to-talk technology by an individual operating a commercial motor vehicle, as defined in 49 C.F.R. Part 390.5 of the Federal Motor Carrier Safety Regulations.

(c) The following individuals may not use a handheld telephone while operating a motor vehicle:

(1) A driver of a Class H (school) vehicle that is carrying passengers and in motion; and

(2) A holder of a learner's instructional permit or a provisional driver's license who is 18 years of age or older.

(d) (1) This subsection does not apply to an individual specified in subsection (c) of this section.

(2) A driver of a motor vehicle that is in motion may not use the driver's hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone.

(e) (1) A person convicted of a violation of this section is subject to the following penalties:

- (i) For a first offense, a fine of not more than \$75;
- (ii) For a second offense, a fine of not more than \$125; and
- (iii) For a third or subsequent offense, a fine of not more than \$175.

(2) Points may not be assessed against the individual under § 16–402 of this article unless the offense contributes to an accident.

(f) The court may waive a penalty under subsection (e) of this section for a person who:

- (1) Is convicted of a first offense under this section; and

(2) Provides proof that the person has acquired a hands-free accessory, an attachment or add-on, a built-in feature, or an addition for the person's handheld telephone that will allow the person to operate a motor vehicle in accordance with this section.

21-1124.3.

~~(A)~~ A PERSON MAY NOT COMMIT A VIOLATION OF § 21-1124.1 OR § 21-1124.2 OF THIS SUBTITLE THAT ~~SUBSTANTIALLY CONTRIBUTES TO~~ CAUSES AN ACCIDENT THAT DIRECTLY RESULTS IN THE DEATH OR, AS DEFINED IN § 27-113 OF THIS ARTICLE, SERIOUS BODILY INJURY OF ANOTHER.

~~(B) IF A PERSON IS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT RESULTS IN THE DEATH OF OR A LIFE THREATENING INJURY TO ANOTHER PERSON AND THE PERSON IS DETAINED BY A POLICE OFFICER WHO HAS REASONABLE GROUNDS TO BELIEVE THAT THE PERSON HAS BEEN DRIVING WHILE USING A TEXT MESSAGING DEVICE OR A HANDHELD TELEPHONE IN VIOLATION OF § 21-1124.1 OR § 21-1124.2 OF THIS SUBTITLE, THE PERSON SHALL PROVIDE THE OFFICER WITH THE FOLLOWING INFORMATION REGARDING THE DEVICE:~~

~~(1) THE TELEPHONE NUMBER ASSOCIATED WITH THE DEVICE;~~

~~(2) THE IDENTITY OF THE SERVICE CARRIER FOR THE DEVICE;~~

AND

~~(3) ANY ELECTRONIC MAIL ADDRESS ASSOCIATED WITH THE DEVICE.~~

27-115.

(A) A PERSON WHO VIOLATES ~~§ 21-1124.3(A)~~ § 21-1124.3 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN ~~3 YEARS~~ 1 YEAR OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

(B) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE FROM AND CONCURRENT WITH A SENTENCE FOR ANOTHER CRIME BASED IN WHOLE OR PART ON THE ACT ESTABLISHING THE VIOLATION OF § 21-1124.3 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 249

### (House Bill 1349)

AN ACT concerning

#### Public Safety Diversity Act of 2014

FOR the purpose of requiring the Department of State Police, when it advertises for or recruits new employees, to include advertising that is targeted toward ~~racial minority~~ certain communities and individuals; ~~requiring rule governing promotion of a Department employee that requires the promotion decision to be made by a board to require the board to be racially and gender diverse; requiring a certain disciplinary hearing board to be racially and gender diverse under certain circumstances;~~ requiring the fair practices officer of the Department to meet certain qualifications; requiring the Department to report to certain committees of the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act; and generally relating to diversity in public safety.

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 2–402  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY adding to  
Article – Public Safety  
Section 2–402.1  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

~~BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 2–404 and 3–107  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 5–207  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – Public Safety**

2–402.

(a) (1) In accordance with the State budget, the Secretary shall appoint the employees that the Secretary considers necessary for the efficient administration of the Department.

(2) The Secretary shall make each appointment from a list of eligible candidates in accordance with the State Personnel and Pensions Article.

(b) Each appointee to the Department shall:

(1) be a resident of the State on the date of appointment; and

(2) have the character, education, and other qualifications established by the Secretary under this title.

**2–402.1.**

**WHEN THE DEPARTMENT ADVERTISES FOR OR RECRUITS NEW EMPLOYEES, THE DEPARTMENT SHALL INCLUDE ADVERTISING THAT IS TARGETED TOWARD RACIAL ~~MINORITY~~ AND ETHNIC COMMUNITIES OR OTHER INDIVIDUALS THAT ARE UNDERREPRESENTED IN THE DEPARTMENT WORKFORCE, INCLUDING ADVERTISING IN NEWSPAPERS OR ON RADIO STATIONS WHOSE PRIMARY AUDIENCE IS ~~A RACIAL MINORITY POPULATION~~ THE UNDERREPRESENTED COMMUNITIES AND INDIVIDUALS.**

~~2–404.~~

~~(a) In this section, “obsolete rank” means a rank designated by the Secretary to which no further promotions will be made.~~

~~(b) The Secretary shall make all promotions.~~

~~(c) (1) (I) Promotion to a rank, except deputy secretary, shall be made in the manner required by rule.~~

~~(II) A RULE GOVERNING PROMOTION THAT REQUIRES THE PROMOTION DECISION TO BE MADE BY A BOARD SHALL REQUIRE THE BOARD TO INCLUDE RACIAL AND GENDER DIVERSITY.~~

~~(2) For a noncommissioned rank that has fewer than 25 police employees, the Secretary by rule may direct that it is unnecessary to fill the noncommissioned rank for purposes of promotion.~~

~~(3) (i) This paragraph does not apply to a rank that requires technical knowledge.~~

~~(ii) Except as provided in subsection (d) of this section, a police employee may not be appointed or promoted to a rank unless the police employee:~~

~~1. is bypassing an obsolete rank and currently fills the rank immediately below the obsolete rank; or~~

~~2. has filled the rank immediately below the rank to which the police employee is to be promoted.~~

~~(d) (1) Notwithstanding any other provision of law, the Secretary may appoint without examination:~~

~~(i) a police employee who holds a commissioned rank to the rank of Major; and~~

~~(ii) a police employee who holds a commissioned rank of not less than Captain to the rank of Lieutenant Colonel.~~

~~(2) A police employee appointed in accordance with this subsection continues to serve at the pleasure of the Secretary.~~

~~(3) Notwithstanding any other provision of law, on termination of an appointment under this subsection, the police employee may:~~

~~(i) return to the rank held before the appointment; or~~

~~(ii) be promoted to a higher rank to which the police employee became eligible for promotion during the appointment.~~

~~(e) An incumbent police employee in an obsolete rank remains in that rank until promoted, demoted, retired, or terminated.~~

~~(f) Promotions of civilian employees shall be made in accordance with the State Personnel and Pensions Article.~~

~~§ 107.~~

~~(a) (1) Except as provided in paragraph (2) of this subsection and § 3-111 of this subtitle, if the investigation or interrogation of a law enforcement officer results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or~~

~~similar action that is considered punitive, the law enforcement officer is entitled to a hearing on the issues by a hearing board before the law enforcement agency takes that action.~~

~~(2) A law enforcement officer who has been convicted of a felony is not entitled to a hearing under this section.~~

~~(b) (1) The law enforcement agency shall give notice to the law enforcement officer of the right to a hearing by a hearing board under this section.~~

~~(2) The notice required under this subsection shall state the time and place of the hearing and the issues involved.~~

~~(c) (1) Except as provided in paragraph (4) of this subsection and in § 3-111 of this subtitle, the hearing board authorized under this section shall consist of at least three members who:~~

~~(i) are appointed by the chief and chosen from law enforcement officers within that law enforcement agency, or from law enforcement officers of another law enforcement agency with the approval of the chief of the other agency; and~~

~~(ii) have had no part in the investigation or interrogation of the law enforcement officer.~~

~~(2) At least one member of the hearing board shall be of the same rank as the law enforcement officer against whom the complaint is filed.~~

~~(3) (i) If the chief is the law enforcement officer under investigation, the chief of another law enforcement agency in the State shall function as the law enforcement officer of the same rank on the hearing board.~~

~~(ii) If the chief of a State law enforcement agency is under investigation, the Governor shall appoint the chief of another law enforcement agency to function as the law enforcement officer of the same rank on the hearing board.~~

~~(iii) If the chief of a law enforcement agency of a county or municipal corporation is under investigation, the official authorized to appoint the chief's successor shall appoint the chief of another law enforcement agency to function as the law enforcement officer of the same rank on the hearing board.~~

~~(iv) If the chief of a State law enforcement agency or the chief of a law enforcement agency of a county or municipal corporation is under investigation, the official authorized to appoint the chief's successor, or that official's designee, shall function as the chief for purposes of this subtitle.~~

~~(4) (i) A law enforcement agency or the agency's superior governmental authority that has recognized and certified an exclusive collective bargaining representative may negotiate with the representative an alternative method of forming a hearing board.~~

~~(ii) A law enforcement officer may elect the alternative method of forming a hearing board if:~~

~~1. the law enforcement officer works in a law enforcement agency described in subparagraph (i) of this paragraph; and~~

~~2. the law enforcement officer is included in the collective bargaining unit.~~

~~(iii) The law enforcement agency shall notify the law enforcement officer in writing before a hearing board is formed that the law enforcement officer may elect an alternative method of forming a hearing board if one has been negotiated under this paragraph.~~

~~(iv) If the law enforcement officer elects the alternative method, that method shall be used to form the hearing board.~~

~~(v) An agency or exclusive collective bargaining representative may not require a law enforcement officer to elect an alternative method of forming a hearing board.~~

~~(vi) If the law enforcement officer has been offered summary punishment, an alternative method of forming a hearing board may not be used.~~

~~(vii) If authorized by local law, this paragraph is subject to binding arbitration.~~

~~(5) IF THE LAW ENFORCEMENT OFFICER AGAINST WHOM THE COMPLAINT IS FILED IS A MEMBER OF THE DEPARTMENT OF STATE POLICE, THE HEARING BOARD APPOINTED UNDER THIS SUBSECTION SHALL BE RACIALLY AND GENDER DIVERSE.~~

~~(d) (1) In connection with a disciplinary hearing, the chief or hearing board may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, records, and documents as relevant or necessary.~~

~~(2) The subpoenas may be served without cost in accordance with the Maryland Rules that relate to service of process issued by a court.~~

~~(3) Each party may request the chief or hearing board to issue a subpoena or order under this subtitle.~~

~~(4) In case of disobedience or refusal to obey a subpoena served under this subsection, the chief or hearing board may apply without cost to the circuit court of a county where the subpoenaed party resides or conducts business, for an order to compel the attendance and testimony of the witness or the production of the books, papers, records, and documents.~~

~~(5) On a finding that the attendance and testimony of the witness or the production of the books, papers, records, and documents is relevant or necessary:~~

~~(i) the court may issue without cost an order that requires the attendance and testimony of witnesses or the production of books, papers, records, and documents; and~~

~~(ii) failure to obey the order may be punished by the court as contempt.~~

~~(e) (1) The hearing shall be conducted by a hearing board.~~

~~(2) The hearing board shall give the law enforcement agency and law enforcement officer ample opportunity to present evidence and argument about the issues involved.~~

~~(3) The law enforcement agency and law enforcement officer may be represented by counsel.~~

~~(4) Each party has the right to cross-examine witnesses who testify and each party may submit rebuttal evidence.~~

~~(f) (1) Evidence with probative value that is commonly accepted by reasonable and prudent individuals in the conduct of their affairs is admissible and shall be given probative effect.~~

~~(2) The hearing board shall give effect to the rules of privilege recognized by law and shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.~~

~~(3) Each record or document that a party desires to use shall be offered and made a part of the record.~~

~~(4) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.~~

~~(g) (1) The hearing board may take notice of:~~

~~(i) judicially cognizable facts; and~~

~~(ii) general, technical, or scientific facts within its specialized knowledge.~~

~~(2) The hearing board shall:~~

~~(i) notify each party of the facts so noticed either before or during the hearing, or by reference in preliminary reports or otherwise; and~~

~~(ii) give each party an opportunity and reasonable time to contest the facts so noticed.~~

~~(3) The hearing board may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented.~~

~~(h) (1) With respect to the subject of a hearing conducted under this subtitle, the chief shall administer oaths or affirmations and examine individuals under oath.~~

~~(2) In connection with a disciplinary hearing, the chief or a hearing board may administer oaths.~~

~~(i) (1) Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a circuit court.~~

~~(2) Witness fees, mileage, and the actual expenses necessarily incurred in securing the attendance of witnesses and their testimony shall be itemized and paid by the law enforcement agency.~~

~~(j) An official record, including testimony and exhibits, shall be kept of the hearing.~~

## Article – State Personnel and Pensions

5–207.

(a) (1) The head of each principal unit shall appoint:

(i) a fair practices officer who:

1. **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,** reports directly to the head of the unit; and

2. is an assistant secretary or an employee of the unit with stature similar to that of an assistant secretary; and

(ii) an appropriate number of equal employment opportunity officers for the unit.

(2) If necessary, the fair practices officer of a unit may also be the unit's equal employment opportunity officer.

(3) **THE FAIR PRACTICES OFFICER OF THE DEPARTMENT OF STATE POLICE:**

(I) **SHALL BE ~~A TRAINED DIVERSITY PROFESSIONAL~~ AN EXPERT IN DIVERSITY ISSUES AND EQUAL EMPLOYMENT LAW, PROCEDURES, AND PRACTICES;**

(II) **SHALL REPORT DIRECTLY TO THE ~~GOVERNOR AND THE JOINT COMMITTEE ON FAIR PRACTICES~~ SECRETARY OF STATE POLICE; AND**

(III) **MAY NOT BE A SWORN LAW ENFORCEMENT OFFICER.**

(4) All appointments under this subsection shall be made in accordance with position descriptions approved by the Secretary.

(b) The Department shall provide training, assistance, and advice for equal employment opportunity officers and fair practices officers.

(c) Each fair practices officer shall:

(1) implement the Program within the unit;

(2) investigate and, as appropriate, resolve complaints filed under § 5-211 of this subtitle; and

(3) coordinate activities of equal employment opportunity officers in the unit.

(d) An equal employment opportunity officer shall:

(1) monitor all personnel actions adopted by the unit;

(2) attest that procedures consistent with this article, the Governor's Code on Fair Practices, and other State and federal equal employment opportunity laws were followed by the unit in taking a personnel action; and

(3) perform the duties assigned by the fair practices officer and any other duty required by this article.

(e) An appointing authority shall delay the effective date of any adverse personnel action that directly affects an equal employment opportunity officer for up to 45 days, pending review and resolution by the Coordinator.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1 each year, the Department of State Police shall report to the Joint Committee on Fair Practices and State Personnel Oversight, the Senate Finance Committee, the House Appropriations Committee, and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on initiatives the Department has employed to improve diversity in recruitment and the outcome of those initiatives.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of September 30, 2017, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 250**

**(House Bill 1399)**

AN ACT concerning

### **Washington County – Sheriff and County Commissioners – Salaries**

FOR the purpose of providing that the Sheriff of Washington County shall receive a certain salary ~~in certain years~~; requiring the County Commissioners of Washington County to set the salaries for certain offices by local law, within a certain time frame and subject to certain conditions; providing that the County Commissioners of Washington County shall receive a certain salary ~~in certain years~~; altering the additional amount that the County Commissioner elected President of the Board shall receive each year; altering the amount that each County Commissioner may be reimbursed each year for certain expenses; repealing a certain requirement that the County Commissioners submit certain recommendations to certain members of the General Assembly; providing for the application of this Act; and generally relating to the salaries of the Sheriff of Washington County and the County Commissioners of Washington County.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 2-309(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings  
Section 2–309(w)(1)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,  
Article – Local Government  
Section 28–207  
Annotated Code of Maryland  
(2013 Volume)

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 28–209  
Annotated Code of Maryland  
(2013 Volume)

BY repealing and reenacting, with amendments,  
The Public Local Laws of Washington County  
Section 1–103  
Article 22 – Public Local Laws of Maryland  
(2007 Edition and October 2010 Supplement, as amended)

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

**Article – Courts and Judicial Proceedings**

2–309.

(a) The sheriff of a county and his deputies shall receive the annual salaries provided by this section for performing the duties required of them by the Constitution and the laws of this State. They shall be reimbursed for expenses as provided by law.

(w) (1) (i) The Sheriff of Washington County shall receive a salary of [\$88,000] **THE GREATER OF:**

1. **\$100,000** ~~IN CALENDAR YEAR 2015 AND THEREAFTER; OR~~

2. **THE SALARY SET BY THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY UNDER TITLE 28, SUBTITLE 2 OF THE LOCAL GOVERNMENT ARTICLE.**

(ii) The Sheriff shall appoint a chief deputy at a salary level set by the County Commissioners.

(iii) The Sheriff may appoint deputy sheriffs and other personnel necessary to perform the duties of office at salary levels set by the County Commissioners in accordance with the county's budgetary process.

### Article – Local Government

28–207.

(a) The Commission shall study the salaries of:

- (1) the County Commissioners of Washington County;
- (2) the Washington County Board of Education;
- (3) the Washington County Board of Liquor License Commissioners;
- (4) the judges of the Orphans' Court for Washington County;
- (5) the Sheriff of Washington County; and
- (6) the Treasurer of Washington County.

(b) On or before the December 1 following appointment, the Commission shall issue a report that contains recommendations to the County Commissioners of Washington County for review and consideration.

28–209.

(a) [(1) This subsection does not apply to the salaries of the County Commissioners of Washington County or the Sheriff of Washington County.

(2)] Subject to subsection (b) of this section and Article III, § 35 of the Maryland Constitution, WITHIN 60 DAYS AFTER RECEIVING THE RECOMMENDATIONS OF THE COMMISSION UNDER § 28–207(B) OF THIS SUBTITLE, the [county commissioners] **COUNTY COMMISSIONERS OF WASHINGTON COUNTY**, by local law, shall set the salary for each office included in the recommendations.

(b) The County Commissioners of Washington County may accept, reduce, or reject, but may not increase, the recommendations of the Commission.

[(c) On or before the December 15 following appointment of the Commission, the County Commissioners of Washington County shall submit recommendations to the members of the General Assembly who represent any part of Washington County concerning the salaries of the county commissioners and the sheriff.]

**Article 22 – Washington County**

1–103.

(a) The annual salary for a County Commissioner [is \$30,000], payable as provided by the county's payroll system, **IS THE GREATER OF:**

**(1) \$30,000; OR**

**(2) THE SALARY SET BY THE COUNTY COMMISSIONERS UNDER TITLE 28, SUBTITLE 2 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.**

(b) The Commissioner elected President of the Board shall receive an additional ~~\$3,000 per year~~ **AMOUNT PER YEAR THAT IS THE GREATER OF:**

**(1) \$3,000; OR**

**(2) THE AMOUNT SET BY THE COUNTY COMMISSIONERS UNDER TITLE 28, SUBTITLE 2 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.**

(c) Each County Commissioner may be reimbursed up to an annual ~~total of \$2,000~~ **AMOUNT SET BY THE COUNTY COMMISSIONERS BY LOCAL LAW** for any reasonable expenses incurred by the Commissioner in carrying out the functions of the office.

(d) Each County Commissioner is entitled to health insurance and to other fringe benefits regularly provided to county employees.

(e) A Commissioner may not receive any other compensation for services as a Washington County Commissioner.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Washington County or a County Commissioner of Washington County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Washington County and a County Commissioner of Washington County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 251

(House Bill 1417)

AN ACT concerning

### Unemployment Insurance – Work Sharing

FOR the purpose of altering certain provisions that apply to the work sharing unemployment insurance program; clarifying the intent of the program; requiring that a decision by the Secretary of Labor, Licensing, and Regulation to disapprove a work sharing plan shall identify the reasons for the disapproval; altering the requirements for a work sharing plan; prohibiting the Secretary from approving certain work sharing plans; altering certain eligibility criteria for certain affected employees; altering the computation of work sharing benefits; authorizing certain individuals to be paid certain unemployment insurance benefits under certain circumstances; providing that a decision of the Secretary to revoke approval of a work sharing plan is final and not subject to appeal; altering the benefit charging provisions for employing units that participate in work sharing; providing that certain affected employees are eligible to receive certain extended benefits; ~~providing that certain provisions of federal unemployment insurance law shall be given effect under certain circumstances; providing for the impact of certain provisions of State law that are in conflict with certain provisions of federal unemployment insurance law;~~ defining certain terms; altering certain definitions; and generally relating to the work sharing unemployment insurance program.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section ~~8-611(d)~~, 8-1201 through ~~8-1204~~ 8-1204, and 8-1206 through 8-1208

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section ~~8-611(b) and (g)~~ and 8-1205

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY adding to

Article – Labor and Employment

Section 8-1209 ~~and 8-1210~~

Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

**Article – Labor and Employment**

8–611.

(b) Except as provided in subsection (d) of this section, the Secretary shall charge pro rata against the earned rating record of each base period employer all regular benefits and the share of extended benefits required under subsection (c) of this section in the same proportion as the wages paid by the base period employer is to the total wages of the claimant during the base period, and rounded to the nearest dollar.

(d) The Secretary shall charge all regular and extended benefits paid to a claimant against the earned rating record of an employing unit that caused the claimant's unemployment during any period in which the unemployment is caused by[:

(1) participation of the employing unit in a work sharing unemployment insurance program that the Secretary has approved; or

(2)] a shutdown of the employing unit:

[(i)] (1) to have employees take their vacations at the same time;

[(ii)] (2) for inventory;

[(iii)] (3) for retooling; or

[(iv)] (4) for any other purpose that is primarily other than a lack of work and that causes unemployment for a definite period.

(g) The Secretary may not charge the earned rating record of an employing unit that has employed a claimant on a continuous part-time basis and continues to do so while the claimant is separated from other employment and is eligible for benefits because of that separation.

8–1201.

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

(b) “Affected employee” means an individual **TO WHOM AN APPROVED WORK SHARING PLAN APPLIES, HIRED ON A FULL-TIME BASIS OR AS A PERMANENT PART-TIME WORKER**, who has been continuously on the payroll of an affected unit for at least 3 months immediately before the employing unit submits a work sharing plan.

(c) “Affected unit” means a specific plant, department, shift, or other definable unit of an employing unit:

- (1) that has at least 2 employees; and
- (2) to which an approved work sharing plan applies.

(d) “Approved work sharing plan” means a plan that satisfies the purpose under § 8–1202 of this subtitle and receives the approval of the Secretary.

(e) “Employer association” means:

- (1) an association that is a party to a collective bargaining agreement under which it may negotiate a work sharing plan; or
- (2) an association authorized by all of its members to become a party to a work sharing plan.

**(F) “HEALTH AND RETIREMENT BENEFITS” MEANS EMPLOYER-PROVIDED HEALTH BENEFITS AND RETIREMENT BENEFITS UNDER A DEFINED BENEFIT PENSION PLAN AS DEFINED IN § 414(J) OF THE INTERNAL REVENUE CODE OR CONTRIBUTIONS UNDER A DEFINED CONTRIBUTION PLAN AS DEFINED IN § 414(I) OF THE INTERNAL REVENUE CODE THAT ARE INCIDENTS OF EMPLOYMENT IN ADDITION TO THE CASH REMUNERATION EARNED.**

**(G) “INTERMITTENT EMPLOYMENT” MEANS EMPLOYMENT THAT IS NOT CONTINUOUS, BUT MAY CONSIST OF PERIODIC INTERVALS OF WEEKLY WORK AND INTERVALS OF NO WEEKLY WORK.**

**[ (f) ] (H)** “Normal weekly work hours” means [the lesser of:

- (1) the number of hours in a week that an employee usually works for the regular employing unit; or
- (2) 40 hours] **THE USUAL HOURS OF WORK FOR A FULL-TIME OR REGULAR PART-TIME WORKER IN THE AFFECTED UNIT WHEN THAT UNIT IS OPERATING ON ITS REGULAR BASIS, NOT TO EXCEED 40 HOURS AND NOT INCLUDING OVERTIME WORK.**

**(I) “TEMPORARY EMPLOYMENT” MEANS EMPLOYMENT IN WHICH AN EMPLOYEE:**

**(1) IS EXPECTED TO REMAIN IN A POSITION FOR ONLY A LIMITED PERIOD OF TIME; OR**

**(2) IS HIRED BY A TEMPORARY AGENCY OR OTHER ENTITY TO FILL A GAP IN THE EMPLOYER’S WORKFORCE.**

**[(g)] (J)** (1) “Work sharing benefit” means benefits payable to an affected employee for work performed under an approved work sharing plan.

(2) “Work sharing benefit” includes benefits payable to a federal civilian employee or former service member under Title 5, Chapter 85 of the United States Code.

(3) “Work sharing benefit” does not include benefits that are otherwise payable under this title.

**[(h)] (K)** “Work sharing employer” means an employing unit or employer association for which a work sharing plan has been approved.

**[(i)] (L)** “Work sharing plan” means a plan of an employing unit or employer association under which:

(1) normal weekly work hours of affected employees are reduced **TO AVOID LAYOFFS**; and

(2) affected employees share the work that remains after the reduction.

8–1202.

**(A)** The work sharing unemployment insurance program seeks to:

(1) preserve the jobs of employees and the work force of an employer during **PERIODS OF** lowered economic activity by reduction in work hours or workdays rather than by a layoff of some employees while other employees continue their normal weekly work hours or workdays; and

(2) ameliorate the adverse effect of reduction in business activity by providing benefits for the part of the normal weekly work hours or workdays in which an employee does not work.

**(B) THE WORK SHARING UNEMPLOYMENT INSURANCE PROGRAM IS NOT INTENDED TO SUBSIDIZE:**

**(1) NORMAL OR EXPECTED FLUCTUATIONS IN ECONOMIC ACTIVITY THAT ARE AN INHERENT PART OF AN INDUSTRY OR OCCUPATION; OR**

**(2) AN EMPLOYER’S USUAL OPERATION ON A LONG-TERM BASIS.**

8–1203.

(a) An employing unit or employer association that wishes to participate in the work sharing unemployment insurance program shall submit to the Secretary a written work sharing plan that the employing unit or representative of the employer association has signed.

(b) Within 15 days after receipt of a work sharing plan, the Secretary shall give written approval or disapproval of the plan.

**(C) A DECISION BY THE SECRETARY TO DISAPPROVE A WORK SHARING PLAN SHALL IDENTIFY THE REASONS FOR THE DISAPPROVAL.**

**[(c)] (D)** (1) When the Secretary disapproves a work sharing plan, the decision is final and may not be appealed.

(2) After 15 days after the Secretary disapproves a work sharing plan, the employing unit or employer association may submit a new work sharing plan.

8–1204.

**(A) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE** Secretary shall approve a work sharing plan that meets the following requirements:

(1) [the work sharing plan shall apply to:

(i) at least 10% of the employees in the affected unit; or

(ii) at least 20 employees in an affected unit in which the work sharing plan applies equally to all affected employees.

(2) the normal weekly work hours of affected employees in the affected unit shall be reduced by at least 10% but, unless waived by the Secretary, the reduction may not exceed 50%.

**(3)]** a work sharing plan shall:

(i) identify the affected unit;

(ii) identify each employee in the affected unit by name, Social Security number, **NORMAL WEEKLY WORK HOURS**, and any other information that the Secretary requires;

(iii) specify **THE REQUESTED START DATE OF THE WORK SHARING PLAN THAT, UNLESS WAIVED BY THE SECRETARY FOR GOOD CAUSE, SHALL BEGIN ON A SUNDAY NO EARLIER THAN 7 DAYS AFTER THE PLAN IS SUBMITTED AND** an expiration date that is not more than 6 months after the effective date of the work sharing plan;

**(IV) PROVIDE FOR REDUCTION OF NORMAL WEEKLY WORK HOURS OF AFFECTED EMPLOYEES IN EACH AFFECTED UNIT WHICH SHALL BE:**

**1. APPLIED EQUALLY TO ALL EMPLOYEES IN THE AFFECTED UNIT FOR ALL WEEKS OF THE PLAN UNLESS WAIVED BY THE SECRETARY FOR GOOD CAUSE; AND**

**2. AT LEAST 20% ~~BUT, UNLESS WAIVED BY THE SECRETARY,~~ BUT NOT MORE THAN 50% OF THE NORMAL WEEKLY WORK HOURS OF EACH EMPLOYEE;**

**(V) IDENTIFY ANY WEEK DURING THE TERM OF THE PLAN FOR WHICH THE EMPLOYER REGULARLY PROVIDES NO WORK FOR ITS EMPLOYEES;**

**[(iv)] (VI)** specify the effect that work sharing will have on the fringe benefits of each employee in the affected unit including:

1. [health insurance for hospital, medical, dental, and similar services;

2. retirement benefits under benefit pension plans as defined in § 3(35) of the federal Employee Retirement Income Security Act of 1974;

3.] holiday and vacation pay;

[4.] **2.** sick leave; and

[5.] **3.** similar advantages;

**(VII) INCLUDE AN ESTIMATE OF THE NUMBER OF EMPLOYEES WHO WOULD BE LAID OFF IN THE ABSENCE OF THE PLAN AND THE AGGREGATE NORMAL WEEKLY WORK HOURS FOR THOSE EMPLOYEES THAT MUST BE**

EQUIVALENT TO THE AGGREGATE HOURS REDUCED UNDER THE WORK SHARING PLAN;

(VIII) INCLUDE A BRIEF DESCRIPTION OF THE CIRCUMSTANCES REQUIRING THE USE OF WORK SHARING TO AVOID LAYOFFS;

[(v)] (IX) [certify] CONTAIN THE EMPLOYER'S CERTIFICATION that:

1. each affected employee has been continuously on the payroll of the employing unit for 3 months immediately before the date on which the employing unit or employer association submits the work sharing plan; and

2. the total reduction in normal weekly work hours UNDER THE WORK SHARING PLAN is instead of TEMPORARY OR PERMANENT layoffs, OR BOTH, that would have affected at least [the number of employees specified in item (1) of this section] ONE EMPLOYEE and that would have resulted in an equivalent reduction in work hours;

3. PARTICIPATION IN THE PLAN AND ITS IMPLEMENTATION IS CONSISTENT WITH THE EMPLOYER'S OBLIGATIONS UNDER APPLICABLE FEDERAL AND STATE LAW;

4. THE EMPLOYER WILL NOT HIRE NEW EMPLOYEES IN, OR TRANSFER EMPLOYEES TO, THE AFFECTED UNIT WHILE THE PLAN IS IN EFFECT;

5. THE WORK SHARING PLAN WILL NOT SERVE AS A SUBSIDY OF TEMPORARY OR INTERMITTENT EMPLOYMENT; AND

6. HEALTH BENEFITS AND RETIREMENT BENEFITS, IF ANY, PROVIDED TO ANY EMPLOYEE WHOSE USUAL WEEKLY WORK HOURS ARE REDUCED UNDER THE WORK SHARING PLAN WILL CONTINUE TO BE PROVIDED:

A. TO EACH EMPLOYEE PARTICIPATING IN THE WORK SHARING PLAN UNDER THE SAME TERMS AND CONDITIONS AS THOUGH THE USUAL WEEKLY WORK HOURS OF THE EMPLOYEE HAD NOT BEEN REDUCED; OR

B. TO THE SAME EXTENT AS OTHER EMPLOYEES NOT PARTICIPATING IN THE PROGRAM; and

[(vi)] (X) 1. contain the written approval of[:

1.] the collective bargaining agent for each collective bargaining agreement that covers any affected employee in the affected unit; [or] AND

2. [if there is no agent, a representative of the employees or employee association in the affected unit] **FOR ANY AFFECTED EMPLOYEE NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT:**

**A. DESCRIBE HOW NOTICE OF THE PLAN WILL BE PROVIDED TO EMPLOYEES WHO WILL BE SUBJECT TO THE PLAN; OR**

**B. IF ADVANCE NOTICE TO EMPLOYEES SUBJECT TO THE PLAN IS NOT FEASIBLE, PROVIDE A DETAILED EXPLANATION AS TO WHY ADVANCE NOTICE IS NOT FEASIBLE.**

**(2) AN EMPLOYER IS DEEMED TO HAVE SATISFIED ITS OBLIGATION TO PROVIDE THE CERTIFICATE REQUIRED UNDER ITEM (1)(IX)6 OF THIS SUBSECTION IF THE EMPLOYER CERTIFIES THAT A REDUCTION IN HEALTH BENEFITS AND RETIREMENT BENEFITS SCHEDULED TO OCCUR WHILE THE PLAN IS IN EFFECT APPLIES TO EMPLOYEES WHO ARE PARTICIPATING IN WORK SHARING IN THE SAME MANNER AS IT APPLIES TO THOSE EMPLOYEES WHO ARE NOT PARTICIPATING IN WORK SHARING.**

**[(4)] (3)** if a work sharing plan serves the work sharing employer as a transitional step to permanent staff reduction, the work sharing plan shall contain a reemployment assistance plan for each affected employee that the work sharing employer develops with the Secretary.

**[(5)] (4)** the work sharing employer shall agree to:

(i) submit to the Secretary reports that are necessary to administer the work sharing plan; and

(ii) allow the Department to have access to all records necessary:

1. to verify the work sharing plan before its approval;  
[and]

2. to monitor and evaluate the application of the work sharing plan after its approval; AND

**3. TO COMPLY WITH ANY OTHER REQUIREMENT THE SECRETARY DEEMS NECESSARY THAT IS CONSISTENT WITH THIS SUBTITLE AND FEDERAL UNEMPLOYMENT INSURANCE LAW.**

**[(6)] (B)** [a work sharing plan may not subsidize an employing unit that traditionally has used employees who work less than 30 hours a week.] **THE SECRETARY MAY NOT APPROVE A WORK SHARING PLAN THAT:**

**(1) IS SUBMITTED BY A NEW EMPLOYER AS DEFINED IN § 8-609 OF THIS TITLE;**

**(2) IS SUBMITTED BY AN EMPLOYER THAT HAS FAILED TO:**

**(I) FILE QUARTERLY WAGE REPORTS OR OTHER REPORTS REQUIRED UNDER THIS TITLE; OR**

**(II) PAY ALL CONTRIBUTIONS, ASSESSMENTS, REIMBURSEMENTS IN LIEU OF CONTRIBUTIONS, INTEREST, AND PENALTIES DUE THROUGH THE DATE OF THE EMPLOYER'S APPLICATION; OR**

**(3) IS INCONSISTENT WITH THIS SUBTITLE AND THE PURPOSE OF WORK SHARING.**

8-1205.

(a) An approved work sharing plan may be modified if the modification meets the requirements for approval under § 8-1204 of this subtitle and the Secretary approves the modification.

(b) An employing unit may add an employee to a work sharing plan under this section when the employee has been continuously on the payroll for 3 months.

(c) An approved modification of a work sharing plan may not change its expiration date.

8-1206.

(a) An affected employee is eligible under § 8-1207 of this subtitle to receive work sharing benefits for each week in which the Secretary determines that the affected employee:

(1) is able to work; and

(2) is available for [more hours of work or full-time work] **THE EMPLOYEE'S NORMAL WEEKLY WORK HOURS** for the work sharing employer.

**(B) FOR PURPOSES OF SUBSECTION (A) OF THIS SECTION, AN AFFECTED EMPLOYEE IS ABLE AND AVAILABLE TO WORK FOR THE WORK SHARING EMPLOYER FOR ALL HOURS IN WHICH THE EMPLOYEE PARTICIPATES**

**IN TRAINING, INCLUDING EMPLOYER-SPONSORED TRAINING OR WORKER TRAINING FUNDED UNDER THE WORKFORCE INVESTMENT ACT OF 1998, TO ENHANCE JOB SKILLS IF THE PROGRAM HAS BEEN APPROVED BY THE SECRETARY AND THE TRAINING HAS BEEN AUTHORIZED BY THE EMPLOYER.**

**[(b)] (C)** (1) An affected employee who otherwise is eligible may not be denied work sharing benefits for failure to actively seek work under § 8-903(a)(1)(iii) of this title from a person other than the work sharing employer.

(2) An affected employee may not be disqualified under § 8-1005 of this title for refusal to apply for or accept suitable work from a person other than the work sharing employer.

**[(c)] (D)** An affected employee who is otherwise eligible for benefits:

(1) is considered to be unemployed for the purpose of the work sharing unemployment insurance program; and

(2) is not subject to the requirement under § 8-801 of this title that an individual be unemployed.

**[(d)] (E)** Unless the result would be inconsistent with this subtitle, the provisions of this title that apply to a claim for and payment of other benefits apply to a claim for and payment of work sharing benefits.

8-1207.

(a) Work sharing benefits shall be determined in accordance with this section.

(b) (1) To compute work sharing benefits:

(i) the weekly benefit amount of an affected employee under § 8-803 of this title shall be multiplied by the percentage of reduction in the employee's normal weekly work hours under the approved work sharing plan; and

(ii) the hours for which an affected employee receives [holiday or vacation pay] **PAID LEAVE** shall be counted as hours worked **IF THE AFFECTED EMPLOYEE PERFORMED SOME WORK DURING THE WORK WEEK.**

**(2) IF THE AFFECTED EMPLOYEE WAS ABSENT FROM WORK WITHOUT THE APPROVAL OF THE EMPLOYER OR USED UNPAID LEAVE, THE AFFECTED EMPLOYEE WILL NOT BE CONSIDERED TO HAVE WORKED ALL THE HOURS OFFERED BY THE WORK SHARING EMPLOYER IN A WORK WEEK, AND THE EMPLOYEE SHALL BE DENIED WORK SHARING BENEFITS FOR THAT WEEK.**

~~[(2)]~~ **(3)** The product obtained under paragraph (1)(i) of this subsection shall be rounded to the next lower dollar.

(c) (1) An affected employee is eligible to receive not more than ~~[26]~~ **52** weeks of work sharing benefits during each benefit year.

(2) The total amount of benefits payable under Subtitle 8 of this title and work sharing benefits payable under this section may not exceed the total for the benefit year under § 8–808(c) of this title.

(d) An allowance for a dependent is payable to an affected employee in accordance with § 8–804 of this title.

(e) An affected employee who receives a work sharing benefit is not subject to the limitation on benefits for partial unemployment under § 8–803(d) of this title.

(f) During a week in which an individual who otherwise is eligible for benefits does not work for the work sharing employer:

(1) the individual shall be paid benefits in accordance with Subtitle 8 of this title; and

(2) the week does not count as a week for which a work sharing benefit is received.

(g) ~~[(1)]~~ During a week in which an [employee earns wages] **INDIVIDUAL PERFORMS WORK** under an approved work sharing plan and [other wages, the work sharing benefit shall be reduced by the same percentage that the combined wages are of wages for normal weekly work hours if the other wages:

(i) exceed the wages earned under the approved work sharing plan; and

(ii) do not exceed 90% of the wages the individual earns for normal weekly work hours.

