

Laws
of the
State of Maryland

At the Session of the General Assembly Begun and Held in the
City of Annapolis on the Thirteenth Day of January 2016
and Ending on the Eleventh Day of April 2016

Bills vetoed by the Governor appear after the Laws

VOLUME VIII

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Chapter 515

(Senate Bill 1005)

AN ACT concerning

Justice Reinvestment Act

~~FOR the purpose of requiring the Division of Parole and Probation to conduct a certain risk and needs assessment on certain inmates and include the results in certain case records; establishing requirements for a certain case plan; requiring the Division of Correction to have a certain study conducted at certain intervals on a certain assessment tool for a certain purpose; increasing a certain monthly deduction allowed to an inmate of a State correctional facility whose term of confinement includes a certain sentence for a certain crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance; increasing the maximum monthly deductions allowed to an inmate of a State correctional facility for manifesting satisfactory progress in certain work projects or programs; increasing the maximum number of diminution credits that an inmate of a State correctional facility may earn in a month; requiring the Division of Parole and Probation to administer a certain screening tool and a certain risk and needs assessment on a certain supervised individual; requiring the Division of Parole and Probation to supervise a certain individual based on the results of a certain risk and needs assessment; requiring the Division of Parole and Probation to develop an individualized case plan for each individual with a certain assessment; requiring the Division of Parole and Probation to modify the conditions of probation or suspension of sentence for the purpose of imposing certain graduated sanctions; requiring the Division of Parole and Probation to report to the court on certain violations and certain graduated sanctions imposed under certain circumstances; expanding eligibility for certain earned compliance credits to a person incarcerated, on probation, or convicted in this State for violation of certain prohibitions relating to manufacturing, distributing, dispensing, or possessing a controlled dangerous substance; requiring the Maryland Parole Commission or the court to adjust the period of a certain supervised individual's supervision on a certain recommendation for earned compliance credits accrued under a certain program; requiring the Division of Parole and Probation to transfer a certain individual to a certain abatement status under certain circumstances; requiring the Division of Parole and Probation to inform a certain supervised individual of a certain transfer date at certain intervals; requiring the Division of Parole and Probation to notify the Maryland Parole Commission or the court of a certain impending transfer at a certain time; providing that a supervised individual who is on abatement may not be required to regularly report to a certain agent or pay a supervision fee; requiring the Department of Public Safety and Correctional Services to develop an automated application for the tracking and awarding of earned compliance credits by the Division of Parole and Probation; requiring the Division of Parole and Probation to use certain methods to aid and encourage a certain person to improve conduct and to reduce the risk of recidivism; requiring the Division of Parole and Probation to~~

~~have an independent validation study conducted at certain intervals on its risk and needs assessment tool for a certain purpose; requiring the Division of Parole and Probation Department of Public Safety and Correctional Services to require all parole and probation agents, Maryland Parole Commission members, and hearing officers to undergo certain annual training; requiring the Department of Public Safety and Correctional Services, by a certain date, to establish a program to implement certain sanctions for certain violations of conditions of community supervision by a certain individual; requiring the Department of Public Safety and Correctional Services to adopt certain policies and procedures to implement certain programs; requiring the Department to develop a certain matrix for a certain purpose; authorizing the Division of Parole and Probation to modify conditions of community supervision for a certain individual for the limited purpose of imposing certain sanctions; authorizing requiring the Division of Parole and Probation to refer a certain individual to the court or the Maryland Parole Commission for additional sanctions; requiring the Division of Parole and Probation to issue a certificate of rehabilitation to a certain individual; providing that a certificate of rehabilitation precludes a licensing board from disqualifying an applicant from professional or occupational licensure or certification because of a certain criminal conviction shall be considered by a licensing board when considering the qualifications of an applicant for a professional or occupational licensure or certification; providing that an individual may receive only one certificate of rehabilitation under certain circumstances; requiring the Division of Parole and Probation to adopt regulations establishing an application and review process for a certificate of rehabilitation that allows certain parties to object to the issuance of the certificate of rehabilitation; altering the exclusive powers of the Maryland Parole Commission; requiring the Maryland Parole Commission to request that the Division of Parole and Probation conduct a certain investigation for an inmate in a local correctional facility; requiring the Maryland Parole Commission to request that the Division of Correction conduct a certain investigation for an inmate in a State correctional facility; requiring certain investigations to be submitted at certain times; requiring the Maryland Parole Commission to consider the results of a certain investigation, develop a certain case plan, and provide certain notifications to certain victims and a State's Attorney; providing that a certain inmate be released on administrative parole release under certain circumstances; establishing that a victim has certain rights related to administrative parole; requiring that an inmate's debilitation or incapacitation be permanent to qualify for medical parole; requiring the Maryland Parole Commission to consider certain medical evaluations before granting medical parole; repealing a requirement that a Governor approve medical parole for an individual serving a certain sentence; providing that the Governor may disapprove a medical parole recommendation for a certain individual serving a certain sentence within a certain time; authorizing a parole commissioner to impose a certain period of imprisonment under certain circumstances; authorizing the Commissioner to depart from certain periods of incarceration under certain circumstances; authorizing a commissioner to revoke certain diminution credits previously earned by a certain individual under certain circumstances; altering certain deductions from an certain inmate's earnings to be used for certain purposes; altering a certain monthly deduction from postsentence confinement allowed to a certain inmate of a local correctional facility;~~

~~altering the maximum penalty for murder in the second degree; altering the maximum penalty for kidnapping; altering certain penalties for possession of a controlled dangerous substance; altering certain penalties for possession of marijuana; requiring authorizing the court to order the Department of Public Safety and Correctional Services Department of Health and Mental Hygiene to evaluate a defendant for drug dependence and provide a certain assessment before imposing a sentence for possession of a controlled dangerous substance; requiring the Department of Public Safety and Correctional Services Department of Health and Mental Hygiene to evaluate a defendant and provide an assessment regarding drug treatment to certain parties; requiring the court to incorporate consider a certain assessment into a sentence for possession of a controlled dangerous substance in a certain manner; requiring the Division of Correction or a local facility to facilitate certain treatment for a certain person; establishing that a court may impose certain mandatory minimum sentences only for certain drug offenses under certain circumstances; requiring the court to state on the record the reason for departing from certain mandatory minimum sentences; authorizing a certain person to apply to the court to modify or reduce a certain sentence under certain circumstances in a certain manner; increasing the amount of crack cocaine to be the same as the amount of powder cocaine that is required to trigger enhanced penalties for certain drug offenders; altering the penalties for theft, issuing or passing a bad check, credit card fraud, identity fraud, counterfeiting, and exploitation of a vulnerable adult; providing that a certain geriatric parole procedure does not apply to a certain sexual offender; altering the age and incarceration time served thresholds for eligibility for geriatric parole; requiring the State Commission on Criminal Sentencing Policy to review judicial compliance with certain guidelines for suspended sentences and include a suspended portion of a sentence in the determination of whether a sentence is compliant with certain sentencing guidelines; authorizing a court to impose a certain period of incarceration for a certain person who has violated a condition of probation under certain circumstances; authorizing a certain person to file a petition for expungement of certain offenses under certain circumstances; establishing certain procedures for a certain expungement under certain circumstances; authorizing the court to depart from certain periods of imprisonment under certain circumstances; requiring the Department of Health and Mental Hygiene to immediately provide certain services; requiring the Department of Health and Mental Hygiene to facilitate certain treatment without unnecessary delay and in no event no later than a certain time period after a certain order; repealing certain limitations on certain duties of the Department of Health and Mental Hygiene relating to funding; authorizing the court to require the Department of Health and Mental Hygiene to appear in court to explain a certain lack of placement delay under certain circumstances; establishing the Justice Reinvestment Oversight Board; providing for the membership, duties, staffing, procedures, and reporting of the Board; establishing the Performance Incentive County Grant Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Executive Director of the Governor's Office of Crime Control and Prevention to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures~~