(2) The computation under paragraph (1) of this subsection applies regardless of whether the employee earned the other wage from the work sharing employer or another employer.] **PERFORMS WORK FOR ANOTHER EMPLOYER, THE INDIVIDUAL’S WORK SHARING BENEFIT SHALL BE COMPUTED IN THE SAME MANNER AS IF THE INDIVIDUAL WORKED SOLELY FOR THE WORK SHARING EMPLOYER.**

**(H) AN INDIVIDUAL WHO IS NOT PROVIDED ANY WORK BY THE WORK SHARING EMPLOYER DURING A WEEK IN WHICH A WORK SHARING PLAN IS IN EFFECT, BUT WHO WORKS FOR ANOTHER EMPLOYER AND IS OTHERWISE**

ELIGIBLE FOR UNEMPLOYMENT BENEFITS, MAY BE PAID REGULAR BENEFITS FOR THAT WEEK UNDER SUBTITLE 8 OF THIS TITLE SUBJECT TO THE DISQUALIFYING INCOME REQUIREMENTS OF § 8-803(D) OF THIS TITLE AND OTHER PROVISIONS APPLICABLE TO CLAIMS FOR REGULAR COMPENSATION.

(I) AN INDIVIDUAL WHO IS PROVIDED LESS THAN 50% OF THE INDIVIDUAL'S NORMAL WEEKLY WORK HOURS WITH THE WORK SHARING EMPLOYER DURING A WEEK IN WHICH A WORK SHARING PLAN IS IN EFFECT, AND IS OTHERWISE ELIGIBLE FOR UNEMPLOYMENT BENEFITS, MAY BE PAID REGULAR BENEFITS FOR THAT WEEK UNDER SUBTITLE 8 OF THIS TITLE SUBJECT TO THE DISQUALIFYING INCOME REQUIREMENTS OF § 8-803(D) OF THIS TITLE AND OTHER PROVISIONS APPLICABLE TO CLAIMS FOR REGULAR COMPENSATION.

[(h)] (J) While an affected employee applies for or receives work sharing benefits, the affected employee is not eligible for:

- (1) extended benefits;
- (2) supplemental federal unemployment compensation; or
- (3) benefits under any other federal or State program.

8-1208.

(A) The Secretary may revoke approval of an approved work sharing plan for good cause, including:

- (1) conduct or an occurrence that tends to defeat the intent and effective operation of the approved work sharing plan;
- (2) failure to comply with an assurance in the approved work sharing plan;
- (3) unreasonable revision of a productivity standard of the affected unit; and
- (4) violation of a criterion on which the Secretary based approval of the approved work sharing plan.

(B) THE DECISION OF THE SECRETARY TO REVOKE APPROVAL OF A WORK SHARING PLAN IS FINAL AND IS NOT SUBJECT TO APPEAL.

8-1209.

AN AFFECTED EMPLOYEE WHO HAS RECEIVED ALL OF THE WORK SHARING BENEFITS OR COMBINED UNEMPLOYMENT BENEFITS AND WORK SHARING BENEFITS AVAILABLE IN A BENEFIT YEAR SHALL BE:

(1) CONSIDERED AN EXHAUSTEE FOR PURPOSES OF EXTENDED BENEFITS, AS PROVIDED UNDER § 8-1104 OF THIS TITLE; AND

(2) IF OTHERWISE ELIGIBLE, SHALL BE ELIGIBLE TO RECEIVE EXTENDED BENEFITS UNDER SUBTITLE 11 OF THIS TITLE.

~~§ 1210.~~

~~(A) TO THE EXTENT PROVISIONS AND DEFINITIONS IN FEDERAL UNEMPLOYMENT INSURANCE LAW ARE IN CONFLICT WITH, OR SUPPLEMENT THE PROVISIONS OF THIS SUBTITLE OR THE CHARGING PROVISIONS APPLICABLE TO WORK SHARING IN § 8-611 OF THIS TITLE, THE PROVISIONS AND DEFINITIONS OF FEDERAL UNEMPLOYMENT INSURANCE LAW SHALL APPLY AND SHALL BE GIVEN EFFECT.~~

~~(B) IF ANY PROVISION OR DEFINITION IN THIS SUBTITLE OR THE CHARGING PROVISION APPLICABLE TO WORK SHARING IN § 8-611 OF THIS TITLE IS DETERMINED TO BE IN CONFLICT WITH FEDERAL UNEMPLOYMENT INSURANCE LAW, THAT PROVISION SHALL BE INVALID AND SHALL NOT AFFECT ANY OTHER PROVISION OF THIS SUBTITLE WHICH CAN BE GIVEN FULL EFFECT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 14, 2014.

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**Chapter 252**

**(House Bill 1458)**

AN ACT concerning

**Correctional Services – Charges Recommending Discipline – Investigative Period**

FOR the purpose of establishing that a certain time period after which a certain appointing authority in the Department of Public Safety and Correctional Services may not bring charges recommending the imposition of discipline against a correctional officer does not apply to certain charges of criminal

activity under certain circumstances; and generally relating to disciplinary procedures for correctional officers.

BY repealing and reenacting, with amendments,  
Article – Correctional Services  
Section 10–907  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

### Article – Correctional Services

10–907.

(a) The appointing authority may not bring charges recommending the imposition of discipline more than 90 days after the Internal Investigative Unit or the appointing authority acquires knowledge of the action that gives rise to the discipline.

(b) **THE 90–DAY LIMITATION ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO CHARGES THAT RELATE TO CRIMINAL ACTIVITY IF:**

**~~(1)~~ THE CRIMINAL ACTIVITY:**

**~~(1)~~ (1) RELATES TO THE CORRECTIONAL OFFICER’S OFFICIAL DUTIES;**

**~~(2)~~ (2) ARISES FROM EVENTS THAT OCCUR AT A CORRECTIONAL FACILITY; OR**

**~~(3)~~ (3) INVOLVES AN INMATE OR DETAINEE AT A CORRECTIONAL FACILITY; AND**

**~~(2) AT THE TIME THE ADMINISTRATIVE CHARGES ARE BROUGHT AGAINST THE CORRECTIONAL OFFICER, THE DIRECTOR OF THE INTERNAL INVESTIGATIVE UNIT OR THE DIRECTOR’S DESIGNEE CERTIFIES IN WRITING THAT THE 90–DAY LIMITATION WAS EXTENDED AS A RESULT OF THE CIRCUMSTANCES IN ITEM (1) OF THIS SUBSECTION.~~**

(c) An appointing authority may not recommend disciplinary action against a correctional officer for excessive use of force against an inmate based solely on the uncorroborated statement of the inmate unless the appointing authority determines that there exists any indicia of reliability to support the inmate’s allegation.

**[(c)] (D)** This section does not limit the right of the Department to investigate claims of excessive force against inmates to ensure the safety and security of its correctional facilities, or for any other legitimate purpose.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 253**

### **(House Bill 1493)**

AN ACT concerning

#### **Allegany County – Deputy Sheriffs – Meals on Duty**

FOR the purpose of repealing a certain provision of law entitling an Allegany County deputy sheriff to free meals while on duty in addition to the deputy sheriff's salary; and generally relating to deputy sheriffs in Allegany County.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–309(b)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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

#### **Article – Courts and Judicial Proceedings**

2–309.

(b) (1) The Sheriff of Allegany County shall receive the salary set by the County Commissioners in accordance with Title 28, Subtitle 1 of the Local Government Article.

(2) The Sheriff shall appoint not less than five deputies at salaries of at least \$2,400 each who are under the county classified service; one of these deputies shall be assigned by the Sheriff to execute process, orders, and directions for the juvenile court, and to perform the other duties the Sheriff assigns.

(3) [A deputy sheriff is entitled to free meals while on duty in addition to the salary provided in this subsection.

(4)] If authorized by the County Commissioners, the Sheriff may employ a clerk–bookkeeper under the county classified service at a salary agreed upon by the Sheriff and the County Commissioners. The clerk–bookkeeper shall perform the duties assigned by the Sheriff, including the preparation of reports submitted by the Sheriff's Office to the grand jury or the County Commissioners.

[(5)] (4) If the Sheriff of Allegany County approves after considering personnel needs, the County Commissioners may authorize a deputy sheriff to perform off–duty services for any person who agrees to pay a fee, including but not limited to, hourly rates for off–duty service, any necessary insurance to be determined by the Commissioners, including any fringe benefits and the reasonable rental cost of uniforms or other equipment used by any off–duty personnel.

[(6)] (5) The Sheriff, with the approval of the County Commissioners, may appoint a chief deputy sheriff who shall perform all legal functions of the Sheriff during any temporary absence, sickness, vacation, or vacancy of Office of the Sheriff. The Sheriff may appoint as chief deputy a person who has not served as a deputy sheriff. The chief deputy sheriff shall serve at the Sheriff's pleasure, and is not under the county classified service.

[(7)] (6) (i) This subsection does not apply to officers in the Sheriff's Office at a rank of lieutenant or above.

(ii) Deputies, officers, and civilian employees of the Sheriff's Office, including the Allegany County jail, have the right to organize and bargain collectively with the Sheriff concerning wages and benefits, hours, working conditions, discipline procedures, and job security issues through a labor organization selected by the majority of the deputies, officers, and civilian employees.

(iii) The Sheriff shall meet with the labor organization and engage in good faith negotiations to reach a written agreement on wages and benefits, hours, working conditions, discipline procedures, and job security issues.

(iv) If the labor organization and the Sheriff are unable to reach an agreement during the collective bargaining process, either the labor organization or the Sheriff may seek nonbinding mediation through the Federal Mediation and Conciliation Service by giving at least 15 days notice to the other party and to the Federal Mediation and Conciliation Service.

(v) 1. If the Sheriff and the labor organization are unable to agree to the interpretation or application of a written agreement entered under this subsection, the Sheriff or the labor organization may demand arbitration before a neutral labor arbitrator in accordance with this paragraph.

2. An arbitration initiated under this paragraph shall be conducted before a single arbitrator.

3. The arbitrator shall be selected to hear the dispute from a panel of seven arbitrators who are members of the National Academy of Arbitrators. The panel shall be requested from the Federal Mediation and Conciliation Service.

4. The parties shall select an arbitrator by alternative strikes from the panel.

5. The arbitrator selected may schedule a hearing, issue subpoenas to compel the testimony of witnesses and the production of documents, administer oaths, and declare the record closed.

6. The written decision of the arbitrator shall be:

A. Final and binding on the Sheriff, employee, and the labor organization to the extent the decision addresses wages and benefits; and

B. Nonbinding to the extent the decision addresses hours, working conditions, discipline procedures, and job security issues.

7. The Sheriff and labor organization shall share equally in the costs of the arbitration proceeding.

(vi) This subsection may not be construed to authorize an employee of the Sheriff's Office or of the Allegany County jail to engage in a strike.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 254

**(House Bill 1530)**

AN ACT concerning

### **St. Mary's County Metropolitan Commission – ~~Collection of Unpaid Charges~~**

FOR the purpose of ~~repealing provisions that require certain connection charges and a certain system improvement charge of the St. Mary's County Metropolitan Commission to be treated as County taxes for collection purposes; repealing provisions that require property subject to a certain connection charge or a certain system improvement charge to be sold at the same time and in the same~~

~~manner as properties are sold for County taxes under certain circumstances; repealing provisions that prohibit certain property redeemed from a County tax sale or sold after a final tax sale from being redeemed or sold until certain connection charges due on it are paid; repealing a provision that requires a certain unpaid water and sewer service bill to be collectible from the owner of the property served in a certain manner; requiring the St. Mary's County Metropolitan Commission to establish certain procedures by which an owner of certain residential property may apply for a waiver or an extension of time to pay certain charges under certain circumstances, including a method by which the owner may appeal a certain decision of the Commission to the Board of County Commissioners or an entity designated by the Board of County Commissioners; making this Act an emergency measure; and generally relating to the collection of unpaid charges of the St. Mary's County Metropolitan Commission.~~

BY repealing and reenacting, with amendments,  
The Public Local Laws of St. Mary's County  
Section 113-12 D., 113-14 G., and 113-29 M.  
Article 19 – Public Local Laws of Maryland  
(2007 Edition and February 2013 Supplement, as amended)

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

### **Article 19 – St. Mary's County**

113-12.

D. (1) The connection charges set forth in subsections B. and C. of this section shall be payable at the Office of the Commission at a time that is determined by the Commission.

(2) If any connection charges remain unpaid for a period of thirty (30) days after the payment is due, in addition to any other charges, the Commission may impose a late charge not to exceed one and one-half (1 1/2) percent per month until all delinquent charges are paid.

(3) If all or any part of a connection charge remains unpaid after thirty (30) days after the due date of payment, the entire unpaid connection charge shall be overdue and in default, at which time the Commission may proceed to enforce payment.

(4) Any statute of limitations to the contrary notwithstanding, and subject only to prior State and County taxes, the connection charge shall be a first lien on the property against which it is assessed until paid.

¶(5) For purposes of collection:

(A) The connection charges shall be treated as County taxes and be advertised in the same manner as and with County taxes;

(B) All property subject to the connection charges shall be sold for the connection charges at the same time and in the same manner as the properties are sold for County taxes; and

(C) Applicable laws relating to the collection of County taxes shall relate to the collection of the connection charges.

(6) Property redeemed from a County tax sale and property sold by the County Commissioners after a final tax sale may not be redeemed or sold until the connection charges due on it are paid.†

~~†(7)†(5)~~ To give notice to the general public of existing liens and charges against any property within any sanitary district abutting on any water or sewer main, the Commission shall keep a public record of all names of owners of property, locations of the property, lot numbers when of record, and the amount of the connection charges or other charges that may become liens.

~~†(8)†(6)~~ The records shall be kept in the land records of St. Mary's County, and the Clerk of the Circuit Court for the County shall furnish space necessary to keep and preserve the records, that, when recorded in the public record, are legal notice of all existing liens within any sanitary district.

~~†(9)†(7)~~ If any liens, connection charges, or other charges remain unpaid for thirty (30) days after becoming overdue, they may be collected by an action to enforce the liens, and any judgment or decree obtained shall have the force and effect of a judgment in personam.

~~†(10)†(8)~~ The Commission may file an action to enforce the liens against the owner of record at the time the levy was made, or the owner of record at the time the suit is filed, or any owner of record between these dates.

**(11) NOTWITHSTANDING ANY OTHER LAW, THE COMMISSION SHALL ESTABLISH A PROCEDURE BY WHICH THE OWNER OF A RESIDENTIAL PROPERTY, THAT IS ALSO THE PRIMARY RESIDENCE OF THE OWNER SUBJECT TO THE CONNECTION CHARGES, MAY APPLY FOR A WAIVER OR AN EXTENSION OF TIME TO PAY THE CHARGES BECAUSE OF THE FINANCIAL HARDSHIP OF THE OWNER, INCLUDING A METHOD BY WHICH THE OWNER MAY APPEAL THE DECISION OF THE COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS, OR AN ENTITY DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS.**

G. (1) If any bill shall remain unpaid for thirty (30) days after the due date, ~~it~~ it shall be collectible from the owner of the property served in the same manner as other debts are collectible in the County. ~~The~~ ~~THE~~ service charges and all penalties and late charges shall be a first lien against the property, and the same procedures as set forth in section 113-12.D. of this chapter shall be followed by the Commission in collecting those debts.

(2) NOTWITHSTANDING ANY OTHER LAW, THE COMMISSION SHALL ESTABLISH A PROCEDURE BY WHICH THE OWNER OF A RESIDENTIAL PROPERTY, THAT IS ALSO THE PRIMARY RESIDENCE OF THE OWNER SERVED, MAY APPLY FOR A WAIVER OR AN EXTENSION OF TIME TO PAY THE SERVICE CHARGES BECAUSE OF THE FINANCIAL HARDSHIP OF THE OWNER, INCLUDING A METHOD BY WHICH THE OWNER MAY APPEAL THE DECISION OF THE COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS, OR AN ENTITY DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS.

113-29.

M. (1) The System Improvement Charge shall be payable at the Office of the Commission at a time that the Commission determines.

(2) If any charges remain unpaid for a period of thirty (30) days after the payment is due, in addition to any other charges, the Commission may impose a late charge not to exceed one and one-half (1 1/2) percent per month until all delinquent charges are paid.

(3) The entire unpaid System Improvement Charge shall be overdue and in default after thirty (30) days after the payment is due for all or any part of the System Improvement Charge required by the Commission, at which time the Commission may proceed to enforce payment.

(4) Any statute of limitations to the contrary notwithstanding and subject only to prior State and County taxes, the System Improvement Charge shall be a first lien on the property against which it is assessed until paid.

~~f~~(5) For purposes of collection:

(A) The System Improvement Charge shall be treated as County taxes and be advertised in the same manner as and with County taxes;

(B) All property subject to the System Improvement Charges shall be sold for System Improvement Charges at the same time and in the same manner as the properties are sold for County taxes; and

(C) Applicable laws relating to the collection of County taxes shall relate to the collection of the System Improvement Charges.

(6) Property redeemed from a County tax sale and property sold by the County Commissioners after a final tax sale may not be redeemed or sold until the System Improvement Charges are paid.†

~~†(7)†(5)~~ To give notice to the general public of existing liens and charges against any property within any sanitary district abutting on any water or sewer main, the Commission shall keep a public record of all names of owners or property, locations of the property, lot numbers when of record, and the amount of the System Improvement Charges, water service charges, or [charges] that may become liens.

~~†(8)†(6)~~ If any liens, System Improvement Charges or other charges remain unpaid for thirty (30) days after becoming overdue, they may be collected by an action to enforce the liens, and any judgment or decree obtained shall have the force and effect of a judgment in personam.

~~†(9)†(7)~~ The Commission may file an action to enforce the liens against the owner of record at the time the levy was made, or the owner of record at the time the suit is filed, or any owner of record between these dates.

**(10) NOTWITHSTANDING ANY OTHER LAW, THE COMMISSION SHALL ESTABLISH A PROCEDURE BY WHICH THE OWNER OF A RESIDENTIAL PROPERTY, THAT IS ALSO THE PRIMARY RESIDENCE OF THE OWNER SUBJECT TO THE SYSTEM IMPROVEMENT CHARGE, MAY APPLY FOR A WAIVER OR AN EXTENSION OF TIME TO PAY THE CHARGE BECAUSE OF THE FINANCIAL HARDSHIP OF THE OWNER, INCLUDING A METHOD BY WHICH THE OWNER MAY APPEAL THE DECISION OF THE COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS, OR AN ENTITY DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS.**

SECTION 2. 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 shall take effect from the date it is enacted.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 255**

**(House Bill 1531)**

AN ACT concerning

**St. Mary's County Metropolitan Commission – Water and Sewer Service  
Charges – Volunteer Fire Departments and Rescue Squads – Exemption**

FOR the purpose of exempting certain property owned ~~or leased~~ by certain volunteer fire departments and volunteer rescue squads from the imposition of certain water or sewer service charges by the St. Mary's County Metropolitan Commission; making this Act an emergency measure; and generally relating to water and sewer service charges imposed by the St. Mary's County Metropolitan Commission.

BY repealing and reenacting, with amendments,  
The Public Local Laws of St. Mary's County  
Section 113–14  
Article 19 – Public Local Laws of Maryland  
(2007 Edition and February 2013 Supplement, as amended)

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

**Article 19 – St. Mary's County**

113–14.

A. For the purpose of providing funds for maintaining, repairing and operating its water supply and sewerage systems, for line extensions of them, for its administrative and other expenses, including proper depreciation allowances, if any, and for interest on and the retirement of bonds as specified in this chapter, the Commission may make service rates, as it deems necessary, on water lines and sewers chargeable against all properties having a connection with any water pipe or sewer pipe under its supervision or ownership. The service rates may include any State or Federally mandated fees or charges. The rate for both water and sewer service shall be uniform throughout a sanitary district, subject to changes that the Commission considers necessary. Beginning on July 1, 1993, the rate for both water and sewer service shall be uniform throughout all sanitary districts, subject to changes that the Commission considers necessary. However, where the Commission provides service to property in an area in which it is economically not feasible to provide service at the uniform rate because of the distance of the area from the principal facilities of the Commission, the Commission may classify the property as a remote area and may impose an additional service charge to meet the additional cost of providing service to the property. The Commission may collect a reasonable deposit in advance of furnishing water or sewerage service. The Commission shall begin the assessment of water and sewer service rates either at the time of the connection of all spigots or hydrants, toilets, and waste drains to a water main or sewer or on the expiration of the deadline for connection as required by the Commission in accordance with section 113–10 of this Article, whichever occurs first.

B. The sewer service rates shall be reasonable and shall be charged to all properties being served in a given sanitary district.

C. The water service charge shall consist of a minimum or ready-to-serve charge, which shall be based upon the size of the meter on the water connection leading to the property, and of a charge for water used, which shall be based upon the amount of water passing through the meter in excess of any water included in the minimum or ready-to-serve charge during the period between the last two (2) readings. The meter shall be placed on water connections as determined by the Commission. If the Commission at any time determines not to have meters installed in all the properties in a given sanitary district that are connected to the system, then a reasonable flat rate, as determined by the Commission, shall be charged to all properties in which meters have not been installed. This rate shall be uniform within a sanitary district.

**D. NOTWITHSTANDING SUBSECTIONS B AND C OF THIS SECTION, ANY PROPERTY OWNED ~~OR LEASED~~ BY EITHER A REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT OR A VOLUNTEER RESCUE SQUAD IS EXEMPT FROM THE IMPOSITION OF A WATER OR SEWER SERVICE CHARGE WHILE USED FOR PUBLIC PURPOSES.**

[D.] E. Bills for the amount of the charges shall be sent monthly, quarterly or semiannually, as the Commission determines, to the owner of each property served and are then payable at the Office of the Commission. If any bill remains unpaid after thirty (30) days from the due date or dates specified in it, the bill is overdue and the Commission may begin collection proceedings. At the request of the owner, bills for services may be sent, at the discretion of the Commission, to persons or entities other than the owner, provided that the owner states in his request that any bill so mailed will be considered as notice to him as if it were mailed to the owner in accordance with above.

[E.] F. When a bill is overdue and after written notice is left upon the premises or mailed to the last known address of the owner, the Commission shall turn off the water or sewer, if possible, from the property in question. The water or sewer service may not be resumed until the bill or bills, and a charge as determined by the Commission to cover costs incurred to turn off and to turn on the water or sewer service, have been paid.

[F.] G. If any charges remain unpaid for a period of thirty (30) days after the due date for payment, a late charge at a rate not to exceed one and five-tenths (1 5/10) percent per month may be made by the Commission until all delinquent charges are paid, the late charge to be in addition to all other charges.

[G.] H. If any bill shall remain unpaid for thirty (30) days after the due date, it shall be collectible from the owner of the property served in the same manner as other debts are collectible in the County. The service charges and all penalties and

late charges shall be a first lien against the property, and the same procedures as set forth in section 113–12.D. of this chapter, shall be followed by the Commission in collecting those debts.

SECTION 2. 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 shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2014.

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## Chapter 256

(Senate Bill 923)

AN ACT concerning

### Medical Marijuana – Natalie M. LaPrade Medical Marijuana Commission

FOR the purpose of altering the purpose of the Natalie M. LaPrade Medical Marijuana Commission to include the ~~registration and regulation~~ approval of certain physicians, the publishing and dissemination of certain information, and the research of certain issues; requiring the Commission to develop certain identification cards; requiring the Commission to develop and maintain a certain Web site; increasing the membership of the Commission; requiring the Department of Health and Mental Hygiene to adopt certain regulations; authorizing the Commission to set reasonable fees to cover certain costs; altering the contents of the Natalie M. LaPrade Medical Marijuana Commission Fund to include certain fees collected by the Commission; requiring the Commission to approve certain individuals as certifying physicians; requiring a physician to submit a certain proposal to the Commission to be ~~registered~~ approved as a certifying physician; encouraging and authorizing the Commission to approve certain applications; prohibiting a certifying physician ~~and certain family members and the spouse of a certifying physician from being employed by, receiving any compensation or receiving gifts from, or having any financial interest in, a medical marijuana grower or a medical marijuana treatment center dispensary; authorizing a certifying physician to receive certain compensation if the certifying physician obtains certain approval and discloses certain information; providing that a qualifying patient may be a patient of the certifying physician or referred to the certifying physician; requiring a certifying physician to provide each written certification to the Commission; requiring the Commission to issue certain identification cards under certain circumstances; authorizing a certifying physician to discuss medical marijuana with certain patients; providing that certain qualifying patients and caregivers may obtain~~

medical marijuana only from a ~~medical treatment center~~ medical marijuana grower or dispensary licensed by the Commission; providing that certain qualifying patients may obtain medical marijuana only through the patient's caregiver; prohibiting a caregiver from serving more than a certain number of qualifying patients at any time; prohibiting a qualifying patient from having more than a certain number of caregivers; requiring each certifying physician to submit a certain annual report to the Commission; authorizing a certifying physician to apply for a renewal of ~~a registration~~ an approval on a certain basis; requiring the Commission to grant or deny a renewal of ~~a registration~~ an approval based on a certifying physician's performance in complying with certain regulations; ~~providing that a certifying physician shall be protected from certain penalties for certain actions;~~ altering the contents of a certain report the Commission is required to make to the Governor and General Assembly each year; altering the number of medical marijuana growers the Commission may license; requiring the Commission to establish a certain application review process for granting medical marijuana grower licenses; prohibiting the Commission from issuing more than one medical marijuana grower license to an applicant; requiring a medical marijuana grower to pay a certain fee; altering the entities to which a licensed medical marijuana grower may provide marijuana; providing for the term of an initial and a renewal medical marijuana grower license; providing for the form of an application to operate as a medical marijuana grower; requiring the Commission to set certain standards for licensure; requiring a medical marijuana grower agent to be registered with the Commission; requiring a medical marijuana grower to apply to the Commission for a registration card for each grower agent by submitting certain information to the Commission; requiring each medical marijuana grower agent to obtain a criminal history records check; encouraging the Commission to license medical marijuana growers that grow certain strains of marijuana ~~and, prepare medical marijuana in a range of routes of administration, and are located in agricultural zones;~~ requiring the Commission to actively seek to achieve racial, ethnic, and geographic diversity and to encourage certain applicants when licensing medical marijuana growers; requiring certain growers to submit a certain annual report to the Commission beginning on a certain date; requiring an entity seeking licensure as a medical marijuana grower to meet local zoning and planning requirements; ~~prohibiting a medical marijuana grower agent and certain family members of a medical marijuana grower agent from being employed by, receiving any compensation or gifts from, or having any financial interest in a certifying physician or a medical marijuana treatment center;~~ authorizing an entity licensed to grow marijuana under certain provisions of law to provide marijuana ~~to certain patients or certain caregivers~~ only to certain programs and, certain licensed ~~medical marijuana treatment centers~~ dispensaries, qualified patients, and caregivers; authorizing a medical marijuana grower to distribute marijuana at certain facilities; authorizing a qualifying patient or caregiver to obtain medical marijuana from certain facilities; requiring an entity licensed to grow marijuana under certain provisions of law to ensure that certain safety precautions are followed by certain facilities; requiring a ~~medical marijuana treatment center~~ dispensary to be licensed by the Commission;

~~requiring an applicant to be licensed as a medical marijuana treatment center dispensary to submit to the Commission a certain application fee and a certain application; authorizing the Commission, during a certain time period, to issue a certain number of licenses; authorizing the Commission, under certain circumstances, to increase the number of licensed medical marijuana treatment centers; prohibiting a medical marijuana treatment center agent and certain family members of a medical marijuana treatment center agent from being employed by, receiving any compensation or gifts from, or having any financial interest in a certifying physician or a medical marijuana grower requiring the Commission to establish a certain application review process for granting dispensary licenses and to actively seek to achieve racial, ethnic, and geographic diversity when licensing dispensaries; prohibiting certain entities and agents from being arrested or penalized for certain actions; requiring that medical marijuana treatment center agents meet certain qualifications; requiring ~~medical marijuana treatment centers~~ dispensaries to apply to the Commission for registration cards for certain agents by submitting certain information; requiring, under certain circumstances, ~~medical marijuana treatment centers~~ dispensaries to notify the Commission and return registration cards of certain agents to the Commission within a certain time period; requiring the Commission, on receipt of a certain notice, to immediately revoke certain registrations and, under certain circumstances, notify the Department of State Police that certain registration cards have not been returned; prohibiting the Commission from registering certain persons as ~~medical marijuana treatment center~~ dispensary agents; requiring an applicant for certain criminal history records checks to submit to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services certain sets of fingerprints and certain fees; requiring the Central Repository to forward to the Commission and the applicant certain information; authorizing, under certain circumstances, the Commission to accept an alternate method of criminal history records checks as permitted by certain individuals; providing that certain information obtained from the Central Repository is confidential, may not be disseminated, and may be used only for a certain purpose; authorizing the subject of a certain criminal history records check to contest the contents of a certain statement; adding to the persons that may not be subject to arrest, prosecution, or certain penalties, or be denied any right or privilege, for the medical use of marijuana; providing that a person may not distribute, possess, manufacture, or use marijuana that has been diverted from a qualifying patient; providing that this Act may not be construed to require a hospital or hospice program to report certain information to the Commission; requiring the Commission to adopt certain regulations on or before a certain date; requiring the Commission to report to certain committees of the General Assembly on or before a certain date ~~each year in certain years on incidents of any change in~~ marijuana use by minors; requiring the Commission to study and report its recommendations to the General Assembly on how to provide access to medical marijuana for certain veterans; *requiring the Commission to report to the General Assembly on or before a certain date on the level of competition in the market for medical marijuana; requiring the Commission, in consultation with*~~

*the Comptroller, to study the taxation of medical marijuana and the impact that medical marijuana laws have had on banking and financial transactions in other states and to report the Commission's findings and recommendations to the General Assembly on or before a certain date;* defining certain terms; making certain conforming changes; and generally relating to the Natalie M. LaPrade Medical Marijuana Commission and medical marijuana.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–3301 through 13–3303 and 13–3307 through 13–3311

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – Health – General

Section 13–3307 ~~and 13–3313~~, 13–3310, 13–3311, 13–3312, and 13–3316

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 13–3304 through 13–3306

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

### **Article – Health – General**

13–3301.

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

(b) “Academic medical center” means a hospital that:

(1) Operates a medical residency program for physicians; and

(2) Conducts research that is overseen by the federal Department of Health and Human Services and involves human subjects.

**(C) “CAREGIVER” MEANS:**

**(1) A PERSON WHO HAS AGREED TO ASSIST WITH A QUALIFYING PATIENT’S MEDICAL USE OF MARIJUANA; AND**

(2) FOR A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS, A PARENT OR LEGAL GUARDIAN.

~~(C)~~ (D) “CERTIFYING PHYSICIAN” MEANS AN INDIVIDUAL WHO:

(1) IS LICENSED BY THE STATE BOARD OF PHYSICIANS UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE TO PRACTICE MEDICINE; AND

(2) ~~IS ON STAFF AT A HOSPITAL OR WITH A HOSPICE PROGRAM IN THE STATE; AND~~

~~(3) REGISTERS WITH~~ APPROVED BY THE COMMISSION TO MAKE MARIJUANA AVAILABLE TO PATIENTS FOR MEDICAL USE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION.

[(c)] ~~(D)~~ (E) “Commission” means the Natalie M. LaPrade Medical Marijuana Commission established under this subtitle.

(F) “DISPENSARY” MEANS AN ENTITY LICENSED UNDER THIS SUBTITLE THAT ACQUIRES, POSSESSES, PROCESSES, TRANSFERS, TRANSPORTS, SELLS, DISTRIBUTES, DISPENSES, OR ADMINISTERS MARIJUANA, PRODUCTS CONTAINING MARIJUANA, RELATED SUPPLIES, RELATED PRODUCTS INCLUDING FOOD, TINCTURES, AEROSOLS, OILS, OR OINTMENTS, OR EDUCATIONAL MATERIALS FOR USE BY A QUALIFYING PATIENT OR CAREGIVER.

(G) “DISPENSARY AGENT” MEANS AN OWNER, A MEMBER, AN EMPLOYEE, A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A DISPENSARY.

[(d)] ~~(E)~~ ~~(F)~~ (H) “Fund” means the Natalie M. LaPrade Medical Marijuana Commission Fund established under § 13–3303 of this subtitle.

~~(G)~~ (I) “MEDICAL MARIJUANA GROWER AGENT” MEANS AN OWNER, AN EMPLOYEE, A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A MEDICAL MARIJUANA GROWER LICENSED UNDER THIS SUBTITLE.

~~(H) “MEDICAL MARIJUANA TREATMENT CENTER” MEANS AN ENTITY LICENSED UNDER THIS SUBTITLE THAT ACQUIRES, POSSESSES, PROCESSES, TRANSFERS, TRANSPORTS, SELLS, DISTRIBUTES, DISPENSES, OR ADMINISTERS MARIJUANA, PRODUCTS CONTAINING MARIJUANA, RELATED SUPPLIES, RELATED PRODUCTS INCLUDING FOOD, TINCTURES, AEROSOLS, OILS, OR OINTMENTS, OR EDUCATIONAL MATERIALS FOR USE BY A QUALIFYING PATIENT OR A CAREGIVER.~~

~~(I) “MEDICAL MARIJUANA TREATMENT CENTER AGENT” MEANS AN OWNER, AN EMPLOYEE, A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A MEDICAL MARIJUANA TREATMENT CENTER.~~

[(e)] ~~(F)~~ (J) “Program” means an investigational use-type program overseen by an academic medical center through which marijuana is made available to patients for medical use.

~~(G)~~ (K) “QUALIFYING PATIENT” MEANS A RESIDENT OF THE STATE WHO:

(1) ~~IS AT LEAST 18 YEARS OLD, UNLESS THE COMMISSION GRANTS AN EXCEPTION AT THE RECOMMENDATION OF THE PATIENT’S CERTIFYING PHYSICIAN; AND~~

~~(2)~~ (I) HAS BEEN PROVIDED WITH A WRITTEN CERTIFICATION BY A CERTIFYING PHYSICIAN IN ACCORDANCE WITH A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP; OR

(II) IS ENROLLED IN A RESEARCH PROGRAM WITH A REGISTERED ACADEMIC MEDICAL CENTER; AND

(2) IF UNDER THE AGE OF 18 YEARS, HAS A CAREGIVER.

~~(H)~~ (L) “WRITTEN CERTIFICATION” MEANS A CERTIFICATION THAT:

(1) IS ISSUED BY A CERTIFYING PHYSICIAN TO A QUALIFYING PATIENT WITH WHOM THE PHYSICIAN HAS A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP; AND

(2) INCLUDES A WRITTEN STATEMENT CERTIFYING THAT, IN THE PHYSICIAN’S PROFESSIONAL OPINION, AFTER HAVING COMPLETED A FULL ASSESSMENT OF THE PATIENT’S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION, THE PATIENT HAS A CONDITION:

(I) THAT MEETS THE INCLUSION CRITERIA AND DOES NOT MEET THE EXCLUSION CRITERIA OF THE CERTIFYING PHYSICIAN’S APPLICATION; AND

(II) FOR WHICH:

~~1. RECOGNIZED DRUGS OR TREATMENT WOULD NOT BE EFFECTIVE OR OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE EFFECTS OR A GREATER RISK OF ADDICTION; AND~~

~~2.~~ ~~THE~~ THE POTENTIAL BENEFITS OF THE MEDICAL USE OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE PATIENT.

13-3302.

- (a) There is a Natalie M. LaPrade Medical Marijuana Commission.
- (b) The Commission is an independent commission that functions within the Department.
- (c) The purpose of the Commission is to:
  - (1) Develop requests for applications for academic medical centers to operate programs in accordance with this subtitle;
  - (2) Approve or deny applications for programs;
  - (3) Approve or deny applications for renewal of programs; [and]
  - (4) Monitor and oversee programs approved for operation under this subtitle; ~~AND~~
  - (5) ~~REGISTER AND REGULATE~~ APPROVE CERTIFYING PHYSICIANS;
  - (6) PUBLISH AND DISSEMINATE ANY INFORMATION THAT RELATES TO THE MEDICAL USE OF MARIJUANA AND RELATED RESEARCH; AND
  - (7) RESEARCH ISSUES RELATED TO THE MEDICAL USE OF MARIJUANA.

(D) (1) THE COMMISSION SHALL DEVELOP IDENTIFICATION CARDS FOR QUALIFYING PATIENTS AND CAREGIVERS.

(2) (I) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ESTABLISH THE REQUIREMENTS FOR IDENTIFICATION CARDS PROVIDED BY THE COMMISSION.

(II) THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE:

1. THE INFORMATION TO BE INCLUDED ON AN IDENTIFICATION CARD;

**2. THE METHOD THROUGH WHICH THE COMMISSION WILL DISTRIBUTE IDENTIFICATION CARDS; AND**

**3. THE METHOD THROUGH WHICH THE COMMISSION WILL TRACK IDENTIFICATION CARDS.**

**(E) THE COMMISSION SHALL DEVELOP AND MAINTAIN A WEB SITE THAT:**

**(1) PROVIDES INFORMATION ON HOW AN INDIVIDUAL CAN OBTAIN MEDICAL MARIJUANA IN THE STATE AND HOW AN INDIVIDUAL CAN FIND A CERTIFYING PHYSICIAN; AND**

**(2) PROVIDES CONTACT INFORMATION FOR LICENSED GROWERS AND LICENSED DISPENSARIES.**

13–3303.

(a) The Commission consists of the following ~~12~~ **15** members:

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

(2) The following ~~11~~ **14** members, appointed by the Governor:

(i) One member of the public who supports the use of marijuana for medical purposes and who is or was a patient who found relief from the use of medical marijuana;

(ii) One member of the public designated by the Maryland Chapter of the National Council on Alcoholism and Drug Dependence;

(iii) Three physicians licensed in the State who specialize in addiction, pain, oncology, neurology, or clinical research;

(iv) One nurse licensed in the State who has experience in hospice care, nominated by a State research institution or trade association;

(v) One pharmacist licensed in the State, nominated by a State research institution or trade association;

(vi) One scientist who has experience in the science of marijuana, nominated by a State research institution;

(vii) One representative of the Maryland State's Attorneys' Association;

(viii) One representative of the Maryland Chiefs of Police; ~~and~~

(ix) An attorney who is knowledgeable about medical marijuana laws in the United States;

**(X) AN INDIVIDUAL WITH EXPERIENCE IN HORTICULTURE, RECOMMENDED BY THE DEPARTMENT OF AGRICULTURE;**

**(XI) ONE REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND EXTENSION; AND**

**(XII) ONE REPRESENTATIVE OF THE OFFICE OF THE COMPTROLLER.**

(b) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members on October 1, 2013.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member may not serve more than three consecutive full terms.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(c) The Governor shall designate the chair from among the members of the Commission.

(d) A majority of the full authorized membership of the Commission is a quorum.

(e) A member of the Commission:

(1) May not receive compensation as a member of the Commission; but

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

(f) The Commission may employ a staff, including contractual staff, in accordance with the State budget.

**(G) THE COMMISSION MAY SET REASONABLE FEES TO COVER THE COSTS OF OPERATING THE COMMISSION.**

**[(g)] (H)** (1) There is a Natalie M. LaPrade Medical Marijuana Commission Fund.

(2) The Commission shall administer the Fund.

(3) The Fund is a special continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(4) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(5) The Fund shall be invested and reinvested in the same manner as other State funds, and any investment earnings shall be retained to the credit of the Fund.

(6) The Fund shall be subject to an audit by the Office of Legislative Audits as provided for in § 2–1220 of the State Government Article.

(7) The Comptroller shall pay out money from the Fund as directed by the Commission.

(8) The Fund consists of:

(i) Any money appropriated in the State budget to the Fund;

(ii) Any other money from any other source accepted for the benefit of the Fund, in accordance with any conditions adopted by the Commission for the acceptance of donations or gifts to the Fund; **AND**

**(III) ANY FEES COLLECTED BY THE COMMISSION UNDER THIS SUBTITLE.**

(9) No part of the Fund may revert or be credited to:

(i) The General Fund of the State; or

(ii) Any other special fund of the State.

(10) Expenditures from the Fund may be made only in accordance with the State budget.

(a) The Commission shall issue at least annually a request for applications for academic medical centers to operate medical marijuana compassionate use programs.

(b) An application submitted by an academic medical center to operate a program under this subtitle shall:

(1) Specify the medical conditions to be treated under the program to be operated by the academic medical center, proposed on the basis of evidence;

(2) Specify the criteria by which the academic medical center will include and exclude patients from participation in the program;

(3) Specify how patients will be assessed for addiction before and during treatment using marijuana through the program;

(4) Describe the source of the marijuana to be used in a program and include scientific details of the type of marijuana to be used in the program;

(5) Specify the length of treatment and dosage permitted under the program;

(6) Describe how health care providers will be eligible to participate in the program and what training they will receive;

(7) Include a description of whether and how caregivers will interact with patients participating in the program;

(8) Demonstrate approval of the program by the academic medical center's institutional review board;

(9) Describe the plan for defining and monitoring the success or failure of treatment using marijuana through the program;

(10) Include a plan for monitoring aggregate data and outcomes and publishing results from the program, as appropriate;

(11) Include a description of the sources of funding for the program, including any research grants;

(12) Describe any required training for health care providers and patients participating in the program on diversion-related issues;

(13) Describe steps the academic medical center will take to prevent and monitor for diversion and address violations of its diversion policy;

(14) Describe how the program will dispose of any unused marijuana; and

(15) Describe how the academic medical center and the program will meet any other criteria established by the Commission related to diversion or other aspects of programs overseen by the Commission.

(c) The Commission shall set application fees and renewal fees that cover its expenses in reviewing and approving applications and providing oversight to programs.

13–3305.

(a) The Commission shall establish an application review process that includes reviewers with expertise in scientific research and analysis, medical training, and law enforcement.

(b) The reviewers shall:

(1) Review, evaluate, and rate applications for medical marijuana compassionate use programs submitted by academic medical centers based on the procedures and guidelines established by the Commission; and

(2) Make recommendations to the Commission, based on the ratings awarded to proposals by the reviewers, for approval of applications from medical marijuana compassionate use programs.

(c) The Commission may grant a 1-year approval to a program, which may be renewed by the Commission.

(d) The Commission may approve no more than five programs to operate at one time.

13–3306.

(a) (1) An academic medical center approved to operate a program under this subtitle shall provide to the Commission updated data each day on patients and caregivers participating in each program overseen by the academic medical center.

(2) The Commission shall make the data available in real time to law enforcement.

(b) An academic medical center operating a program approved under this subtitle may use marijuana obtained only from:

(1) The federal government; or

(2) A medical marijuana grower licensed under this subtitle.

(c) If an academic medical center utilizes caregivers as part of a program approved under this subtitle, the academic medical center shall:

(1) Limit the number of patients a caregiver is allowed to serve to no more than five; and

(2) Limit the number of caregivers that serve a particular patient to no more than two.

(d) An academic medical center operating a program approved under this subtitle shall report annually to the Commission, in the form specified by the Commission, on:

(1) The number of patients served through the program;

(2) The county of residence of the patients served by the program;

(3) The conditions treated under the program;

(4) Any outcomes data on the results of treatment through the program; and

(5) Any research studies conducted under the program.

(e) An academic medical center operating a program approved under this subtitle shall apply annually to the Commission for renewal of approval of the program, in accordance with any procedures established by the Commission.

(f) An academic medical center operating a program approved under this subtitle is subject to inspection by the Commission to ensure that the program is operating according to the conditions of approval established by the Commission.

(g) The Commission may rescind approval of a program if the Commission finds that the program is not in compliance with the conditions of approval established by the Commission.

### **13-3307.**

**(A) THE COMMISSION SHALL APPROVE AS A CERTIFYING PHYSICIAN AN INDIVIDUAL WHO:**

**(1) MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND**

(2) SUBMITS APPLICATION MATERIALS THAT ARE SATISFACTORY TO THE COMMISSION.

(B) TO BE ~~REGISTERED~~ APPROVED AS A CERTIFYING PHYSICIAN, A PHYSICIAN SHALL SUBMIT A PROPOSAL TO THE COMMISSION THAT INCLUDES:

(1) THE REASONS FOR INCLUDING A PATIENT UNDER THE CARE OF THE PHYSICIAN FOR THE PURPOSES OF THIS SUBTITLE, INCLUDING THE PATIENT'S QUALIFYING MEDICAL CONDITIONS;

(2) THE REASONS THE PHYSICIAN WILL USE TO EXCLUDE PATIENTS FROM THE CARE OF THE PHYSICIAN FOR THE PURPOSES OF THIS SUBTITLE;

(3) THE PHYSICIAN'S PLAN FOR SCREENING A PATIENT FOR DEPENDENCE, BOTH BEFORE AND AFTER THE QUALIFYING PATIENT IS ISSUED A WRITTEN CERTIFICATION; AND

(4) THE PHYSICIAN'S PLAN FOR THE ONGOING ASSESSMENT AND FOLLOW-UP CARE OF A PATIENT AND FOR COLLECTING AND ANALYZING DATA.

(C) THE COMMISSION IS ENCOURAGED TO APPROVE PHYSICIAN APPLICATIONS FOR THE FOLLOWING MEDICAL CONDITIONS:

(1) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION THAT RESULTS IN A PATIENT BEING ADMITTED INTO HOSPICE OR RECEIVING PALLIATIVE CARE; OR

(2) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION THAT PRODUCES:

(I) CACHEXIA, ANOREXIA, OR WASTING SYNDROME;

(II) SEVERE ~~OR CHRONIC~~ PAIN;

(III) SEVERE NAUSEA;

(IV) SEIZURES; OR

(V) SEVERE OR PERSISTENT MUSCLE SPASMS.

(D) THE COMMISSION MAY APPROVE APPLICATIONS THAT INCLUDE ANY OTHER CONDITION THAT IS SEVERE AND ~~RESISTANT TO CONVENTIONAL~~

MEDICINE FOR WHICH OTHER MEDICAL TREATMENTS HAVE BEEN INEFFECTIVE IF THE SYMPTOMS REASONABLY CAN BE EXPECTED TO BE RELIEVED BY THE MEDICAL USE OF MARIJUANA.

~~(E) A CERTIFYING PHYSICIAN OR A SPOUSE, PARENT, OR CHILD OF A CERTIFYING PHYSICIAN MAY NOT BE EMPLOYED BY, RECEIVE ANY COMPENSATION OR GIFTS FROM, OR HAVE ANY FINANCIAL INTEREST IN A MEDICAL MARIJUANA GROWER OR A MEDICAL MARIJUANA TREATMENT CENTER.~~

(E) (1) A CERTIFYING PHYSICIAN OR THE SPOUSE OF A CERTIFYING PHYSICIAN MAY NOT RECEIVE ANY GIFTS FROM OR HAVE AN OWNERSHIP INTEREST IN A MEDICAL MARIJUANA GROWER OR A DISPENSARY.

(2) A CERTIFYING PHYSICIAN MAY RECEIVE COMPENSATION FROM A MEDICAL MARIJUANA GROWER OR DISPENSARY IF:

(I) THE CERTIFYING PHYSICIAN OBTAINS THE APPROVAL OF THE COMMISSION BEFORE RECEIVING THE COMPENSATION; AND

(II) DISCLOSES THE AMOUNT OF COMPENSATION RECEIVED FROM THE MEDICAL MARIJUANA GROWER OR DISPENSARY TO THE COMMISSION.

(F) (1) A QUALIFYING PATIENT MAY BE A PATIENT OF THE CERTIFYING PHYSICIAN OR MAY BE REFERRED TO THE CERTIFYING PHYSICIAN.

(2) A CERTIFYING PHYSICIAN SHALL PROVIDE EACH WRITTEN CERTIFICATION TO THE COMMISSION.

(3) ON RECEIPT OF A WRITTEN CERTIFICATION PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION SHALL ISSUE AN IDENTIFICATION CARD TO EACH QUALIFYING PATIENT OR CAREGIVER NAMED IN THE WRITTEN CERTIFICATION.

(4) A CERTIFYING PHYSICIAN MAY DISCUSS MEDICAL MARIJUANA WITH A QUALIFYING PATIENT.

(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A QUALIFYING PATIENT OR CAREGIVER MAY OBTAIN MEDICAL MARIJUANA ONLY FROM A MEDICAL MARIJUANA ~~TREATMENT CENTER~~ GROWER LICENSED BY THE COMMISSION OR A DISPENSARY LICENSED BY THE COMMISSION.

(II) A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS MAY OBTAIN MEDICAL MARIJUANA ONLY THROUGH THE QUALIFYING PATIENT'S CAREGIVER.

(6) (I) A CAREGIVER MAY SERVE NO MORE THAN FIVE QUALIFYING PATIENTS AT ANY TIME.

(II) A QUALIFYING PATIENT MAY HAVE NO MORE THAN TWO CAREGIVERS.

~~(F)~~ (G) (1) EACH CERTIFYING PHYSICIAN SHALL SUBMIT AN ANNUAL REPORT TO THE COMMISSION.

(2) THE ANNUAL REPORT SHALL INCLUDE:

(I) THE NUMBER OF PATIENTS SERVED;

(II) THE COUNTY OF RESIDENCE OF EACH PATIENT SERVED;

(III) ANY MEDICAL CONDITION FOR WHICH MEDICAL MARIJUANA WAS RECOMMENDED; AND

(IV) A SUMMARY OF CLINICAL OUTCOMES, INCLUDING ADVERSE EVENTS AND ANY CASES OF SUSPECTED DIVERSION.

(3) THE ANNUAL REPORT MAY NOT INCLUDE ANY PERSONAL INFORMATION THAT IDENTIFIES A PATIENT.

~~(F)~~ (H) (1) A CERTIFYING PHYSICIAN MAY APPLY BIENNIALLY ~~FOR A RENEWAL OF A REGISTRATION~~ TO THE COMMISSION FOR APPROVAL.

(2) THE COMMISSION SHALL GRANT OR DENY A RENEWAL OF ~~A REGISTRATION~~ AN APPLICATION FOR APPROVAL BASED ON THE PHYSICIAN'S PERFORMANCE IN COMPLYING WITH REGULATIONS ADOPTED BY THE COMMISSION.

~~(G) A CERTIFYING PHYSICIAN SHALL BE PROTECTED FROM CIVIL AND CRIMINAL PENALTIES UNDER STATE AND LOCAL LAW FOR ACTIONS AUTHORIZED UNDER THIS SUBTITLE, INCLUDING THE ISSUANCE OF WRITTEN CERTIFICATIONS AND THE COLLECTION AND ANALYSIS OF DATA.~~

On or before January 1 each year, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on [programs]:

(1) **PROGRAMS** approved to operate under this subtitle; **AND**

(2) **PHYSICIANS CERTIFIED UNDER THIS SUBTITLE.**

[13-3308.] **13-3309.**

(a) (1) The Commission shall license medical marijuana growers **THAT MEET ALL REQUIREMENTS ESTABLISHED BY THE COMMISSION** to operate in the State to provide marijuana to ~~programs~~:

(I) **PROGRAMS** approved for operation under this subtitle; ~~AND~~

(II) ~~**MEDICAL MARIJUANA TREATMENT CENTERS**~~  
**DISPENSARIES** LICENSED BY THE COMMISSION UNDER THIS SUBTITLE; **AND**

(III) **QUALIFYING PATIENTS AND CAREGIVERS.**

(2) (I) ~~The **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**~~ Commission ~~may license no more than five medical marijuana growers [for each approved program]~~ ~~**SHALL**~~ **MAY LICENSE NO MORE THAN 15 MEDICAL MARIJUANA GROWERS.**

(II) **BEGINNING JUNE 1, 2016, THE COMMISSION MAY ISSUE THE NUMBER OF LICENSES NECESSARY TO MEET THE DEMAND FOR MEDICAL MARIJUANA BY QUALIFYING PATIENTS AND CAREGIVERS ISSUED IDENTIFICATION CARDS UNDER THIS SUBTITLE IN AN AFFORDABLE, ACCESSIBLE, SECURE, AND EFFICIENT MANNER.**

(III) **THE COMMISSION SHALL ESTABLISH AN APPLICATION REVIEW PROCESS FOR GRANTING MEDICAL MARIJUANA GROWER LICENSES IN WHICH APPLICATIONS ARE REVIEWED, EVALUATED, AND RANKED BASED ON CRITERIA ESTABLISHED BY THE COMMISSION.**

(IV) **THE COMMISSION MAY NOT ISSUE MORE THAN ONE MEDICAL MARIJUANA GROWER LICENSE TO EACH APPLICANT.**

(V) **A GROWER SHALL PAY AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION CONSISTENT WITH THIS SUBTITLE.**

(3) THE COMMISSION SHALL SET STANDARDS FOR LICENSURE AS A MEDICAL MARIJUANA GROWER TO ENSURE PUBLIC SAFETY AND SAFE ACCESS TO MEDICAL MARIJUANA, WHICH MAY INCLUDE A REQUIREMENT FOR THE POSTING OF SECURITY.

(4) EACH MEDICAL MARIJUANA GROWER AGENT SHALL:

(I) BE REGISTERED WITH THE COMMISSION BEFORE THE AGENT MAY VOLUNTEER OR WORK FOR A LICENSED GROWER; AND

(II) ~~OBTAIN~~ OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 13-3312 OF THIS SUBTITLE.

(5) (I) A LICENSED GROWER SHALL APPLY TO THE COMMISSION FOR A REGISTRATION CARD FOR EACH GROWER AGENT BY SUBMITTING THE NAME, ADDRESS, AND DATE OF BIRTH OF THE AGENT.

(II) 1. WITHIN 1 BUSINESS DAY AFTER A GROWER AGENT CEASES TO BE ASSOCIATED WITH A GROWER, THE GROWER SHALL:

A. NOTIFY THE COMMISSION; AND

B. RETURN THE GROWER AGENT'S REGISTRATION CARD TO THE COMMISSION.

2. ON RECEIPT OF A NOTICE DESCRIBED IN SUBSUBPARAGRAPH 1A OF THIS SUBPARAGRAPH, THE COMMISSION SHALL:

A. IMMEDIATELY REVOKE THE REGISTRATION CARD OF THE GROWER AGENT; AND

B. IF THE REGISTRATION CARD WAS NOT RETURNED TO THE COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.

(III) THE COMMISSION MAY NOT REGISTER A PERSON WHO HAS BEEN CONVICTED OF A FELONY DRUG OFFENSE AS A GROWER AGENT.

~~(5)~~ (6) (I) A MEDICAL MARIJUANA GROWER LICENSE IS VALID FOR 2 YEARS ON INITIAL LICENSURE.

(II) A MEDICAL MARIJUANA GROWER LICENSE IS VALID FOR 2 YEARS ON RENEWAL.

~~(6)~~ (7) AN APPLICATION TO OPERATE AS A MEDICAL MARIJUANA GROWER MAY BE SUBMITTED IN PAPER OR ELECTRONIC FORM.

~~(3)~~ ~~(7)~~ (8) (I) THE COMMISSION SHALL ENCOURAGE LICENSING MEDICAL MARIJUANA GROWERS THAT GROW STRAINS OF MARIJUANA, INCLUDING STRAINS WITH HIGH CANNABIDIOL CONTENT, WITH DEMONSTRATED SUCCESS IN ALLEVIATING SYMPTOMS OF SPECIFIC DISEASES OR CONDITIONS.

(II) THE COMMISSION SHALL ENCOURAGE LICENSING MEDICAL MARIJUANA GROWERS THAT PREPARE MEDICAL MARIJUANA IN A RANGE OF ROUTES OF ADMINISTRATION.

(III) THE COMMISSION SHALL ENCOURAGE LICENSING MEDICAL MARIJUANA GROWERS LOCATED IN AGRICULTURAL ZONES.

~~(8)~~ (9) (I) THE COMMISSION SHALL:

1. ACTIVELY SEEK TO ACHIEVE RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY WHEN LICENSING MEDICAL MARIJUANA GROWERS; AND

2. ENCOURAGE APPLICANTS WHO QUALIFY AS A MINORITY BUSINESS ENTERPRISE, AS DEFINED IN § 14-301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) BEGINNING JUNE 1, 2016, A GROWER LICENSED UNDER THIS SUBTITLE TO OPERATE AS A MEDICAL MARIJUANA GROWER SHALL REPORT ANNUALLY TO THE COMMISSION ON THE MINORITY OWNERS AND EMPLOYEES OF THE GROWER.

~~(9)~~ (10) AN ENTITY SEEKING LICENSURE AS A MEDICAL MARIJUANA GROWER SHALL MEET LOCAL ZONING AND PLANNING REQUIREMENTS.

~~(10) A MEDICAL MARIJUANA GROWER AGENT OR A SPOUSE, PARENT, OR CHILD OF A MEDICAL MARIJUANA GROWER AGENT MAY NOT BE EMPLOYED BY, RECEIVE ANY COMPENSATION OR GIFTS FROM, OR HAVE ANY FINANCIAL INTEREST IN A CERTIFYING PHYSICIAN OR A MEDICAL MARIJUANA TREATMENT CENTER.~~

~~(b) An entity licensed to grow marijuana under this section may provide marijuana [only to]:~~

~~(1) TO PATIENTS PARTICIPATING IN A PROGRAM OPERATED BY an academic medical center [approved to operate a program] under this subtitle; OR~~

~~(2) TO A QUALIFYING PATIENT OF A CERTIFYING PHYSICIAN OR THE QUALIFYING PATIENT'S DESIGNATED CERTIFIED CAREGIVER.~~

(B) AN ENTITY LICENSED TO GROW MEDICAL MARIJUANA UNDER THIS SECTION MAY PROVIDE MARIJUANA ONLY TO:

(1) PROGRAMS APPROVED FOR OPERATION UNDER THIS SUBTITLE; AND

(2) ~~MEDICAL MARIJUANA TREATMENT CENTERS~~ DISPENSARIES LICENSED BY THE COMMISSION UNDER THIS SUBTITLE;

(3) QUALIFIED PATIENTS; AND

(4) CAREGIVERS.

(C) (1) AN ENTITY LICENSED TO GROW MARIJUANA UNDER THIS SECTION MAY DISTRIBUTE MARIJUANA AT THE GROWER'S FACILITY OR AT A SATELLITE FACILITY OF THE GROWER.

(2) A QUALIFYING PATIENT OR CAREGIVER MAY OBTAIN MEDICAL MARIJUANA FROM A GROWER'S FACILITY OR FROM A SATELLITE FACILITY OF THE GROWER.

~~(C) (D)~~ AN ENTITY LICENSED TO GROW MEDICAL MARIJUANA UNDER THIS SECTION SHALL ENSURE THAT SAFETY PRECAUTIONS ESTABLISHED BY THE COMMISSION ARE FOLLOWED BY ANY FACILITY OPERATED BY THE GROWER.

~~(C) (D) (E)~~ (E) The Commission shall establish requirements for security and the manufacturing process that a grower must meet in order to obtain a license under this section, including a requirement for a product-tracking system.

~~(C) (E) (F)~~ (F) The Commission may inspect growers licensed under this section to ensure compliance with this section.

~~(C) (F) (G)~~ (G) The Commission may impose penalties or rescind the license of a grower that does not meet the standards for licensure set by the Commission.

(A) ~~A MEDICAL MARIJUANA TREATMENT CENTER~~ DISPENSARY SHALL BE LICENSED BY THE COMMISSION.

(B) ~~TO BE LICENSED AS A MEDICAL MARIJUANA TREATMENT CENTER~~ DISPENSARY, AN APPLICANT SHALL SUBMIT TO THE COMMISSION:

(1) ~~AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY THE DEPARTMENT~~ COMMISSION CONSISTENT WITH THIS SUBTITLE; AND

(2) ~~AN APPLICATION THAT INCLUDES:~~

(I) ~~THE LEGAL NAME AND PHYSICAL ADDRESS OF THE PROPOSED MEDICAL MARIJUANA TREATMENT CENTER~~ DISPENSARY;

(II) ~~THE NAME, ADDRESS, AND DATE OF BIRTH OF EACH PRINCIPAL OFFICER AND EACH DIRECTOR, NONE OF WHOM MAY HAVE SERVED AS A PRINCIPAL OFFICER OR DIRECTOR FOR A MEDICAL MARIJUANA TREATMENT CENTER~~ DISPENSARY THAT HAS HAD ITS REGISTRATION CERTIFICATE REVOKED; AND

(III) ~~OPERATING PROCEDURES THAT THE MEDICAL MARIJUANA TREATMENT CENTER~~ DISPENSARY WILL USE, CONSISTENT WITH COMMISSION REGULATIONS FOR OVERSIGHT, INCLUDING STORAGE OF MARIJUANA ONLY IN ENCLOSED AND LOCKED FACILITIES.

(C) ~~A MEDICAL MARIJUANA TREATMENT CENTER AGENT OR A SPOUSE, PARENT, OR CHILD OF A MEDICAL MARIJUANA TREATMENT CENTER AGENT MAY NOT BE EMPLOYED BY, RECEIVE ANY COMPENSATION OR GIFTS FROM, OR HAVE ANY FINANCIAL INTEREST IN A CERTIFYING PHYSICIAN OR A MEDICAL MARIJUANA GROWER.~~

(D) (1) ~~IN THE FIRST YEAR AFTER DECEMBER 15, 2014, THE COMMISSION MAY ISSUE LICENSES FOR NO MORE THAN TWO MEDICAL MARIJUANA TREATMENT CENTERS PER LEGISLATIVE DISTRICT, EXCEPT THAT THE COMMISSION MAY ISSUE ADDITIONAL LICENSES TO ENSURE THAT THERE IS AT LEAST ONE MEDICAL MARIJUANA TREATMENT CENTER IN EACH COUNTY.~~

(2) ~~IF THE COMMISSION DETERMINES ON OR AFTER DECEMBER 15, 2016, THAT THE NUMBER OF MEDICAL MARIJUANA TREATMENT CENTERS IS INSUFFICIENT TO MEET THE NEEDS OF QUALIFYING PATIENTS, THE COMMISSION MAY INCREASE THE NUMBER OF LICENSED MEDICAL MARIJUANA TREATMENT CENTERS.~~

(C) ~~THE COMMISSION SHALL:~~

(1) ESTABLISH AN APPLICATION REVIEW PROCESS FOR GRANTING DISPENSARY LICENSES IN WHICH APPLICATIONS ARE REVIEWED, EVALUATED, AND RANKED BASED ON CRITERIA ESTABLISHED BY THE COMMISSION; AND

(2) ACTIVELY SEEK TO ACHIEVE RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY WHEN LICENSING DISPENSARIES.

~~(E) (D) A MEDICAL MARIJUANA TREATMENT CENTER DISPENSARY~~ LICENSED UNDER THIS SECTION OR A ~~MEDICAL MARIJUANA TREATMENT CENTER~~ ~~DISPENSARY~~ AGENT REGISTERED UNDER § 13-3311 OF THIS SUBTITLE MAY NOT BE PENALIZED OR ARRESTED UNDER STATE LAW FOR ACQUIRING, POSSESSING, PROCESSING, TRANSFERRING, TRANSPORTING, SELLING, DISTRIBUTING, OR DISPENSING MARIJUANA, PRODUCTS CONTAINING MARIJUANA, RELATED SUPPLIES, OR EDUCATIONAL MATERIALS FOR USE BY A QUALIFYING PATIENT OR A CAREGIVER.

13-3311.

(A) A ~~MEDICAL MARIJUANA TREATMENT CENTER~~ ~~DISPENSARY~~ AGENT SHALL:

(1) BE AT LEAST 21 YEARS OLD;

(2) BE REGISTERED WITH THE COMMISSION BEFORE THE AGENT MAY VOLUNTEER OR WORK AT A ~~MEDICAL MARIJUANA TREATMENT CENTER~~ ~~DISPENSARY~~; AND

(3) OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 13-3312 OF THIS SUBTITLE.

(B) A ~~MEDICAL MARIJUANA TREATMENT CENTER~~ ~~DISPENSARY~~ SHALL APPLY TO THE COMMISSION FOR A REGISTRATION CARD FOR EACH ~~MEDICAL MARIJUANA TREATMENT CENTER~~ ~~DISPENSARY~~ AGENT BY SUBMITTING THE NAME, ADDRESS, AND DATE OF BIRTH OF THE AGENT.

(C) (1) WITHIN 1 BUSINESS DAY AFTER A ~~MEDICAL MARIJUANA TREATMENT CENTER~~ ~~DISPENSARY~~ AGENT CEASES TO BE ASSOCIATED WITH A ~~MEDICAL MARIJUANA TREATMENT CENTER~~ ~~DISPENSARY~~, THE ~~MEDICAL MARIJUANA TREATMENT CENTER~~ ~~DISPENSARY~~ SHALL:

(I) NOTIFY THE COMMISSION; AND

(II) RETURN THE ~~MEDICAL MARIJUANA TREATMENT CENTER~~ DISPENSARY AGENT'S REGISTRATION CARD TO THE COMMISSION.

(2) ON RECEIPT OF A NOTICE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL:

(I) IMMEDIATELY REVOKE THE REGISTRATION CARD OF THE ~~MEDICAL MARIJUANA TREATMENT CENTER~~ DISPENSARY AGENT; AND

(II) IF THE REGISTRATION CARD WAS NOT RETURNED TO THE COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.

(D) THE COMMISSION MAY NOT REGISTER A PERSON WHO HAS BEEN CONVICTED OF A FELONY DRUG OFFENSE AS A ~~MEDICAL MARIJUANA TREATMENT CENTER~~ DISPENSARY AGENT.

13-3312.

(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

(3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE COMMISSION AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.

(D) IF AN APPLICANT HAS MADE TWO OR MORE UNSUCCESSFUL ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE COMMISSION MAY

ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION SHALL BE:

(1) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

(2) USED ONLY FOR THE REGISTRATION PURPOSE AUTHORIZED BY THIS SUBTITLE.

(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY, AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

[13-3309.] ~~13-3310.~~ 13-3313.

(a) Any of the following persons acting in accordance with the provisions of this subtitle may not be subject to arrest, prosecution, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of marijuana:

(1) A QUALIFYING patient [enrolled]:

(I) ENROLLED in a program approved under this subtitle who is in possession of an amount of marijuana authorized under the program; OR

(II) IN POSSESSION OF AN AMOUNT OF MARIJUANA ~~AUTHORIZED BY A CERTIFYING PHYSICIAN IN ACCORDANCE WITH THIS SUBTITLE~~ DETERMINED BY THE COMMISSION TO CONSTITUTE A 30-DAY SUPPLY;

(2) A grower licensed under [§ 13-3308] **§ 13-3309** of this subtitle or an employee of the licensed grower who is acting in accordance with the terms of the license; [or]

(3) An academic medical center, an employee of the academic medical center, or any other person associated with the operation of a program approved under this subtitle for activities conducted in accordance with the program approved under this subtitle; ~~OR~~

(4) A CERTIFYING PHYSICIAN;

(5) A CAREGIVER;

(6) A ~~MEDICAL MARIJUANA TREATMENT CENTER~~ DISPENSARY LICENSED UNDER § 13-3310 OF THIS SUBTITLE OR A ~~MEDICAL MARIJUANA TREATMENT CENTER~~ DISPENSARY AGENT REGISTERED UNDER § 13-3311 OF THIS SUBTITLE; OR

(7) A HOSPITAL OR HOSPICE PROGRAM WHERE A QUALIFYING PATIENT IS RECEIVING TREATMENT.

(b) (1) A person may not distribute, possess, manufacture, or use marijuana that has been diverted from a program approved under this subtitle, ~~or from~~ a QUALIFYING patient, A CAREGIVER, A LICENSED GROWER, OR A LICENSED DISPENSARY [who is enrolled in a program approved under this subtitle].

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(3) The penalty under this subsection is in addition to any penalties that a person may be subject to for manufacture, possession, or distribution of marijuana under the Criminal Law Article.

[13-3310.] ~~13-3311.~~ 13-3314.

(a) This subtitle may not be construed to authorize any individual to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for, the following:

(1) Undertaking any task under the influence of marijuana, when doing so would constitute negligence or professional malpractice;

(2) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or boat while under the influence of marijuana;

(3) Smoking marijuana in any public place;

(4) Smoking marijuana in a motor vehicle; or

(5) Smoking marijuana on a private property that:

(i) 1. Is rented from a landlord; and

2. Is subject to a policy that prohibits the smoking of marijuana on the property; or

(ii) Is subject to a policy that prohibits the smoking of marijuana on the property of an attached dwelling adopted by one of the following entities:

1. The board of directors of the council of unit owners of a condominium regime; or
2. The governing body of a homeowners association.

(b) This subtitle may not be construed to provide immunity to a person who violates the provisions of this subtitle from criminal prosecution for a violation of any law prohibiting or regulating the use, possession, dispensing, distribution, or promotion of controlled dangerous substances, dangerous drugs, detrimental drugs, or harmful drugs, or any conspiracy or attempt to commit any of those offenses.

**(C) THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE A HOSPITAL OR HOSPICE PROGRAM TO REPORT TO THE COMMISSION ANY DISCIPLINARY ACTION TAKEN BY THE HOSPITAL OR HOSPICE PROGRAM AGAINST A CERTIFYING PHYSICIAN, INCLUDING THE REVOCATION OF PRIVILEGES, AFTER THE ~~REGISTRATION~~ APPROVAL OF THE CERTIFYING PHYSICIAN ~~WITH~~ BY THE COMMISSION.**

[13–3311.] ~~13–3312.~~ **13–3315.**

(a) Notwithstanding § 12–315 of the State Government Article, a State employee who incurs counsel fees in connection with a federal criminal investigation or prosecution solely related to the employee’s good faith discharge of public responsibilities under this subtitle is eligible for reimbursement of counsel fees as authorized by § 12–314 of the State Government Article.

(b) The Governor may suspend implementation of this subtitle on making a determination that there is a reasonable chance of federal prosecution of State employees for involvement with implementation of this subtitle.

~~13–3313.~~ **13–3316.**

**~~THE~~ ON OR BEFORE SEPTEMBER 15, 2014, THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.**

**SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1 of ~~each~~ any year in which the results of the Maryland Youth Behavior Survey are published, the Natalie M. LaPrade Medical Marijuana Commission ~~and the Department of Health and Mental Hygiene~~ shall report to the Senate Judicial Proceedings Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Judiciary Committee, and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article,**

~~on incidents of any change in marijuana use by minors in Maryland, including an examination of whether any increase in marijuana use by minors may be attributed to this Act.~~

SECTION 3. AND BE IT FURTHER ENACTED, That the Natalie M. LaPrade Medical Marijuana Commission shall study and report its recommendations, in accordance with § 2-1246 of the State Government Article, to the General Assembly on how to provide access to medical marijuana for veterans who are receiving treatment at a medical facility operating under the auspices of the United States Veterans Health Administration, the United States Department of Veterans Affairs, the Maryland Department of Veterans Affairs, or any other facility in the State certified by the United States Department of Veterans Affairs Medical Center.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 1, 2015, the Natalie M. LaPrade Medical Marijuana Commission shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the level of competition in the market for medical marijuana and:

(1) whether the supply of medical marijuana exceeds the demand, and, if so, whether the oversupply has caused the diversion of medical marijuana to persons not authorized by law to possess it; or

(2) whether the demand exceeds the supply, and, if so, whether additional medical marijuana grower licenses are necessary to meet the demand for medical marijuana by qualifying patients and caregivers issued identification cards under Title 13, Subtitle 33 of the Health – General Article in an affordable, accessible, secure, and efficient manner.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The Natalie M. LaPrade Medical Marijuana Commission, in consultation with the Comptroller, shall study the taxation of medical marijuana and the impact that medical marijuana laws have had on banking and financial transactions in other states that have implemented medical marijuana laws.

(b) The study required under subsection (a) of this section shall include an examination of federal laws and policies related to the taxation of medical marijuana and banking and financial transactions affected by medical marijuana laws.

(c) On or before December 1, 2014, the Commission shall report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article, regarding taxation of medical marijuana in this State and the impact of medical marijuana laws on banking and financial transactions.

SECTION ~~2~~ ~~4~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2014.

Approved by the Governor, April 14, 2014.

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## **Chapter 257**

### **(House Bill 1457)**

AN ACT concerning

#### **State Correctional Officers' Bill of Rights – Definition of Correctional Officer**

FOR the purpose of altering the definition of “correctional officer” to exclude a certain classification of officer for the purposes of the State Correctional Officers’ Bill of Rights; and generally relating to correctional officers under the State Correctional Officers’ Bill of Rights.

BY repealing and reenacting, without amendments,  
Article – Correctional Services  
Section 10–901(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Correctional Services  
Section 10–901(c)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

#### **Article – Correctional Services**

10–901.

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

(c) “Correctional officer” means an employee of the Department working in a State correctional facility who serves in the classification of correctional officer [I,] II, sergeant, lieutenant, captain, or major, and includes:

- (1) a correctional dietary officer;
- (2) a correctional maintenance officer;
- (3) a correctional laundry officer;

- (4) a correctional recreation officer; and
- (5) a correctional supply officer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 258**

### **(House Bill 251)**

AN ACT concerning

#### **State Board of Nursing – Electrology Practice Committee – Membership**

FOR the purpose of altering the membership of the Electrology Practice Committee within the State Board of Nursing; providing for the elimination of the positions of certain members of the Committee; and generally relating to the membership of the Electrology Practice Committee within the State Board of Nursing.

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 8–6B–05(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 8–6B–05(b)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

#### **Article – Health Occupations**

8–6B–05.

- (a) There is an Electrology Practice Committee within the Board.

(b) (1) The Committee consists of [five] **THREE** members appointed by the Board.

(2) Of the [five] **THREE** Committee members:

(i) [Four] **TWO** shall be licensed electrologists or licensed electrology instructors; and

(ii) One shall be a consumer member.

SECTION 2. AND BE IT FURTHER ENACTED, That, to implement the reduction in the number of members of the Electrology Practice Committee from five to three as provided in § 8-6B-05(b) of the Health Occupations Article, as enacted by Section 1 of this Act, the positions of the two licensed electrologist or licensed electrology instructor members of the Committee whose second terms expired in June 2011 and June 2013 shall be eliminated on the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## Chapter 259

(House Bill 856)

AN ACT concerning

### ~~Task Force on Community Health Workers~~

### Workgroup on Workforce Development for Community Health Workers

FOR the purpose of ~~establishing the Task Force on Community Health Workers; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to conduct a certain study, develop certain training and practice standards, and develop certain recommendations; requiring the Task Force to submit certain reports to certain committees of the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to the Task Force on Community Health Workers~~ requiring the Department of Health and Mental Hygiene and the Maryland Insurance Administration to establish a certain stakeholder workgroup; requiring, to the extent practicable, a certain minimum percentage of the membership of the workgroup to be composed of certain individuals; requiring the workgroup to conduct a certain study and

make certain recommendations; requiring the workgroup to report its findings and recommendations to certain committees of the General Assembly on or before a certain date; and generally relating to community health workers.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

- ~~(a) There is a Task Force on Community Health Workers.~~
- ~~(b) The Task Force consists of:~~
  - ~~(1) the Secretary of Health and Mental Hygiene, or the Secretary's designee;~~
  - ~~(2) one member of the General Assembly who has served on a committee with jurisdiction over health disparities issues, appointed jointly by the President of the Senate and the Speaker of the House; and~~
  - ~~(3) the following members, appointed by the Governor:~~
    - ~~(i) two representatives of local health departments;~~
    - ~~(ii) two representatives of community colleges that have training programs for health care workers;~~
    - ~~(iii) one representative of a 4-year college or university;~~
    - ~~(iv) one representative of the Maryland Public Health Association;~~
    - ~~(v) two representatives from hospitals that provide training for community health workers;~~
    - ~~(vi) one licensed registered nurse with experience in public health;~~
    - ~~(vii) one representative of the Maryland Office of Minority Health and Health Disparities;~~
    - ~~(viii) one licensed physician;~~
    - ~~(ix) one representative of the State Board of Nursing; and~~
    - ~~(x) one representative of the Department of Housing and Community Development who is working as a community health worker.~~

~~(c) The Task Force shall elect a chair from among the members of the Task Force.~~

~~(d) The Department of Health and Mental Hygiene shall provide staff for the Task Force.~~

~~(e) A member of the Task Force:~~

~~(1) may not receive compensation as a member of the Task Force; but~~

~~(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.~~

~~(f) The Task Force shall:~~

~~(1) develop standardized training and practice standards for community health workers, including recommendations for a curriculum;~~

~~(2) conduct a statewide study of the utilization, financing, and impact of community health workers;~~

~~(3) develop recommendations for a sustainable community health worker program in the State;~~

~~(4) develop recommendations for the reimbursement of community health workers through public and private insurance; and~~

~~(5) develop recommendations for certification standards for community health workers.~~

~~(d) (1) On or before January 1, 2015, the Task Force shall submit an interim report of its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.~~

~~(2) On or before May 31, 2015, the Task Force shall submit a final report of its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014. It shall remain effective for a period of 1 year and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

(a) The Department of Health and Mental Hygiene and the Maryland Insurance Administration jointly shall establish a stakeholder workgroup on workforce development for community health workers.

(b) To the extent practicable, at least 50% of the membership of the workgroup shall be composed of individuals who:

(1) are directly involved in the provision of nonclinical health care; or

(2) represent an institution or organization that is directly involved in the provision of nonclinical health care.

(c) The workgroup shall study and make recommendations regarding:

(1) the training and credentialing required for community health workers to be certified as nonclinical health care providers; and

(2) reimbursement and payment policies for community health workers through the Maryland Medical Assistance Program and private insurers.

(d) On or before ~~December 1, 2014~~ June 1, 2015, the workgroup shall report its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee, the Senate Finance Committee, and the House Health and Government Operations Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, April 14, 2014.**

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## **Chapter 260**

**(Senate Bill 348)**

AN ACT concerning

**~~Texting~~ *Use of Text Messaging Device or Handheld Telephone While Driving –*  
*Accidents Resulting in Death or Serious Injury – Penalties***

FOR the purpose of ~~altering a certain prohibition against using a text messaging device while operating a motor vehicle to prohibit an individual from using the individual's hands to use a text messaging device for certain purposes while operating a motor vehicle under certain circumstances;~~ prohibiting a person from committing a violation of a certain prohibition against using a text

messaging device *or a handheld telephone* while driving that ~~contributes to~~ causes an accident that directly results in the death or serious bodily injury of another; ~~requiring a person who is involved in a motor vehicle accident that results in the death of or a life threatening injury to another person and who is detained by a police officer who has reasonable grounds to believe that the person has been driving while using a text messaging device in violation of a certain provision of law to allow the officer to inspect the device and to provide the officer with certain information regarding the device;~~ establishing certain criminal penalties for a certain violation of this Act; providing that a sentence imposed under this Act shall be separate from and concurrent with a sentence for a certain other crime; providing for the assessment of certain points for a violation of a certain provision of this Act; and generally relating to the ~~prohibition~~ prohibitions on using a text messaging device and a handheld telephone while driving.