~~from the Fund; establishing the Local Government Justice Reinvestment Commission; providing for the membership, duties, staffing, procedures, and reporting of the Local Government Justice Reinvestment Commission; altering the penalties for certain traffic violations related to a driver's license; requiring the Governor's Office of Crime Control and Prevention, in consultation with certain departments, agencies, and persons, to conduct a certain analysis relating to offender treatment and to submit a certain report; stating the intent of the General Assembly that the Governor provide certain funding in the annual budget; requiring the Maryland Mediation and Conflict Resolution Office to conduct a certain study and submit a certain report with recommendations on or before a certain date; requiring the State Commission on Criminal Sentencing Policy to study how more alternatives to incarceration may be included in the sentencing guidelines and submit a report with recommendations on or before a certain date; requiring the Governor's Office of Crime Control and Prevention to conduct a certain study relating to restitution and victim services and submit a certain report; requiring the Governor to issue a certain order under certain circumstances; requiring local correction authorities in consultation with certain departments to conduct a certain budget analysis and submit a report on or before a certain date; stating the intent of the General Assembly; providing for the application of certain provisions of this Act; providing for a delayed effective date for certain provisions of this Act; making conforming changes; altering certain definitions; defining certain terms; and generally relating to justice reinvestment.~~

FOR the purpose of requiring the Division of Parole and Probation to conduct a certain risk and needs assessment on certain inmates and include the results in certain case records; establishing requirements for a certain case plan; requiring the Division of Correction to have a certain study conducted at certain intervals on a certain assessment tool for a certain purpose; increasing a certain monthly deduction allowed to an inmate of a State correctional facility whose term of confinement includes a certain sentence for a certain crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance; expanding the types of programs for which a certain inmate may receive a certain deduction from the inmate's term of confinement under certain circumstances for a certain purpose; increasing the maximum monthly deductions allowed to an inmate of a State correctional facility for manifesting satisfactory progress in certain work projects or programs; increasing the maximum number of diminution credits that a certain inmate of a State correctional facility may earn in a month; requiring the Division of Parole and Probation to administer a certain screening tool and a certain risk and needs assessment on a certain supervised individual; requiring the Division of Parole and Probation to supervise a certain individual based on the results of a certain screening tool or a certain risk and needs assessment; requiring the Division of Parole and Probation to develop an individualized case plan for each individual with a certain assessment; requiring the Division of Parole and Probation to impose certain graduated sanctions; requiring the Division of Parole and Probation to provide prompt notice to the court on certain violations and certain graduated sanctions imposed under certain circumstances; expanding eligibility for certain earned compliance credits to a person incarcerated, on probation, or convicted in this State for violation of certain prohibitions relating to manufacturing, distributing,

dispensing, or possessing a controlled dangerous substance; requiring the Maryland Parole Commission or the court to adjust the period of a certain supervised individual's supervision on a certain recommendation for earned compliance credits accrued under a certain program; requiring the Division of Parole and Probation to place a certain individual on a certain abatement status under certain circumstances; requiring the Division of Parole and Probation to inform a certain supervised individual of a certain transfer date at certain intervals; requiring the Division of Parole and Probation to notify the Maryland Parole Commission or the court of a certain impending transfer at a certain time; providing that a supervised individual who is on abatement may not be required to regularly report to a certain agent or pay a supervision fee; requiring certain savings to revert to the Performance Incentive Grant Program Fund, rather than the General Fund; requiring the Department of Public Safety and Correctional Services to develop an automated application for the tracking and awarding of earned compliance credits by the Division of Parole and Probation; requiring the Division of Parole and Probation to use certain methods to aid and encourage a certain person to improve conduct and to reduce the risk of recidivism; requiring the Division of Parole and Probation to have an independent validation study conducted at certain intervals on its risk and needs assessment tool for a certain purpose; requiring the Department of Public Safety and Correctional Services to require all parole and probation agents, Maryland Parole Commission members, and hearing officers to undergo certain annual training; requiring the Department of Public Safety and Correctional Services, by a certain date, to establish a program to implement certain sanctions for certain violations of conditions of community supervision by a certain individual; requiring the Department of Public Safety and Correctional Services to adopt certain policies and procedures to implement certain programs and to ensure that certain protections are in place for a certain individual; requiring the Department to develop a certain matrix for a certain purpose; requiring the Division of Parole and Probation to refer a certain individual to the court or the Maryland Parole Commission for additional sanctions; requiring the Division of Parole and Probation to issue a certificate of rehabilitation to a certain individual; prohibiting a certain licensing board from denying an occupational license to a certain applicant for a certain reason; providing that an individual may receive only one certificate of rehabilitation under certain circumstances; providing that the Court of Appeals is not a licensing board for a certain purpose; requiring the Division of Parole and Probation to adopt regulations establishing an application and review process for a certificate of rehabilitation that allows certain parties to object to the issuance of the certificate of rehabilitation; altering the exclusive powers of the Maryland Parole Commission; altering the parole eligibility for a certain inmate who is serving a sentence for a third or subsequent conviction of a certain felony violation committed on or after a certain date; requiring the Maryland Parole Commission to conduct a certain investigation for an inmate in a correctional facility; requiring certain investigations to be submitted at certain times; requiring the Maryland Parole Commission to consider the results of a certain investigation, develop a certain case plan, and provide certain notifications to certain victims; requiring the Division of Correction and local correction facilities to conduct a certain review, make certain progress reports, and provide certain input; providing that a certain inmate be released on administrative release under certain circumstances;

establishing that a victim has certain rights related to administrative release; requiring that an inmate's debilitation or incapacitation be chronic to qualify for medical parole; requiring the Maryland Parole Commission to consider a certain medical recommendation or evaluation before granting medical parole; repealing a requirement that the Governor approve medical parole for an individual serving a certain sentence; providing that the Governor may disapprove a medical parole recommendation for a certain individual serving a certain sentence within a certain time; authorizing a parole commissioner to impose a certain period of imprisonment under certain circumstances; authorizing the Commissioner to depart from certain periods of incarceration under certain circumstances; authorizing a commissioner to revoke certain diminution credits previously earned by a certain individual under certain circumstances; requiring the State to provide each county a certain grant for each day that a certain inmate received certain programming or services from a certain local correctional facility at a certain time; altering certain deductions from a certain inmate's earnings to be used for certain purposes; altering a certain monthly deduction from postsentence confinement allowed to a certain inmate of a local correctional facility; altering the maximum penalty for murder in the second degree; altering the maximum penalty for first-degree child abuse that results in the death of a victim under a certain age; altering the maximum penalty for child abuse that results in the death of the victim after a previous conviction for child abuse; altering certain penalties for certain offenses relating to controlled dangerous substances; altering certain penalties for possession of marijuana; authorizing the court to order the Department of Health and Mental Hygiene to evaluate a defendant for drug dependence and provide a certain assessment before imposing a sentence for possession of a controlled dangerous substance; requiring the Department of Health and Mental Hygiene to evaluate a defendant and provide an assessment regarding drug treatment to certain parties; requiring the court to consider a certain assessment into a sentence for possession of a controlled dangerous substance in a certain manner; requiring the Division of Correction or a local facility to facilitate certain treatment for a certain person; repealing mandatory minimum sentences for certain offenses involving distribution of a controlled dangerous substance; authorizing a person who is serving a certain mandatory minimum sentence to apply to the court to modify or reduce the mandatory minimum sentence under certain circumstances; increasing the amount of crack cocaine to be the same as the amount of powder cocaine that is required to trigger enhanced penalties for certain drug offenders; providing that a certain person whose previous conviction was for violation of a certain provision of law is subject to a certain penalty only under certain circumstances; altering the penalties for theft, issuing or passing a bad check, credit card fraud, identity fraud, counterfeiting, and exploitation of a vulnerable adult; altering the penalties for certain offenses relating to criminal gangs; prohibiting a criminal gang or an individual belonging to a criminal gang from receiving or investing certain proceeds in a certain manner; prohibiting criminal gangs and persons involved with criminal gangs from obtaining certain property under certain circumstances; prohibiting a person from conspiring to commit certain violations relating to criminal gangs; allowing a court to order a divestiture of certain property and to take certain other actions relating to criminal gangs and persons involved with criminal gangs; altering certain penalties; authorizing the Governor to request the Attorney General to aid in