BY adding to

Article – Transportation

Section 16–402(a)(39), 21–1124.3, and 27–115

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, ~~with~~ without amendments,

Article – Transportation

Section 21–1124.1 and 21–1124.2

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

### Article – Transportation

16–402.

(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, § 2–209, or § 3–211 of the Criminal Law Article, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

**(39) A VIOLATION OF ~~§ 21–1124.1(B)(2)~~ § 21–1124.3 OF THIS ARTICLE..... 12 POINTS**

21–1124.1.

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

(2) “9–1–1 system” has the meaning stated in § 1–301 of the Public Safety Article.

(3) “Text messaging device” means a handheld device used to send a text message or an electronic message via a short message service, wireless telephone service, or electronic communication network.

(b) ~~(1)~~ Subject to subsection (c) of this section, an individual may not use ~~THE INDIVIDUAL’S HANDS TO USE~~ a text messaging device to write, send, or read a text message or an electronic message while operating a motor vehicle in the travel portion of the roadway.

~~(2) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION THAT CONTRIBUTES TO CAUSES AN ACCIDENT THAT RESULTS IN THE DEATH OR, AS DEFINED IN § 27-113 OF THIS ARTICLE, SERIOUS BODILY INJURY OF ANOTHER.~~

(c) This section does not apply to the use of:

(1) A global positioning system; or

(2) A text messaging device to contact a 9–1–1 system.

(d) (1) If the Administration receives satisfactory evidence that an individual who is under the age of 18 years has violated this section, the Administration:

(i) May suspend the individual’s driver’s license for not more than 90 days; and

(ii) May issue a restricted license for the period of suspension that is limited to driving a motor vehicle:

1. In the course of the individual’s employment;

2. For the purpose of driving to or from a place of employment; or

3. For the purpose of driving to or from school.

(2) An individual may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.

~~(E) IF A PERSON IS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT RESULTS IN THE DEATH OF OR A LIFE THREATENING INJURY TO ANOTHER PERSON AND THE PERSON IS DETAINED BY A POLICE OFFICER WHO HAS~~

~~REASONABLE GROUNDS TO BELIEVE THAT THE PERSON HAS BEEN DRIVING WHILE USING A TEXT MESSAGING DEVICE IN VIOLATION OF THIS SECTION, THE PERSON SHALL ALLOW THE OFFICER TO INSPECT THE DEVICE AND SHALL PROVIDE THE OFFICER WITH THE FOLLOWING INFORMATION REGARDING THE DEVICE:~~

~~(1) THE CELL PHONE NUMBER ASSOCIATED WITH THE DEVICE;~~

~~(2) THE IDENTITY OF THE SERVICE CARRIER FOR THE DEVICE;~~

AND

~~(3) ANY ELECTRONIC MAIL ADDRESS ASSOCIATED WITH THE DEVICE.~~

21-1124.2.

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

(2) “Handheld telephone” means a handheld device used to access wireless telephone service.

(3) “9-1-1 system” has the meaning stated in § 1-301 of the Public Safety Article.

(b) This section does not apply to:

(1) Emergency use of a handheld telephone, including calls to:

(i) A 9-1-1 system;

(ii) A hospital;

(iii) An ambulance service provider;

(iv) A fire department;

(v) A law enforcement agency; or

(vi) A first aid squad;

(2) Use of a handheld telephone by the following individuals when acting within the scope of official duty:

(i) Law enforcement personnel; and

(ii) Emergency personnel;

(3) Use of a handheld telephone as a text messaging device as defined in § 21-1124.1 of this subtitle; and

(4) Use of a handheld telephone as a communication device utilizing push-to-talk technology by an individual operating a commercial motor vehicle, as defined in 49 C.F.R. Part 390.5 of the Federal Motor Carrier Safety Regulations.

(c) The following individuals may not use a handheld telephone while operating a motor vehicle:

(1) A driver of a Class H (school) vehicle that is carrying passengers and in motion; and

(2) A holder of a learner's instructional permit or a provisional driver's license who is 18 years of age or older.

(d) (1) This subsection does not apply to an individual specified in subsection (c) of this section.

(2) A driver of a motor vehicle that is in motion may not use the driver's hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone.

(e) (1) A person convicted of a violation of this section is subject to the following penalties:

(i) For a first offense, a fine of not more than \$75;

(ii) For a second offense, a fine of not more than \$125; and

(iii) For a third or subsequent offense, a fine of not more than \$175.

(2) Points may not be assessed against the individual under § 16-402 of this article unless the offense contributes to an accident.

(f) The court may waive a penalty under subsection (e) of this section for a person who:

(1) Is convicted of a first offense under this section; and

(2) Provides proof that the person has acquired a hands-free accessory, an attachment or add-on, a built-in feature, or an addition for the person's handheld telephone that will allow the person to operate a motor vehicle in accordance with this section.

21-1124.3.

A PERSON MAY NOT COMMIT A VIOLATION OF § 21-1124.1 OR § 21-1124.2 OF THIS SUBTITLE THAT CAUSES AN ACCIDENT THAT DIRECTLY RESULTS IN THE DEATH OR, AS DEFINED IN § 27-113 OF THIS ARTICLE, SERIOUS BODILY INJURY OF ANOTHER.

## 27-115.

(A) A PERSON WHO VIOLATES ~~§ 21-1124.1(B)(2)~~ § 21-1124.3 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN ~~3 YEARS~~ 1 YEAR OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

(B) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE FROM AND CONCURRENT WITH A SENTENCE FOR ANOTHER CRIME BASED IN WHOLE OR PART ON THE ACT ESTABLISHING THE VIOLATION OF § 21-1124.3 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.

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## Chapter 261

(House Bill 1415)

AN ACT concerning

**Chief Executive Officer or County Executive – Special Election to Fill a  
Vacancy in Office**

~~MC 23-14~~

FOR the purpose of proposing an amendment to the Maryland Constitution to provide that a county charter may provide for the filling of a vacancy in the office of chief executive officer or county executive of a county by special election; proposing an amendment to the Maryland Constitution regarding a special election to fill certain vacancies in office; submitting an amendment to the Maryland Constitution to the qualified voters of the State for their adoption or rejection; altering provisions of law regarding the filling of a vacancy by special election to allow a county to have a special election to fill a vacancy in the office of chief executive officer or county executive; authorizing a special election to fill

a vacancy in the office of chief executive officer or county executive of a charter county to be conducted by mail; providing for the effective dates of this Act; providing for the termination of certain provisions of this Act under certain circumstances; and generally relating to the filling of a vacancy in the office of chief executive officer or county executive by special election.

BY proposing an amendment to the Maryland Constitution  
Article XI–A – Local Legislation  
Section 3

BY proposing an amendment to the Maryland Constitution  
Article XVII – Quadrennial Elections  
Section 2

BY repealing and reenacting, without amendments,  
Article – Election Law  
Section 5–303 and 9–501(a), (b), and (c)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 8–401 and 9–501(d)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 10–205  
Annotated Code of Maryland  
(2013 Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three–fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

### **Article XI–A – Local Legislation**

3.

Every charter so formed shall provide for an elective legislative body in which shall be vested the law–making power of said City or County. Such legislative body in the City of Baltimore shall be known as the City Council of the City of Baltimore, and in any county shall be known as the County Council of the County. The chief executive officer **OR COUNTY EXECUTIVE**, if any such charter shall provide for the election of such executive officer **OR COUNTY EXECUTIVE**, or the presiding officer of said legislative body, if such charter shall not provide for the election of a chief executive

officer **OR COUNTY EXECUTIVE**, shall be known in the City of Baltimore as Mayor of Baltimore, and in any County as the President or Chairman of the County Council of the County, and all references in the Constitution and laws of this State to the Mayor of Baltimore and City Council of the City of Baltimore or to the County Commissioners of the Counties, shall be construed to refer to the Mayor of Baltimore and City Council of the City of Baltimore and to the President or Chairman and County Council herein provided for whenever such construction would be reasonable. From and after the adoption of a charter by the City of Baltimore, or any County of this State, as hereinbefore provided, the Mayor of Baltimore and City Council of the City of Baltimore or the County Council of said County, subject to the Constitution and Public General Laws of this State, shall have full power to enact local laws of said City or County including the power to repeal or amend local laws of said City or County enacted by the General Assembly, upon all matters covered by the express powers granted as above provided, and, as expressly authorized by statute, to provide for the filling of a vacancy in the County Council **OR IN THE CHIEF EXECUTIVE OFFICER OR COUNTY EXECUTIVE** by special election; provided that nothing herein contained shall be construed to authorize or empower the County Council of any County in this State to enact laws or regulations for any incorporated town, village, or municipality in said County, on any matter covered by the powers granted to said town, village, or municipality by the Act incorporating it, or any subsequent Act or Acts amendatory thereto. Provided, however, that the charters for the various Counties shall specify the number of days, not to exceed forty-five, which may but need not be consecutive, that the County Council of the Counties may sit in each year for the purpose of enacting legislation for such Counties, and all legislation shall be enacted at the times so designated for that purpose in the charter, and the title or a summary of all laws and ordinances proposed shall be published once a week for two successive weeks prior to enactment followed by publication once after enactment in at least one newspaper of general circulation in the county, so that the taxpayers and citizens may have notice thereof. The validity of emergency legislation shall not be affected if enacted prior to the completion of advertising thereof. These provisions concerning publication shall not apply to Baltimore City. All such local laws enacted by the Mayor of Baltimore and City Council of the City of Baltimore or the Council of the Counties as hereinbefore provided, shall be subject to the same rules of interpretation as those now applicable to the Public Local Laws of this State, except that in case of any conflict between said local law and any Public General Law now or hereafter enacted the Public General Law shall control.

## Article XVII – Quadrennial Elections

2.

Except for a special election that may be authorized to fill a vacancy in a County Council **OR A VACANCY IN THE OFFICE OF CHIEF EXECUTIVE OFFICER OR COUNTY EXECUTIVE**, under Article XI–A, Section 3 of the Constitution, elections by qualified voters for State and county officers shall be held on the Tuesday next after

the first Monday of November, in the year nineteen hundred and twenty-six, and on the same day in every fourth year thereafter.

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

### Article – Election Law

5–303.

(a) Except as provided in subsections (b) and (c) of this section:

(1) in the year in which the Governor is elected, a certificate of candidacy shall be filed not later than 9 p.m. on the last Tuesday in February in the year in which the primary election will be held; and

(2) for any other regularly scheduled election, a certificate of candidacy shall be filed not later than 9 p.m. on the Wednesday that is 83 days before the day on which the primary election will be held.

(b) A certificate of candidacy for an office to be filled by a special election under this article shall be received and filed in the office of the appropriate board not later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the special primary election specified by the Governor in the proclamation for the special primary election.

(c) The certificate of candidacy for the election of a write-in candidate shall be filed by the earlier of:

(1) 7 days after a total expenditure of at least \$51 is made to promote the candidacy by a campaign finance entity of the candidate; or

(2) 5 p.m. on the Wednesday preceding the day of the election for which the certificate is filed.

8–401.

(a) A special primary election and a special general election may be held at a time other than the date of a regular primary election and a regular general election:

(1) to fill a vacancy in the office of Representative in Congress; or

(2) to fill a vacancy in the county council **OR IN THE OFFICE OF CHIEF EXECUTIVE OFFICER OR COUNTY EXECUTIVE** if the charter of that county provides for special elections.

(b) (1) Special elections to fill a vacancy in the office of Representative in Congress shall be held at the time specified in Subtitle 7 of this title.

(2) Special elections to fill vacancies in a county council **OR IN THE OFFICE OF CHIEF EXECUTIVE OFFICER OR COUNTY EXECUTIVE** shall be held as provided in the county charter.

(c) An election to fill a vacancy in the office of United States Senator shall be held concurrently with a regular election as provided in Subtitle 6 of this title.

9-501.

(a) This subtitle applies only to a special election that is not held concurrently with a regularly scheduled primary or general election.

(b) Voting by mail may be utilized in a special election in accordance with this subtitle.

(c) A special election to fill a vacancy in the Office of Representative in Congress shall be conducted by mail if the Governor's proclamation issued under § 8-710 of this article directs that the election be conducted by mail.

(d) (1) In this subsection, "local special election" means a special election to:

(i) fill a vacancy in the OFFICES OF county council MEMBER, CHIEF EXECUTIVE OFFICER, OR COUNTY EXECUTIVE of a charter county if the charter of that county provides for special elections;

(ii) fill a vacancy in the board of county commissioners of a code home rule county if a local law enacted by that county provides for special elections;

(iii) fill a vacancy in the board of county commissioners of a commission county if a law provides for special elections;

(iv) fill a vacancy in a local board of education if State law provides for special elections;

(v) elect members of a charter board or submit a proposed charter to the voters for adoption or rejection in accordance with Article XI-A, § 1A of the Maryland Constitution; or

(vi) submit a local law enacted by a code home rule county to the voters for adoption or rejection in accordance with § 9-313 of the Local Government Article.

(2) A local special election shall be conducted by mail if the resolution of the county council or board of county commissioners establishing the date of the special election directs that the election be conducted by mail.

### Article – Local Government

10–205.

A county may provide for the conduct of a special election to fill a vacancy in the county council **OR IN THE OFFICE OF CHIEF EXECUTIVE OFFICER OR COUNTY EXECUTIVE.**

SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 1 of this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 4. AND BE IT FURTHER ENACTED, That the amendment to the Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2014 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words “For the Constitutional Amendment” and “Against the Constitutional Amendment,” as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Section 1 of this Act. If Section 1 of this Act does not take effect, Section 2 of this Act shall be abrogated and of no further force and effect.

SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That, except as provided in Sections 3 ~~and~~ 4, and 5 of this Act, this Act shall take effect June 1, 2014.

**Approved by the Governor, assigned a chapter number, enactment subject to constitutional referendum, May 5, 2014.**

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## Chapter 262

(House Bill 295)

**Maryland Minimum Wage Act of 2014**

FOR the purpose of specifying the State minimum wage rate that is in effect for certain time periods; ~~increasing, except under certain circumstances, the State minimum wage rate in effect for certain periods of time based on the annual growth in the Consumer Price Index; requiring the Commissioner of Labor and Industry, beginning on a certain date and each subsequent year, to determine and announce the growth in the Consumer Price Index, if any, and the new State minimum wage rate; authorizing certain amusement and recreational establishments to pay certain employees a certain wage under certain circumstances; authorizing certain employers to pay certain employees who are under a certain age a certain wage under certain circumstances; repealing the exemption from the Maryland Wage and Hour Law for certain individuals; altering a certain exemption from the Maryland Wage and Hour Law for certain individuals; altering~~ repealing the certain exemptions from a certain provision of law related to the payment of overtime wages; altering the exemption from a certain provision of law related to the payment of overtime wages for certain amusement and recreational establishments; altering the percentage of the minimum wage rate that may be included by prohibiting the tip credit amount an employer as a tip credit amount may include as part of an employee's wage from exceeding a certain minimum wage less a certain dollar amount, rather than a certain percentage of the minimum wage; altering the number of hours to be used by certain employers to compute overtime wages for certain employees; repealing the authorization for certain employers to use a certain number of hours to compute overtime wages for certain employees; requiring a court, under certain circumstances, to make a certain award to an employee; authorizing requiring a court, under certain circumstances, to determine that liquidated damages should not be awarded or to award a lesser amount than required under a certain provision of this Act; requiring, rather than authorizing, a court, under certain circumstances, to award an employee certain fees and costs; requiring the Department of Health and Mental Hygiene to increase reimbursement of certain providers under certain circumstances; requiring the Governor, in certain fiscal years, to include in a certain budget proposal certain funding increases; requiring the presentation of certain proposed budgets for certain community service providers in a certain manner; authorizing the allocation of certain funds for certain purposes; repealing certain obsolete provisions relating to certain reimbursements for certain providers; repealing a certain defined term; defining a certain term; providing for the application of a certain provision of this Act; providing for a delayed effective date; and generally relating to the payment of wages under the Maryland Wage and Hour Law and payments for community service providers.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 3-403, 3-413, 3-415(b), 3-419, 3-420(b), ~~3-420~~, and 3-427

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 3–415(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 7–307

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

### **Article – Labor and Employment**

3–403.

~~(a)~~ This subtitle does not apply to an individual who:

(1) is employed in a capacity that the Commissioner defines, by regulation, to be administrative, executive, or professional;

(2) is employed in a nonadministrative capacity at an organized camp, including a resident or day camp;

(3) is under the age of 16 years and is employed no more than 20 hours in a week;

(4) is employed as an outside salesman;

(5) is compensated on a commission basis;

(6) [is at least 62 years old and is employed no more than 25 hours in a week;

(7)] is a child, parent, spouse, or other member of the immediate family of the employer;

~~[(8) (7)]~~ is employed in a ~~motion picture or~~ drive-in theater; ~~]~~

[~~(9)~~ ~~(7)~~ (8)] is employed as part of the training in a special education program for emotionally, mentally, or physically handicapped students under a public school system;

~~[(10)]~~ ~~(8)~~ **(9)** is employed by an employer who is engaged in canning, freezing, packing, or first processing of perishable or seasonal fresh fruits, vegetables, or horticultural commodities, poultry, or seafood; ~~OR~~

~~[(11)]~~ ~~(9)~~ **(10)** engages in the activities of a charitable, educational, not for profit, or religious organization if:

- (i) the service is provided gratuitously; and
- (ii) there is, in fact, no employer–employee relationship; ~~OR~~

~~(12)~~ **(11)** is employed in a cafe, drive-in, drugstore, restaurant, tavern, or other similar establishment that:

- (i) sells food and drink for consumption on the premises; and
- (ii) has an annual gross income of ~~\$250,000~~ **\$400,000** or less; ~~+~~

~~(b)~~ ~~This subtitle does not apply to an individual who:~~

~~(1)~~ **(12)** is employed in agriculture if, during each quarter of the preceding calendar year, the employer used no more than 500 agricultural–worker days;

~~(2)~~ **(13)** is engaged principally in the range production of livestock;  
or

~~(3)~~ **(14)** is employed as a hand–harvest laborer and is paid on a piece–rate basis in an operation that, in the region of employment, has been and customarily and generally is recognized as having been paid on that basis, if:

- (i) the individual:
  - 1. commutes daily from the permanent residence of the individual to the farm where the individual is employed; and
  - 2. during the preceding calendar year, was employed in agriculture less than 13 weeks; or
- (ii) the individual:
  - 1. is under the age of 17;
  - 2. is employed on the same farm as a parent of the individual or a person standing in the place of the parent; and

3. is paid at the same rate that an employee who is at least 17 years old is paid on the same farm.

3-413.

~~(a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "CONSUMER PRICE INDEX" MEANS THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON-BALTIMORE METROPOLITAN AREA OR A SUCCESSOR INDEX PUBLISHED BY THE FEDERAL BUREAU OF LABOR STATISTICS.~~

~~(3) [In this section, "employer"] "EMPLOYER" includes a governmental unit.~~

(a) In this section, "employer" includes a governmental unit.

(b) Except as provided in SUBSECTION (D) OF THIS SECTION AND § 3-414 of this subtitle, each employer shall pay:

(1) to each employee who is subject to both the federal Act and this subtitle, at least the greater of:

(i) the minimum wage for that employee under the federal Act;  
or

(ii) [a wage that equals a rate of \$6.15 per hour] **THE STATE MINIMUM WAGE RATE SET UNDER SUBSECTION (C) OF THIS SECTION**; and

(2) 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. [a wage that equals a rate of \$6.15 per hour] **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.

(c) ~~(1)~~ **THE STATE MINIMUM WAGE RATE IS:**

~~(H) (1)~~ FOR THE ~~12-MONTH~~ 6-MONTH PERIOD BEGINNING ~~JULY 1, 2014~~ JANUARY 1, 2015, ~~\$8.20~~ \$8.00 PER HOUR;

~~(H) (2)~~ FOR THE 12-MONTH PERIOD BEGINNING ~~JULY 1, 2015~~ JANUARY 1, 2016 ~~JULY 1, 2015~~, ~~\$9.15~~ \$8.25 PER HOUR; ~~AND~~

~~(H) (3)~~ ~~FOR THE 12-MONTH PERIOD~~ FOR THE 12-MONTH PERIOD BEGINNING ~~JULY 1, 2016~~ JANUARY 1, 2017 ~~JULY 1, 2016~~, ~~\$10.10~~ \$8.75 PER ~~HOUR~~ HOUR;

~~(4)~~ FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2017, \$9.25 PER HOUR; AND

~~(5)~~ BEGINNING JULY 1, 2018, \$10.10 PER HOUR; AND

~~(IV) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2017, AND EACH SUBSEQUENT 12-MONTH PERIOD, THE RATE DETERMINED AND ANNOUNCED BY THE COMMISSIONER UNDER PARAGRAPH (2)(H) OF THIS SUBSECTION.~~

~~(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS PARAGRAPH, FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2017, AND EACH SUBSEQUENT 12-MONTH PERIOD, THE STATE MINIMUM WAGE RATE SHALL BE INCREASED BY THE AMOUNT, ROUNDED TO THE NEAREST CENT, THAT EQUALS THE PRODUCT OF:~~

~~1. THE STATE MINIMUM WAGE RATE IN EFFECT FOR THE PRECEDING 12-MONTH PERIOD; AND~~

~~2. THE ANNUAL PERCENTAGE GROWTH IN THE CONSUMER PRICE INDEX, AS DETERMINED BY THE COMMISSIONER UNDER SUBPARAGRAPH (H)1 OF THIS PARAGRAPH.~~

~~(H) BEGINNING ON MARCH 1, 2017, AND EACH SUBSEQUENT MARCH 1, THE COMMISSIONER SHALL DETERMINE AND ANNOUNCE:~~

~~1. THE ANNUAL PERCENTAGE GROWTH, IF ANY, IN THE CONSUMER PRICE INDEX BASED ON THE MOST RECENT 12-MONTH PERIOD FOR WHICH DATA IS AVAILABLE ON MARCH 1; AND~~

~~2. THE STATE MINIMUM WAGE RATE EFFECTIVE FOR THE 12-MONTH PERIOD BEGINNING ON THE FOLLOWING JULY 1.~~

~~(III) IF THERE IS A DECLINE OR NO GROWTH IN THE CONSUMER PRICE INDEX, THE STATE MINIMUM WAGE RATE SHALL REMAIN THE SAME AS THE RATE THAT WAS IN EFFECT FOR THE PRECEDING 12 MONTH PERIOD.~~

(D) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN EMPLOYER MAY PAY AN EMPLOYEE A WAGE THAT EQUALS A RATE OF 85% OF THE STATE MINIMUM WAGE ESTABLISHED UNDER THIS SECTION IF THE EMPLOYEE IS UNDER THE AGE OF 20 YEARS.

(II) AN EMPLOYER MAY PAY TO AN EMPLOYEE THE WAGE PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ONLY FOR THE FIRST 6 MONTHS THAT THE EMPLOYEE IS EMPLOYED.

(2) (I) THIS ~~SUBSECTION~~ PARAGRAPH APPLIES ONLY TO AN EMPLOYER THAT IS AN AMUSEMENT OR A RECREATIONAL ESTABLISHMENT, INCLUDING A SWIMMING POOL, IF THE EMPLOYER:

~~(I)~~ 1. OPERATES FOR NO MORE THAN 7 MONTHS IN A CALENDAR YEAR; OR

~~(II)~~ 2. FOR ANY 6 MONTHS DURING THE PRECEDING CALENDAR YEAR, HAS AVERAGE RECEIPTS ~~IN EXCESS OF~~ THAT DO NOT EXCEED ONE-THIRD OF THE AVERAGE RECEIPTS FOR THE OTHER 6 MONTHS.

~~(2)~~ (II) AN EMPLOYER MAY PAY AN EMPLOYEE A WAGE THAT EQUALS ~~A RATE~~ THE GREATER OF:

~~(I)~~ 1. IF THE EMPLOYEE IS NOT SUBJECT TO THE FEDERAL ACT, \$7.25 PER HOUR 85% OF THE STATE MINIMUM WAGE ESTABLISHED UNDER THIS SECTION; OR

~~(II)~~ 2. IF THE EMPLOYEE IS SUBJECT TO THE FEDERAL ACT, THE MINIMUM WAGE FOR THAT EMPLOYEE UNDER THE FEDERAL ACT \$7.25.

3-415.

(a) Except as otherwise provided in this section, each employer shall pay an overtime wage of at least 1.5 times the usual hourly wage, computed in accordance with § 3-420 of this subtitle.

(b) This section does not apply to an employer that is:

- (1) subject to 49 U.S.C. § 10501;
- [(2) an establishment that is a hotel or motel;
- (3) an establishment that is a restaurant;
- (4) considered a gasoline service station because the employer is engaged primarily in selling gasoline and lubricating oil, even if the employer sells other merchandise or performs minor repair work;
- (5) a bona fide private country club;
- (6) a not for profit entity and is engaged primarily in providing temporary at-home care services, such as companionship or delivery of prepared meals, to aged or sick individuals, individuals with disabilities, or individuals with a mental disorder;]
- ~~(2) A MOTION PICTURE OR DRIVE-IN THEATER;~~
- [(7)] ~~(3)~~ (2) a not for profit concert promoter, legitimate theater, music festival, music pavilion, or theatrical show; or
- [(8)] ~~(4)~~ (3) an amusement or recreational establishment, including a swimming pool, if the establishment:
  - (i) operates for no more than 7 months in a calendar year; or
  - (ii) for any 6 months during the preceding calendar year, has average receipts ~~in excess of~~ **THAT DO NOT EXCEED** one-third of the average receipts for the other 6 months.

3-419.

- (a) (1) This section applies to each employee who:
  - (i) is engaged in an occupation in which the employee customarily and regularly receives more than \$30 each month in tips;
  - (ii) has been informed by the employer about the provisions of this section; and
  - (iii) has kept all of the tips that the employee received.
- (2) Notwithstanding paragraph (1)(iii) of this subsection, this section does not prohibit the pooling of tips.

(b) Subject to the limitations in this section, an employer may include, as part of the wage of an employee to whom this section applies:

(1) an amount that the employer sets to represent the tips of the employee; or

(2) if the employee or representative of the employee satisfies the Commissioner that the employee received a lesser amount in tips, the lesser amount.

(c) The tip credit amount that the employer may include under subsection (b) of this section may not exceed [50%] ~~30%~~ of the minimum wage established under § 3-413 of this subtitle for the employee LESS \$3.63.

~~§ 420.~~

~~(a) Except as otherwise provided in this section, an employer shall compute the wage for overtime under § 3-415 of this subtitle on the basis of each hour over 40 hours that an employee works during 1 workweek.~~

~~(b) Notwithstanding [§ 3-415(b)(8)] § 3-415(B)(3) of this subtitle, an employer that is not a not for profit organization and is a concert promoter, legitimate theater, music festival, music pavilion, or theatrical show shall pay overtime for a craft or trade employee as required in subsection (a) of this section.~~

~~(c) The wage for overtime may be computed on the basis of each hour over [60] 48 hours that an employee works during 1 workweek;~~

~~(1) for an employee who:~~

~~[(1)] (I) is engaged in agriculture; and~~

~~[(2)] (II) is exempt from the overtime provisions of the federal Act[.];~~

~~[(d) The wage for overtime may be computed on the basis of each hour over 48 hours that an employee works during 1 workweek.]; AND~~

~~[(1)] (2) for an employee of a bowling establishment[; and~~

~~(2) for an employee of an institution that:~~

~~(i) is not a hospital; but~~

~~(ii) is engaged primarily in the care of individuals who:~~

~~1. are aged, intellectually disabled, or sick or have a mental disorder; and~~

~~2.     reside at the institution].~~

3-420.

(b)   Notwithstanding [§ 3-415(b)(8)] § 3-415(B)(2) of this subtitle, an employer that is not a not for profit organization and is a concert promoter, legitimate theater, music festival, music pavilion, or theatrical show shall pay overtime for a craft or trade employee as required in subsection (a) of this section.

3-427.

(a)   If an employer pays an employee less than the wage required under this subtitle, the employee may bring an action against the employer to recover:

(1)   the difference between the wage paid to the employee and the wage required under this subtitle;

(2)   AN ADDITIONAL AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE WAGE PAID TO THE EMPLOYEE AND THE WAGE REQUIRED UNDER THIS SUBTITLE AS LIQUIDATED DAMAGES; AND

(3)   COUNSEL FEES AND OTHER COSTS.

(b)   On the written request of an employee who is entitled to bring an action under this section, the Commissioner may:

(1)   take an assignment of the claim in trust for the employee;

(2)   ask the Attorney General to bring an action in accordance with this section on behalf of the employee; and

(3)   consolidate 2 or more claims against an employer.

(c)   The agreement of an employee to work for less than the wage to which the employee is entitled under this subtitle is not a defense to an action under this section.

(d)   (1)   If a court determines that an employee is entitled to recovery in an action under this section, the court [may allow against the employer] **SHALL AWARD TO THE EMPLOYEE:**

(I)   **THE DIFFERENCE BETWEEN THE WAGE PAID TO THE EMPLOYEE AND THE WAGE REQUIRED UNDER THIS SUBTITLE;**

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ADDITIONAL AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE WAGE PAID TO THE EMPLOYEE AND THE WAGE REQUIRED UNDER THIS SUBTITLE AS LIQUIDATED DAMAGES; AND

(III) reasonable counsel fees and other costs.

(2) IF AN EMPLOYER SHOWS TO THE SATISFACTION OF THE COURT THAT THE EMPLOYER ACTED IN GOOD FAITH AND REASONABLY BELIEVED THAT THE WAGES PAID TO THE EMPLOYEE WERE NOT LESS THAN THE WAGE REQUIRED UNDER THIS SUBTITLE, THE COURT ~~MAY~~ SHALL:

(I) DETERMINE THAT LIQUIDATED DAMAGES SHOULD NOT BE AWARDED; OR

(II) AWARD, AS LIQUIDATED DAMAGES, ANY AMOUNT LESS THAN THE AMOUNT SPECIFIED IN PARAGRAPH (1)(II) OF THIS SUBSECTION.

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

Article – Health – General

7-307.

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

(2) “Community provider” means a community-based agency or program funded by the Administration to serve individuals with developmental disabilities.

(3) “Community direct service worker” means an employee of a community provider that provides treatment or services to developmentally disabled individuals.

(4) [“Disparity amount” means the monetary calculation of the average difference in wages and benefits between community direct service workers and developmental disabilities associates or other comparable employees in State residential centers.

(5) “Rate” means the reimbursement rate paid by the Department to a community provider from the State General Fund, Maryland Medical Assistance Program funds, other State or federal funds, or a combination of funds.

(b) Notwithstanding the provisions of this title OR ANY OTHER PROVISION OF LAW, the Department shall reimburse community providers as provided in this section.

(c) [(1) On or before September 1, 2001, the Department shall determine:

(i) The disparity amount; and

(ii) The amount of annual increase in the rate of reimbursement to community providers necessary to reduce and eliminate the disparity amount as required under subsection (d) of this section.

(2) The Department shall determine the disparity amount using data and information from:

(i) The Community Services Rate Reimbursement Commission;  
and

(ii) Reports required to be provided to the General Assembly by the Department.

(d) The] SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE Department shall increase the rate of reimbursement for community services providers [by an amount that:

(1) Reduces the disparity amount to 80% on or before July 1, 2002;

(2) Reduces the disparity amount to 62% on or before July 1, 2003;

(3) Reduces the disparity amount to 40% on or before July 1, 2004;

(4) Reduces the disparity amount to 20% on or before July 1, 2005; and

(5) Eliminates the disparity amount on or before July 1, 2006] EACH FISCAL YEAR BY THE AMOUNT OF RATE INCREASE INCLUDED IN THE STATE BUDGET FOR THAT FISCAL YEAR.

[(e)] (D) (1) [The Secretary shall adopt regulations to implement this section.] THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2016 SHALL INCLUDE A 3.5% RATE INCREASE FOR COMMUNITY SERVICE PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR FISCAL YEAR 2015.

(2) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2017 SHALL INCLUDE A 3.5% RATE INCREASE FOR COMMUNITY SERVICE PROVIDERS

OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR FISCAL YEAR 2016.

(3) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2018 SHALL INCLUDE A 3.5% RATE INCREASE FOR COMMUNITY SERVICE PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR FISCAL YEAR 2017.

(4) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2019 SHALL INCLUDE A 3.5% RATE INCREASE FOR COMMUNITY SERVICE PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR FISCAL YEAR 2018.

[(f)] (E) [All increases in the rate of reimbursement provided for in this section shall be used to increase the compensation of community direct service workers.] THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2016 AND THEREAFTER FOR COMMUNITY SERVICE PROVIDERS SHALL BE PRESENTED IN THE SAME MANNER, INCLUDING OBJECT AND PROGRAM INFORMATION, AS PROVIDED FOR IN THE FISCAL YEAR 2015 BUDGET.

[(g)] (F) [Nothing in this section shall be construed to prohibit the Department from eliminating the disparity amount prior to July 1, 2006.] A PORTION OF THE FUNDS IN SUBSECTION (E) OF THIS SECTION MAY BE ALLOCATED TO ADDRESS THE IMPACT OF AN INCREASE IN THE STATE MINIMUM WAGE ON WAGES AND BENEFITS OF DIRECT SUPPORT WORKERS EMPLOYED BY COMMUNITY PROVIDERS LICENSED BY THE DEVELOPMENTAL DISABILITIES ADMINISTRATION.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June 1, 2014~~ ~~January 1, 2015~~ July 1, 2014.

Approved by the Governor, May 5, 2014.

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## Chapter 263

(House Bill 298)

AN ACT concerning

**Health Services Cost Review Commission – Powers and Duties, Regulation of Facilities, and Maryland All-Payer Model Contract**

FOR the purpose of authorizing the Health Services Cost Review Commission, consistent with Maryland's all-payer model contract, to establish hospital rate levels and rate increases in a certain manner and promote and approve certain alternative methods of rate determination and payment; increasing the total amount of user fees that the Commission may assess on certain facilities; ~~altering the contents of a certain annual report the Commission is required to submit to certain individuals and the General Assembly~~ requiring the Commission to submit to certain individuals and the General Assembly, beginning on a certain date, a certain update and, under certain circumstances, certain notification; requiring the Commission to require certain facilities to disclose publicly the revenue generated by the facilities in providing health services; requiring the Commission to review for reasonableness and certify the revenue of certain facilities; requiring the Commission to develop certain guidelines, receive certain confirmation, and post certain budget agreements on the Commission's Web site; altering the circumstances under which the Commission may adopt regulations establishing alternative methods for financing certain costs; requiring certain facilities to notify the Commission within a certain time period prior to executing any financial transaction, contract, or other agreement that would result in more than a certain percentage of certain voting rights or governance reserve powers being transferred to or assumed by another person or entity; authorizing the Commission to review the quality and efficiency of certain services for a certain purpose; authorizing the Commission, for a certain purpose, to review and approve or disapprove the reasonableness of the amount of revenue that a certain facility sets or requests; repealing a certain provision of law authorizing the Commission to promote and approve certain methods of rate determination and payment under certain circumstances; requiring certain facilities, health maintenance organizations, insurers, nonprofit health service plans, fraternal benefit societies, and certain managed care organizations to comply with a certain contract; requiring certain workgroups to consider certain matters and include the findings on the matters in a certain report; and generally relating to the Health Services Cost Review Commission.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–207(b)(6), (7), and (8), 19–212, 19–213(c)(1), 19–214(b), 19–217, ~~and~~ 19–219, and 19–710(e)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – Health – General

Section 19–207(b)(9) and (10)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 19–213(a) and (b)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 15–604  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article – Health – General**

19–207.

(b) In addition to the duties set forth elsewhere in this subtitle, the Commission shall:

(6) On or before October 1 of each year, submit to the Governor, to the Secretary, and, subject to § 2–1246 of the State Government Article, to the General Assembly an annual report on the operations and activities of the Commission during the preceding fiscal year, including:

(i) A copy of each summary, compilation, and supplementary report required by this subtitle;

~~(ii) An update on the status of the State's [Medicare waiver] COMPLIANCE WITH THE PROVISIONS OF MARYLAND'S ALL-PAYER MODEL CONTRACT;~~

~~(iii)~~ **(II)** Budget information regarding the Health Services Cost Review Commission Fund, including:

1. Any balance remaining in the Fund at the end of the previous fiscal year; and

2. The percentage of the total annual costs of the Commission that is represented by the balance remaining in the Fund at the end of the previous fiscal year;

~~(iv)~~ **(III)** A summary of the Commission's role in hospital quality of care activities, including information about the status of any pay for performance initiatives; and

~~(v)~~ **(IV)** Any other fact, suggestion, or policy recommendation that the Commission considers necessary;

**(7)** Oversee and administer the Maryland Trauma Physician Services Fund in conjunction with the Maryland Health Care Commission; [and]

**(8)** In consultation with the Maryland Health Care Commission, annually publish each acute care hospital's severity-adjusted average charge per case for the 15 most common inpatient diagnosis-related groups;

**(9)** BEGINNING OCTOBER 1, 2014, AND, SUBJECT TO ITEM (10)(II) OF THIS SUBSECTION, EVERY 6 MONTHS THEREAFTER, SUBMIT TO THE GOVERNOR, THE SECRETARY, AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN UPDATE ON THE STATUS OF THE STATE'S COMPLIANCE WITH THE PROVISIONS OF MARYLAND'S ALL-PAYER MODEL CONTRACT, INCLUDING:

**(i) THE STATE'S:**

**1.** PERFORMANCE IN LIMITING INPATIENT AND OUTPATIENT HOSPITAL PER CAPITA COST GROWTH FOR ALL PAYERS TO A TREND BASED ON THE STATE'S 10-YEAR COMPOUND ANNUAL GROSS STATE PRODUCT;

**2.** PROGRESS TOWARD ACHIEVING AGGREGATE SAVINGS IN MEDICARE SPENDING IN THE STATE EQUAL TO OR GREATER THAN \$330,000,000 OVER THE 5 YEARS OF THE CONTRACT, BASED ON LOWER INCREASES IN THE COST PER MEDICARE BENEFICIARY;

**3.** PERFORMANCE IN SHIFTING FROM A PER-CASE RATE SYSTEM TO A POPULATION-BASED REVENUE SYSTEM, WITH AT LEAST 80% OF HOSPITAL REVENUE SHIFTED TO GLOBAL BUDGETING;

**4.** PERFORMANCE IN REDUCING THE HOSPITAL READMISSION RATE AMONG MEDICARE BENEFICIARIES TO THE NATIONAL AVERAGE; AND

**5.** PROGRESS TOWARD ACHIEVING A CUMULATIVE REDUCTION IN THE STATE HOSPITAL-ACQUIRED CONDITIONS OF 30% OVER THE 5 YEARS OF THE CONTRACT;

(II) A SUMMARY OF THE WORK CONDUCTED, RECOMMENDATIONS MADE, AND COMMISSION ACTION ON RECOMMENDATIONS MADE BY THE FOLLOWING GROUPS CREATED TO PROVIDE TECHNICAL INPUT AND ADVICE ON IMPLEMENTATION OF MARYLAND'S ALL-PAYER MODEL CONTRACT:

1. PAYMENT MODELS WORKGROUP;
2. PHYSICIAN ALIGNMENT AND ENGAGEMENT WORKGROUP;
3. PERFORMANCE MEASUREMENT WORKGROUP;
4. DATA AND INFRASTRUCTURE WORKGROUP;
5. HSCRC ADVISORY COUNCIL; AND
6. ANY OTHER WORKGROUPS CREATED FOR THIS PURPOSE;

(III) ACTIONS APPROVED AND CONSIDERED BY THE COMMISSION TO PROMOTE ALTERNATIVE METHODS OF RATE DETERMINATION AND PAYMENT OF AN EXPERIMENTAL NATURE, AS AUTHORIZED UNDER § 19-219(C)(2) OF THIS SUBTITLE;

(IV) REPORTS SUBMITTED TO THE FEDERAL CENTER FOR MEDICARE AND MEDICAID INNOVATION RELATING TO THE ALL-PAYER MODEL CONTRACT; AND

(V) ANY KNOWN ADVERSE CONSEQUENCES THAT IMPLEMENTING THE ALL-PAYER MODEL CONTRACT HAS HAD ON THE STATE, INCLUDING CHANGES OR INDICATIONS OF CHANGES TO QUALITY OR ACCESS TO CARE, AND THE ACTIONS THE COMMISSION HAS TAKEN TO ADDRESS AND MITIGATE THE CONSEQUENCES; AND

(10) IF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES ISSUES A WARNING NOTICE RELATED TO A "TRIGGERING EVENT" AS DESCRIBED IN THE ALL-PAYER MODEL CONTRACT:

(I) PROVIDE WRITTEN NOTIFICATION TO THE GOVERNOR, THE SECRETARY, AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY WITHIN 15 DAYS AFTER THE ISSUANCE OF THE NOTICE; AND

**(II) SUBMIT THE UPDATE REQUIRED UNDER ITEM (9) OF THIS SUBSECTION EVERY 3 MONTHS.**

19–212.

The Commission shall:

- (1) Require each facility to disclose publicly:
  - (i) Its financial position; and
  - (ii) As computed by methods that the Commission determines, the verified total costs incurred **AND REVENUE GENERATED** by the facility in providing health services;
- (2) Review for reasonableness and certify the rates **AND REVENUE** of each facility;
- (3) Keep informed as to whether a facility has enough resources to meet its financial requirements;
- (4) Concern itself with solutions if a facility does not have enough resources; ~~and~~
- (5) Assure each purchaser of health care facility services that:
  - (i) The total costs of all hospital services offered by or through a facility are reasonable;
  - (ii) The aggregate rates of the facility are related reasonably to the aggregate costs of the facility; and
  - (iii) Rates are set equitably among all purchasers of services without undue discrimination;
- (6) DEVELOP GUIDELINES FOR THE ESTABLISHMENT OF GLOBAL BUDGETS FOR EACH FACILITY UNDER MARYLAND’S ALL-PAYER MODEL CONTRACT, INCLUDING GUIDELINES TO PREVENT FACILITIES FROM TAKING ACTIONS TO MEET A BUDGET THAT THE COMMISSION DETERMINES WOULD HAVE ADVERSE CONSEQUENCES FOR RECIPIENTS OR PURCHASERS OF SERVICES;**
- (7) RECEIVE CONFIRMATION FROM COMMISSION STAFF THAT FACILITY GLOBAL BUDGET AGREEMENTS, AS THEY ARE DEVELOPED, ARE CONSISTENT WITH THE GUIDELINES; AND**

**(8) AFTER REVIEW BY THE COMMISSION FOR COMPLIANCE WITH THE GUIDELINES, POST EACH EXECUTED GLOBAL BUDGET AGREEMENT ON THE COMMISSION'S WEB SITE.**

19-213.

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

(2) "Facilities" means hospitals and related institutions whose rates have been approved by the Commission.

(b) The Commission shall assess and collect user fees on facilities as defined in this section.

(c) (1) The total fees assessed by the Commission may not exceed [\$7,000,000] **\$12,000,000**.

19-214.

(b) The Commission may adopt regulations establishing alternative methods for financing the reasonable total costs of hospital uncompensated care and the disproportionate share hospital payment provided that the alternative methods:

(1) Are in the public interest;

(2) Will equitably distribute the reasonable costs of uncompensated care and the disproportionate share hospital payment;

(3) Will fairly determine the cost of reasonable uncompensated care and the disproportionate share hospital payment included in hospital rates;

(4) Will continue incentives for hospitals to adopt fair, efficient, and effective credit and collection policies; and

(5) Will not result in significantly increasing costs to Medicare or [the loss of Maryland's Medicare Waiver under § 1814(b) of the Social Security Act] **TERMINATION OF MARYLAND'S ALL-PAYER MODEL CONTRACT APPROVED BY THE FEDERAL CENTER FOR MEDICARE AND MEDICAID INNOVATION.**

19-217.

(a) Except as provided in subsection (c) of this section, a facility shall notify the Commission at least 30 days prior to executing any financial transaction, contract, or other agreement that would:

(1) Pledge more than 50% of the operating assets of the facility as collateral for a loan or other obligation; [or]

(2) Result in more than 50% of the operating assets of the facility being sold, leased, or transferred to another person or entity; **OR**

**(3) RESULT IN MORE THAN 50% OF ALL CORPORATE VOTING RIGHTS OR GOVERNANCE RESERVE POWERS BEING TRANSFERRED TO OR ASSUMED BY ANOTHER PERSON OR ENTITY.**

(b) Except as provided in subsection (c) of this section, the Commission shall publish a notice of the proposed financial transaction, contract, or other agreement reported by a facility in accordance with subsection (a) of this section in a newspaper of general circulation in the area where the facility is located.

(c) The provisions of this section do not apply to any financial transaction, contract, or other agreement made by a facility with any issuer of tax-exempt bonds, including the Maryland Health and Higher Education Facilities Authority, the State, or any county or municipal corporation of the State, if a notice of the proposed issuance of revenue bonds that meets the requirements of § 147(f) of the Internal Revenue Code has been published.

19–219.

(a) The Commission may review **THE** costs, and rates, **QUALITY, AND EFFICIENCY OF FACILITY SERVICES**, and make any investigation that the Commission considers necessary to assure each purchaser of health care facility services that:

(1) The total costs of all hospital services offered by or through a facility are reasonable;

(2) The aggregate rates of the facility are related reasonably to the aggregate costs of the facility; and

(3) The rates are set equitably among all purchasers or classes of purchasers without undue discrimination or preference.

(b) (1) To carry out its powers under subsection (a) of this section, the Commission may review and approve or disapprove the reasonableness of any rate **OR AMOUNT OF REVENUE** that a facility sets or requests.

(2) A facility shall:

**(1) ~~charge~~ CHARGE** for services only at a rate set in accordance with this subtitle; **AND**

**(II) COMPLY WITH THE APPLICABLE TERMS AND CONDITIONS OF MARYLAND'S ALL-PAYER MODEL CONTRACT APPROVED BY THE FEDERAL CENTER FOR MEDICARE AND MEDICAID INNOVATION.**

(3) In determining the reasonableness of rates, the Commission may take into account objective standards of efficiency and effectiveness.

(c) [To promote the most efficient and effective use of health care facility services and, if it is in the public interest and consistent with this subtitle, the Commission may promote and approve alternate methods of rate determination and payment that are of an experimental nature] **CONSISTENT WITH MARYLAND'S ALL-PAYER MODEL CONTRACT APPROVED BY THE FEDERAL CENTER FOR MEDICARE AND MEDICAID INNOVATION, AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE COMMISSION MAY:**

**(1) ESTABLISH HOSPITAL RATE LEVELS AND RATE INCREASES IN THE AGGREGATE OR ON A HOSPITAL-SPECIFIC BASIS; AND**

**(2) PROMOTE AND APPROVE ALTERNATIVE METHODS OF RATE DETERMINATION AND PAYMENT OF AN EXPERIMENTAL NATURE FOR THE DURATION OF THE ALL-PAYER MODEL CONTRACT.**

19-710.

(e) The provisions of Title 4, Subtitle 3 (Risk Based Capital Standards for Insurers) AND § 15-604 (RATES FOR PAYMENTS TO HOSPITALS) of the Insurance Article apply to health maintenance organizations in the same manner as they apply to insurers.

**Article – Insurance**

15-604.

Each authorized insurer, nonprofit health service plan, and fraternal benefit society, and each managed care organization that is authorized to receive Medicaid prepaid capitation payments under Title 15, Subtitle 1 of the Health – General Article, shall:

**(1) pay hospitals for hospital services rendered on the basis of the rate approved by the Health Services Cost Review Commission; AND**

**(2) COMPLY WITH THE APPLICABLE TERMS AND CONDITIONS OF MARYLAND'S ALL-PAYER MODEL CONTRACT APPROVED BY THE FEDERAL CENTER FOR MEDICARE AND MEDICAID INNOVATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That the appropriate workgroup or workgroups that have been created by the Health Services Cost Review Commission to provide technical input and advice on implementation of Maryland's new all-payer model contract shall consider the impact and implications that defensive medicine has on hospital costs and the goals underlying the all-payer model contract. The findings of the appropriate workgroup or workgroups on this matter shall be included in the appropriate workgroup report submitted to the Commission.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 264**

**(Senate Bill 42)**

AN ACT concerning

### **Financial Education and Capability Commission – Membership and Duties**

FOR the purpose of altering the membership of the Financial Education and Capability Commission to include the Secretary of Higher Education, or the Secretary's designee, rather than a member of the Higher Education Commission; altering the duties of the Commission to require the Commission to ~~coordinate certain~~ encourage financial education events and activities to highlight a certain month as Financial Education Month; and generally relating to the membership and duties of the Financial Education and Capability Commission.

BY repealing and reenacting, with amendments,

Article – State Government

Section 9–803(a) and 9–804(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

### **Article – State Government**

9–803.

(a) The Commission consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the State Superintendent of Schools, or the Superintendent's designee;

(4) the Secretary of Housing and Community Development, or the Secretary's designee;

(5) the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation, or the Commissioner's designee;

(6) the Executive Director of the Family Investment Administration in the Department of Human Resources, or the Executive Director's designee;

(7) the Chief of the Consumer Protection Division of the Office of the Attorney General, or the Chief's designee;

(8) the State Treasurer, or the State Treasurer's designee;

(9) the Comptroller, or the Comptroller's designee; [and]

**(10) THE SECRETARY OF HIGHER EDUCATION, OR THE SECRETARY'S DESIGNEE; AND**

**[(10)] (11)** the following members, appointed by the Governor:

(i) one member of the Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans;

(ii) one member of the College Savings Plans of Maryland Board;

(iii) [one member of the Maryland Higher Education Commission;

(iv)] one member of the Maryland State Education Association who teaches a course involving principles of financial education;

**[(v)] (IV)** one representative of the Maryland CASH Campaign;

[(vi)] (V) one representative of a community–focused nonprofit organization that provides free financial education in the State;

[(vii)] (VI) one representative of a philanthropic organization that provides funding for financial education in the State;

[(viii)] (VII) one representative of the Maryland Council on Economic Education or the Maryland Coalition for Financial Literacy;

[(ix)] (VIII) one representative of a bank, whether or not State–chartered, that has a branch in the State;

[(x)] (IX) one representative of a credit union, whether or not State–chartered, that has a branch in the State;

[(xi)] (X) one licensed mortgage broker holding the Maryland Association of Mortgage Brokers’ “Lending Seal of Integrity”; and

[(xii)] (XI) one member of the Maryland Association of CPAs.

9–804.

(a) The Commission shall:

(1) monitor the implementation of public and private initiatives to improve the financial education and capability of residents of the State; [and]

(2) make recommendations on the coordination of financial education and capability efforts across State agencies; AND

(3) ~~COORDINATE~~ ENCOURAGE FINANCIAL EDUCATION EVENTS AND ACTIVITIES TO HIGHLIGHT APRIL AS FINANCIAL EDUCATION MONTH, INCLUDING:

~~(I) ORGANIZING AN AWARDS PROGRAM FOR TEACHERS OR TEAMS IN ELEMENTARY AND SECONDARY PUBLIC EDUCATION OR PERSONS IN THE COMMUNITY THAT CONTRIBUTE TO IMPROVING THE FINANCIAL EDUCATION AND CAPABILITY OF RESIDENTS OF THE STATE;~~

~~(II) COORDINATING A CALENDAR OF FINANCIAL EDUCATION EVENTS AND ACTIVITIES THAT WILL BE HELD BY PUBLIC AND PRIVATE ENTITIES; AND~~

~~(III) MARKETING THE FINANCIAL EDUCATION EVENTS AND ACTIVITIES THAT WILL BE HELD BY PUBLIC AND PRIVATE ENTITIES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 265**

**(House Bill 165)**

AN ACT concerning

### **Financial Education and Capability Commission – Membership and Duties**

FOR the purpose of altering the membership of the Financial Education and Capability Commission to include the Secretary of Higher Education, or the Secretary's designee, rather than a member of the Higher Education Commission; altering the duties of the Commission to require the Commission to ~~coordinate certain~~ encourage financial education events and activities to highlight a certain month as Financial Education Month; and generally relating to the membership and duties of the Financial Education and Capability Commission.

BY repealing and reenacting, with amendments,

Article – State Government

Section 9–803(a) and 9–804(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

### **Article – State Government**

9–803.

(a) The Commission consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the State Superintendent of Schools, or the Superintendent's designee;

(4) the Secretary of Housing and Community Development, or the Secretary's designee;

(5) the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation, or the Commissioner's designee;

(6) the Executive Director of the Family Investment Administration in the Department of Human Resources, or the Executive Director's designee;

(7) the Chief of the Consumer Protection Division of the Office of the Attorney General, or the Chief's designee;

(8) the State Treasurer, or the State Treasurer's designee;

(9) the Comptroller, or the Comptroller's designee; [and]

**(10) THE SECRETARY OF HIGHER EDUCATION, OR THE SECRETARY'S DESIGNEE; AND**

**[(10)] (11)** the following members, appointed by the Governor:

(i) one member of the Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans;

(ii) one member of the College Savings Plans of Maryland Board;

(iii) [one member of the Maryland Higher Education Commission;

(iv)] one member of the Maryland State Education Association who teaches a course involving principles of financial education;

**[(v)] (IV)** one representative of the Maryland CASH Campaign;

**[(vi)] (V)** one representative of a community-focused nonprofit organization that provides free financial education in the State;

**[(vii)] (VI)** one representative of a philanthropic organization that provides funding for financial education in the State;

**[(viii)] (VII)** one representative of the Maryland Council on Economic Education or the Maryland Coalition for Financial Literacy;

[(ix)] (VIII) one representative of a bank, whether or not State-chartered, that has a branch in the State;

[(x)] (IX) one representative of a credit union, whether or not State-chartered, that has a branch in the State;

[(xi)] (X) one licensed mortgage broker holding the Maryland Association of Mortgage Brokers' "Lending Seal of Integrity"; and

[(xii)] (XI) one member of the Maryland Association of CPAs.

9-804.

(a) The Commission shall:

(1) monitor the implementation of public and private initiatives to improve the financial education and capability of residents of the State; [and]

(2) make recommendations on the coordination of financial education and capability efforts across State agencies; AND

(3) ~~COORDINATE~~ ENCOURAGE FINANCIAL EDUCATION EVENTS AND ACTIVITIES TO HIGHLIGHT APRIL AS FINANCIAL EDUCATION MONTH, INCLUDING:

~~(I) ORGANIZING AN AWARDS PROGRAM FOR TEACHERS OR TEAMS IN ELEMENTARY AND SECONDARY PUBLIC EDUCATION OR PERSONS IN THE COMMUNITY THAT CONTRIBUTE TO IMPROVING THE FINANCIAL EDUCATION AND CAPABILITY OF RESIDENTS OF THE STATE;~~

~~(II) COORDINATING A CALENDAR OF FINANCIAL EDUCATION EVENTS AND ACTIVITIES THAT WILL BE HELD BY PUBLIC AND PRIVATE ENTITIES; AND~~

~~(III) MARKETING THE FINANCIAL EDUCATION EVENTS AND ACTIVITIES THAT WILL BE HELD BY PUBLIC AND PRIVATE ENTITIES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, May 5, 2014.

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**Chapter 266****(Senate Bill 49)**

AN ACT concerning

**Kent County – Alcoholic Beverages Act of 2014**

FOR the purpose of authorizing the Board of License Commissioners for Kent County to issue a beer or wine tasting (BWT) license to the holder of certain alcoholic beverages licenses; providing that a BWT license authorizes, for tasting purposes only, the on-premises consumption of certain wine or beer; limiting the amount of beer or wine that the holder of a BWT license may allow to be consumed by a single individual in a single day; prohibiting a BWT license holder from conducting a wine tasting and a beer tasting in a single day; providing for an annual license fee; specifying that the selection of wine or beer offered at a tasting is not limited to wine or beer produced in the State; authorizing a holder of a BWT license to offer for sale certain beer under certain circumstances; permitting summonses in Kent County to be served by the inspector employed by the Board of License Commissioners; providing that certain penalties imposed for violation of the alcoholic beverages laws do not limit, but are in addition to, other penalties for the same violation and are independent of any related court action based on the same violation; authorizing a certain alcoholic beverages inspector to issue a citation in the County; requiring the inspector to complete a training program in the use of arrest authority and pertinent police procedures; prohibiting an inspector in the County from carrying a firearm in the performance of the inspector's duties; and generally relating to alcoholic beverages in Kent County.

BY renumbering

Article 2B – Alcoholic Beverages

Section 8–408.2

to be Section 8–408.3

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–408.2

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 16–410(b) and 16–507(p)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 10–119(b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–408.2 of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 8–408.3.

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

**Article 2B – Alcoholic Beverages**

**8–408.2.**

(A) THIS SECTION APPLIES ONLY IN KENT COUNTY.

(B) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A BEER OR WINE TASTING (BWT) LICENSE TO THE HOLDER OF A CLASS A BEER AND WINE LICENSE OR A CLASS A BEER, WINE AND LIQUOR LICENSE.

(C) A BWT LICENSE AUTHORIZES, FOR TASTING PURPOSES ONLY, THE ON-PREMISES CONSUMPTION OF:

(1) WINE THAT CONTAINS NOT MORE THAN 22% ALCOHOL BY VOLUME; OR

(2) ~~BEER BREWED BY A HOLDER OF A MICRO BREWERY LICENSE ISSUED UNDER § 2-208 OF THIS ARTICLE OR AN EQUIVALENT OUT OF STATE LICENSE.~~

(D) A HOLDER OF A BWT LICENSE MAY ALLOW CONSUMPTION BY A SINGLE INDIVIDUAL IN A SINGLE DAY OF:

(1) NOT MORE THAN 2 OUNCES OF A GIVEN BRAND AND NOT MORE THAN 4 OUNCES FROM ALL BRANDS OF WINE; OR

(2) NOT MORE THAN 2 OUNCES OF BEER FROM ANY GIVEN BRAND AND NOT MORE THAN 6 OUNCES FROM ALL BRANDS OF BEER.

(E) A BWT LICENSE HOLDER MAY NOT CONDUCT A WINE TASTING AND A BEER TASTING ON THE SAME DAY.

**(F) THE ANNUAL BWT LICENSE FEE IS \$200.**

**(G) THE SELECTION OF WINE OR BEER OFFERED AT A TASTING IS NOT LIMITED TO WINE OR BEER PRODUCED IN THE STATE.**

**(H) THE HOLDER OF A BWT LICENSE MAY OFFER FOR SALE BEER PERMITTED FOR TASTING IF:**

**(1) THE BEER IS SOLD IN REFILLABLE CONTAINERS THAT ARE SEALED BY THE HOLDER OF THE BWT LICENSE; AND**

**(2) UNSOLD BEER IS RETURNED TO THE PROVIDER.**

16–410.

(b) (1) For the purpose of all hearings and inquiries which the board is authorized to hold and make, the board may issue summonses for witnesses, and administer to them oaths or affirmations.

(2) (i) All summonses shall be served by the sheriff, except that:

1. In the City of Annapolis, summonses may also be served by the Annapolis Police Department;

2. In Anne Arundel County, summonses may also be served by inspectors employed by the Board and by the Anne Arundel County Police Department;

3. In Baltimore City, summonses may also be served by inspectors employed by the Board of Liquor License Commissioners for Baltimore City;

4. In Cecil County, summonses may also be served by inspectors employed by the Cecil County Board of License Commissioners;

5. In Dorchester County, summonses may also be served by the inspector employed by Dorchester County and assigned to the Board of License Commissioners; [and]

6. In Harford County, summonses may also be served by inspectors employed by the Harford County Liquor Control Board; AND

**7. IN KENT COUNTY, SUMMONSES MAY ALSO BE SERVED BY THE INSPECTOR EMPLOYED BY THE KENT COUNTY BOARD OF LICENSE COMMISSIONERS.**

(ii) If any witness summoned refuses or neglects to attend, or if attending, refuses to testify, the official issuing the summons shall report the facts to the circuit court for the county. The court shall proceed by attachment against the witness in all respects as if the witness summoned to appear in the court in a case pending before it had neglected or refused to do so.

16-507.

(p) (1) This subsection applies only in Kent County.

(2) Except as provided otherwise, the Board of License Commissioners may impose the following penalties for a violation of any provision of this article:

(i) For the first offense:

1. Suspension of the license;
2. Closure of the place of business for not more than 15 days; and
3. A fine not exceeding \$1,000;

(ii) For the second offense:

1. Suspension of the license;
2. Closure of the place of business for not more than 30 days; and
3. A fine not exceeding \$2,000;

(iii) For the third or subsequent offense:

1. Suspension of the license;
2. Closure of the place of business for not more than 90 days; and
3. A fine not exceeding \$2,500; and

(iv) For a third offense that is the same as either of the 2 previous offenses:

1. Revocation of the license;
2. Prohibition of licensure of the violator; and

3. Prohibition of licensure of the premises for a period of not more than 1 year from the date of the revocation of the license.

**(3) THE PENALTIES PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION:**

**(I) DO NOT LIMIT, BUT ARE IN ADDITION TO, OTHER SPECIFIC OR GENERAL PENALTIES FOR THE SAME VIOLATION UNDER THIS ARTICLE; AND**

**(II) ARE INDEPENDENT OF ANY RELATED COURT ACTION BASED ON THE SAME VIOLATION.**

**[(3)] (4)** The Board of License Commissioners shall hear and determine a case within 30 days from the date the violation is reported by an inspector or law enforcement officer. The Board shall make a determination of the case within 15 days after the conclusion of the hearing.

**[(4)](5)** An appeal from the Board's decision may not stay an order of the Board to suspend a license or close a place of business.

### **Article – Criminal Law**

10–119.

(b) (1) A citation for a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part may be issued by:

(i) a police officer authorized to make arrests;

(ii) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) or (b) of the Natural Resources Article; and

(iii) subject to paragraphs (2) and (3) of this subsection, in Anne Arundel County, Frederick County, Harford County, **KENT COUNTY**, Montgomery County, Prince George's County, and Talbot County, and only in the inspector's jurisdiction, an alcoholic beverages inspector who investigates license violations under Article 2B of the Code.

(2) In Anne Arundel County, Frederick County, Harford County, **KENT COUNTY**, Montgomery County, Prince George's County, and Talbot County, the inspector shall successfully complete an appropriate program of training in the proper use of arrest authority and pertinent police procedures as required by the board of license commissioners.

(3) In Anne Arundel County, Harford County, **KENT COUNTY**, Montgomery County, Prince George's County, and Talbot County, the inspector may not carry a firearm in the performance of the inspector's duties.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 267**

**(Senate Bill 58)**

AN ACT concerning

### **Education – School Vehicles – Authorized Riders**

FOR the purpose of prohibiting the driver of a school vehicle from allowing certain individuals to board or ride on the school vehicle subject to certain exceptions; authorizing certain individuals to board or ride on a school vehicle under certain circumstances; and generally relating to riders on school vehicles.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 16–816  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

### **Article – Transportation**

16–816.

(a) An individual may not drive a school vehicle on any highway in this State unless the individual:

(1) Passes an appropriate medical examination; and

(2) For driving a school bus, has been issued a commercial driver's license endorsed school bus.

**(B) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A DRIVER OF A SCHOOL VEHICLE MAY NOT ALLOW AN INDIVIDUAL**

WHO IS NOT A STUDENT OR SCHOOL EMPLOYEE TO BOARD OR RIDE ON THE SCHOOL VEHICLE.

(C) AN INDIVIDUAL MAY BOARD AND RIDE ON A SCHOOL VEHICLE AS A SCHOOL VEHICLE ATTENDANT IF THE INDIVIDUAL:

(1) (I) IS AN EMPLOYEE OF THE LOCAL SCHOOL SYSTEM OR TRANSPORTATION COMPANY THAT OPERATES THE SCHOOL VEHICLE;

(II) IS OTHERWISE AUTHORIZED BY THE LOCAL SCHOOL SYSTEM TO ACT AS A SCHOOL VEHICLE ATTENDANT FOR A CHILD ON THE SCHOOL VEHICLE; OR

(III) IS A NURSE, AN AIDE, OR ANY OTHER INDIVIDUAL ASSIGNED OR AUTHORIZED TO WORK WITH A STUDENT IN ACCORDANCE WITH THE STUDENT'S INDIVIDUALIZED EDUCATION ~~PLAN, 504 PLAN~~ PROGRAM, 504 PLAN UNDER THE FEDERAL REHABILITATION ACT OF 1973, OR OTHER STUDENT-SPECIFIC WRITTEN PLAN; AND

(2) (I) IS IN POSSESSION OF PHOTO IDENTIFICATION THAT IDENTIFIES THE LOCAL SCHOOL SYSTEM OR TRANSPORTATION COMPANY THAT EMPLOYS THE INDIVIDUAL AS A SCHOOL VEHICLE ATTENDANT; OR

(II) IS IN POSSESSION OF PHOTO IDENTIFICATION OR ANOTHER DOCUMENT ISSUED BY THE LOCAL SCHOOL SYSTEM THAT AUTHORIZES THE INDIVIDUAL TO ACT AS A SCHOOL VEHICLE ATTENDANT FOR A CHILD ON THE SCHOOL VEHICLE.

(D) AN INDIVIDUAL MAY BOARD AND RIDE ON A SCHOOL VEHICLE WITH THE WRITTEN PERMISSION OF THE LOCAL SCHOOL SYSTEM.

[(b)] (E) With the advice of the State Department of Education, the Administration may adopt regulations concerning the qualifications of school vehicle drivers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, May 5, 2014.

AN ACT concerning

**Education – School Vehicles – Authorized Riders**

FOR the purpose of prohibiting the driver of a school vehicle from allowing certain individuals to board or ride on the school vehicle subject to certain exceptions; authorizing certain individuals to board or ride on a school vehicle under certain circumstances; and generally relating to riders on school vehicles.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 16–816  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Transportation**

16–816.

(a) An individual may not drive a school vehicle on any highway in this State unless the individual:

(1) Passes an appropriate medical examination; and

(2) For driving a school bus, has been issued a commercial driver's license endorsed school bus.

**(B) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A DRIVER OF A SCHOOL VEHICLE MAY NOT ALLOW AN INDIVIDUAL WHO IS NOT A STUDENT OR SCHOOL EMPLOYEE TO BOARD OR RIDE ON THE SCHOOL VEHICLE.**

**(C) AN INDIVIDUAL MAY BOARD AND RIDE ON A SCHOOL VEHICLE AS A SCHOOL VEHICLE ATTENDANT IF THE INDIVIDUAL:**

**(1) (I) IS AN EMPLOYEE OF THE LOCAL SCHOOL SYSTEM OR TRANSPORTATION COMPANY THAT OPERATES THE SCHOOL VEHICLE;**

**(II) IS OTHERWISE AUTHORIZED BY THE LOCAL SCHOOL SYSTEM TO ACT AS A SCHOOL VEHICLE ATTENDANT FOR A CHILD ON THE SCHOOL VEHICLE; OR**

(III) IS A NURSE, AN AIDE, OR ANY OTHER INDIVIDUAL ASSIGNED OR AUTHORIZED TO WORK WITH A STUDENT IN ACCORDANCE WITH THE STUDENT'S INDIVIDUALIZED EDUCATION ~~PLAN, 504 PLAN PROGRAM, 504 PLAN UNDER THE FEDERAL REHABILITATION ACT OF 1973~~, OR OTHER STUDENT-SPECIFIC WRITTEN PLAN; AND

(2) (I) IS IN POSSESSION OF PHOTO IDENTIFICATION THAT IDENTIFIES THE LOCAL SCHOOL SYSTEM OR TRANSPORTATION COMPANY THAT EMPLOYS THE INDIVIDUAL AS A SCHOOL VEHICLE ATTENDANT; OR

(II) IS IN POSSESSION OF PHOTO IDENTIFICATION OR ANOTHER DOCUMENT ISSUED BY THE LOCAL SCHOOL SYSTEM THAT AUTHORIZES THE INDIVIDUAL TO ACT AS A SCHOOL VEHICLE ATTENDANT FOR A CHILD ON THE SCHOOL VEHICLE.

(D) AN INDIVIDUAL MAY BOARD AND RIDE ON A SCHOOL VEHICLE WITH THE WRITTEN PERMISSION OF THE LOCAL SCHOOL SYSTEM.

[(b)] (E) With the advice of the State Department of Education, the Administration may adopt regulations concerning the qualifications of school vehicle drivers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, May 5, 2014.

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## Chapter 269

(Senate Bill 74)

AN ACT concerning

### **Institutions of Higher Education – Student Notification – Financial Information**

FOR the purpose of requiring certain institutions of higher education in the State to report certain information on the cost of higher education at the institution to certain students beginning in a certain academic year; and generally relating to student notification of financial information by institutions of higher education.

BY adding to  
Article – Education  
Section 15–118

Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

**Article – Education**

**15–118.**

(A) THIS SECTION APPLIES TO A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION AND A COMMUNITY COLLEGE IN THE STATE.

(B) (1) ~~FOR~~ BEGINNING IN THE 2014–2015 ACADEMIC YEAR, FOR ALL FIRST–TIME, FULL–TIME UNDERGRADUATE FRESHMEN, AN INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE TO THE STUDENT INFORMATION ON THE COST OF HIGHER EDUCATION AT THE INSTITUTION BY COMPLETING AND MAILING OR PROVIDING ELECTRONICALLY, AT A MINIMUM, THE INFORMATION CONTAINED ON THE FORM KNOWN AS THE FINANCIAL AID SHOPPING SHEET, AS PROMULGATED BY THE U.S. DEPARTMENT OF EDUCATION.

(2) THE FINANCIAL AID SHOPPING SHEET OR THE INFORMATION CONTAINED ON THE FINANCIAL AID SHOPPING SHEET SHALL BE MAILED OR PROVIDED ELECTRONICALLY TO THE STUDENT AT THE SAME TIME THAT AN AWARD OF FEDERAL FINANCIAL AID IS MAILED OR PROVIDED ELECTRONICALLY TO THE STUDENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, May 5, 2014.

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**Chapter 270**

**(House Bill 18)**

AN ACT concerning

**Institutions of Higher Education – Student Notification – Financial Information**

FOR the purpose of requiring certain institutions of higher education in the State to report certain information on the cost of higher education at the institution to

certain students beginning in a certain academic year; and generally relating to student notification of financial information by institutions of higher education.

BY adding to

Article – Education

Section 15–118

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

**Article – Education**

**15–118.**

(A) THIS SECTION APPLIES TO A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION AND A COMMUNITY COLLEGE IN THE STATE.

(B) (1) ~~FOR~~ BEGINNING IN THE 2014–2015 ACADEMIC YEAR, FOR ALL FIRST–TIME, FULL–TIME UNDERGRADUATE FRESHMEN, AN INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE TO THE STUDENT INFORMATION ON THE COST OF HIGHER EDUCATION AT THE INSTITUTION BY COMPLETING AND MAILING OR PROVIDING ELECTRONICALLY, AT A MINIMUM, THE INFORMATION CONTAINED ON THE FORM KNOWN AS THE FINANCIAL AID SHOPPING SHEET, AS PROMULGATED BY THE U.S. DEPARTMENT OF EDUCATION.

(2) THE FINANCIAL AID SHOPPING SHEET OR THE INFORMATION CONTAINED ON THE FINANCIAL AID SHOPPING SHEET SHALL BE MAILED OR PROVIDED ELECTRONICALLY TO THE STUDENT AT THE SAME TIME THAT AN AWARD OF FEDERAL FINANCIAL AID IS MAILED OR PROVIDED ELECTRONICALLY TO THE STUDENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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**Chapter 271**

**(Senate Bill 75)**

AN ACT concerning

**Alcoholic Beverages – Maximum Alcohol Content**

FOR the purpose of prohibiting a person from selling at retail an alcoholic beverage with an alcohol content of a certain percentage or more; providing for a certain penalty; and generally relating to alcoholic beverages.

BY adding to

Article 2B – Alcoholic Beverages

Section 16–505.2

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

**Article 2B – Alcoholic Beverages****16–505.2.**

(A) A PERSON MAY NOT SELL AT RETAIL AN ALCOHOLIC BEVERAGE WITH AN ALCOHOL CONTENT BY VOLUME OF 95% (190 PROOF) OR MORE.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, May 5, 2014.

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**Chapter 272**

**(House Bill 359)**

AN ACT concerning

**Alcoholic Beverages – Maximum Alcohol Content**

FOR the purpose of prohibiting a person from selling at retail an alcoholic beverage with an alcohol content of a certain percentage or more, ~~with a certain exception~~; providing for a certain penalty; and generally relating to alcoholic beverages.

BY adding to

Article 2B – Alcoholic Beverages

Section 16–505.2

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

**Article 2B – Alcoholic Beverages**

**16–505.2.**

(A) A PERSON MAY NOT SELL AT RETAIL AN ALCOHOLIC BEVERAGE WITH AN ALCOHOL CONTENT BY VOLUME OF 95% (190 PROOF) OR MORE, ~~EXCEPT TO THE HOLDER OF A NONBEVERAGE PERMIT UNDER § 2-101(C) OF THIS ARTICLE.~~

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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**Chapter 273**

**(Senate Bill 83)**

AN ACT concerning

**Caroline County and Talbot County – Annual Financial ~~Report~~ Reports –  
Filing Date**

FOR the purpose of altering the date by which Caroline County ~~is~~ and Talbot County ~~are~~ required to file a certain financial ~~report~~ reports with the Department of Legislative Services; and generally relating to the date by which Caroline County ~~is~~ and Talbot County ~~are~~ required to file a financial ~~report~~ reports.

BY repealing and reenacting, with amendments,

Article – Local Government

Section 16–304

Annotated Code of Maryland  
(2013 Volume)

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

**Article – Local Government**

16–304.

(a) (1) Except as provided in paragraph (2) of this subsection, on or before October 31 after the close of its fiscal year, each county, municipality, and special taxing district shall file with the Department of Legislative Services a financial report for that fiscal year.

(2) (i) A county, municipality, or special taxing district with a population of over 400,000 may file its financial report on or before December 31 after the close of its fiscal year.

(ii) Unless subparagraph (i) of this paragraph applies, Howard County may file its financial report on or before November 30 after the close of its fiscal year.

(iii) Calvert County, **CAROLINE COUNTY**, Frederick County, Queen Anne's County, St. Mary's County, **TALBOT COUNTY**, and Wicomico County may file the county's financial report on or before December 31 after the close of the county's fiscal year.

(b) The financial report required under subsection (a) of this section shall be:

(1) prepared on the form established by the Department of Legislative Services; and

(2) verified by the chief executive officer of the county, municipality, or special taxing district.

(c) If a county, municipality, or special taxing district does not comply with subsection (a) of this section, the Comptroller, on notice from the Executive Director of the Department of Legislative Services, may order the discontinuance of all money, grants, or State aid that the county, municipality, or special taxing district is entitled to receive under State law, including money from:

(1) the income tax;

(2) the tax on racing;

(3) the recordation tax;

- (4) the admissions and amusement tax; and
- (5) the license tax.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 274**

**(Senate Bill 88)**

AN ACT concerning

### **Department of Transportation – Special Bonds and Borrowing – Revenue-Backed Bonds**

FOR the purpose of authorizing the Department of Transportation, by resolution of the Secretary of Transportation, to borrow funds to finance the costs of transportation facilities, evidence certain borrowing by the issuance and sale of certain bonds, and pledge and use a certain dedicated revenue source for the payment of certain principal of and interest on certain bonds; prohibiting the use of certain State tax revenues to support payment of principal of or interest on certain bonds; authorizing a certain trust agreement to pledge or assign certain revenue; prohibiting a certain trust agreement from pledging or assigning certain State tax revenues; altering the purpose for which the Department may issue certain bonds and borrow certain funds; and generally relating to the financing of costs of transportation facilities.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 3–601 and 3–606(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

### **Article – Transportation**

3–601.

(a) In order to utilize to the greatest extent possible the benefits of available financial resources relating to transportation purposes, including federal grants, loans, **TRANSPORTATION FACILITY REVENUE SOURCES**, and other programs, the Department from time to time may issue its bonds and otherwise borrow funds, as provided in this subtitle, to finance the costs of transportation facilities.

(b) The Department may apply for any financial assistance in support of projects deemed appropriate by the Secretary.

(c) The Department may undertake the following actions and do all things necessary and appropriate consistent with such actions to utilize the available resources specified in subsection (a) of this section:

(1) Pledge and use existing and anticipated federal funds paid to or expected to be paid to the Department for transportation purposes for the payment of the principal of and interest on the Department's bonds or other debt obligations issued under this subtitle to finance the costs of transportation facilities; and

(2) (i) Borrow funds from the federal government or its agencies, and evidence such borrowing with a promissory note or other evidence of obligation;

(ii) Borrow funds from a nongovernment lender if the loan is guaranteed by the federal government or its agencies; and

(iii) 1. Use the proceeds of the loans described in items (i) and (ii) of this paragraph in connection with transportation facilities including use of the proceeds to pay the costs of financing transportation facilities and the payment of debt service on the Department's bonds issued in connection with such transportation facilities;

2. Repay the loans with revenues attributable to the transportation facilities being financed; and

3. Pledge revenues attributable to the transportation facilities being financed in order to secure the Department's obligations to the federal government or its agencies or a nongovernment lender in connection with the loans.

(d) If the Department intends to pledge any future federal aid from any source to support repayment of bonds issued under this subtitle:

(1) The aggregate principal amount of debt issued under this subtitle or Title 4, Subtitle 3 of this article that is secured by a pledge of future federal aid may not exceed \$750,000,000;

(2) The date of maturity may not be later than 12 years after the date of issue;

(3) Notwithstanding § 3–215(d) of this title, if future federal aid is insufficient to pay the principal of and interest on the bonds issued under this subtitle when due, the tax levied under § 3–215 of this title, to the extent the proceeds of such tax are not necessary to provide the sinking fund required under § 3–215(c) of this title, is irrevocably pledged to the payment of the principal of and interest on the bonds issued under this subtitle as they become due and payable;

(4) The lien of the pledge under item (3) of this subsection shall at all times be subordinate to the lien of the pledge of such tax under § 3–215(d) of this title to the payment of principal of and interest on consolidated transportation bonds; and

(5) No part of the tax levied under § 3–215 of this title may be repealed, diminished, or applied to any other purpose until:

(i) The bonds issued under this subtitle and interest on them have become due and fully paid; or

(ii) Adequate and complete provision for payment of the principal and interest has been made.