certain investigations or prosecutions; prohibiting a person from promoting or sponsoring a criminal gang; establishing certain venue provisions for certain offenses; providing that a certain geriatric parole procedure does not apply to a certain sexual offender; altering the age threshold for eligibility for geriatric parole; authorizing a court to impose a certain period of incarceration for a certain person who has violated a condition of probation under certain circumstances; authorizing the court to depart from certain periods of incarceration under certain circumstances; authorizing a certain person to file a petition for expungement of certain offenses under certain circumstances; establishing certain procedures for a certain expungement under certain circumstances; requiring the Department of Health and Mental Hygiene to immediately provide certain services, except under certain circumstances; requiring the Department of Health and Mental Hygiene to facilitate certain treatment no later than a certain time period after a certain order; repealing certain limitations on certain duties of the Department of Health and Mental Hygiene relating to funding; authorizing the court to require the Department of Health and Mental Hygiene to appear in court to explain a certain delay under certain circumstances; establishing the Addiction Treatment Divestiture Fund as a special, nonlapsing fund in the Department of Health and Mental Hygiene; specifying the purposes of the Fund; requiring the Secretary of Health and Mental Hygiene to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purposes for which the Fund may be used; providing for the investment of the Fund; exempting the Fund from a certain provision of law that requires interest on State money in special funds to accrue to the General Fund; establishing the Justice Reinvestment Oversight Board; providing for the membership, duties, staffing, procedures, and reporting requirements of the Board; establishing the Performance Incentive Grant Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Executive Director of the Governor's Office of Crime Control and Prevention to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; establishing the Local Government Justice Reinvestment Commission; providing for the membership, duties, staffing, procedures, and reporting of the Local Government Justice Reinvestment Commission; altering the penalties for certain traffic violations related to a driver's license; repealing certain provisions of law relating to the Justice Reinvestment Coordinating Council; requiring the Governor's Office of Crime Control and Prevention, in consultation with certain departments, agencies, and persons, to conduct a certain analysis relating to offender treatment and to submit a certain report; stating the intent of the General Assembly that the Governor provide certain funding in the annual budget; requiring the Maryland Mediation and Conflict Resolution Office to conduct a certain study and submit a certain report with recommendations on or before a certain date; requiring the State Commission on Criminal Sentencing Policy to study how more alternatives to incarceration may be included in the sentencing guidelines and submit a report with recommendations on or before a certain date; requiring the Department of Health and Mental Hygiene, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services, in consultation with certain

organizations, to review and make recommendations regarding potential barriers to employment, licensing, and entrepreneurship for certain individuals and the criminalization of occupational licenses and to make certain recommendations regarding occupational licensing laws and report to the Governor and General Assembly on or before a certain date; requiring the Governor's Office of Crime Control and Prevention to conduct a certain study relating to restitution and victim services and submit a certain report; requiring the Governor to issue a certain order under certain circumstances; providing for the application of certain provisions of this Act; requiring the Administrative Office of the Courts to submit a certain annual report to the General Assembly; requiring the Justice Reinvestment Oversight Board to submit a certain report to the Governor and General Assembly on or before a certain date; requiring local correction authorities in consultation with certain departments to conduct a certain budget analysis and submit a report on or before a certain date; providing for a delayed effective date for certain provisions of this Act; making conforming changes; altering certain definitions; defining certain terms; and generally relating to justice reinvestment.

~~BY repealing and reenacting, with amendments,
Article — Correctional Services
Section 3-601, 3-704, 3-707, 3-708, 6-101, 6-104, 6-111, 6-117, 7-205, 7-305,
7-309, 7-401, 7-504, and 11-504
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,
Article — Correctional Services
Section 3-705, 3-706, 7-101(a) and (m), 7-103, and 7-301(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)~~

~~BY adding to
Article — Correctional Services
Section 6-119, 6-120, 6-121, 7-104, 7-301.1, and 9-614
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)~~

~~BY repealing
Article — Correctional Services
Section 11-604
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article — Criminal Law
Section 2-204, 3-502, and 5-601
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)~~

~~(As enacted by Chapter 4 of the Acts of the General Assembly of 2016)~~

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

~~Article — Criminal Law~~

~~Section 5-601.1, 5-607, 5-608, 5-609, 5-609.1, 5-612, 7-104(g), 7-108, 8-106,
8-206, 8-207, 8-209, 8-301(g), 8-516, 8-611, and 8-801(c), and 14-101~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article — Criminal Law~~

~~Section 7-104(a) through (f), 8-301(a), (b), (b-1), and (c) through (f), and 8-801(a)
and (b)~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article — Criminal Procedure~~

~~Section 1-101(a)~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2015 Supplement)~~

~~BY adding to~~

~~Article — Criminal Procedure~~

~~Section 1-101(p)~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2015 Supplement)~~

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

~~Article — Criminal Procedure~~

~~Section 6-209, 1-101, 6-223, 6-224, and 11-819(b)~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2015 Supplement)~~

~~BY adding to~~

~~Article — Criminal Procedure~~

~~Section 10-110~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2015 Supplement)~~

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

~~Article — Health — General~~

~~Section 8-505 and 8-507~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii) 84. and 85.
Annotated Code of Maryland
(2015 Replacement Volume)~~

~~BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii) 86.
Annotated Code of Maryland
(2015 Replacement Volume)~~

~~BY adding to
Article – State Government
Section 9–3201 through 9–3212 to be under the new subtitle “Subtitle 32. Justice
Reinvestment Oversight Board”
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Transportation
Section 27–101(e) and (y)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)~~

~~BY adding to
Article – Transportation
Section 27–101(gg)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)~~

BY repealing
Article – Public Safety
Section 1–601 through 1–605 and the subtitle “Subtitle 6. Justice Reinvestment
Coordinating Council”
Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 3-601, 3-704, 3-706, 3-707, 3-708, 6-101, 6-104, 6-111, 6-117, 7-205,
7-305, 7-309, 7-401, 7-504, 9-402, and 11-504

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Correctional Services

Section 3-705, 7-101(a) and (m), 7-103, and 7-301(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY adding to

Article – Correctional Services

Section 6-119, 6-120, 6-121, 7-104, 7-301(e), 7-301.1, and 9-614

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY repealing

Article – Correctional Services

Section 11-604

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 5-601(a) and (b), 5-602 through 5-606, 7-104(a) through (f), 8-301(a), (b),
(b-1), and (c) through (f), and 8-801(a) and (b)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 2-204, 3-601, and 5-601(c)(1) and (2)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

(As enacted by Chapter 4 of the Acts of the General Assembly of 2016)

BY adding to

Article – Criminal Law

Section 5-601(e), 5-609.1, and 9-807

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5-607, 5-608, 5-609, 5-612, 5-905, 7-104(g), 7-108, 8-106, 8-206, 8-207,
8-209, 8-301(g), 8-516, 8-611, 8-801(c), 9-801 through 9-805, and 14-101

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing

Article – Criminal Law

Section 5-609.1

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 1-101, 6-223, 6-224, and 11-819(b)

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY adding to

Article – Criminal Procedure

Section 10-110

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 8-505 and 8-507

Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – Health – General

Section 8-6D-01 to be under the new subtitle “Subtitle 6D. Addiction Treatment
Divestiture Fund”

Annotated Code of Maryland

(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6-226(a)(2)(ii)86.

Annotated Code of Maryland

(2015 Replacement Volume)

(As enacted by Section 3 of this Act)

BY adding to

Article – State Finance and Procurement

Section 6-226(a)(2)(ii)87.
Annotated Code of Maryland
(2015 Replacement Volume)
(As enacted by Section 3 of this Act)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6-226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6-226(a)(2)(ii)84. and 85.
Annotated Code of Maryland
(2015 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 6-226(a)(2)(ii)86.
Annotated Code of Maryland
(2015 Replacement Volume)

BY adding to
Article – State Government
Section 9-3201 through 9-3212 to be under the new subtitle “Subtitle 32. Justice
Reinvestment Oversight Board”
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 27-101(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 27-101(c)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY adding to
Article – Transportation
Section 27-101(gg)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 1-601 through 1-605 and the subtitle “Subtitle 6. Justice Reinvestment Coordinating Council” of Article – Public Safety of the Annotated Code of Maryland be repealed.