**(E) (1) BY RESOLUTION OF THE SECRETARY, THE DEPARTMENT MAY:**

**(I) BORROW FUNDS TO FINANCE THE COSTS OF TRANSPORTATION FACILITIES;**

**(II) EVIDENCE THE BORROWING BY THE ISSUANCE AND SALE OF REVENUE-BACKED BONDS; AND**

**(III) PLEDGE AND USE A DEDICATED REVENUE SOURCE, WHICH MAY INCLUDE REVENUES ATTRIBUTABLE TO THE TRANSPORTATION FACILITIES BEING FINANCED, FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE DEPARTMENT’S REVENUE-BACKED BONDS DESCRIBED IN THIS SUBSECTION.**

**(2) PAYMENT OF THE PRINCIPAL OF OR INTEREST ON REVENUE-BACKED BONDS ISSUED UNDER THIS SUBTITLE MAY NOT BE SUPPORTED DIRECTLY OR INDIRECTLY BY STATE TAX REVENUES PLEDGED TO MEET DEBT SERVICE ON CONSOLIDATED TRANSPORTATION BONDS AS PRESCRIBED UNDER § 3–215 OF THIS TITLE.**

3–606.

(a) (1) Bonds issued under this subtitle may be secured by a trust agreement between the Department and a corporate trustee, which may be any trust company or bank having trust powers within or without the State.

(2) The trust agreement may pledge or assign [all]:

(I) ALL or any part of the existing and anticipated federal funds paid to or expected to be paid to the Department for transportation purposes;  
OR

(II) REVENUE FROM A DEDICATED REVENUE SOURCE, WHICH MAY INCLUDE REVENUES ATTRIBUTABLE TO THE TRANSPORTATION FACILITIES BEING FINANCED.

(3) THE TRUST AGREEMENT MAY NOT PLEDGE OR ASSIGN ANY STATE TAX REVENUES PLEDGED TO MEET DEBT SERVICE ON CONSOLIDATED TRANSPORTATION BONDS AS PRESCRIBED UNDER § 3-215 OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, May 5, 2014.

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## Chapter 275

(Senate Bill 104)

AN ACT concerning

### Health Officers and Baltimore City Commissioner of Health – Authority to Retain Collections and Waive Charges

FOR the purpose of authorizing a health officer for a county and the Baltimore City Commissioner of Health to authorize a county health department and the Baltimore City Health Department to retain certain collections received from certain fees, with certain exceptions; requiring each county health officer and the Baltimore City Commissioner of Health to report annually to the Secretary of Health and Mental Hygiene on the use of certain collections; authorizing a health officer for a political subdivision to waive a certain charge under certain circumstances; and generally relating to health officers and the Baltimore City Commissioner of Health.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 3-306 and 16-201(b)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – Health – General**

3–306.

(a) Except as provided by agreement between the Secretary and the local governing body, and in addition to the powers and duties set forth elsewhere, each health officer has the powers and duties set forth in this section.

(b) A health officer may obtain samples of food and drugs for analysis.

(c) (1) The health officer for a county is the executive officer and secretary of the county board of health.

(2) Except in Montgomery County, the health officer for a county shall appoint the staff of the county health department.

(3) The health officer for a county shall have an office at an accessible place in the county.

(4) (i) The health officer for a county shall enforce throughout the county:

1. Under the direction of the Secretary, the State health laws and the policies, rules, and regulations that the Secretary adopts; and

2. Except as provided in subparagraph (ii) of this paragraph, under the direction of the county board of health, the rules and regulations that the county board of health adopts.

(ii) The health officer for a county shall enforce in each municipality or special taxing district in the county the rules or regulations that the county board of health adopts unless the municipality or district has a charter provision or ordinance that:

1. Covers the same subject matter as the county rule or regulation;

2. Is at least as restrictive as the county rule or regulation; and

3. Includes provisions for enforcement.

(5) A health officer shall perform any investigation or other duty or function directed by the Secretary or the county board of health and submit appropriate reports to them.

(d) Subject to the consent of the governing body of the county and the written approval of the Secretary, a health officer for a county may enter into a contract or any other written agreement to assist or participate in the delivery of health care services with a person that is authorized to provide, finance, coordinate, facilitate, or otherwise deliver health care services in the State.

**(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HEALTH OFFICER FOR A COUNTY AND THE BALTIMORE CITY COMMISSIONER OF HEALTH MAY AUTHORIZE THE COUNTY HEALTH DEPARTMENT TO RETAIN ALL COLLECTIONS, INCLUDING ANY UNSPENT BALANCE AT THE END OF A FISCAL YEAR, RECEIVED FROM:**

**(I) FEES AUTHORIZED UNDER THIS ARTICLE;**

**(II) FEES AUTHORIZED UNDER THE ENVIRONMENT ARTICLE; AND**

**(III) FEES DERIVED FROM CHARGES AUTHORIZED UNDER TITLE 16, SUBTITLE 2 OF THIS ARTICLE.**

**(2) THE AUTHORITY TO RETAIN COLLECTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY:**

**(I) TO LICENSE FEES SET BY A COUNTY GOVERNING BODY OR BALTIMORE CITY AND PAID TO THE CHIEF FINANCIAL OFFICER OF THE COUNTY OR BALTIMORE CITY AS AUTHORIZED UNDER STATE LAW;**

**(II) TO FEES THAT MUST BE TRANSFERRED TO THE GENERAL FUND UNDER § 4-217(C) OF THIS ARTICLE FROM THE FEES COLLECTED FOR EACH BIRTH CERTIFICATE ISSUED OR REPORT ISSUED THAT A SEARCH WAS MADE BUT THE REQUESTED RECORD IS NOT ON FILE; OR**

**(III) IF THE RETENTION OF COLLECTIONS WOULD BE INCONSISTENT WITH ESTABLISHED LOCAL PRACTICE.**

**(3) EACH HEALTH OFFICER FOR A COUNTY AND THE BALTIMORE CITY COMMISSIONER OF HEALTH SHALL REPORT ANNUALLY TO THE SECRETARY ON THE USE OF COLLECTIONS RETAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

[(e)] (F) The Secretary may delegate duties, powers, and functions as provided in this article to a health officer for a county or other county official authorized to administer and enforce health and environmental laws.

16–201.

(b) (1) The Secretary shall require political subdivisions and grantees to set, subject to approval and modifications of the Secretary, charges for services that are provided by the political subdivisions or grantees and that are supported wholly or partly by State or federal funds administered by the Department.

(2) IF A HEALTH OFFICER FOR A POLITICAL SUBDIVISION CONSIDERS IT TO BE IN THE BEST INTEREST OF PUBLIC HEALTH, THE HEALTH OFFICER MAY WAIVE A CHARGE SET UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, May 5, 2014.

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## Chapter 276

(Senate Bill 160)

AN ACT concerning

### Commercial Law – Debt Settlement Services – Sunset and Reporting Extension

FOR the purpose of extending to a certain date a certain reporting requirement of a registered debt settlement services provider; extending the deadline for certain reporting requirements of the Office of the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation and the Consumer Protection Division in the Office of the Attorney General; extending the termination date for the Maryland Debt Settlement Services Act; extending the expiration of certain registrations or renewal of registrations for a debt settlement services provider; and generally relating to debt settlement services and debt settlement services providers.

BY repealing and reenacting, with amendments,  
Chapter 280 of the Acts of the General Assembly of 2011  
Section 2(a), 3, and 4

BY repealing and reenacting, with amendments,

Chapter 281 of the Acts of the General Assembly of 2011  
Section 2(a), 3, and 4

BY repealing and reenacting, with amendments,  
Article – Financial Institutions  
Section 12–1009  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

### **Chapter 280 of the Acts of 2011**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before March 15 of each year beginning with March 15, 2012, and ending with March 15, [2014] **2015**, each debt settlement services provider that is registered with the Commissioner of Financial Regulation, as required under Section 1 of this Act, shall report to the Commissioner on the debt settlement services business the registrant conducted during the preceding calendar year.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, [2014] **2015**, the Office of the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation, in consultation with the Consumer Protection Division of the Office of the Attorney General, shall report, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on its recommendations regarding changes to the Maryland Debt Settlement Services Act, including:

(1) whether to transition from a registration requirement to a licensure requirement for debt settlement services providers; and

(2) whether a cap on debt settlement services fees would be beneficial to consumers and fair to the debt settlement services industry.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. It shall remain effective for a period of [3] 4 years and 9 months and, at the end of June 30, [2015] **2016**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

### **Chapter 281 of the Acts of 2011**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before March 15 of each year beginning with March 15, 2012, and ending with March 15, [2014] **2015**, each debt settlement services provider that is

registered with the Commissioner of Financial Regulation, as required under Section 1 of this Act, shall report to the Commissioner on the debt settlement services business the registrant conducted during the preceding calendar year.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, [2014] **2015**, the Office of the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation, in consultation with the Consumer Protection Division of the Office of the Attorney General, shall report, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on its recommendations regarding changes to the Maryland Debt Settlement Services Act, including:

(1) whether to transition from a registration requirement to a licensure requirement for debt settlement services providers; and

(2) whether a cap on debt settlement services fees would be beneficial to consumers and fair to the debt settlement services industry.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. It shall remain effective for a period of [3] **4** years and 9 months and, at the end of June 30, [2015] **2016**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

### **Article – Financial Institutions**

12-1009.

(a) A registration issued under this subtitle expires on December 31 of each odd-numbered year unless the registration is renewed for a 2-year term as provided in subsection (b) of this section.

(b) On or before December 1 of the year of expiration, a registration may be renewed for a 2-year term if the registrant:

(1) Otherwise is entitled to be registered;

(2) Pays to the Commissioner the renewal fee established under § 12-1006 of this subtitle; and

(3) Submits to the Commissioner a renewal application on the form that the Commissioner requires.

**(C) A REGISTRATION OR A RENEWAL OF A REGISTRATION WITH AN EXPIRATION DATE OF DECEMBER 1, 2015, SHALL AUTOMATICALLY EXTEND AND EXPIRE ON JUNE 1, 2016, WITHOUT PAYMENT OF AN ADDITIONAL FEE OR SUBMISSION OF AN APPLICATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 277**

**(House Bill 704)**

AN ACT concerning

### **Commercial Law – Debt Settlement Services – Sunset and Reporting Extension**

FOR the purpose of extending to a certain date a certain reporting requirement of a registered debt settlement services provider; extending the deadline for certain reporting requirements of the Office of the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation and the Consumer Protection Division in the Office of the Attorney General; extending the termination date for the Maryland Debt Settlement Services Act; extending the expiration of certain registrations or renewal of registrations for a debt settlement services provider; and generally relating to debt settlement services and debt settlement services providers.

BY repealing and reenacting, with amendments,  
Chapter 280 of the Acts of the General Assembly of 2011  
Section 2(a), 3, and 4

BY repealing and reenacting, with amendments,  
Chapter 281 of the Acts of the General Assembly of 2011  
Section 2(a), 3, and 4

BY repealing and reenacting, with amendments,  
Article – Financial Institutions  
Section 12–1009  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

### **Chapter 280 of the Acts of 2011**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before March 15 of each year beginning with March 15, 2012, and ending with March 15, [2014] **2015**, each debt settlement services provider that is registered with the Commissioner of Financial Regulation, as required under Section 1 of this Act, shall report to the Commissioner on the debt settlement services business the registrant conducted during the preceding calendar year.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, [2014] **2015**, the Office of the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation, in consultation with the Consumer Protection Division of the Office of the Attorney General, shall report, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on its recommendations regarding changes to the Maryland Debt Settlement Services Act, including:

(1) whether to transition from a registration requirement to a licensure requirement for debt settlement services providers; and

(2) whether a cap on debt settlement services fees would be beneficial to consumers and fair to the debt settlement services industry.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. It shall remain effective for a period of [3] 4 years and 9 months and, at the end of June 30, [2015] **2016**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

### **Chapter 281 of the Acts of 2011**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before March 15 of each year beginning with March 15, 2012, and ending with March 15, [2014] **2015**, each debt settlement services provider that is registered with the Commissioner of Financial Regulation, as required under Section 1 of this Act, shall report to the Commissioner on the debt settlement services business the registrant conducted during the preceding calendar year.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, [2014] **2015**, the Office of the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation, in consultation with the Consumer Protection Division of the Office of the Attorney General, shall report, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on its recommendations regarding changes to the Maryland Debt Settlement Services Act, including:

(1) whether to transition from a registration requirement to a licensure requirement for debt settlement services providers; and

(2) whether a cap on debt settlement services fees would be beneficial to consumers and fair to the debt settlement services industry.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. It shall remain effective for a period of [3] 4 years and 9 months and, at the end of June 30, [2015] **2016**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

### **Article – Financial Institutions**

12–1009.

(a) A registration issued under this subtitle expires on December 31 of each odd-numbered year unless the registration is renewed for a 2-year term as provided in subsection (b) of this section.

(b) On or before December 1 of the year of expiration, a registration may be renewed for a 2-year term if the registrant:

(1) Otherwise is entitled to be registered;

(2) Pays to the Commissioner the renewal fee established under § 12–1006 of this subtitle; and

(3) Submits to the Commissioner a renewal application on the form that the Commissioner requires.

**(C) A REGISTRATION OR A RENEWAL OF A REGISTRATION WITH AN EXPIRATION DATE OF DECEMBER 1, 2015, SHALL AUTOMATICALLY EXTEND AND EXPIRE ON JUNE 1, 2016, WITHOUT PAYMENT OF AN ADDITIONAL FEE OR SUBMISSION OF AN APPLICATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 278**

**(Senate Bill 161)**

AN ACT concerning

**Alcoholic Beverages – Hard Cider – Definition**

FOR the purpose of altering the definition of hard cider to include certain beverages derived primarily from pears or pear concentrate and water; and generally relating to the definition of hard cider.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 1–102(a)(1)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 1–102(a)(9–1)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article 2B – Alcoholic Beverages**

1–102.

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

(9–1) “Hard cider” means a beverage derived primarily from [apples or] **APPLES**, apple concentrate and water, **PEARS, OR PEAR CONCENTRATE AND WATER**, containing no other fruit product, and containing at least one-half of 1% and less than 7% of alcohol by volume.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, May 5, 2014.**

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**Chapter 279**

**(Senate Bill 203)**

AN ACT concerning

**Charles County – Board of Education – Salaries and Expenses**

FOR the purpose of altering the compensation received by the chair, vice chair, and other nonstudent members of the Charles County Board of Education; providing that the chair, vice chair, and other nonstudent members of the county board may be reimbursed for certain expenses under certain circumstances; altering the requirements for reimbursement of certain expenses incurred by a student member of the county board; establishing a certain scholarship for a student member of the county board who fulfills a certain requirement; providing that this Act does not apply to the salary or compensation of the chair and members of the county board during a certain term of office; making stylistic changes; and generally relating to the Charles County Board of Education.

BY repealing and reenacting, with amendments,

Article – Education

Section 3–501(g), 3–502, and 3–503

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

#### **Article – Education**

3–501.

(g) (1) The student member of the Charles County Board shall be an 11th or 12th grade student in the Charles County Public School System.

(2) The student member, and an alternate, shall be selected in accordance with procedures approved by the board. These procedures shall reflect recommendations by and involvement of the Charles County Association of Student Councils.

(3) The term of the student member shall be 1 year.

(4) The student member may not vote, but may indicate a preference for or against any question before the board.

(5) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session that relates to special education placements, collective bargaining, or hearings held under § 6–202 of this article.

[(6) The student member may not receive compensation but, after submitting expense vouchers, may be reimbursed for out-of-pocket expenses incurred in connection with official duties approved by the board.]

3–502.

(a) The county board shall elect a [chairman] **CHAIR** and a vice [chairman] **CHAIR** from among its members at an annual meeting to be held on the second Tuesday in January.

(b) If there is a vacancy in the office of [chairman] **CHAIR** or vice [chairman] **CHAIR**, the county board shall elect a replacement within 30 days after the vacancy occurs.

3–503.

(a) (1) The salary of the [chairman] **CHAIR** of the county board is:

(i) [\$3,820] **\$5,000** for calendar [years 1999 through 2002] **YEAR 2014**; and

(ii) [\$5,000] **\$7,000** per year beginning January 1, [2003] **2015**, and for each subsequent year.

(2) The [chairman] **CHAIR** is entitled[, for travel and other expenses,] to:

(I) \$1,500 [in calendar year 1999 and] each [subsequent] **CALENDAR year FOR TRAVEL AND OTHER EXPENSES; AND**

(II) **AFTER SUBMITTING EXPENSE VOUCHERS AND SUPPORTING RECEIPTS, REIMBURSEMENT FOR A MAXIMUM OF \$1,000 PER YEAR OF OUT-OF-POCKET EXPENSES INCURRED IN CONNECTION WITH ATTENDANCE AT OUT-OF-COUNTY MEETINGS AND CONFERENCES RELATED TO OFFICIAL DUTIES.**

(b) (1) The salary of the vice [chairman] **CHAIR AND EACH NONSTUDENT MEMBER** of the county board is:

(i) [\$3,500] **\$4,000** for [the] calendar [years 1999 through 2002] **YEAR 2014**; and

(ii) [\$4,000] **\$6,000** per year beginning January 1, [2003] **2015**, and **FOR** each subsequent year.

(2) The vice [chairman is] **CHAIR AND EACH NONSTUDENT MEMBER ARE** entitled to:

**(I) \$600 [each year] for travel and other expenses FOR CALENDAR YEAR 2014;**

**(II) \$800 PER YEAR FOR TRAVEL AND OTHER EXPENSES BEGINNING JANUARY 1, 2015, AND FOR EACH SUBSEQUENT YEAR; AND**

**(III) AFTER SUBMITTING EXPENSE VOUCHERS AND SUPPORTING RECEIPTS, REIMBURSEMENT FOR A MAXIMUM OF \$1,000 PER YEAR OF OUT-OF-POCKET EXPENSES INCURRED IN CONNECTION WITH ATTENDANCE AT OUT-OF-COUNTY MEETINGS AND CONFERENCES RELATED TO OFFICIAL DUTIES.**

**[(c) (1) The salary of a member of the county board is:**

**(i) \$3,185 for the calendar years 1998 through 2002; and**

**(ii) \$4,000 per year beginning January 1, 2003 and each subsequent year.**

**(2) Each member is entitled to \$600 each year for travel and other expenses.]**

**[(d)] (C) Each salary provided under this section shall be paid on a quarterly basis.**

**(D) (1) THE STUDENT MEMBER MAY NOT RECEIVE COMPENSATION BUT, AFTER SUBMITTING EXPENSE VOUCHERS AND SUPPORTING RECEIPTS, MAY BE REIMBURSED FOR OUT-OF-POCKET EXPENSES INCURRED IN CONNECTION WITH OFFICIAL DUTIES APPROVED BY THE BOARD.**

**(2) A STUDENT MEMBER WHO COMPLETES A FULL TERM ON THE BOARD SHALL BE GRANTED A SCHOLARSHIP OF \$1,000 TO BE APPLIED TOWARD THE STUDENT'S HIGHER EDUCATION COSTS.**

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the chair and members of the Charles County Board of Education while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the chair and members of the Charles County Board of Education shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 280**

### **(Senate Bill 226)**

AN ACT concerning

#### **Alcoholic Beverages – Brewing Company Off-Site Permit**

FOR the purpose of authorizing the Office of the Comptroller to issue a brewing company off-site permit to certain persons that meet certain requirements; requiring the Office to collect a fee for a brewing company off-site permit; authorizing a brewing company off-site permit holder to provide and sell a certain amount of beer for certain purposes under certain circumstances; requiring a brewing company off-site permit holder to have a certain agent present while selling beer or providing samples at a farmers' market; specifying certain events at which a brewing company off-site permit may be used; specifying the term of a brewing company off-site permit; requiring an applicant for a brewing company off-site permit to submit a certain application form developed by the Office and pay a certain fee to obtain a permit; requiring a brewing company off-site permit holder to notify the Office within a certain period of time of the permit holder's intention to attend an off-site event; authorizing the Office to adopt regulations to require a brewing company off-site permit holder to notify a certain board of license commissioners of the permit holder's intention to attend an off-site event; and generally relating to brewing company off-site permits.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 2-101(b)(1)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY adding to  
Article 2B – Alcoholic Beverages  
Section 2-105  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article 2B – Alcoholic Beverages**

2–101.

(b) (1) (i) The Office of the Comptroller shall collect a fee for the issuance or renewal of the following permits:

1. \$50 for a solicitor's permit, an individual storage permit, a nonresident winery permit, or a commercial nonbeverage permit;

2. \$75 for a public storage permit, a public transportation permit, or an import and export permit;

3. \$200 for a public storage and transportation permit, a nonresident dealer's permit, a resident dealer's permit, or a bulk transfer permit;

4. \$400 for a family beer and wine facility permit;

5. \$200 for issuance or renewal of a direct wine shipper's permit;

6. \$100 for a common carrier permit;

7. \$100 for a winery off-site permit; [and]

8. \$100 for a wine festival permit; AND

**9. \$100 FOR A BREWING COMPANY OFF-SITE PERMIT.**

(ii) The Office of the Comptroller shall issue a nonbeverage permit without the payment of any fee for an eleemosynary or a fuel-alcohol permittee.

2–105.

**(A) THERE IS A BREWING COMPANY OFF-SITE PERMIT.**

**(B) THE OFFICE OF THE COMPTROLLER MAY ISSUE THE PERMIT TO ~~A CLASS 5 BREWERY~~, A CLASS 7 MICRO-BREWERY, THAT PRODUCES LESS THAN 3,000 BARRELS PER YEAR OR A CLASS 8 FARM BREWERY THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

**(C) DURING AN EVENT LISTED IN SUBSECTION (E) OF THIS SECTION, THE PERMIT HOLDER MAY:**

(1) PROVIDE TO A CONSUMER A SAMPLE THAT HAS BEEN PRODUCED BY THE PERMIT HOLDER AND THAT MAY NOT EXCEED 1 FLUID OUNCE FOR EACH BRAND;

(2) SELL TO A CONSUMER UP TO 288 OUNCES OF BEER THAT HAS BEEN PRODUCED BY THE PERMIT HOLDER FOR OFF-PREMISES CONSUMPTION; AND

(3) EXCEPT FOR FARMERS' MARKETS LISTED IN SUBSECTION (E) OF THIS SECTION, SELL TO A CONSUMER UP TO 288 OUNCES OF BEER THAT IS PRODUCED BY THE PERMIT HOLDER FOR ON- AND OFF-PREMISES CONSUMPTION.

(D) WHILE SELLING BEER OR PROVIDING SAMPLES AT A FARMERS' MARKET AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A PERMIT HOLDER SHALL HAVE AN AGENT PRESENT WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.

(E) THE BREWING COMPANY OFF-SITE PERMIT MAY BE USED ONLY:

(1) DURING THE MONTGOMERY COUNTY AGRICULTURAL FAIR;

(2) DURING THE MARYLAND STATE AGRICULTURAL FAIR;

(3) DURING THE FREDERICK COUNTY AGRICULTURAL FAIR;

(4) ONE NIGHT EACH WEEK FROM JUNE THROUGH NOVEMBER AT THE NORTH BEACH FRIDAY NIGHT FARMERS' MARKET;

(5) ~~AT~~ FOR UP TO SEVEN EVENTS, AT AN EVENT THAT HAS AS ITS MAJOR PURPOSE AN ACTIVITY:

(I) THAT IS OTHER THAN THE SALE AND PROMOTION OF ALCOHOLIC BEVERAGES; AND

(II) FOR WHICH THE PARTICIPATION OF A BREWING COMPANY IS A SUBORDINATE ACTIVITY;

(6) AT OTHER FARMERS' MARKETS THAT ARE LISTED ON THE FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE; AND

(7) AT A BEER FESTIVAL THAT:

(I) HAS AS ITS PRIMARY PURPOSE THE PROMOTION OF MARYLAND BEER; AND

(II) IS AUTHORIZED BY THE OFFICE OF THE COMPTROLLER UNDER § 22-103 OF THIS SUBTITLE.

(F) THE TERM OF A BREWING COMPANY OFF-SITE PERMIT IS 1 YEAR.

(G) AN APPLICANT SHALL:

(1) SUBMIT TO THE OFFICE OF THE COMPTROLLER A COMPLETED APPLICATION ON A FORM THAT THE OFFICE OF THE COMPTROLLER PROVIDES; AND

(2) PAY A FEE OF \$100 FOR THE BREWING COMPANY OFF-SITE PERMIT.

(H) (1) NO LATER THAN THE 20TH DAY OF THE MONTH PRECEDING THE OFF-SITE EVENT, THE PERMIT HOLDER SHALL NOTIFY THE OFFICE OF THE COMPTROLLER OF THE PERMIT HOLDER'S INTENTION TO ATTEND AN OFF-SITE EVENT.

(2) THE NOTICE SHALL BE ON A FORM THAT THE OFFICE OF THE COMPTROLLER PROVIDES.

(I) THE COMPTROLLER MAY ADOPT REGULATIONS TO REQUIRE THE PERMIT HOLDER TO NOTIFY THE BOARD OF LICENSE COMMISSIONERS IN THE COUNTY WHERE THE EVENT IS BEING HELD OF THE PERMIT HOLDER'S INTENTION TO ATTEND AN OFF-SITE EVENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, May 5, 2014.

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## Chapter 281

(Senate Bill 232)

AN ACT concerning

Procurement – Prevailing Wage – Applicability

FOR the purpose of ~~repealing a certain limitation on the applicability of the Prevailing Wage Law to the construction of a public work by revising a certain definition; specifying the percentage of State money that must be used in an elementary or a secondary school construction project before the Prevailing Wage Law applies by altering certain definitions; providing for the application of this Act; and generally relating to the applicability of the Prevailing Wage Law.~~

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 17–201  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – State Finance and Procurement**

17–201.

(a) In this subtitle, unless the context indicates otherwise, the following words have the meanings indicated.

(b) “Apprentice” means an individual who:

(1) is at least 16 years old;

(2) has signed with an employer or employer’s agent, an association of employers, an organization of employees, or a joint committee from both, an agreement including a statement of:

(i) the trade, craft, or occupation that the individual is learning;  
and

(ii) the beginning and ending dates of the apprenticeship; and

(3) is registered in a program of the Council or the Bureau of Apprenticeship and Training of the United States Department of Labor.

(c) “Commissioner” means:

(1) the Commissioner of Labor and Industry;

(2) the Deputy Commissioner of Labor and Industry; or

(3) an authorized representative of the Commissioner.

(d) "Construction" includes all:

- (1) building;
- (2) reconstructing;
- (3) improving;
- (4) enlarging;
- (5) painting and decorating;
- (6) altering;
- (7) maintaining; and
- (8) repairing.

(e) "Council" means the Apprenticeship and Training Council.

(f) (1) "Employee" means an apprentice or worker employed by a contractor or subcontractor under a public work contract.

(2) "Employee" does not include an individual employed by a public body.

(g) (1) "Locality" means the county in which the work is to be performed.

(2) If the public work is located within 2 or more counties, the locality includes all counties in which the public work is located.

(h) "Prevailing wage rate" means the hourly rate of wages paid in the locality as determined by the Commissioner under § 17-208 of this subtitle.

(i) (1) "Public body" means:

(i) the State;

(ii) except as provided in paragraph ~~[(2)(i)]~~ ~~(2)~~ of this subsection, a unit of the State government or instrumentality of the State;

(iii) any political subdivision, agency, person, or ~~entity~~ **ENTITY**;

**1. WITH RESPECT TO THE CONSTRUCTION OF AN ELEMENTARY OR A SECONDARY SCHOOL FOR WHICH 25% OR MORE OF THE MONEY USED FOR CONSTRUCTION IS STATE MONEY; OR**

**2.** with respect to the construction of any **OTHER** public work ~~for which 50% or more of the money used for construction is~~ ~~FUNDED IN WHOLE OR IN PART WITH~~ State money;

(iv) ~~notwithstanding paragraph (2)(ii) of this subsection,~~ a political subdivision if its governing body:

1. provides by ordinance or resolution that the political subdivision is covered by this subtitle; and

2. gives written notice of that ordinance or resolution to the Commissioner; and

(v) the Washington Suburban Sanitary Commission.

(2) “Public body” does not include:

(i) ~~except as provided in paragraph (1)(v) of this subsection, a unit of the State government or instrumentality of the State funded wholly from a source other than the State~~; or

(ii) any political subdivision, agency, person, or ~~entity~~ **ENTITY**;

**1. WITH RESPECT TO THE CONSTRUCTION OF AN ELEMENTARY OR A SECONDARY SCHOOL FOR WHICH LESS THAN 25% OF THE MONEY USED FOR CONSTRUCTION IS STATE MONEY; OR**

**2.** with respect to the construction of any **OTHER** public work for which less than 50% of the money used for construction is State money~~;~~.

(j) (1) Subject to paragraph (2) of this subsection, “public work” means a structure or work, including a bridge, building, ditch, road, alley, waterwork, or sewage disposal plant, that:

(i) is constructed for public use or benefit; or

(ii) is paid for wholly or partly by public money.

(2) “Public work” does not ~~include~~ **INCLUDE**:

~~(I) A STRUCTURE OR WORK WHOSE CONSTRUCTION IS PERFORMED BY A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION, REGARDLESS OF PAYMENT WHOLLY OR PARTLY BY PUBLIC MONEY; OR~~

~~(H)~~ unless let to contract, a structure or work whose construction is performed by a public service company under order of the Public Service Commission or other public authority regardless of:

[i] 1. public supervision or direction; or

[ii] 2. payment wholly or partly from public ~~money~~ **MONEY;**

OR

(II) AN ELEMENTARY OR A SECONDARY SCHOOL IF:

1. THE SCHOOL IS NOT IN A POLITICAL SUBDIVISION COVERED UNDER SUBSECTION (I)(1)(IV) OF THIS SECTION; AND

2. THE STATE PROVIDES LESS THAN 25% OF THE MONEY FOR CONSTRUCTION.

(k) "Public work contract" means a contract for construction of a public work.

(l) "Worker" means a laborer or mechanic.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to a procurement contract executed on or after July 1, 2014.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, May 5, 2014.

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## Chapter 282

(House Bill 727)

AN ACT concerning

### Procurement – Prevailing Wage – Applicability

FOR the purpose of ~~repealing a certain limitation on the applicability of the Prevailing Wage Law to the construction of a public work by revising a certain definition; specifying the percentage of State money that must be used in an elementary or~~

a secondary school construction project before the Prevailing Wage Law applies by altering certain definitions; providing for the application of this Act; and generally relating to the applicability of the Prevailing Wage Law.

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 17–201

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

### **Article – State Finance and Procurement**

17–201.

(a) In this subtitle, unless the context indicates otherwise, the following words have the meanings indicated.

(b) “Apprentice” means an individual who:

(1) is at least 16 years old;

(2) has signed with an employer or employer’s agent, an association of employers, an organization of employees, or a joint committee from both, an agreement including a statement of:

(i) the trade, craft, or occupation that the individual is learning;  
and

(ii) the beginning and ending dates of the apprenticeship; and

(3) is registered in a program of the Council or the Bureau of Apprenticeship and Training of the United States Department of Labor.

(c) “Commissioner” means:

(1) the Commissioner of Labor and Industry;

(2) the Deputy Commissioner of Labor and Industry; or

(3) an authorized representative of the Commissioner.

(d) “Construction” includes all:

(1) building;

- (2) reconstructing;
- (3) improving;
- (4) enlarging;
- (5) painting and decorating;
- (6) altering;
- (7) maintaining; and
- (8) repairing.

(e) “Council” means the Apprenticeship and Training Council.

(f) (1) “Employee” means an apprentice or worker employed by a contractor or subcontractor under a public work contract.

(2) “Employee” does not include an individual employed by a public body.

(g) (1) “Locality” means the county in which the work is to be performed.

(2) If the public work is located within 2 or more counties, the locality includes all counties in which the public work is located.

(h) “Prevailing wage rate” means the hourly rate of wages paid in the locality as determined by the Commissioner under § 17–208 of this subtitle.

(i) (1) “Public body” means:

(i) the State;

(ii) except as provided in paragraph ~~[(2)(i)]~~ ~~(2)~~ of this subsection, a unit of the State government or instrumentality of the State;

(iii) any political subdivision, agency, person, or ~~entity~~ ENTITY:

**1. WITH RESPECT TO THE CONSTRUCTION OF AN ELEMENTARY OR A SECONDARY SCHOOL FOR WHICH 25% OR MORE OF THE MONEY USED FOR CONSTRUCTION IS STATE MONEY; OR**

**2.** with respect to the construction of any OTHER public work ~~for which 50% or more of the money used for construction is~~ ~~FUNDED IN WHOLE OR IN PART WITH~~ State money;

(iv) ~~notwithstanding~~ paragraph (2)(ii) of this subsection, ~~a~~ political subdivision if its governing body:

1. provides by ordinance or resolution that the political subdivision is covered by this subtitle; and

2. gives written notice of that ordinance or resolution to the Commissioner; and

(v) the Washington Suburban Sanitary Commission.

(2) “Public body” does not include~~:~~

(i) ~~except as provided in paragraph (1)(v) of this subsection, a unit of the State government or instrumentality of the State funded wholly from a source other than the State~~; or

(ii) any political subdivision, agency, person, or ~~entity~~ ENTITY:

**1. WITH RESPECT TO THE CONSTRUCTION OF AN ELEMENTARY OR A SECONDARY SCHOOL FOR WHICH LESS THAN 25% OF THE MONEY USED FOR CONSTRUCTION IS STATE MONEY; OR**

**2.** with respect to the construction of any OTHER public work for which less than 50% of the money used for construction is State money~~;~~.

(j) (1) Subject to paragraph (2) of this subsection, “public work” means a structure or work, including a bridge, building, ditch, road, alley, waterwork, or sewage disposal plant, that:

(i) is constructed for public use or benefit; or

(ii) is paid for wholly or partly by public money.

(2) “Public work” does not ~~include;~~ **INCLUDE:**

**~~(I) A STRUCTURE OR WORK WHOSE CONSTRUCTION IS PERFORMED BY A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION, REGARDLESS OF PAYMENT WHOLLY OR PARTLY BY PUBLIC MONEY; OR~~**

~~(H)~~ unless let to contract, a structure or work whose construction is performed by a public service company under order of the Public Service Commission or other public authority regardless of:

[ (i) ] 1. public supervision or direction; or

[ (ii) ] 2. payment wholly or partly from public money; OR

(II) AN ELEMENTARY OR A SECONDARY SCHOOL IF:

1. THE SCHOOL IS NOT IN A POLITICAL SUBDIVISION COVERED UNDER SUBSECTION (I)(1)(IV) OF THIS SECTION; AND

2. THE STATE PROVIDES LESS THAN 25% OF THE MONEY FOR CONSTRUCTION.

(k) "Public work contract" means a contract for construction of a public work.

(l) "Worker" means a laborer or mechanic.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to a procurement contract executed on or after July 1, 2014.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, May 5, 2014.

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## Chapter 283

(Senate Bill 236)

AN ACT concerning

### Constitutional Officers – Salaries

FOR the purpose of providing for the annual salaries of the Comptroller, Treasurer, Attorney General, and Secretary of State; providing for the application of this Act; and generally relating to the salaries of certain constitutional officers of Maryland.

BY repealing and reenacting, with amendments,

Article – State Government

Section 4–103, 5–104, 6–103, and 7–107

Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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

**Article – State Government**

4–103.

The Comptroller's annual salary shall be:

(1) ~~[\$112,500]~~ **\$137,500** for the first year of the term beginning January ~~[2003]~~ **2015**;

(2) ~~[\$116,667]~~ **\$141,500** starting on the first anniversary of the beginning of the term;

(3) ~~[\$120,833]~~ **\$145,500** starting on the second anniversary of the beginning of the term; and

(4) ~~[\$125,000]~~ **\$149,500** starting on the third anniversary of the beginning of the term and thereafter.

5–104.

(a) The Treasurer shall devote full time to the duties of office.

(b) The Treasurer shall address the Legislative Policy Committee of the General Assembly on a semiannual basis and as necessary on issues of legislative importance, including the activities of the Board of Public Works, bond sales, and investment and procurement initiatives.

(c) The Treasurer's annual salary shall be:

(1) ~~[\$112,500]~~ **\$137,500** for the first year of appointment beginning January, ~~[2003]~~ **2015**;

(2) ~~[\$116,667]~~ **\$141,500** starting on the first anniversary after appointment;

(3) ~~[\$120,833]~~ **\$145,500** starting on the second anniversary after appointment; and

(4) ~~[\$125,000]~~ **\$149,500** starting on the third anniversary after appointment and thereafter.

6–103.

(a) There is an Attorney General of the State, as provided in Article V, § 1 of the Maryland Constitution.

(b) The Attorney General's annual salary shall be:

(1) ~~[\$112,500]~~ **\$137,500** for the first year of the term beginning January, ~~[2003]~~ **2015**;

(2) ~~[\$116,667]~~ **\$141,500** starting on the first anniversary of the beginning of the term;

(3) ~~[\$120,833]~~ **\$145,500** starting on the second anniversary of the beginning of the term; and

(4) ~~[\$125,000]~~ **\$149,500** starting on the third anniversary of the beginning of the term and thereafter.

(c) The Attorney General is also entitled to reimbursement for travel and other expenses that are connected with the duties of the Office.

7–107.

The Secretary of State's annual salary shall be:

(1) ~~[\$78,750]~~ **\$96,500** for the first year of appointment beginning January, ~~[2003]~~ **2015**;

(2) ~~[\$81,667]~~ **\$99,500** starting on the first anniversary after appointment;

(3) ~~[\$84,583]~~ **\$102,500** starting on the second anniversary after appointment; and

(4) ~~[\$87,500]~~ **\$105,500** starting on the third anniversary after appointment and thereafter.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Comptroller, Treasurer, Attorney General, or Secretary of State while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Comptroller, Treasurer, Attorney General, or Secretary of State shall take effect at the beginning of the next following term of office. This limitation does not apply to an

individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 284**

### **(Senate Bill 238)**

AN ACT concerning

#### **Board of Public Works – Relocatable Classrooms – Indoor Air Quality Requirements**

FOR the purpose of requiring the Board of Public Works, in consultation with certain departments, to adopt regulations that include certain specifications, relating to indoor air quality for the occupants of relocatable classrooms constructed after a certain date that are purchased or leased using State funds; and generally relating to indoor air quality requirements for relocatable classrooms and the Board of Public Works.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 5–301(b–1)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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

#### **Article – Education**

5–301.