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

~~Article – Correctional Services~~

~~§ 601.~~

~~(a) IN THIS SECTION, “RISK AND NEEDS ASSESSMENT” HAS THE MEANING STATED IN § 6-101 OF THIS ARTICLE.~~

~~(b) Promptly after an inmate is sentenced to the jurisdiction of the Division, the Division shall assemble an adequate case record for the inmate that includes:~~

~~(1) a description of the inmate;~~

~~(2) a photograph of the inmate;~~

~~(3) the family history of the inmate;~~

~~(4) any previous record of the inmate;~~

~~(5) a summary of the facts of each case for which the inmate is serving a sentence; [and]~~

~~(6) THE RESULTS OF A RISK AND NEEDS ASSESSMENT OF THE INMATE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND~~

~~[(6)] (7) the results of the physical, mental, and educational examination of the inmate required under subsection [(b)] (C) of this section.~~

~~[(b)] (C) The Division shall conduct A RISK AND NEEDS ASSESSMENT AND a physical, mental, and educational examination of an inmate as soon as feasible after the individual is sentenced to the jurisdiction of the Division.~~

~~[(c)] (d) (1) Based on the information assembled under subsection [(a)] (b) of this section, the Division shall classify an inmate and [assign the inmate to any available treatment, training, or employment that the Division considers appropriate] DEVELOP A CASE PLAN TO GUIDE AN INMATE’S REHABILITATION WHILE UNDER THE CUSTODY OF THE DIVISION.~~

~~(2) THE CASE PLAN DEVELOPED UNDER THIS SUBSECTION SHALL INCLUDE:~~

~~(I) PROGRAMMING AND TREATMENT RECOMMENDATIONS BASED ON THE RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER SUBSECTION (C) OF THIS SECTION; AND~~

~~(II) REQUIRED CONDUCT IN ACCORDANCE WITH THE RULES AND POLICIES OF THE DIVISION; AND~~

~~(III) A PLAN FOR THE PAYMENT OF RESTITUTION, IF RESTITUTION HAS BEEN ORDERED.~~

~~[(d)] (E) In accordance with regulations adopted by the Division, the managing official of each correctional facility shall maintain, as a part of an inmate's case record:~~

~~(1) an adequate record of the conduct, effort, and progress of the inmate during confinement; and~~

~~(2) a record of the character of any offense committed by the inmate and the nature and amount of punishment inflicted.~~

~~[(c)] (F) To identify an inmate, the Division may photograph and fingerprint the inmate and record a description of the inmate's personal background data.~~

~~3-704.~~

~~(a) An inmate shall be allowed a deduction in advance from the inmate's term of confinement.~~

~~(b) (1) The deduction allowed under subsection (a) of this section shall be calculated:~~

~~(i) from the first day of commitment to the custody of the Commissioner through the last day of the inmate's term of confinement;~~

~~(ii) except as provided in paragraph (2) of this subsection, at the rate of 10 days for each calendar month; and~~

~~(iii) on a prorated basis for any portion of a calendar month.~~

~~(2) If an inmate's term of confinement includes a consecutive or concurrent sentence for a crime of violence as defined in § 14-101 of the Criminal Law Article [or], A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL LAW ARTICLE, OR a crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance in violation of §§~~

~~5-602 through 5-609,] § 5-612[,] or § 5-613 of the Criminal Law Article, the deduction described in subsection (a) of this section shall be calculated at the rate of 5 days for each calendar month.~~

~~(e) A deduction under this section may not be allowed for a period during which an inmate does not receive credit for service of the inmate's term of confinement, including a period:~~

~~(1) during which the inmate's sentence is stayed;~~

~~(2) during which the inmate is not in the custody of the Commissioner because of escape; or~~

~~(3) for which the Maryland Parole Commission has declined to grant credit after revocation of parole or mandatory supervision.~~

~~§ 705.~~

~~(a) (1) In addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of 5 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory performance of assigned work tasks.~~

~~(2) The deduction described in paragraph (1) of this subsection shall be calculated:~~

~~(i) from the first day that the work task is performed; and~~

~~(ii) on a prorated basis for any portion of a calendar month during which the inmate performed the work task.~~

~~(b) The Commissioner shall adopt regulations governing the determination of deductions authorized under this section.~~

~~§ 706.~~

~~(a) In addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of 5 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory progress in:~~

~~(1) vocational courses; or~~

~~(2) other educational and training courses.~~

~~(b) The deduction described in subsection (a) of this section shall be calculated:~~

~~(1) from the first day that the inmate participates in the course; and~~

~~(2) on a prorated basis for any portion of the calendar month during which the inmate participates in the course.~~

~~§ 707.~~

~~(a) (1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of up to [10] 20 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory progress in those special selected work projects or other special programs, INCLUDING RECIDIVISM REDUCTION PROGRAMMING, designated by the Commissioner and approved by the Secretary.~~

~~(2) IF AN INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14 101 OF THE CRIMINAL LAW ARTICLE, OR A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL LAW PROCEDURE ARTICLE, THE DEDUCTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CALCULATED AT THE RATE OF UP TO 10 DAYS FOR EACH CALENDAR MONTH.~~

~~(b) A deduction described in subsection (a) of this section shall be calculated:~~

~~(1) from the first day that the inmate is assigned to the work project or program; and~~

~~(2) on a prorated basis for any portion of the calendar month during which the inmate participates in the work project or program.~~

~~§ 708.~~

~~Notwithstanding any other provision of this subtitle, an inmate may not be allowed a deduction under this subtitle of more than [20]:~~

~~(1) 20 DAYS FOR A CALENDAR MONTH FOR AN INMATE DESCRIBED IN § 3 707(A)(2) OF THIS SUBTITLE; AND~~

~~(2) 30 days for a calendar month FOR ALL OTHER INMATES.~~

~~§ 101.~~

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

~~(b) (1) “ABSCONDING” MEANS DISPLAYING AFFIRMATIVE BEHAVIOR WITH THE INTENT TO EVADE SUPERVISION.~~

~~(2) “ABSCONDING” DOES NOT INCLUDE MISSING A SINGLE APPOINTMENT WITH A SUPERVISING AUTHORITY.~~

~~(c) “Commission” means the Maryland Parole Commission.~~

~~(e) (D) “Crime of violence” has the meaning stated in § 14-101 of the Criminal Law Article.~~

~~(D) (E) “CRIMINAL RISK FACTORS” MEANS AN INDIVIDUAL’S CHARACTERISTICS AND BEHAVIORS THAT:~~

~~(1) AFFECT THE INDIVIDUAL’S RISK OF ENGAGING IN CRIMINAL BEHAVIOR; AND~~

~~(2) ARE DIMINISHED WHEN ADDRESSED BY EFFECTIVE TREATMENT, SUPERVISION, AND OTHER SUPPORT SERVICES, RESULTING IN A REDUCED RISK OF CRIMINAL BEHAVIOR.~~

~~[(d)] (E) (F) “Director” means the Director of the Division or the Director’s designee.~~

~~[(e)] (F) (G) “Division” means the Division of Parole and Probation.~~

~~[(f)] (G) (H) “Mandatory supervision” has the meaning stated in § 7-101 of this article.~~

~~[(g)] (H) (I) “Offender” means an individual on parole or under mandatory supervision.~~

~~[(h)] (I) (J) “Parolee” means an individual who has been released on parole.~~

~~[(i)] (J) (K) “Program” means a home detention program established under § 6-108 of this subtitle.~~

~~(K) (L) “RISK AND NEEDS ASSESSMENT” MEANS AN ACTUARIAL TOOL VALIDATED ON THE STATE’S CORRECTIONAL POPULATION THAT DETERMINES:~~

~~(1) AN INDIVIDUAL’S RISK OF REOFFENDING; AND~~

~~(2) THE CRIMINAL RISK FACTORS THAT, WHEN ADDRESSED, REDUCE THE INDIVIDUAL’S RISK OF REOFFENDING.~~

~~(L) (M) "TECHNICAL VIOLATION" MEANS A VIOLATION OF A CONDITION OF PROBATION, PAROLE, OR MANDATORY SUPERVISION THAT DOES NOT INVOLVE:~~

~~(1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER;~~

~~(2) A CONVICTION; OR~~

~~(3) A VIOLATION OF A NO CONTACT OR STAY AWAY ORDER; OR~~

~~(4) ABSCONDING.~~

~~6-104.~~

~~(a) Subject to the authority of the Secretary and in addition to any other duties established by law, the Division:~~

~~(1) shall:~~

~~(i) ADMINISTER A RISK AND NEEDS ASSESSMENT VALIDATED SCREENING TOOL ON EACH INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION UNDER THE SUPERVISION OF THE DIVISION;~~

~~(ii) ADMINISTER A RISK AND NEEDS ASSESSMENT AND DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION WHO HAS BEEN ASSESSED SCREENED AS MODERATE OR HIGH RISK TO REOFFEND;~~

~~(i) (iii) supervise [the conduct of parolees] AN INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION BASED ON THE RESULTS OF A VALIDATED SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEM ITEMS (I) OR (II) OF THIS ITEM;~~

~~(ii) (iv) supervise an individual under mandatory supervision until the expiration of the individual's maximum term or terms of confinement;~~

~~(v) NOTWITHSTANDING ANY OTHER LAW, MODIFY THE CONDITIONS OF PAROLE AND MANDATORY SUPERVISION FOR THE PURPOSE OF IMPOSING GRADUATED SANCTIONS UNDER § 6-121 OF THIS SUBTITLE IN RESPONSE TO TECHNICAL VIOLATIONS AS AN ALTERNATIVE TO REVOCATION UNDER § 7-401 OR § 7-504 OF THIS ARTICLE;~~

~~(iii) (vi) regularly inform the Commission of the activities of offenders who are supervised by the Division, INCLUDING, IF REQUESTED BY THE~~

~~COMMISSION, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS SUBTITLE;~~

~~[(iv)] (VII) issue a warrant for the retaking of an offender charged with a violation of a condition of parole or mandatory supervision, if this authority is delegated by the Commission to the Director of the Division; and~~

~~[(v)] (VIII) administer the Drinking Driver Monitor Program, collect supervision fees, and adopt guidelines for collecting the monthly program fee assessed in accordance with § 6-115 of this subtitle; and~~

~~(2) may recommend:~~

~~(i) that the Commission modify any condition of parole or mandatory supervision; and~~

~~(ii) that the Commission issue a warrant for the retaking of an offender.~~

~~(b) Funding for the Drinking Driver Monitor Program shall be as provided in the State budget.~~

~~6-111.~~

~~If a court suspends the sentence of an individual convicted of a crime and orders the individual to continue under the supervision of the Division for a specified time or until ordered otherwise, the Division shall:~~

~~(1) [supervise the conduct of] ADMINISTER A RISK AND NEEDS ASSESSMENT ON the individual;~~

~~(2) [determine whether the individual is complying with the conditions of probation or suspension of sentence] SUPERVISE THE INDIVIDUAL BASED ON THE RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEM (1) OF THIS SECTION; [and]~~

~~(3) DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL ASSESSED AS MODERATE OR HIGH RISK TO REOFFEND;~~

~~(4) NOTWITHSTANDING ANY OTHER LAW, MODIFY THE CONDITIONS OF PROBATION OR SUSPENSION OF SENTENCE FOR THE PURPOSE OF IMPOSING IMPOSE GRADUATED SANCTIONS UNDER § 6-121 OF THIS SUBTITLE IN RESPONSE TO TECHNICAL VIOLATIONS AS AN ALTERNATIVE TO REVOCATION UNDER § 6-223 OR § 6-224 OF THE CRIMINAL PROCEDURE ARTICLE; AND~~

~~[(3)] (5) PROVIDE PROMPT NOTICE TO THE COURT OF ANY TECHNICAL VIOLATIONS COMMITTED AND GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS SUBTITLE; AND~~

~~(6) report to the court on the individual's compliance AND, IF REQUESTED BY THE COURT, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS SUBTITLE.~~

~~6-117.~~

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

~~(2) "Abatement" means an end to active supervision of a supervised individual, without effect on the legal expiration date of the case or the supervised individual's obligation to:~~

~~(i) obey all laws; AND~~

~~(ii) [report as instructed; and~~

~~(iii)] obtain written permission from the Division of Parole and Probation before relocating the supervised individual's residence outside the State.~~

~~(3) "Earned compliance credit" means a 20-day reduction from the period of active supervision of the supervised individual for every month that a supervised individual:~~

~~(i) exhibits [full compliance] PROGRESS COMPLIANCE with the conditions[,] AND goals[, and treatment as part] of the supervised individual's probation, parole, or mandatory release supervision, as determined by the Department;~~

~~(ii) has no new arrests;~~

~~(iii) has not violated any conditions of no contact imposed on the supervised individual;~~

~~(iv) is current on court ordered payments for restitution, fines, and fees relating to the offense for which earned compliance credits are being accrued; and~~

~~(v) is current in completing any community supervision requirements included in the conditions of the supervised individual's probation, parole, or mandatory release supervision.~~

~~(4) (i) "Supervised individual" means an individual placed on probation by a court or serving a period of parole or mandatory release supervision after release from a correctional facility.~~

(ii) ~~“Supervised individual” does not include:~~

~~1. a person incarcerated, on probation, or convicted in this State for a crime of violence;~~

~~2. a person incarcerated, on probation, or convicted in this State for a crime under Title 3, Subtitle 3 of the Criminal Law Article;~~

~~3. a person incarcerated, on probation, or convicted in this State for a violation of § 2-503, [§] §§ 5-602 through 5-606, OR § 5-617 5-612 THROUGH 5-614[, § 5-627, or § 5-628] of the Criminal Law Article;~~

~~4. a person registered or eligible for registration under Title 11, Subtitle 7 of the Criminal Procedure Article;~~

~~5. a person who was convicted in any other jurisdiction of a crime and the person’s supervision was transferred to this State; or~~

~~6. a person who was convicted in this State of a crime and the person’s supervision was transferred to another state.~~

(b) ~~The Department shall:~~

~~(1) establish a program to implement earned compliance credits; and~~

~~(2) adopt policies and procedures to implement the program.~~

(c) ~~(1) Notwithstanding any other law, the Maryland Parole Commission or the court [may] SHALL adjust the period of a supervised individual’s supervision on the recommendation of the Division of Parole and Probation for earned compliance credits accrued under a program created under this section.~~

~~(2) ONCE A COMBINATION OF TIME SERVED IN CUSTODY, IF APPLICABLE, TIME SERVED ON PROBATION, PAROLE, OR MANDATORY SUPERVISION, AND EARNED COMPLIANCE CREDITS SATISFY THE SUPERVISED INDIVIDUAL’S ACTIVE TERM OF SUPERVISION, THE DIVISION SHALL TRANSFER THE INDIVIDUAL TO PLACE THE INDIVIDUAL ON ABATEMENT.~~

~~(d) THE DIVISION SHALL:~~

~~(1) PROVIDE REGULAR NOTIFICATION TO A SUPERVISED INDIVIDUAL OF THE TENTATIVE ABATEMENT TRANSFER DATE; AND~~

~~(2) DEVELOP POLICIES FOR NOTIFYING A SUPERVISED INDIVIDUAL OF CHANGE TO THE ABATEMENT TRANSFER DATE.~~

~~(E) AT LEAST 90 DAYS BEFORE THE DATE OF TRANSFER TO ABATEMENT, THE DIVISION SHALL NOTIFY THE COMMISSION OR THE COURT OF THE IMPENDING TRANSFER.~~