(b–1) The Board of Public Works, in consultation with the Department of General Services and the Department of Housing and Community Development, shall adopt regulations establishing criteria designed to enhance indoor air quality for the occupants of relocatable classrooms **CONSTRUCTED AFTER JULY 1, 2014, THAT ARE** purchased or leased using State or local funds, including specifications that:

(1) Require each unit to include appropriate air barriers to limit infiltration;

(2) Require that each unit be constructed in a manner that provides protection against water damage through the use of proper roofing materials, exterior sheathing, water drainage systems, and flashing;

(3) Require that each unit provide continuous forced ventilation when the unit is occupied;

(4) Require each unit to include a programmable thermostat;

(5) Require each unit to be outfitted with energy efficient lighting and heating and air-conditioning systems; and

(6) Mandate that each unit be constructed with building materials that contain low amounts of volatile organic compounds (VOC) **IN ACCORDANCE WITH INDUSTRY STANDARDS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 285**

**(House Bill 628)**

AN ACT concerning

### **Board of Public Works – Relocatable Classrooms – Indoor Air Quality Requirements**

FOR the purpose of requiring the Board of Public Works, in consultation with certain departments, to adopt regulations that include certain specifications, relating to indoor air quality for the occupants of relocatable classrooms constructed after a certain date that are purchased or leased using State funds; and generally relating to indoor air quality requirements for relocatable classrooms and the Board of Public Works.

BY repealing and reenacting, with amendments,

Article – Education

Section 5–301(b–1)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

**Article – Education**

5–301.

(b–1) The Board of Public Works, in consultation with the Department of General Services and the Department of Housing and Community Development, shall adopt regulations establishing criteria designed to enhance indoor air quality for the occupants of relocatable classrooms **CONSTRUCTED AFTER JULY 1, 2014, THAT ARE** purchased or leased using State or local funds, including specifications that:

(1) Require each unit to include appropriate air barriers to limit infiltration;

(2) Require that each unit be constructed in a manner that provides protection against water damage through the use of proper roofing materials, exterior sheathing, water drainage systems, and flashing;

(3) Require that each unit provide continuous forced ventilation when the unit is occupied;

(4) Require each unit to include a programmable thermostat;

(5) Require each unit to be outfitted with energy efficient lighting and heating and air–conditioning systems; and

(6) Mandate that each unit be constructed with building materials that contain low amounts of volatile organic compounds (VOC) **IN ACCORDANCE WITH INDUSTRY STANDARDS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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**Chapter 286**

**(Senate Bill 250)**

AN ACT concerning

**Somerset County – Alcoholic Beverages – Micro–Brewery Licenses**

FOR the purpose of adding Somerset County to the list of jurisdictions in which a Class 7 micro–brewery license may be issued; adding Somerset County to the list of jurisdictions in which the holder of a Class 7 micro–brewery license may sell at retail beer brewed under the license to customers for consumption off the licensed premises in certain refillable containers; and generally relating to the issuance of Class 7 micro–brewery licenses in Somerset County.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 2–208(a), (c), (e), and (f)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 2–208(b) and (d)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article 2B – Alcoholic Beverages**

2–208.

- (a) There is a Class 7 micro–brewery (on– and off–sale) license.
- (b) The license shall be issued:
  - (1) By the State Comptroller;
  - (2) Only in the following jurisdictions:
    - (i) Allegany County;
    - (ii) Baltimore City;
    - (iii) Baltimore County;
    - (iv) The City of Annapolis;
    - (v) Anne Arundel County;
    - (vi) Calvert County;
    - (vii) Caroline County;

- (viii) Carroll County;
- (ix) Charles County;
- (x) Dorchester County;
- (xi) Frederick County;
- (xii) Garrett County;
- (xiii) Harford County;
- (xiv) Howard County;
- (xv) Kent County;
- (xvi) Montgomery County;
- (xvii) Prince George's County;
- (xviii) Queen Anne's County;
- (xix) St. Mary's County;
- (XX) SOMERSET COUNTY;**
- [(xx)] (XXI)** Talbot County;
- [(xxi)] (XXII)** Washington County;
- [(xxii)] (XXIII)** Wicomico County; and
- [(xxiii)] (XXIV)** Worcester County;

(3) (i) Only to a holder of a Class B beer, wine and liquor (on-sale) license that is issued for use on the premises of a restaurant located in a jurisdiction listed in paragraph (2) of this subsection;

(ii) To a holder of a Class D beer (off-sale) license that is issued for use on the premises of the existing Class D license if the premises are located in Kent County or the Town of Berlin in Worcester County; or

(iii) To a holder of a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license if the premises are located in:

George's County;

1. The 22nd Alcoholic Beverages District of Prince

2. Washington County; or

3. Dorchester County; and

(4) In addition to item (3) of this subsection, in Montgomery County only to a holder of a Class H beer and light wine license that is issued for use on the premises of a restaurant located in the County.

(c) (1) A holder of a Class 7 micro-brewery license:

- (i) May brew and bottle malt beverages at the license location;

- (ii) May obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro-brewery location to bottle malt beverages brewed at the micro-brewery location only;

- (iii) May contract with the holder of a Class 2 rectifying license held under § 2-203 of this subtitle, a Class 5 brewery license, a Class 7 micro-brewery license, or a Class 8 farm brewery license, or the holder of a nonresident dealer's permit to brew and bottle malt beverages on their behalf;

- (iv) May store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery to a licensed wholesaler, an authorized person outside this State, and for shipment back to the micro-brewery location for sale on the retail premises;

- (v) May not collectively brew, bottle, or contract for more than 22,500 barrels of malt beverages each calendar year; and

- (vi) May enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or wine and beer festival and the return of any unused beer if:

1. The beer festival or wine and beer festival is in a sales territory for which the holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act; and

2. The temporary delivery agreement is in writing.

(2) A Class 7 licensee who wishes to produce more than the barrelage authorized under paragraph (1)(v) of this subsection shall divest of any Class B, D, or any other retail license and obtain a Class 5 manufacturer's license.

(3) For the purposes of determining the barrelage limitation under paragraph (1)(v) of this subsection, any salable beer produced under contractual arrangements accrues only to the Class 7 micro–brewery licensee who is the brand owner.

(4) In Allegany County only, the holder of a Class 7 license:

(i) May brew in one location and may contract for the bottling of the malt beverage in another location; and

(ii) Need not meet the hotel/motel requirements for a Class B beer, wine and liquor licensee but shall meet the requirements for those Class B restaurants.

(d) (1) The on–sale privilege authorizes the holder, each calendar year, to sell at retail up to 4,000 barrels of beer brewed under this license to customers for consumption on the licensed premises.

(2) The off–sale privilege authorizes the holder to sell and deliver beer brewed under this license to:

(i) Any wholesaler licensed under this article to sell beer in this State; or

(ii) Any person who is located in a state other than Maryland who is authorized under the laws of that state to receive brewed beverages.

(3) (i) This paragraph applies only in:

1. Allegany County;
2. The City of Annapolis;
3. Anne Arundel County;
4. Baltimore City;
5. Baltimore County;
6. Calvert County;
7. Caroline County;
8. Carroll County;
9. Charles County;

10. Dorchester County;
11. Frederick County;
12. Garrett County;
13. Harford County;
14. Howard County;
15. Kent County;
16. Montgomery County;
17. Prince George's County;
18. Queen Anne's County;
19. St. Mary's County;
- 20. SOMERSET COUNTY;**
- [20.] **21.** Talbot County;
- [21.] **22.** Washington County;
- [22.] **23.** Wicomico County; and
- [23.] **24.** Worcester County.

(ii) The holder may sell at retail beer brewed under this license to customers for consumption off the licensed premises in refillable containers that are sealed by the micro-brewery licensee at the time of each refill.

(e) A holder of a Class 7 micro-brewery license:

(1) May not own, operate or be affiliated with any other manufacturer of beer except for a Class 2 rectifying license authorized by subsection (c)(1)(ii) of this section; and

(2) Notwithstanding § 2-201(b) of this subtitle, may not be granted a wholesale alcoholic beverages license.

(f) (1) Except as provided in paragraph (2) of this subsection, the hours and days for consumer sales under a Class 7 micro-brewery license are as established for:

(i) A Class B license in the respective jurisdictions listed in subsection (b)(2) of this section, for a holder of a Class B beer, wine and liquor license;

(ii) A Class D beer license in Worcester County, for a holder of a Class D beer license in the Town of Berlin in Worcester County;

(iii) A Class D license in Kent County; or

(iv) A Class D beer license in Dorchester County.

(2) For Class D licensees in the 22nd Alcoholic Beverages District in Prince George's County only, the hours and days for consumer sales under this license are as established for a Class D license in Prince George's County.

(3) For Class D licensees in Washington County, the hours and days for consumer sales under this license are as established for a Class D license in Washington County.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## Chapter 287

**(Senate Bill 259)**

AN ACT concerning

### **Agriculture – Easements – Renewable Energy Generation Facilities**

FOR the purpose of requiring, ~~on written request of a landowner in an application to purchase an easement,~~ an easement approved for a certain purchase after a certain date to authorize the landowner to request approval to use the land subject to the easement for renewable energy generation under certain circumstances; ~~requiring, on written request of a landowner,~~ authorizing a written request of a landowner to be approved by the Maryland Agricultural Land Preservation Foundation to amend an easement to authorize the landowner to use the land subject to the easement for renewable energy generation under certain circumstances; altering the composition of the Maryland Agricultural Land Preservation Fund; prohibiting the Foundation from approving the use of land subject to an easement for renewable energy generation after a certain date; prohibiting the installation of certain wind turbines exceeding certain heights in certain areas of the State; requiring a

facility owner to remit a certain percentage of a certain lease payment to the Maryland Agricultural Land Preservation Fund; requiring a certain lease executed by a landowner and a certain facility owner to include provisions related to the removal of a certain facility under certain circumstances; authorizing the Foundation to charge certain costs to cover certain expenses; requiring the Foundation to adopt certain regulations; providing for the application of this Act; declaring the intent of the General Assembly; requiring the Foundation to make a certain report to certain committees of the General Assembly by a certain date; defining a certain term certain terms; and generally relating to use of land under an easement held by the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–505(b) and 2–513(c)

Annotated Code of Maryland

(2007 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 2–509

Annotated Code of Maryland

(2007 Replacement Volume and 2013 Supplement)

BY adding to

Article – Agriculture

Section 2–513(c)

Annotated Code of Maryland

(2007 Replacement Volume and 2013 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Agriculture~~

~~Section 2–513(c)~~

~~Annotated Code of Maryland~~

~~(2007 Replacement Volume and 2013 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Public Utilities~~

~~Section 7–701(r)~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2013 Supplement)~~

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

**Article – Agriculture**

2-505.

(b) The Maryland Agricultural Land Preservation Fund shall comprise:

(1) Any money made available to the Fund by general or special fund appropriations; [and]

(2) Any money made available to the Fund by grants or transfers from governmental or private sources; AND

**(3) ANY MONEY RECEIVED UNDER § 2-513(C) OF THIS SUBTITLE.**

2-509.

(a) (1) The Foundation shall follow the provisions under this section for the easement application process.

(2) The Foundation shall adopt regulations and procedures for:

(i) Evaluation of land for which application is made to sell an easement; and

(ii) Purchase of easements, including the purchase of easements under an installment purchase agreement.

(b) Regulations and procedures adopted by the Foundation for the purchase of easements shall provide that:

(1) One or more owners of land actively devoted to agricultural use may file an application with the county governing body requesting the purchase of an easement by the Foundation on the land owned by the applicants. The application shall include maps and descriptions of the current use of land for the proposed easement, and any other information required by the Foundation to evaluate the land for purchase of an easement.

(2) Upon receipt of an application to purchase an easement the local governing body shall refer the application and accompanying materials both to the agricultural preservation advisory board and to the county planning and zoning body.

(i) After the referral of an application, the agricultural preservation advisory board shall advise the county governing body as to whether or not the land for the proposed easement meets the qualifications established by the Foundation under subsection (d) of this section, and whether or not the advisory board recommends the purchase of the easement.

(ii) In making its recommendation, the county agricultural preservation advisory board shall:

1. Take into consideration criteria and standards established by the Foundation under this subtitle, current local regulations, local patterns of land development, the kinds of development pressures currently existing on the land for the proposed easement, State smart growth goals, and any locally established priorities for the preservation of agricultural land; and

2. Recommend for ranking any application that qualifies and meets the priorities established by the county governing body for the preservation of agricultural land.

(iii) After the referral of an application, the county planning and zoning body shall advise the local governing body as to whether or not the purchase of the easement is compatible with existing and approved county plans and overall county policy, and whether or not the planning and zoning body recommends the purchase of the easement.

(3) If either the agricultural preservation advisory board or the planning and zoning body recommends approval, the county governing body shall hold a public hearing on the application for the proposed easement. Adequate notice of the hearing shall be given to all owners whose land would be encumbered by the proposed easement and all owners whose land is contiguous to the land for the proposed easement.

(4) In deciding whether to approve the application, the county governing body shall receive the recommendation of the county agricultural preservation advisory board established under § 2-504.1 of this subtitle.

(5) (i) After the receipt of the application and the recommendations of the agricultural preservation advisory board and the county planning and zoning body, the county governing body shall render a decision as to whether or not the application shall be recommended to the Foundation for approval.

(ii) If the county governing body decides to recommend approval of the application, it shall notify the Foundation and forward to the Foundation:

1. The application and all accompanying materials, including the recommendations of the advisory board and county planning and zoning body;

2. A ranking of all applications based on:

A. The county governing body's locally established priorities as approved by the Foundation, which for purposes of enhancing competitive bidding may include a system that ranks properties in ascending order with respect to the proportion obtained by dividing the asking price by the value of the easement; and

B. Guidelines adopted by the Foundation under subsection (d) of this section; and

3. A statement of the total current development rights on the land for the proposed easement, which shall include the total number of development rights that have been subdivided or transferred.

(iii) If the county governing body recommends denial of the application, it shall inform the Foundation and the applicants.

(c) Regulations and procedures adopted by the Foundation for the purchase and monitoring of easements may not require, in Garrett County or Allegany County, a natural gas rights owner or lessee to subordinate its interest to the Foundation's interest if the Foundation determines that exercise of the natural gas rights will not interfere with an agricultural operation conducted on land subject to an easement.

(d) Regulations and criteria developed by the Foundation relating to land which may be considered for purchase of an easement shall provide that:

(1) Subject to item (2) of this subsection, land shall meet productivity, acreage, and locational criteria determined by the Foundation to be necessary for the continuation of farming;

(2) As long as all other criteria are met, land that is at least 50 acres in size or is contiguous to other permanently preserved land shall qualify for purchase of an easement;

(3) The Foundation shall attempt to preserve the minimum number of acres which may reasonably be expected to promote the continued availability of agricultural suppliers and markets for agricultural goods;

(4) Land within the boundaries of a 10-year water and sewer service district may be considered for purchase of an easement only if that land is outstanding in productivity and is of significant size;

(5) Land may be considered for purchase of an easement only if the county regulations governing the land permit the activities listed under § 2–513(a) of this subtitle; and

(6) Land be evaluated for:

(i) Location in a priority preservation area of the county;

(ii) Soil and other land characteristics associated with agricultural and silvicultural productivity;

(iii) Agricultural and silvicultural production and contribution to the agricultural and silvicultural economy; and

(iv) Any other unique county considerations that support the goals of the program.

2-513.

(C) (1) ~~IN THIS SUBSECTION, "TIER 1 RENEWABLE SOURCE" IS A SOURCE STATED IN § 7-701(R)(1), (2), (4), OR (9) OF THE PUBLIC UTILITIES ARTICLE.~~

(I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "AUTHORIZED RENEWABLE ENERGY SOURCE" MEANS THE FOLLOWING ENERGY SOURCES:

1. SOLAR;
2. WIND;
3. ANAEROBIC DIGESTION OF POULTRY LITTER IF PLACED ON FALLOW LAND; AND
4. ANAEROBIC DIGESTION OF LIVESTOCK MANURE IF PLACED ON FALLOW LAND.

(III) "REFERENCE POINT" MEANS A POINT ON THE PATUXENT NAVAL AIR STATION CENTERED AT 38.29667N AND 76.37668W.

(2) ~~ANY~~ SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ANY EASEMENT ACQUIRED BY THE FOUNDATION AFTER SEPTEMBER 30, 2014, SHALL AUTHORIZE THE LANDOWNER TO USE THE LAND SUBJECT TO THE EASEMENT FOR THE GENERATION OF ELECTRICITY BY A FACILITY UTILIZING A TIER 1 RENEWABLE APPROVED FOR PURCHASE BY THE BOARD OF PUBLIC WORKS AFTER JUNE 30, 2014, SHALL AUTHORIZE THE LANDOWNER TO REQUEST APPROVAL, WITH A FAVORABLE RECOMMENDATION OF THE LOCAL AGRICULTURAL ADVISORY BOARD AND IF NOT PROHIBITED BY FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS, TO USE THE LAND SUBJECT TO THE EASEMENT FOR THE GENERATION OF ELECTRICITY BY A FACILITY UTILIZING AN AUTHORIZED RENEWABLE ENERGY SOURCE PROVIDED THAT:

(I) THE FACILITY OCCUPIES NO MORE THAN 5% OR 5 ACRES, WHICHEVER IS LESS AND NOT INCLUDING ANY TEMPORARY IMPACTS

~~NECESSARY FOR CONSTRUCTION OF THE FACILITY, OF EACH PARCEL THE LAND SUBJECT TO THE EASEMENT;~~

1. INCLUDING PERMANENT ROADS OR STRUCTURES THAT ARE NECESSARY FOR ACCESS FOR OPERATION AND MAINTENANCE PURPOSES; AND

2. NOT INCLUDING ANY TEMPORARY IMPACTS NECESSARY FOR CONSTRUCTION OF THE FACILITY;

(II) THE FOUNDATION DETERMINES THAT AUTHORIZING THE LANDOWNER TO USE THE LAND SUBJECT TO THE EASEMENT FOR THE GENERATION OF ELECTRICITY BY A FACILITY UTILIZING ~~A TIER 1 RENEWABLE~~ AN AUTHORIZED RENEWABLE ENERGY SOURCE WILL NOT:

1. INTERFERE SIGNIFICANTLY WITH THE AGRICULTURAL USE OF THE LAND SUBJECT TO THE EASEMENT; AND

2. INTERFERE WITH STATE, LOCAL, OR FEDERAL RESTRICTIONS PLACED ON FUNDS USED BY THE FOUNDATION TO PURCHASE THE EASEMENT; AND

(III) FOR GENERATION OF ELECTRICITY FROM WIND, THE GENERATING STATION'S WIND TURBINES ~~ARE NOT LOCATED:~~

1. ~~IN ARE NOT LOCATED IN AN AREA WHERE THE WIND TURBINES COULD CREATE DOPPLER RADAR INTERFERENCE FOR MISSIONS AT THE PATUXENT RIVER NAVAL AIR STATION; AND~~

2. ~~WITHIN A 46 MILE RADIUS MEASURED FROM LOCATION 38.29667N, 76.37668W DO NOT EXCEED THE MAXIMUM HEIGHT ABOVE GROUND LEVEL WITHIN THE AREA SPECIFIED IN PARAGRAPH (5) OF THIS SUBSECTION.~~

~~(3) ON THE WRITTEN REQUEST OF A LANDOWNER, THE FOUNDATION SHALL AMEND AN EASEMENT TO AUTHORIZE THE LANDOWNER TO USE THE LAND SUBJECT TO THE EASEMENT FOR GENERATION OF ELECTRICITY BY A FACILITY UTILIZING A TIER 1 RENEWABLE SOURCE PROVIDED THAT:~~

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A WRITTEN REQUEST OF A LANDOWNER, WITH A FAVORABLE RECOMMENDATION OF THE LOCAL AGRICULTURAL ADVISORY BOARD AND IF NOT PROHIBITED BY FEDERAL, STATE, AND LOCAL LAWS, MAY BE APPROVED BY THE FOUNDATION TO AMEND AN EXISTING EASEMENT TO AUTHORIZE THE LANDOWNER TO USE

THE LAND SUBJECT TO THE EASEMENT FOR THE GENERATION OF ELECTRICITY BY A FACILITY UTILIZING AN AUTHORIZED RENEWABLE ENERGY SOURCE PROVIDED THAT:

(I) THE FACILITY OCCUPIES NO MORE THAN 5% OR 5 ACRES, WHICHEVER IS LESS ~~AND NOT INCLUDING ANY TEMPORARY IMPACTS NECESSARY FOR CONSTRUCTION OF THE FACILITY, OF EACH PARCEL~~ THE LAND SUBJECT TO THE EASEMENT;

1. INCLUDING PERMANENT ROADS OR STRUCTURES THAT ARE NECESSARY FOR ACCESS FOR OPERATION AND MAINTENANCE PURPOSES; AND

2. NOT INCLUDING ANY TEMPORARY IMPACTS NECESSARY FOR CONSTRUCTION OF THE FACILITY;

(II) THE FOUNDATION DETERMINES THAT AUTHORIZING THE LANDOWNER TO USE THE LAND SUBJECT TO THE EASEMENT FOR THE GENERATION OF ELECTRICITY BY A FACILITY UTILIZING ~~A TIER 1 RENEWABLE~~ AN AUTHORIZED RENEWABLE ENERGY SOURCE WILL NOT:

1. INTERFERE SIGNIFICANTLY WITH THE AGRICULTURAL USE OF THE LAND SUBJECT TO THE EASEMENT; AND

2. INTERFERE WITH STATE, LOCAL, OR FEDERAL RESTRICTIONS PLACED ON FUNDS USED BY THE FOUNDATION TO PURCHASE THE EASEMENT; AND

(III) FOR GENERATION OF ELECTRICITY FROM WIND, THE GENERATING STATION'S WIND TURBINES ~~ARE NOT LOCATED:~~

1. ~~IN ARE NOT LOCATED IN~~ AN AREA WHERE THE WIND TURBINES COULD CREATE DOPPLER RADAR INTERFERENCE FOR MISSIONS AT THE PATUXENT RIVER NAVAL AIR STATION; AND

2. ~~WITHIN A 46 MILE RADIUS MEASURED FROM LOCATION 38.29667N, 76.37668W~~ DO NOT EXCEED THE MAXIMUM HEIGHT ABOVE GROUND LEVEL WITHIN THE AREA SPECIFIED IN PARAGRAPH (5) OF THIS SUBSECTION.

(4) (I) THE FOUNDATION MAY NOT APPROVE THE USE OF LAND SUBJECT TO AN EASEMENT FOR THE GENERATION OF ELECTRICITY BY A FACILITY UTILIZING AN AUTHORIZED RENEWABLE ENERGY SOURCE AFTER JUNE 30, 2019.

(II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PROHIBIT THE USE OF LAND SUBJECT TO AN EASEMENT FOR THE GENERATION OF ELECTRICITY IN ACCORDANCE WITH THIS SUBSECTION THAT WAS APPROVED BY THE FOUNDATION BEFORE JULY 1, 2019.

(5) A WIND TURBINE LOCATED ON LAND SUBJECT TO AN EASEMENT MAY NOT EXCEED THE SPECIFIED HEIGHT ABOVE GROUND LEVEL IN THE AREA DESCRIBED AS FOLLOWS:

(I) EAST OF A LINE PASSING THROUGH THE REFERENCE POINT AND 39.0986N AND 76.5284W AND:

1. NOT MORE THAN 24 MILES FROM THE REFERENCE POINT, 0 FEET;

2. MORE THAN 24 MILES AND NOT MORE THAN 30 MILES FROM THE REFERENCE POINT, 100 FEET;

3. MORE THAN 30 MILES AND NOT MORE THAN 35 MILES FROM THE REFERENCE POINT, 200 FEET;

4. MORE THAN 35 MILES AND NOT MORE THAN 39 MILES FROM THE REFERENCE POINT, 300 FEET;

5. MORE THAN 39 MILES AND NOT MORE THAN 43 MILES FROM THE REFERENCE POINT, 400 FEET;

6. MORE THAN 43 MILES AND NOT MORE THAN 46 MILES FROM THE REFERENCE POINT, 500 FEET;

7. MORE THAN 46 MILES AND NOT MORE THAN 49 MILES FROM THE REFERENCE POINT, 600 FEET; AND

8. MORE THAN 49 MILES AND NOT MORE THAN 56 MILES FROM THE REFERENCE POINT, 700 FEET; AND

(II) WEST OF A LINE PASSING THROUGH THE REFERENCE POINT AND 39.0986N AND 76.5284W AND:

1. SOUTH OF 38.4428N, 0 FEET;

2. NORTH OF 38.4428N AND NO FARTHER NORTH THAN 38.5711N, 100 FEET;

3. NORTH OF 38.5711N AND NO FARTHER NORTH THAN 38.5943N, 200 FEET;

4. NORTH OF 38.5943N AND NO FARTHER NORTH THAN 38.6366N, 300 FEET;

5. NORTH OF 38.6366N AND NO FARTHER NORTH THAN 38.6596N, 400 FEET;

6. NORTH OF 38.6596N AND NO FARTHER NORTH THAN 38.6873N, 500 FEET;

7. NORTH OF 38.6873N AND NO FARTHER NORTH THAN 38.7075N, 600 FEET; AND

8. NORTH OF 38.7075N AND NOT MORE THAN 56 MILES FROM THE REFERENCE POINT, 700 FEET.

(6) A FACILITY OWNER WHO USES LAND SUBJECT TO AN EASEMENT FOR THE GENERATION OF ELECTRICITY IN ACCORDANCE WITH THIS SUBSECTION SHALL, ON OPERATION OF THE FACILITY, REMIT AN ANNUAL PAYMENT OF 5% OF ANY LEASE PAYMENT PAID TO THE LANDOWNER TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND UNDER § 2-505 OF THIS ARTICLE.

(7) A LEASE EXECUTED BY A FACILITY OWNER AND A LANDOWNER FOR THE GENERATION OF ELECTRICITY IN ACCORDANCE WITH THIS SUBSECTION SHALL INCLUDE PROVISIONS TO REQUIRE A FACILITY OWNER TO REMOVE THE FACILITY IF THE FACILITY IS NO LONGER INTENDED TO BE USED TO GENERATE ELECTRICITY.

(8) A LANDOWNER WHO IS IN VIOLATION OF FEDERAL, STATE, OR LOCAL LAWS REGARDING THE OPERATION OF THE FACILITY IS IN VIOLATION OF THE EASEMENT AND IS SUBJECT TO A CIVIL PENALTY UNDER § 2-519 OF THIS SUBTITLE.

~~(4)~~ (9) THE FOUNDATION MAY CHARGE REASONABLE COSTS TO COVER ANY EXPENSES RELATING TO THE FOUNDATION'S RESPONSIBILITY TO AMEND ANY EASEMENT, AS REQUIRED UNDER THIS SUBSECTION, AND TO MONITOR THE ENFORCEMENT AND COMPLIANCE OF THE EASEMENT.

~~(5)~~ (10) THE FOUNDATION SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBSECTION.

[(c)] (D) Purchase of an easement by the Foundation does not grant the public any right of access or right of use of the subject property.

~~Article – Public Utilities~~

~~7-701.~~

~~(r) “Tier 1 renewable source” means one or more of the following types of energy sources:~~

~~(1) solar energy, including energy from photovoltaic technologies and solar water heating systems;~~

~~(2) wind;~~

~~(3) qualifying biomass;~~

~~(4) methane from the anaerobic decomposition of organic materials in a landfill or wastewater treatment plant;~~

~~(5) geothermal, including energy generated through geothermal exchange from or thermal energy avoided by, groundwater or a shallow ground source;~~

~~(6) ocean, including energy from waves, tides, currents, and thermal differences;~~

~~(7) a fuel cell that produces electricity from a Tier 1 renewable source under item (3) or (4) of this subsection;~~

~~(8) a small hydroelectric power plant of less than 30 megawatts in capacity that is licensed or exempt from licensing by the Federal Energy Regulatory Commission;~~

~~(9) poultry litter to energy;~~

~~(10) waste to energy;~~

~~(11) refuse derived fuel; and~~

~~(12) thermal energy from a thermal biomass system.~~

SECTION 2. AND BE IT FURTHER ENACTED, That § 2-513(c) of the Agriculture Article as enacted by Section 1 of this Act applies to any easement acquired by the Maryland Agricultural Land Preservation Foundation before, on, or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that if land subject to an easement is used for the generation of electricity in accordance with this Act, that the majority of raw materials used as ~~Tier 1 renewable sources~~ an authorized renewable energy source under § 7-701(r)(4) and (9) of the Public Utilities § 2-513(c)(1)(ii) of the Agriculture Article originate from the farm subject to the easement.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 1, 2018, the Maryland Agricultural Land Preservation Foundation shall report to the Senate Education, Health, and Environmental Affairs Committee, the Senate Finance Committee, the House Economic Matters Committee, and the House Environmental Matters Committee, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 288**

**(Senate Bill 293)**

AN ACT concerning

### **Elevator Safety Review Board and Division of Labor and Industry – Sunset Extension and Program Evaluation**

FOR the purpose of continuing the Elevator Safety Review Board in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that govern the Board be performed on or before a certain date; repealing certain termination provisions that apply to the regulation of mediation or arbitration of labor disputes, choice of bargaining representative, and strikebreakers; providing for the effective date of this Act; and generally relating to the Elevator Safety Review Board and the Division of Labor and Industry.

BY repealing

Article – Labor and Employment

Section 4-405

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 12–842

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–403(b)(16)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

### **Article – Labor and Employment**

[4–405.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, Subtitles 1 and 2 of this title and § 4–403 of this subtitle shall terminate and be of no effect after July 1, 2014.]

### **Article – Public Safety**

12–842.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, the provisions of this title that create or relate to the Board and any regulations adopted by the Board shall terminate and be of no effect after July 1, [2014] **2019**.

### **Article – State Government**

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(16) Elevator Safety Review Board (§§ 12–819 through 12–841 of the Public Safety Article: [2011] **2016**);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 30, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 289**

**(Senate Bill 302)**

AN ACT concerning

**Montgomery County – City of Takoma Park – Alcoholic Beverages – Class B  
On- and Off-Sale License**

FOR the purpose of continuing an off-sale privilege to the Class B beer and light wine license issued for hotels and restaurants in the City of Takoma Park; and generally relating to Class B beer and light wine, hotel and restaurant licenses in the City of Takoma Park.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 8–216(d)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 390 of the Acts of the General Assembly of 2012  
Section 2

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

### **Article 2B – Alcoholic Beverages**

8–216.

(d) (1) The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide for 8 classes of alcoholic beverages licenses in the City of Takoma Park as follows:

- (i) Class B (on– and off–sale) beer and light wine, hotel and restaurant licenses;
- (ii) Class H (on–sale) beer and light wine, hotel and restaurant licenses;
- (iii) Class B (on–sale) beer, wine and liquor, hotel and restaurant licenses;
- (iv) Class H–TP (on–sale) beer license;
- (v) Class D–TP (on– and off–sale) beer and light wine license;
- (vi) Class A–TP (off–sale) beer, wine and liquor license;
- (vii) Class C–TP (on–sale) beer, wine and liquor license; and
- (viii) Beer and wine sampling or tasting (BWST) licenses issued under § 8–408.2 of this title.

(2) (i) The provisions of this paragraph apply only to Class –TP type licenses.

(ii) The Prince George’s County Board of License Commissioners shall certify a list to the Montgomery County Board of License Commissioners of the alcoholic beverages licenses as of June 30, 1997, in that portion of the City of Takoma Park that became part of Montgomery County on July 1, 1997.

(iii) On July 1, 1997, the Montgomery County Board shall issue Class –TP type licenses to those licensees who were certified by the Prince George’s County Board. License fees may not be charged until May 1, 1998.

(iv) Unless revoked or not renewed for good cause, the certified licenses shall continue in existence and be renewed, subject to payment of the annual license fee.

(v) The Class –TP type licenses are not transferable to other locations but are transferable to other persons, subject to the restrictions on similar transfers for other alcoholic beverages licenses in Montgomery County.

(vi) Class –TP licenses are subject to the same conditions and restrictions specified by law or by the Montgomery County Board of License

Commissioners as are other licenses issued by the Board. However, the Board may waive whatever statutory and regulatory provisions it so chooses for the affected licenses so that equity, fairness, and reasonableness are achieved.

(vii) The Montgomery County Department of Health and Human Services may not charge an annual fee to the Class –TP licensees until January 1, 1998.

(3) (i) Notwithstanding that Class –TP licensees as of July 1, 1997 are subject to Montgomery County laws and regulations, those same licensees may retain the particular Prince George's County alcoholic beverages license they possessed prior to unification.

(ii) The Prince George's County license shall remain valid in every sense except that it does not apply to the licensed premises to which the Class –TP license applies, but is an open–location license. The Prince George's County licensee may transfer, to another person or to a new location with the same licensee, the license into Prince George's County without statutory or regulatory restriction.

(iii) While the Class –TP licensee remains in the same location where it was located on July 1, 1997, another license issued by Prince George's County may not be granted or transferred to another Prince George's licensee if the premises for which that license was issued is located within 300 feet of the premises licensed under the Class –TP license.

### **Chapter 390 of the Acts of 2012**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012. [It shall remain effective for a period of 2 years and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 290**

**(Senate Bill 309)**

AN ACT concerning

**Montgomery County – Archery Hunting – Safety Zone**

FOR the purpose of establishing for archery hunters in Montgomery County a safety zone of a certain size within which archery hunting may not take place except under certain circumstances; and generally relating to archery hunting in Montgomery County.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 10–410(g)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Natural Resources**

10–410.

(g) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone”, of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) A person, while hunting for any wild bird or mammal, may not shoot or discharge any firearm within 300 yards of a public or nonpublic school during school hours or at a time when a school–approved activity is taking place.

(3) (i) For archery hunters in Carroll County ~~for~~, Frederick County, ~~OR MONTGOMERY COUNTY~~, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(ii) For archery hunters in Harford County OR MONTGOMERY COUNTY, the safety zone described in paragraph (1) of this subsection extends for 100 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(4) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

**Chapter 291****(Senate Bill 321)**

AN ACT concerning

**Estates and Trusts – Personal Representatives and Guardians – Standards**

FOR the purpose of defining “serious crime” for purposes of a certain prohibition against a register of wills or court granting letters of administration to a person convicted of a serious crime; providing a certain exception to the prohibition; prohibiting a court, unless good cause is shown, from appointing, as a guardian of the person of a minor or disabled person, a person who has been convicted of a certain crime; prohibiting a court, unless good cause is shown, from appointing, as a guardian of the property of a minor or disabled person, a person who has been convicted of a certain crime; providing for the application of this Act; and generally relating to personal representatives or guardians of persons or property.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 5–105

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article – Estates and Trusts

Section 11–114

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

**Article – Estates and Trusts**

5–105.

(a) (1) IN THIS SECTION, “SERIOUS CRIME” MEANS A CRIME THAT REFLECTS ADVERSELY ON AN INDIVIDUAL’S HONESTY, TRUSTWORTHINESS, OR FITNESS TO PERFORM THE DUTIES OF A PERSONAL REPRESENTATIVE.

(2) “SERIOUS CRIME” INCLUDES FRAUD, EXTORTION, EMBEZZLEMENT, FORGERY, PERJURY, AND THEFT.

(B) Subject to § 5–104 of this subtitle, the register or court may grant letters to:

- (1) A trust company;
- (2) Any other corporation authorized by law to be a personal representative; or
- (3) Subject to subsection [(b)] (C) of this section, any individual.

[(b)] (C) Letters may not be granted to a person who, at the time a determination of priority is made, has filed with the register a declaration in writing that the person renounces the right to administer or is:

- (1) Under the age of 18 years;
- (2) Mentally incompetent;
- (3) Convicted of a serious crime, **UNLESS THE PERSON SHOWS GOOD CAUSE FOR THE GRANTING OF LETTERS;**
- (4) Not a citizen of the United States unless the person is a permanent resident of the United States and is:
  - (i) The spouse of the decedent;
  - (ii) An ancestor of the decedent;
  - (iii) A descendant of the decedent; or
  - (iv) A sibling of the decedent;
- (5) A full-time judge of a court established under the laws of Maryland or the United States including, a judge of an orphans' or probate court, or a clerk of court, or a register, unless the person is the surviving spouse or is related to the decedent within the third degree; or
- (6) A nonresident of the State, unless there shall be on file with the register an irrevocable designation by the nonresident of an appropriate person who resides in the State on whom service of process may be made in the same manner and with the effect as if it were served personally in the State on the nonresident.

(A) UNLESS GOOD CAUSE IS SHOWN FOR THE APPOINTMENT, A COURT MAY NOT APPOINT, AS A GUARDIAN OF THE PERSON OF A MINOR OR DISABLED PERSON, A PERSON WHO HAS BEEN CONVICTED OF:

(1) A FELONY;

(2) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE;

(3) ASSAULT IN THE SECOND DEGREE; OR

(4) A SEXUAL OFFENSE IN THE THIRD OR FOURTH DEGREE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN THE THIRD OR FOURTH DEGREE.

(B) UNLESS GOOD CAUSE IS SHOWN FOR THE APPOINTMENT, A COURT MAY NOT APPOINT, AS A GUARDIAN OF THE PROPERTY OF A MINOR OR DISABLED PERSON, A PERSON WHO HAS BEEN CONVICTED OF A CRIME THAT REFLECTS ADVERSELY ON AN INDIVIDUAL'S HONESTY, TRUSTWORTHINESS, OR FITNESS TO PERFORM THE DUTIES OF A GUARDIAN OF THE PROPERTY OF A MINOR OR DISABLED PERSON, INCLUDING FRAUD, EXTORTION, EMBEZZLEMENT, FORGERY, PERJURY, AND THEFT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any letters of administration granted before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any guardian of the person or property of a minor or disabled person appointed before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 292**

**(Senate Bill 340)**

AN ACT concerning

**Calvert County – Alcoholic Beverages – Unlicensed Establishments –  
Prohibitions**

FOR the purpose of prohibiting, subject to a certain exception, an establishment in Calvert County that is not licensed by the Board of License Commissioners from giving, serving, dispensing, keeping, or allowing to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages; establishing a certain penalty for a violation of this Act; and generally relating to alcoholic beverages in Calvert County.

BY renumbering

Article 2B – Alcoholic Beverages

Section 20–103.1

to be Section 20–103.2

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 20–103.1

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 20–103.1 of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 20–103.2.

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

**Article 2B – Alcoholic Beverages**

**20–103.1.**

(A) THIS SECTION APPLIES ONLY IN CALVERT COUNTY.

(B) (1) ~~AN~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ESTABLISHMENT THAT IS NOT LICENSED BY THE BOARD OF LICENSE COMMISSIONERS MAY NOT GIVE, SERVE, DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ON ITS PREMISES, OR ON PREMISES UNDER ITS CONTROL OR POSSESSION, ANY ALCOHOLIC BEVERAGES.

(2) A VOLUNTEER FIRE DEPARTMENT, RESCUE SQUAD, OR EMERGENCY MEDICAL SERVICES ORGANIZATION MAY CONDUCT NO MORE THAN FOUR EVENTS EACH YEAR TO WHICH INDIVIDUALS MAY BRING ALCOHOLIC BEVERAGES TO BE CONSUMED ON THE PREMISES OR ON PREMISES UNDER THE

CONTROL OR POSSESSION OF THE VOLUNTEER FIRE DEPARTMENT, RESCUE SQUAD, OR EMERGENCY MEDICAL SERVICES ORGANIZATION.

(C) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, May 5, 2014.