~~[(d)] (F) A supervised individual whose period of active supervision has been completely reduced as a result of earned compliance credits shall remain on abatement until the expiration of the supervised individual's sentence, unless:~~

- ~~(1) the supervised individual consents to continued active supervision; or~~
- ~~(2) the supervised individual violates a condition of probation, parole, or mandatory release supervision including failure to pay a required payment of restitution.~~

~~(G) A SUPERVISED INDIVIDUAL WHO IS PLACED ON ABATEMENT UNDER THIS SECTION MAY NOT BE REQUIRED TO:~~

- ~~(1) REGULARLY REPORT TO A PAROLE OR PROBATION AGENT; OR~~
- ~~(2) PAY A SUPERVISION FEE.~~

~~[(e)] (H) If a supervised individual violates a condition of probation while on abatement, a court may order the supervised individual to be returned to active supervision.~~

~~[(f)] (I) (1) Twenty five percent of the savings realized by the Department as a result of the application of earned compliance credits shall revert to the Department.~~

~~(2) After the savings revert to the Department in accordance with paragraph (1) of this subsection, any remaining savings shall revert to the General Fund.~~

~~[(g)] (J) This section may not be construed to limit the authority of a court or the Parole Commission to extend probation, parole, or mandatory release supervision under § 6-222 of the Criminal Procedure Article.~~

~~(K) THE DEPARTMENT SHALL DEVELOP AN AUTOMATED APPLICATION FOR THE TRACKING AND AWARDED OF EARNED COMPLIANCE CREDITS BY THE DIVISION.~~

~~6-119.~~

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

~~(2) “EVIDENCE-BASED PROGRAMS AND PRACTICES” MEANS PROGRAMS PROVEN BY SCIENTIFIC RESEARCH TO RELIABLY PRODUCE REDUCTIONS IN RECIDIVISM.~~

~~(3) “INNOVATIVE PROGRAMS AND PRACTICES” MEANS PROGRAMS THAT DO NOT MEET THE STANDARD OF EVIDENCE-BASED PRACTICES BUT WHICH PRELIMINARY RESEARCH OR DATA INDICATES WILL REDUCE THE LIKELIHOOD OF OFFENDER RECIDIVISM.~~

~~(b) THE DIVISION SHALL USE PRACTICABLE AND SUITABLE METHODS THAT ARE CONSISTENT WITH EVIDENCE-BASED PROGRAMS AND PRACTICES AND INNOVATIVE PROGRAMS AND PRACTICES TO AID AND ENCOURAGE A PROBATIONER OR PAROLEE TO IMPROVE CONDUCT AND TO REDUCE THE RISK OF RECIDIVISM.~~

~~(c) THE DIVISION SHALL HAVE AN INDEPENDENT VALIDATION STUDY CONDUCTED EVERY 3 YEARS ON THE RISK AND NEEDS ASSESSMENT TOOL.~~

~~6-120.~~

~~THE DIVISION DEPARTMENT SHALL REQUIRE ALL PAROLE AND PROBATION AGENTS AND SUPERVISORS, COMMISSION MEMBERS, AND HEARING OFFICERS TO UNDERGO ANNUAL TRAINING BASED ON THE MOST CURRENT RESEARCH, REGARDING:~~

~~(1) IDENTIFYING, UNDERSTANDING, AND TARGETING AN INDIVIDUAL’S CRIMINAL RISK FACTORS;~~

~~(2) PRINCIPLES OF EFFECTIVE RISK INTERVENTIONS; AND~~

~~(3) SUPPORTING AND ENCOURAGING COMPLIANCE AND BEHAVIOR CHANGE.~~

~~6-121.~~

~~(A) THIS SECTION SHALL APPLY TO ALL INDIVIDUALS UNDER THE SUPERVISION OF THE DIVISION.~~

~~(B) (1) THE DIVISION SHALL IMPOSE GRADUATED SANCTIONS IN RESPONSE TO TECHNICAL VIOLATIONS OF CONDITIONS OF SUPERVISION.~~

~~(2) THE DIVISION SHALL PROVIDE NOTICE TO THE COURT OF A TECHNICAL VIOLATION COMMITTED AND A GRADUATED SANCTION IMPOSED AS A RESULT OF THE VIOLATION.~~

~~(C) ON OR BEFORE JULY 1, 2017, THE DEPARTMENT SHALL:~~

~~(1) ESTABLISH A PROGRAM TO IMPLEMENT THE USE OF GRADUATED SANCTIONS IN RESPONSE TO TECHNICAL VIOLATIONS OF THE CONDITIONS OF COMMUNITY SUPERVISION;~~

~~(2) ADOPT POLICIES AND PROCEDURES TO IMPLEMENT THE PROGRAM AND TO ENSURE THAT DUE PROCESS PROTECTIONS ARE IN PLACE FOR AN INDIVIDUAL UNDER THE SUPERVISION OF THE DIVISION TO CHALLENGE GRADUATED SANCTIONS IMPOSED UNDER THE PROGRAM; AND~~

~~(3) DEVELOP A MATRIX TO GUIDE A PAROLE AND PROBATION AGENT IN DETERMINING THE SUITABLE RESPONSE TO A TECHNICAL VIOLATION THAT INCLUDES A RANGE OF THE MOST COMMON VIOLATIONS AND A RANGE OF POSSIBLE NONCUSTODIAL SANCTIONS TO BE IMPOSED.~~

~~(D) NOTWITHSTANDING ANY OTHER LAW, THE DIVISION MAY MODIFY THE CONDITIONS OF COMMUNITY SUPERVISION FOR AN INDIVIDUAL FOR THE LIMITED PURPOSE OF IMPOSING GRADUATED SANCTIONS.~~

~~(E) (D) IF THE AVAILABLE GRADUATED SANCTIONS HAVE BEEN EXHAUSTED, THE DIVISION MAY SHALL REFER THE INDIVIDUAL TO THE COURT OR THE COMMISSION FOR ADDITIONAL SANCTIONS, INCLUDING FORMAL REVOCATION OF PROBATION, PAROLE, OR MANDATORY SUPERVISION UNDER § 7-401 OR § 7-504 OF THIS ARTICLE OR § 6-223 OR § 6-224 OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~7-101.~~

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

~~(m) "Violent crime" means:~~

~~(1) a crime of violence as defined in § 14-101 of the Criminal Law Article;~~

~~or~~

~~(2) burglary in the first, second, or third degree.~~

~~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.~~

~~7-104.~~

~~(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF REHABILITATION TO AN INDIVIDUAL WHO:~~

~~(1) WAS CONVICTED OF A MISDEMEANOR OR FELONY THAT IS NOT:~~

~~(I) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR~~

~~(II) A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;~~

~~(2) WAS SUPERVISED BY THE DIVISION OF PAROLE AND PROBATION UNDER CONDITIONS OF:~~

~~(I) PAROLE;~~

~~(II) PROBATION; OR~~

~~(III) MANDATORY RELEASE SUPERVISION;~~

~~(3) HAS COMPLETED ALL SPECIAL AND GENERAL CONDITIONS OF SUPERVISION, INCLUDING PAYING ALL REQUIRED RESTITUTION, FINES, FEES, AND OTHER PAYMENT OBLIGATIONS; AND~~

~~(4) IS NO LONGER UNDER THE JURISDICTION OF THE DIVISION OF PAROLE AND PROBATION.~~

~~(B) A CERTIFICATE OF REHABILITATION PRECLUDES A LICENSING BOARD FROM DISQUALIFYING AN APPLICANT FROM PROFESSIONAL OR OCCUPATIONAL LICENSURE OR CERTIFICATION BECAUSE OF THE UNDERLYING CRIMINAL CONVICTION. A LICENSING BOARD SHALL CONSIDER A CERTIFICATE OF~~