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**Chapter 293**

(Senate Bill 374)

AN ACT concerning

**State Lottery – ~~Online Ticket Sales – Moratorium~~ *Task Force to Study Lottery Revenue and Study***

FOR the purpose of ~~prohibiting the State Lottery and Gaming Control Agency from allowing a person to purchase a State lottery ticket through an electronic device that connects to the Internet; establishing the Task Force to Study the Online Sale of State Lottery Tickets; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make determinations regarding certain matters; requiring the Task Force to report its findings, determinations, and any recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a moratorium on and study of the sale of State lottery tickets over the Internet~~ *establishing the Task Force to Study Lottery Revenue; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make determinations regarding certain matters; requiring the Task Force to report its findings, determinations, and any recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a study of State lottery revenue.*

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

~~(a) The State Lottery and Gaming Control Agency may not allow a person to purchase a State lottery ticket through an electronic device that connects to the Internet, such as a personal computer or mobile device.~~

(a) There is a Task Force to Study Lottery Revenue.

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

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Director of the State Lottery and Gaming Control Agency, or the Director's designee;

(4) the Secretary of Budget and Management, or the Secretary's designee;

(5) a representative of the Center of Excellence on Problem Gambling;  
and

(6) the following members, appointed by the Governor:

(i) one representative of the retail industry that is a licensed agent;

(ii) one representative of the e-commerce industry; and

(iii) two consumer members.

(c) Each consumer member:

(1) shall be a member of the general public familiar with games offered by the State lottery;

(2) may not be a licensee of or otherwise subject to regulation by the State Lottery and Gaming Control Agency; and

(3) for a period of at least 1 year before appointment to the Task Force, may not have had a financial interest in or have received compensation from a person regulated by the State Lottery and Gaming Control Agency.

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

(e) The State Lottery and Gaming Control Agency shall provide staff for the Task Force.

(f) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Task Force shall study:

(1) data on the causes of the decline in lottery revenue;

(2) potential innovations that may improve the lottery experience and restore revenues, including:

(i) Maryland participation in multistate raffles;

(ii) expansion of lottery ticket tie-ins to sports teams in the State;

(iii) development of means to capitalize on the consumer shift to digital and multiplatform use;

(iv) the use of online platforms for lottery sales; and

(v) implementation of lottery games earmarked for specific purposes or causes;

(3) lottery agent commissions and bonus incentive programs; and

(4) e-commerce, banking, privacy, and security issues related to lottery sales through multiple sales channels and platforms.

(h) On or before January 1, 2015, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the State Lottery and Gaming Control Agency not implement any new e-commerce related to lottery sales before April 6, 2015.

~~(b) There is a Task Force to Study the Online Sale of State Lottery Tickets.~~

~~(c) The Task Force consists of the following members:~~

~~(1) four members of the Senate of Maryland, appointed by the President of the Senate;~~

~~(2) four members of the House of Delegates, appointed by the Speaker of the House;~~

~~(3) the Director of the State Lottery and Gaming Control Agency, or the Director's designee;~~

~~(4) a representative of the retail industry, appointed by the Governor;~~  
and

~~(5) a representative from the Maryland Center of Excellence on Problem Gambling, appointed by the Director of the State Lottery and Gaming Control Agency.~~

~~(d) The Governor shall designate the chair of the Task Force.~~

~~(e) The State Lottery and Gaming Control Agency shall provide staff for the Task Force.~~

~~(f) A member of the Task Force:~~

~~(1) may not receive compensation as a member of the Task Force; but~~

~~(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.~~

~~(g) The Task Force shall:~~

~~(1) study:~~

~~(i) the social impact of selling State lottery tickets over the Internet, including the consideration of safeguards for the public and underage residents;~~

~~(ii) the financial impact on brick and mortar retailers from the sale of State lottery tickets over the Internet; and~~

~~(iii) how other states that have authorized the sale of lottery tickets over the Internet have implemented their programs; and~~

~~(2) determine if it is in the best interest of the State to authorize the sale of State lottery tickets over the Internet.~~

~~(h) If the Task Force determines that it is in the best interest of the State to authorize the sale of State lottery tickets over the Internet, the Task Force shall make recommendations regarding:~~

~~(1) best practices for establishing a program to sell State lottery tickets over the Internet;~~

~~(2) necessary safeguards and protections for the public and underage residents; and~~

~~(3) equitable treatment for brick and mortar retailers that sell State lottery tickets.~~

~~(i) On or before January 1, 2015, the Task Force shall report its findings, determinations, and any recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014. It shall remain effective for a period of 1 year and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 5, 2014.

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## Chapter 294

(Senate Bill 378)

AN ACT concerning

### Vehicle Laws – Electric Bicycle – Definition

FOR the purpose of altering the definition of “bicycle” for the purposes of the Maryland Vehicle Law to include an electric bicycle; defining the term “electric bicycle”; establishing that the ~~defined terms~~ *definitions of* “moped”, “motorized minibike”, and “motor vehicle” do not include an electric bicycle; and generally relating to electric bicycles.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 11-104, 11-134.1, 11-134.4, and 11-135  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY adding to

Article – Transportation  
Section 11–117.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 13–102(7), 13–104(a), 16–101(a), 17–104.1, and 21–1207.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2013 Supplement)

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

**Article – Transportation**

11–104.

~~(A)~~ “Bicycle” means ~~a~~:

~~(1)~~ A vehicle that:

~~(1)~~ (I) Is designed to be operated by human power;

~~(2)~~ (II) Has two or three wheels, of which one is more than 14 inches in diameter; and

~~(3)~~ (III) Has a drive mechanism other than by pedals directly attached to a drive wheel; **OR**

~~(2)~~ ***AN ELECTRIC BICYCLE.***

~~(B)~~ ~~“BICYCLE” INCLUDES AN ELECTRIC BICYCLE.~~

11–117.1.

“ELECTRIC BICYCLE” MEANS A VEHICLE THAT:

~~(1) HAS A POST MOUNTED SEAT OR SADDLE FOR EACH PERSON THAT THE VEHICLE IS DESIGNED AND EQUIPPED TO CARRY;~~

~~(2) HAS TWO OR THREE WHEELS IN CONTACT WITH THE GROUND THAT ARE MORE THAN 16 INCHES IN DIAMETER;~~

~~(3) IS EQUIPPED WITH PEDALS FOR HUMAN PROPULSION IS DESIGNED TO BE OPERATED BY HUMAN POWER WITH THE ASSISTANCE OF AN ELECTRIC MOTOR;~~

(2) IS EQUIPPED WITH FULLY OPERABLE PEDALS;

(3) HAS TWO OR THREE WHEELS;

(4) HAS A MOTOR WITH A RATING OF 500 WATTS OR LESS; AND

~~(4) (5) IS EQUIPPED WITH AN ELECTRIC MOTOR AND IS CAPABLE OF A MAXIMUM SPEED OF 20 MILES PER HOUR ON A LEVEL SURFACE WHEN POWERED BY THE MOTOR.~~

11-134.1.

(A) "Moped" means a bicycle that:

(1) Is designed to be operated by human power with the assistance of a motor;

(2) Is equipped with pedals that mechanically drive the rear wheel or wheels;

(3) Has two or three wheels, of which one is more than 14 inches in diameter; and

(4) Has a motor with a rating of 1.5 brake horsepower or less and, if the motor is an internal combustion engine, a capacity of 50 cubic centimeters piston displacement or less.

(B) "MOPED" DOES NOT INCLUDE AN ELECTRIC BICYCLE.

11-134.4.

(a) "Motorized minibike" means a motor vehicle that:

(1) Has two or three wheels; and

(2) Is not subject to registration under Title 13 of this article.

(b) "Motorized minibike" does not include:

(1) A motor scooter;

(2) A moped; [or]

(3) A farm tractor; **OR**

(4) **AN ELECTRIC BICYCLE.**

11–135.

(a) (1) “Motor vehicle” means, except as provided in subsection (b) of this section, a vehicle that:

(i) Is self-propelled or propelled by electric power obtained from overhead electrical wires; and

(ii) Is not operated on rails.

(2) “Motor vehicle” includes a low speed vehicle.

(b) “Motor vehicle” does not include:

(1) A moped, as defined in § 11–134.1 of this subtitle; [or]

(2) A motor scooter, as defined in § 11–134.5 of this subtitle; **OR**

(3) **AN ELECTRIC BICYCLE, AS DEFINED IN § 11–117.1 OF THIS SUBTITLE.**

13–102.

A certificate of title is not required for:

(7) A bicycle, except for a moped;

13–104.

(a) (1) The application for a certificate of title of a vehicle shall be made by the owner of the vehicle on the form that the Administration requires.

(2) Notwithstanding any other provision of this title, an application for a certificate of title of an off-highway recreational vehicle, a motor scooter, or a moped shall be made by electronic transmission under § 13–610 of this title.

(3) The owner of a motor scooter or moped shall certify at the time of titling that the motor scooter or moped is covered by the required security described in § 17–103 of this article.

16–101.

(a) An individual may not drive or attempt to drive a motor vehicle on any highway in this State unless:

(1) The individual holds a driver's license issued under this title;

(2) The individual is expressly exempt from the licensing requirements of this title; or

(3) The individual otherwise is specifically authorized by this title to drive vehicles of the class that the individual is driving or attempting to drive.

17-104.1.

The operator of a moped or motor scooter shall carry evidence of the required security when operating the moped or motor scooter.

21-1207.1.

(a) (1) The provisions of this section apply:

(i) At all times while a bicycle is being operated on any highway, bicycle way, or other property open to the public or used by the public for pedestrian or vehicular traffic; and

(ii) To a person under the age of 16 who is riding on a bicycle, including a person under the age of 16 who is a passenger on a bicycle:

1. In a restraining seat attached to the bicycle; or

2. In a trailer being towed by the bicycle.

(2) The provisions of this section do not apply to passengers in commercial bicycle rickshaws.

(b) This section does not apply in the town of Ocean City, Maryland, on the boardwalk between the Ocean City inlet and 27th Street, during the hours in which bicycles are permitted by local ordinance to be operated on the boardwalk.

(c) A person to whom this section applies may not operate or ride as a passenger on a bicycle unless the person is wearing a helmet that meets or exceeds the standards of the American National Standards Institute, the Snell Memorial Foundation, or the American Society for Testing and Materials for protective headgear for use in bicycling.

(d) This section shall be enforced by the issuance of a warning that informs the offender of the requirements of this section and provides educational materials about bicycle helmet use.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 295**

**(Senate Bill 383)**

AN ACT concerning

**Allegany County and Garrett County – Boards of Education – Removal of Ex Officio Member**

FOR the purpose of repealing the requirement that the Chair of the Board of County Commissioners of Allegany County or any county commissioner serve as an ex officio member of the Allegany County Board of Education; repealing the requirement that the Chair or Vice Chair of the Board of County Commissioners of Garrett County serve as an ex officio member of the Garrett County Board of Education; making conforming changes; making stylistic changes; and generally relating to membership of the Allegany County and Garrett County Boards of Education.

BY repealing and reenacting, with amendments,

Article – Education

Section 3–201(a) and (b), 3–203, and 3–601(a) and (b)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

### **Article – Education**

3–201.

(a) (1) In this subtitle, “elected member” means a voting member elected under subsection (d) or (e) of this section or a member appointed to an elected position on the county board under subsection (e)(3) of this section.

(2) “Elected member” does not include [a:

(i) County Commissioner serving as an ex officio member of the county board; or

(ii) Nonvoting] **THE NONVOTING** student member selected under subsection (f) of this section.

(b) The Allegany County Board consists of:

(1) Five elected members; **AND**

(2) [The Chairman of the Board of County Commissioners, or any County Commissioner so designated by the Chairman, who is an ex officio nonvoting member; and

(3)] One nonvoting student member, who is to advise the other members of the county board on the viewpoint of students who attend Allegany County public schools.

3–203.

(a) [(1) Except for the ex officio member, each] **EACH** elected county board member is entitled to:

[(i)] (1) An annual salary set by the Allegany County Commissioners in accordance with Title 28, Subtitle 1 of the Local Government Article; and

[(ii)] (2) Reimbursement, after submitting vouchers, for travel and other expenses.

(B) [(2) Except for the ex officio member, each] **EACH** elected member of the county board shall be paid in 12 equal monthly installments.

[(b) The Chairman of the Board of County Commissioners serves on the county board without additional compensation. However, after submitting vouchers, the Chairman or the Chairman's designee is entitled to reimbursement for travel and other expenses incurred as a result of meetings of the board.]

3–601.

(a) (1) In this subtitle, “elected member” means a member of the county board elected under subsection (b)(1) or (2) of this section or appointed to fill a vacancy under subsection (e)(3) of this section.

(2) “Elected member” does not include[:

(i) The Chairman or Vice Chairman of the Board of County Commissioners; or

(ii) A] **THE** student member selected under subsection (f) of this section.

(b) The Garrett County Board consists of:

(1) One elected member from each county commissioner district;

(2) Two elected members from the county at large; **AND**

(3) [The Chairman or Vice Chairman of the Board of County Commissioners, who shall be a nonvoting, ex officio member; and

(4)] One nonvoting student member.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## Chapter 296

### (Senate Bill 391)

AN ACT concerning

#### **Estates and Trusts – Registers of Wills – Records**

FOR the purpose of providing that a register of wills may comply with certain provisions of law by retaining certain files under certain circumstances; requiring a register, in consultation with certain parties, to develop certain standards; making stylistic changes; and generally relating to the registers of wills.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 2–209

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

**Article – Estates and Trusts**

2–209.

**(A)** Any will, probated, or any paper filed in the office of the register may not be delivered out of the office to any person.

**(B)** When a will or other paper is properly demanded for introduction in evidence, it shall be presented under the care of the register or his deputy.

**(C) (1) THE REGISTER MAY COMPLY WITH SUBSECTION (A) OF THIS SECTION BY:**

**(I) RETAINING A PERMANENT PAPER FILE OF A PROBATED WILL IN THE OFFICE AND A COPY OF ANY OTHER FILE ASSOCIATED WITH THE ESTATE IN PAPER, PHOTOGRAPHIC, MICROPROCESSED, MAGNETIC, MECHANICAL, ELECTRONIC, DIGITAL, OR ANY OTHER MEDIUM IF THE COPY IS MAINTAINED IN A MANNER THAT:**

- 1. IS CLEAR AND LEGIBLE;**
- 2. ACCURATELY REPRODUCES THE ORIGINAL DOCUMENT IN ITS ENTIRETY, INCLUDING ANY ATTACHMENTS TO THE DOCUMENT;**
- 3. IS CAPABLE OF PRODUCING A CLEAR AND LEGIBLE HARD COPY OF THE ORIGINAL DOCUMENT; AND**
- 4. PRESERVES EVIDENCE OF ANY SIGNATURE CONTAINED ON THE DOCUMENT; AND**

**(II) NO SOONER THAN 180 DAYS FOLLOWING THE CLOSING OF AN ESTATE, RETURNING EACH OTHER FILE ASSOCIATED WITH THE ESTATE, OTHER THAN THE WILL, TO THE PERSONAL REPRESENTATIVE OF THE ESTATE.**

**(2) IN CONSULTATION WITH THE COMPTROLLER AND THE STATE ARCHIVES TO ENSURE UNIFORM APPLICATION THROUGHOUT THE STATE, THE REGISTER SHALL DEVELOP STANDARDS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, May 5, 2014.

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## Chapter 297

### (House Bill 228)

AN ACT concerning

#### **Estates and Trusts – Registers of Wills – Records**

FOR the purpose of providing that a register of wills may comply with certain provisions of law by retaining certain files under certain circumstances; requiring a register, in consultation with certain parties, to develop certain standards; making stylistic changes; and generally relating to the registers of wills.

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 2–209  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

#### **Article – Estates and Trusts**

2–209.

(A) Any will, probated, or any paper filed in the office of the register may not be delivered out of the office to any person.

(B) When a will or other paper is properly demanded for introduction in evidence, it shall be presented under the care of the register or his deputy.

(C) (1) **THE REGISTER MAY COMPLY WITH SUBSECTION (A) OF THIS SECTION BY:**

(I) **RETAINING A PERMANENT PAPER FILE OF A PROBATED WILL IN THE OFFICE AND A COPY OF ANY OTHER FILE ASSOCIATED WITH THE ESTATE IN PAPER, PHOTOGRAPHIC, MICROPROCESSED, MAGNETIC, MECHANICAL, ELECTRONIC, DIGITAL, OR ANY OTHER MEDIUM IF THE COPY IS MAINTAINED IN A MANNER THAT:**

1. IS CLEAR AND LEGIBLE;
2. ACCURATELY REPRODUCES THE ORIGINAL DOCUMENT IN ITS ENTIRETY, INCLUDING ANY ATTACHMENTS TO THE DOCUMENT;
3. IS CAPABLE OF PRODUCING A CLEAR AND LEGIBLE HARD COPY OF THE ORIGINAL DOCUMENT; AND
4. PRESERVES EVIDENCE OF ANY SIGNATURE CONTAINED ON THE DOCUMENT; AND

(II) NO SOONER THAN 180 DAYS FOLLOWING THE CLOSING OF AN ESTATE, RETURNING EACH OTHER FILE ASSOCIATED WITH THE ESTATE, OTHER THAN THE WILL, TO THE PERSONAL REPRESENTATIVE OF THE ESTATE.

(2) IN CONSULTATION WITH THE COMPTROLLER AND THE STATE ARCHIVES TO ENSURE UNIFORM APPLICATION THROUGHOUT THE STATE, THE REGISTER SHALL DEVELOP STANDARDS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, May 5, 2014.

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## Chapter 298

(Senate Bill 458)

AN ACT concerning

### Baltimore City – Alcoholic Beverages – Micro-Brewery Licenses

FOR the purpose of adding the 40th Alcoholic Beverages District of Baltimore City to the list of locations in which a holder of a certain Class D alcoholic beverages license may be issued a Class 7 micro-brewery license; authorizing the holder of a Class 7 micro-brewery license in Baltimore City to brew at certain locations using the same license and to obtain a Class 2 rectifying license for certain premises at certain locations, under certain circumstances; requiring a holder of a Class 7 license to submit a certain application to the State Comptroller; requiring the State Comptroller to make a certain determination and consider a certain factor; prohibiting a holder of a Class 7 license from serving or selling

beer at a certain location; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 2–208(a)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 2–208(b) and (c)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

**Article 2B – Alcoholic Beverages**

2–208.

- (a) There is a Class 7 micro–brewery (on– and off–sale) license.
- (b) The license shall be issued:
  - (1) By the State Comptroller;
  - (2) Only in the following jurisdictions:
    - (i) Allegany County;
    - (ii) Baltimore City;
    - (iii) Baltimore County;
    - (iv) The City of Annapolis;
    - (v) Anne Arundel County;
    - (vi) Calvert County;
    - (vii) Caroline County;
    - (viii) Carroll County;
    - (ix) Charles County;

- (x) Dorchester County;
- (xi) Frederick County;
- (xii) Garrett County;
- (xiii) Harford County;
- (xiv) Howard County;
- (xv) Kent County;
- (xvi) Montgomery County;
- (xvii) Prince George's County;
- (xviii) Queen Anne's County;
- (xix) St. Mary's County;
- (xx) Talbot County;
- (xxi) Washington County;
- (xxii) Wicomico County; and
- (xxiii) Worcester County;

(3) (i) Only to a holder of a Class B beer, wine and liquor (on-sale) license that is issued for use on the premises of a restaurant located in a jurisdiction listed in paragraph (2) of this subsection;

(ii) To a holder of a Class D beer (off-sale) license that is issued for use on the premises of the existing Class D license if the premises are located in Kent County or the Town of Berlin in Worcester County; or

(iii) To a holder of a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license if the premises are located in:

1. The 22nd Alcoholic Beverages District of Prince George's County;
2. Washington County; [or]
3. Dorchester County; **OR**

**4. THE 40TH ALCOHOLIC BEVERAGES DISTRICT OF BALTIMORE CITY; and**

(4) In addition to item (3) of this subsection, in Montgomery County only to a holder of a Class H beer and light wine license that is issued for use on the premises of a restaurant located in the County.

(c) (1) A holder of a Class 7 micro–brewery license:

(i) May brew and bottle malt beverages at the license location;

(ii) May obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro–brewery location to bottle malt beverages brewed at the micro–brewery location only;

(iii) May contract with the holder of a Class 2 rectifying license held under § 2–203 of this subtitle, a Class 5 brewery license, a Class 7 micro–brewery license, or a Class 8 farm brewery license, or the holder of a nonresident dealer’s permit to brew and bottle malt beverages on their behalf;

(iv) May store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery to a licensed wholesaler, an authorized person outside this State, and for shipment back to the micro–brewery location for sale on the retail premises;

(v) May not collectively brew, bottle, or contract for more than 22,500 barrels of malt beverages each calendar year; and

(vi) May enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or wine and beer festival and the return of any unused beer if:

1. The beer festival or wine and beer festival is in a sales territory for which the holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act; and

2. The temporary delivery agreement is in writing.

(2) A Class 7 licensee who wishes to produce more than the barrelage authorized under paragraph (1)(v) of this subsection shall divest of any Class B, D, or any other retail license and obtain a Class 5 manufacturer’s license.

(3) For the purposes of determining the barrelage limitation under paragraph (1)(v) of this subsection, any salable beer produced under contractual arrangements accrues only to the Class 7 micro–brewery licensee who is the brand owner.

(4) In Allegany County only, the holder of a Class 7 license:

(i) May brew in one location and may contract for the bottling of the malt beverage in another location; and

(ii) Need not meet the hotel/motel requirements for a Class B beer, wine and liquor licensee but shall meet the requirements for those Class B restaurants.

(5) (I) ~~IN~~ SUBJECT TO SUBPARAGRAPHS (II), (III), AND (IV) OF THIS PARAGRAPH, IN BALTIMORE CITY ONLY, THE HOLDER OF A CLASS 7 LICENSE MAY:

~~(H)~~ 1. BREW IN TWO LOCATIONS USING THE SAME LICENSE; AND

~~(H)~~ 2. OBTAIN A CLASS 2 RECTIFYING LICENSE FOR THE PREMISES AT THE TWO LOCATIONS AUTHORIZED UNDER ITEM ~~(H)~~ 1 OF THIS PARAGRAPH SUBPARAGRAPH.

(II) THE HOLDER OF A CLASS 7 LICENSE MAY BREW IN TWO LOCATIONS USING THE SAME LICENSE IF THE LICENSE HOLDER:

1. REQUESTS PERMISSION BY SUBMITTING A WRITTEN APPLICATION TO THE STATE COMPTROLLER; AND

2. OBTAINS WRITTEN APPROVAL FROM THE STATE COMPTROLLER.

(III) BEFORE AUTHORIZING A HOLDER OF A CLASS 7 LICENSE TO BREW IN TWO LOCATIONS USING THE SAME LICENSE, THE STATE COMPTROLLER SHALL:

1. MAKE A DETERMINATION THAT A SECOND LOCATION TO BREW ADDITIONAL CAPACITY IS NECESSARY DUE TO INSUFFICIENT SPACE AT THE EXISTING CLASS 7 LICENSE LOCATION; AND

2. CONSIDER ANY OTHER FACTOR RELEVANT TO APPROVAL OF THE APPLICATION.

(IV) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A HOLDER OF A CLASS 7 LICENSE MAY NOT SERVE OR SELL BEER FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION AT THE SECOND BREWING LOCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 299**

### **(House Bill 953)**

AN ACT concerning

#### **Baltimore City – Alcoholic Beverages – Micro-Brewery Licenses**

FOR the purpose of adding the 40th Alcoholic Beverages District of Baltimore City to the list of locations in which a holder of a certain Class D alcoholic beverages license may be issued a Class 7 micro-brewery license; authorizing the holder of a Class 7 micro-brewery license in Baltimore City to brew at certain locations using the same license and to obtain a Class 2 rectifying license for certain premises at certain locations, under certain circumstances; requiring a holder of a Class 7 license to submit a certain application to the State Comptroller; requiring the State Comptroller to make a certain determination and consider a certain factor; prohibiting a holder of a Class 7 license from serving or selling beer at a certain location; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 2–208(a)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 2–208(b) and (c)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

#### **Article 2B – Alcoholic Beverages**

2–208.

- (a) There is a Class 7 micro–brewery (on– and off–sale) license.
- (b) The license shall be issued:
  - (1) By the State Comptroller;
  - (2) Only in the following jurisdictions:
    - (i) Allegany County;
    - (ii) Baltimore City;
    - (iii) Baltimore County;
    - (iv) The City of Annapolis;
    - (v) Anne Arundel County;
    - (vi) Calvert County;
    - (vii) Caroline County;
    - (viii) Carroll County;
    - (ix) Charles County;
    - (x) Dorchester County;
    - (xi) Frederick County;
    - (xii) Garrett County;
    - (xiii) Harford County;
    - (xiv) Howard County;
    - (xv) Kent County;
    - (xvi) Montgomery County;
    - (xvii) Prince George’s County;
    - (xviii) Queen Anne’s County;
    - (xix) St. Mary’s County;
    - (xx) Talbot County;

(xxi) Washington County;

(xxii) Wicomico County; and

(xxiii) Worcester County;

(3) (i) Only to a holder of a Class B beer, wine and liquor (on-sale) license that is issued for use on the premises of a restaurant located in a jurisdiction listed in paragraph (2) of this subsection;

(ii) To a holder of a Class D beer (off-sale) license that is issued for use on the premises of the existing Class D license if the premises are located in Kent County or the Town of Berlin in Worcester County; or

(iii) To a holder of a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license if the premises are located in:

1. The 22nd Alcoholic Beverages District of Prince George's County;

2. Washington County; [or]

3. Dorchester County; **OR**

4. **THE 40TH ALCOHOLIC BEVERAGES DISTRICT OF BALTIMORE CITY;** and

(4) In addition to item (3) of this subsection, in Montgomery County only to a holder of a Class H beer and light wine license that is issued for use on the premises of a restaurant located in the County.

(c) (1) A holder of a Class 7 micro-brewery license:

(i) May brew and bottle malt beverages at the license location;

(ii) May obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro-brewery location to bottle malt beverages brewed at the micro-brewery location only;

(iii) May contract with the holder of a Class 2 rectifying license held under § 2-203 of this subtitle, a Class 5 brewery license, a Class 7 micro-brewery license, or a Class 8 farm brewery license, or the holder of a nonresident dealer's permit to brew and bottle malt beverages on their behalf;

(iv) May store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery to a licensed wholesaler, an authorized person outside this State, and for shipment back to the micro-brewery location for sale on the retail premises;

(v) May not collectively brew, bottle, or contract for more than 22,500 barrels of malt beverages each calendar year; and

(vi) May enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or wine and beer festival and the return of any unused beer if:

1. The beer festival or wine and beer festival is in a sales territory for which the holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act; and

2. The temporary delivery agreement is in writing.

(2) A Class 7 licensee who wishes to produce more than the barrelage authorized under paragraph (1)(v) of this subsection shall divest of any Class B, D, or any other retail license and obtain a Class 5 manufacturer's license.

(3) For the purposes of determining the barrelage limitation under paragraph (1)(v) of this subsection, any salable beer produced under contractual arrangements accrues only to the Class 7 micro-brewery licensee who is the brand owner.

(4) In Allegany County only, the holder of a Class 7 license:

(i) May brew in one location and may contract for the bottling of the malt beverage in another location; and

(ii) Need not meet the hotel/motel requirements for a Class B beer, wine and liquor licensee but shall meet the requirements for those Class B restaurants.

**(5) (I) ~~IN~~ SUBJECT TO SUBPARAGRAPHS (II), (III), AND (IV) OF THIS PARAGRAPH, IN BALTIMORE CITY ONLY, THE HOLDER OF A CLASS 7 LICENSE MAY:**

**~~(H)~~ 1. BREW IN TWO LOCATIONS USING THE SAME LICENSE; AND**

**~~(H)~~ 2. OBTAIN A CLASS 2 RECTIFYING LICENSE FOR THE PREMISES AT THE TWO LOCATIONS AUTHORIZED UNDER ITEM ~~(H)~~ 1 OF THIS PARAGRAPH SUBPARAGRAPH.**

(II) THE HOLDER OF A CLASS 7 LICENSE MAY BREW IN TWO LOCATIONS USING THE SAME LICENSE IF THE LICENSE HOLDER:

1. REQUESTS PERMISSION BY SUBMITTING A WRITTEN APPLICATION TO THE STATE COMPTROLLER; AND

2. OBTAINS WRITTEN APPROVAL FROM THE STATE COMPTROLLER.

(III) BEFORE AUTHORIZING A HOLDER OF A CLASS 7 LICENSE TO BREW IN TWO LOCATIONS USING THE SAME LICENSE, THE STATE COMPTROLLER SHALL:

1. MAKE A DETERMINATION THAT A SECOND LOCATION TO BREW ADDITIONAL CAPACITY IS NECESSARY DUE TO INSUFFICIENT SPACE AT THE EXISTING CLASS 7 LICENSE LOCATION; AND

2. CONSIDER ANY OTHER FACTOR RELEVANT TO APPROVAL OF THE APPLICATION.

(IV) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A HOLDER OF A CLASS 7 LICENSE MAY NOT SERVE OR SELL BEER FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION AT THE SECOND BREWING LOCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, May 5, 2014.

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## Chapter 300

(Senate Bill 508)

AN ACT concerning

### Office of the Attorney General – Establishment of a Consumer Affairs Satellite Office in Prince George's County

FOR the purpose of requiring the Office of the Attorney General to establish a consumer affairs satellite office in Prince George's County; providing for the purpose of establishing the consumer affairs satellite office; requiring the

consumer affairs satellite office to provide consumers with certain resources; requiring the Office of the Attorney General to give priority to a certain site in determining where to locate the consumer affairs satellite office; requiring the Office of the Attorney General, on or before a certain date, to report to the Governor and the General Assembly on the operations of the consumer affairs satellite office; and generally relating to the establishment by the Office of the Attorney General of a consumer affairs satellite office in Prince George's County.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) On or before October 1, 2014, the Office of the Attorney General shall establish a consumer affairs satellite office in Prince George's County.

(b) The purpose of establishing the consumer affairs satellite office is to broaden the reach of the Office of the Attorney General in order to better serve the needs of residents of the Washington metropolitan area for consumer protection services.

(c) The consumer affairs satellite office shall provide consumers with a variety of resources, including allowing a consumer to:

(1) file a complaint with a representative of the Office of the Attorney General; and

(2) receive counseling from a representative of the Office of the Attorney General.

(d) In determining where to locate the consumer affairs satellite office in Prince George's County, the Office of the Attorney General shall give priority to a site that is centrally located in the Washington metropolitan area.

(e) On or before December 31, 2014, the Office of the Attorney General shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the operations of the consumer affairs satellite office, including the number of consumers the office has served.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, May 5, 2014.**

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**Chapter 301****(House Bill 480)**

AN ACT concerning

**Office of the Attorney General – Establishment of a Consumer Affairs  
Satellite Office in Prince George’s County**

FOR the purpose of requiring the Office of the Attorney General to establish a consumer affairs satellite office in Prince George’s County; providing for the purpose of establishing the consumer affairs satellite office; requiring the consumer affairs satellite office to provide consumers with certain resources; requiring the Office of the Attorney General to give priority to a certain site in determining where to locate the consumer affairs satellite office; requiring the Office of the Attorney General, on or before a certain date, to report to the Governor and the General Assembly on the operations of the consumer affairs satellite office; and generally relating to the establishment by the Office of the Attorney General of a consumer affairs satellite office in Prince George’s County.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) On or before October 1, 2014, the Office of the Attorney General shall establish a consumer affairs satellite office in Prince George’s County.

(b) The purpose of establishing the consumer affairs satellite office is to broaden the reach of the Office of the Attorney General in order to better serve the needs of residents of the Washington metropolitan area for consumer protection services.

(c) The consumer affairs satellite office shall provide consumers with a variety of resources, including allowing a consumer to:

(1) file a complaint with a representative of the Office of the Attorney General; and

(2) receive counseling from a representative of the Office of the Attorney General.

(d) In determining where to locate the consumer affairs satellite office in Prince George’s County, the Office of the Attorney General shall give priority to a site that is centrally located in the Washington metropolitan area.

(e) On or before December 31, 2014, the Office of the Attorney General shall report to the Governor and, in accordance with § 2–1246 of the State Government

Article, the General Assembly on the operations of the consumer affairs satellite office, including the number of consumers the office has served.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

**Approved by the Governor, May 5, 2014.**

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## **Chapter 302**

### **(Senate Bill 522)**

AN ACT concerning

#### **Commercial Law – Maryland Uniform Commercial Code – Funds Transfers**

FOR the purpose of altering the applicability of provisions of the Maryland Uniform Commercial Code governing funds transfers; providing that the provisions apply to a certain remittance transfer except under certain circumstances; establishing that, in the event of an inconsistency between an applicable provision of the Maryland Uniform Commercial Code governing funds transfers and an applicable provision of the federal Electronic Fund Transfer Act, the federal law governs to the extent of the inconsistency; and generally relating to funds transfers under the Maryland Uniform Commercial Code.

BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 4A–101, 4A–102, and 4A–104

Annotated Code of Maryland

(2013 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 4A–108

Annotated Code of Maryland

(2013 Replacement Volume)

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

#### **Article – Commercial Law**

4A–101.

This title may be cited as Maryland Uniform Commercial Code – Funds Transfers.

4A–102.

Except as otherwise provided in § 4A–108 of this subtitle, this title applies to funds transfers defined in § 4A–104 of this subtitle.

4A–104.

In this title:

(1) “Funds transfer” means the series of transactions, beginning with the originator’s payment order, made for the purpose of making payment to the beneficiary of the order. The term includes any payment order issued by the originator’s bank or by an intermediary bank intended to carry out the originator’s payment order. A funds transfer is completed by acceptance by the beneficiary’s bank of a payment order for the benefit of the beneficiary of the originator’s payment order.

(2) “Intermediary bank” means a receiving bank other than:

- (i) The originator’s bank; or
- (ii) The beneficiary’s bank.

(3) “Originator” means the sender of the first payment order in a funds transfer.

(4) “Originator’s bank” means:

- (i) The receiving bank to which the payment order of the originator is issued if the originator is not a bank; or
- (ii) The originator if the originator is a bank.

4A–108.

**(A) [This] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS title does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978 (Title XX, Public Law 95–630, 92 Stat. 3728, 15 U.S.C. § 1693 et seq.) as amended from time to time.**

**(B) THIS TITLE APPLIES TO A FUNDS TRANSFER THAT IS A REMITTANCE TRANSFER AS DEFINED IN THE ELECTRONIC FUND TRANSFER ACT (15 U.S.C. § 1693O–1) AS AMENDED FROM TIME TO TIME, UNLESS THE REMITTANCE TRANSFER IS AN ELECTRONIC FUND TRANSFER AS DEFINED IN THE**

**ELECTRONIC FUND TRANSFER ACT (15 U.S.C. § 1693A) AS AMENDED FROM TIME TO TIME.**

**(C) IN A FUNDS TRANSFER TO WHICH THIS TITLE APPLIES, IN THE EVENT OF AN INCONSISTENCY BETWEEN AN APPLICABLE PROVISION OF THIS TITLE AND AN APPLICABLE PROVISION OF THE ELECTRONIC FUND TRANSFER ACT, THE PROVISION OF THE ELECTRONIC FUND TRANSFER ACT GOVERNS TO THE EXTENT OF THE INCONSISTENCY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, May 5, 2014.**

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**Chapter 303**

**(Senate Bill 558)**

AN ACT concerning

**Carroll County – Local Government Tort Claims Act – Industrial  
Development Authority**

FOR the purpose of altering the definition of a “local government” under the Local Government Tort Claims Act to include a certain nonprofit corporation in Carroll County; providing that a certain notice requirement does not apply to certain actions against a certain nonprofit corporation in Carroll County or its employees; providing for the application of this Act; and generally relating to the inclusion of certain nonprofit entities in Carroll County under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5–301(d) and 5–304  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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

**Article – Courts and Judicial Proceedings**

5–301.

(d) “Local government” means:

- (1) A charter county as defined in § 1–101 of the Local Government Article;
- (2) A code county as defined in § 1–101 of the Local Government Article;
- (3) A board of county commissioners;
- (4) Baltimore City;
- (5) A municipality as defined in § 1–101 of the Local Government Article;
- (6) The Maryland–National Capital Park and Planning Commission;
- (7) The Washington Suburban Sanitary Commission;
- (8) The Northeast Maryland Waste Disposal Authority;
- (9) A community college or board of trustees for a community college established or operating under Title 16 of the Education Article, not including Baltimore City Community College;
- (10) A county public library or board of trustees of a county public library established or operating under Title 23, Subtitle 4 of the Education Article;
- (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt Free Library;
- (12) The Washington County Free Library or the Board of Trustees of the Washington County Free Library;
- (13) A special taxing district;
- (14) A nonprofit community service corporation incorporated under State law that is authorized to collect charges or assessments;
- (15) Housing authorities created under Division II of the Housing and Community Development Article;
- (16) A sanitary district, sanitary commission, metropolitan commission, or other sewer or water authority established or operating under public local law or public general law;
- (17) The Baltimore Metropolitan Council;

- (18) The Howard County Economic Development Authority;
- (19) The Howard County Mental Health Authority;
- (20) A commercial district management authority established by a county or municipal corporation if provided under local law;
- (21) The Baltimore City Police Department;
- (22) A regional library resource center or a cooperative library corporation established under Title 23, Subtitle 2 of the Education Article;
- (23) Lexington Market, Inc., in Baltimore City;
- (24) The Baltimore Public Markets Corporation, in Baltimore City;
- (25) The nonprofit corporation serving as the local public transportation authority for Carroll County pursuant to a contract or memorandum of understanding with Carroll County (Carroll County Senior Overland Service, Inc., t/a Carroll Area Transit System);
- (26) The nonprofit corporation serving as the animal control and licensing authority for Carroll County pursuant to a contract or memorandum of understanding with Carroll County (the Humane Society of Carroll County, Inc.);
- (27) Garrett County Municipalities, Inc., in Garrett County; [and]
- (28) The nonprofit corporation serving as the local public transportation authority for Garrett County pursuant to a contract or memorandum of understanding with Garrett County (Garrett County Community Action Committee, Inc.); AND
- (29) THE NONPROFIT CORPORATION SERVING AS THE INDUSTRIAL DEVELOPMENT AUTHORITY OF CARROLL COUNTY ESTABLISHED UNDER TITLE 12, SUBTITLE 1 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

5-304.

(a) This section does not apply to an action against a nonprofit corporation described in § 5-301(d)(23), (24), (25), (26), [or] (28), OR (29) of this subtitle or its employees.

(b) (1) Except as provided in subsections (a) and (d) of this section, an action for unliquidated damages may not be brought against a local government or its employees unless the notice of the claim required by this section is given within 180 days after the injury.

(2) The notice shall be in writing and shall state the time, place, and cause of the injury.

(c) (1) The notice required under this section shall be given in person or by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, by the claimant or the representative of the claimant.

(2) Except as otherwise provided, if the defendant local government is a county, the notice required under this section shall be given to the county commissioners or county council of the defendant local government.

(3) If the defendant local government is:

(i) Baltimore City, the notice shall be given to the City Solicitor;

(ii) Howard County or Montgomery County, the notice shall be given to the County Executive; and

(iii) Anne Arundel County, Baltimore County, Harford County, or Prince George's County, the notice shall be given to the county solicitor or county attorney.

(4) For any other local government, the notice shall be given to the corporate authorities of the defendant local government.

(d) Notwithstanding the other provisions of this section, unless the defendant can affirmatively show that its defense has been prejudiced by lack of required notice, upon motion and for good cause shown the court may entertain the suit even though the required notice was not given.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**

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