~~REHABILITATION WHEN DETERMINING THE QUALIFICATION OF AN APPLICANT FOR A PROFESSIONAL OR OCCUPATIONAL LICENSURE OR CERTIFICATION.~~

~~(C) AN INDIVIDUAL MAY RECEIVE ONLY ONE CERTIFICATE OF REHABILITATION PER LIFETIME.~~

~~(D) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AN APPLICATION AND REVIEW PROCESS FOR A CERTIFICATE OF REHABILITATION THAT ALLOWS THE SENTENCING JUDGE, THE STATE'S ATTORNEY, AND THE VICTIM TO OBJECT TO THE ISSUANCE OF THE CERTIFICATE OF REHABILITATION.~~

~~7-205.~~

~~(a) The Commission has the exclusive power to:~~

~~(1) authorize the parole of an individual sentenced under the laws of the State to any correctional facility in the State;~~

~~(2) negotiate, enter into, and sign predetermined parole release agreements as provided under subsection (b) of this section;~~

~~(3) hear cases for parole OR ADMINISTRATIVE RELEASE in which:~~

~~(i) the Commissioner of Correction, after reviewing the recommendation of the appropriate managing official, objects to a parole;~~

~~(ii) the inmate was convicted of a homicide;~~

~~(iii) the inmate is serving a sentence of life imprisonment; [or]~~

~~(iv) the parole hearing is open to the public under § 7-304 of this title;~~

~~(V) THE INMATE FAILS TO MEET THE REQUIREMENTS OF THE ADMINISTRATIVE PAROLE RELEASE PROCESS ESTABLISHED UNDER § 7-301.1 OF THIS TITLE; OR~~

~~(VI) A VICTIM OR A STATE'S ATTORNEY REQUESTS A HEARING AS PROVIDED UNDER § 7-301.1 OF THIS TITLE;~~

~~(4) hear exceptions to recommendations of a hearing examiner or a commissioner acting as a hearing examiner;~~

~~(5) review summarily all recommendations of a hearing examiner or a commissioner acting as a hearing examiner to which an exception has not been filed;~~

~~(6) hear a case for parole in absentia when an individual who was sentenced in this State to serve a term of imprisonment is in a correctional facility of a jurisdiction other than this State;~~

~~(7) hear cases of parole revocation; [and]~~

~~(8) if delegated by the Governor, hear cases involving an alleged violation of a conditional pardon; AND~~

~~(9) DETERMINE CONDITIONS FOR ADMINISTRATIVE PAROLE RELEASE UNDER § 7-301.1 OF THIS TITLE.~~

~~(b) (1) (i) The Commission may negotiate, enter into, and sign a predetermined parole release agreement with the Commissioner of Correction and an inmate under the jurisdiction of the Commission.~~

~~(ii) The agreement may provide for the release of the inmate on parole at a predetermined time if, during the inmate's term of confinement, the inmate participates in the programs designated by the Commission and fulfills any other conditions specified in the agreement.~~

~~(2) This subsection does not affect any diminution of an inmate's term of confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article OR AN INMATE'S ELIGIBILITY FOR ADMINISTRATIVE PAROLE RELEASE UNDER § 7-301.1 OF THIS TITLE.~~

~~7-301.~~

~~(a) (1) Except as otherwise provided in this section, the Commission shall request that the Division of Parole and Probation make an investigation for inmates in a local correctional facility and the Division of Correction make an investigation for inmates in a State correctional facility that will enable the Commission to determine the advisability of granting parole to an inmate who:~~

~~(i) has been sentenced under the laws of the State to serve a term of 6 months or more in a correctional facility; and~~

~~(ii) has served in confinement one-fourth of the inmate's aggregate sentence.~~

~~(2) Except as provided in paragraph (3) of this subsection, or as otherwise provided by law or in a predetermined parole release agreement, an inmate is not eligible for parole until the inmate has served in confinement one-fourth of the inmate's aggregate sentence.~~

~~(3) An inmate may be released on parole at any time in order to undergo drug or alcohol treatment, mental health treatment, or to participate in a residential program of treatment in the best interest of an inmate's expected or newborn child if the inmate:~~

~~(i) is not serving a sentence for a crime of violence, as defined in § 14-101 of the Criminal Law Article;~~

~~(ii) is not serving a sentence for a violation of Title 3, Subtitle 6, § 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the Criminal Law Article; and~~

~~(iii) has been determined to be amenable to treatment.~~

~~(4) The Division of Parole and Probation shall complete and submit to the Commission each investigation of an inmate in a local correctional facility required under paragraph (1) of this subsection within 60 days of commitment.~~

~~7-301.1.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "ADMINISTRATIVE PAROLE RELEASE" MEANS RELEASE TO PAROLE OF AN ELIGIBLE INMATE WHO HAS SERVED ONE FOURTH OF THE INMATE'S SENTENCE AND MET THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.~~

~~(3) "ELIGIBLE INMATE" MEANS AN INMATE WHO:~~

~~(I) HAS BEEN SENTENCED UNDER THE LAWS OF THE STATE TO SERVE A TERM OF 6 MONTHS OR MORE IN A CORRECTIONAL FACILITY;~~

~~(II) HAS BEEN SCREENED AS LOW RISK TO REOFFEND UNDER § 6-104 OF THIS ARTICLE;~~

~~(III) IS NOT SERVING A SENTENCE FOR:~~

~~1. A VIOLENT CRIME; OR~~

~~2. A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE; AND~~

~~(III) (IV) IF SERVING A SENTENCE WITH A TERM OF CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE, HAS SERVED THE MANDATORY PORTION OF THE SENTENCE.~~

~~(B) (1) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE COMMISSION SHALL:~~

~~(I) REQUEST THAT THE DIVISION OF PAROLE AND PROBATION CONDUCT AN INVESTIGATION TO:~~

~~(I) DETERMINE THE INMATE'S ELIGIBILITY FOR ADMINISTRATIVE PAROLE RELEASE;~~

~~(II) DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE INMATE MAY BE RELEASED TO PAROLE AFTER HAVING SERVED ONE FOURTH OF THE INMATE'S TERM OF CONFINEMENT; AND~~

~~(III) CALCULATE A TENTATIVE PAROLE RELEASE ELIGIBILITY DATE FOR AN ELIGIBLE INMATE.~~

~~(2) THE COMMISSION SHALL:~~

~~(I) REQUEST THAT FOR AN INMATE IN A STATE CORRECTIONAL FACILITY, THE DIVISION OF CORRECTION CONDUCT AN INVESTIGATION TO:~~

~~(I) DETERMINE THE INMATE'S ELIGIBILITY FOR ADMINISTRATIVE PAROLE RELEASE;~~

~~(II) DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE INMATE MAY BE RELEASED TO PAROLE AFTER HAVING SERVED ONE FOURTH OF THE INMATE'S TERM OF CONFINEMENT; AND~~

~~(III) CALCULATE A TENTATIVE PAROLE RELEASE ELIGIBILITY DATE FOR AN ELIGIBLE INMATE.~~

~~(3) THE INVESTIGATIONS REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL BE COMPLETED AND SUBMITTED TO THE COMMISSION WITHIN 60 DAYS OF COMMITMENT.~~

~~(C) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE COMMISSION, IN COLLABORATION WITH THE LOCAL CORRECTIONAL FACILITY, SHALL CONSIDER THE RESULTS OF THE INVESTIGATION CONDUCTED UNDER SUBSECTION (B)(1) OF THIS SECTION AND DEVELOP AN INDIVIDUAL CASE PLAN~~

~~WITH WHICH AN ELIGIBLE INMATE MUST COMPLY IN ORDER TO BE RELEASED ON ADMINISTRATIVE PAROLE RELEASE.~~

~~(D) (1) THE INDIVIDUAL CASE PLANS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION AND § 3-601(D) OF THIS ARTICLE SHALL INCLUDE CONDITIONS THAT AN INMATE WILL BE ABLE TO COMPLETE BEFORE THE INMATE'S ADMINISTRATIVE PAROLE RELEASE DATE.~~

~~(2) AN INDIVIDUAL CASE PLAN MAY INCLUDE CONDITIONS THAT APPLY AFTER AN INMATE IS RELEASED ON ADMINISTRATIVE PAROLE RELEASE.~~

~~(E) (1) A VICTIM HAS ALL THE RIGHTS UNDER THIS SECTION THAT ARE GRANTED TO A VICTIM UNDER THIS TITLE FOR A PAROLE HEARING.~~

~~(2) AS PROVIDED IN § 7-801 OF THIS TITLE, THE COMMISSION SHALL NOTIFY A VICTIM OF:~~

~~(1) (I) THE ELIGIBLE INMATE'S ADMINISTRATIVE PAROLE RELEASE ELIGIBILITY DATE;~~

~~(2) (II) THE VICTIM'S RIGHT TO REQUEST AN OPEN PAROLE HEARING UNDER § 7-304 OF THIS SUBTITLE; AND~~

~~(3) (III) THE VICTIM'S RIGHT TO SUBMIT WRITTEN TESTIMONY CONCERNING THE CRIME AND THE IMPACT OF THE CRIME ON THE VICTIM.~~

~~(F) (1) THE COMMISSION SHALL NOTIFY THE STATE'S ATTORNEY OF THE ELIGIBLE INMATE'S ADMINISTRATIVE RELEASE ELIGIBILITY DATE.~~

~~(2) THE STATE'S ATTORNEY MAY SUBMIT A WRITTEN OBJECTION TO AN INMATE'S RELEASE ON ADMINISTRATIVE RELEASE AND REQUEST AN OPEN HEARING.~~

~~(G) AN ELIGIBLE INMATE SHALL BE RELEASED ON ADMINISTRATIVE PAROLE RELEASE, WITHOUT A HEARING BEFORE THE COMMISSION, AT THE INMATE'S PAROLE RELEASE ELIGIBILITY DATE IF:~~

~~(1) THE INMATE HAS COMPLIED WITH THE CASE PLAN DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION OR § 3-601(D) OF THIS ARTICLE;~~

~~(2) THE INMATE HAS NOT COMMITTED A SERIOUS RULE VIOLATION WITHIN 30 120 DAYS OF THE INMATE'S PAROLE ADMINISTRATIVE RELEASE ELIGIBILITY DATE; AND~~

~~(3) A VICTIM OR THE STATE'S ATTORNEY HAS NOT REQUESTED A HEARING UNDER SUBSECTION (E) OR (F) OF THIS SECTION.~~

~~(G) (H) THE DIVISION OF CORRECTION AND EACH LOCAL CORRECTIONAL FACILITY SHALL NOTIFY THE COMMISSION OF AN ELIGIBLE INMATE'S COMPLIANCE OR NONCOMPLIANCE WITH THE CASE PLAN AT LEAST 30 DAYS BEFORE THE INMATE'S TENTATIVE PAROLE ADMINISTRATIVE RELEASE ELIGIBILITY DATE.~~

~~(H) (I) AN ELIGIBLE INMATE WHO IS NOT RELEASED ON ADMINISTRATIVE PAROLE RELEASE UNDER THIS SECTION IS OTHERWISE ELIGIBLE FOR PAROLE RELEASE AS PROVIDED UNDER THIS SUBTITLE.~~

~~7-305.~~

~~Each hearing examiner and commissioner determining whether an inmate is suitable for parole, and the Commission before entering into a predetermined parole release agreement, shall consider:~~

- ~~(1) the circumstances surrounding the crime;~~
- ~~(2) the physical, mental, and moral qualifications of the inmate;~~
- ~~(3) the progress of the inmate during confinement, including the academic progress of the inmate in the mandatory education program required under § 22-102 of the Education Article;~~
- ~~(4) a report on a drug or alcohol evaluation that has been conducted on the inmate, including any recommendations concerning the inmate's amenability for treatment and the availability of an appropriate treatment program;~~
- ~~(5) whether there is reasonable probability that the inmate, if released on parole, will remain at liberty without violating the law;~~
- ~~(6) whether release of the inmate on parole is compatible with the welfare of society;~~
- ~~(7) an updated victim impact statement or recommendation prepared under § 7-801 of this title;~~
- ~~(8) any recommendation made by the sentencing judge at the time of sentencing;~~
- ~~(9) any information that is presented to a commissioner at a meeting with the victim; [and]~~

~~(10) any testimony presented to the Commission by the victim or the victim's designated representative under § 7-801 of this title; AND~~

~~(11) COMPLIANCE WITH THE CASE PLAN DEVELOPED UNDER § 7-301.1 OF THIS SUBTITLE OR § 3-601 OF THIS ARTICLE.~~

~~7-300.~~

~~(a) This section applies to any inmate who is sentenced to a term of incarceration for which all sentences being served, including any life sentence, are with the possibility of parole.~~

~~(b) An inmate who is so PERMANENTLY debilitated or incapacitated by a medical or mental health condition, disease, or syndrome as to be physically incapable of presenting a danger to society may be released on medical parole at any time during the term of that inmate's sentence, without regard to the eligibility standards specified in § 7-301 of this subtitle.~~

~~(c) (1) A request for a medical parole under this section may be filed with the Maryland Parole Commission by:~~

- ~~(i) the inmate seeking the medical parole;~~
- ~~(ii) an attorney;~~
- ~~(iii) a prison official or employee;~~
- ~~(iv) a medical professional;~~
- ~~(v) a family member; or~~
- ~~(vi) any other person.~~

~~(2) The request shall be in writing and shall articulate the grounds that support the appropriateness of granting the medical parole.~~

~~(d) Following review of the request, the Commission may:~~

~~(1) find the request to be inconsistent with the best interests of public safety and take no further action; or~~

~~(2) request that department or local correctional facility personnel provide information for formal consideration of parole release.~~

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

~~(1) TWO MEDICAL EVALUATIONS CONDUCTED BY MEDICAL PROFESSIONALS THAT ARE INDEPENDENT FROM THE DIVISION OF CORRECTION, PAID FOR BY THE DIVISION OF CORRECTION;~~

~~[(1)] (2) the inmate's medical information, including:~~

- ~~(i) a description of the inmate's condition, disease, or syndrome;~~
- ~~(ii) a prognosis concerning the likelihood of recovery from the condition, disease, or syndrome;~~
- ~~(iii) a description of the inmate's physical incapacity and score on the Karnofsky Performance Scale Index or similar classification of physical impairment; and~~
- ~~(iv) a mental health evaluation, where relevant;~~

~~[(2)] (3) discharge information, including:~~

- ~~(i) availability of treatment or professional services within the community;~~
- ~~(ii) family support within the community; and~~
- ~~(iii) housing availability, including hospital or hospice care; and~~

~~[(3)] (4) case management information, including:~~

- ~~(i) the circumstances of the current offense;~~
- ~~(ii) institutional history;~~
- ~~(iii) pending charges, sentences and other jurisdictions, and any other detainers; and~~
- ~~(iv) criminal history information.~~

~~(f) The Commission may require as a condition of release on medical parole that:~~

~~(1) the parolee agree to placement for a definite or indefinite period of time in a hospital or hospice or other housing accommodation suitable to the parolee's medical condition, including the family home of the parolee, as specified by the Commission or the supervising agent; and~~

~~(2) the parolee forward authentic copies of applicable medical records to indicate that the particular medical condition giving rise to the release continues to exist.~~

~~(g) (1) If the Commission has reason to believe that a parolee is no longer so debilitated or incapacitated as to be physically incapable of presenting a danger to society, the parolee shall be returned to the custody of the Division of Correction or the local correctional facility from which the inmate was released.~~

~~(2) (i) A parole hearing for a parolee returned to custody shall be held to consider whether the parolee remains incapacitated and shall be heard promptly.~~

~~(ii) A parolee returned to custody under this subsection shall be maintained in custody, if the incapacitation is found to no longer exist.~~

~~(3) An inmate whose medical parole is revoked for lack of continued incapacitation may be considered for parole in accordance with the eligibility requirements specified in § 7-301 of this subtitle.~~

~~(h) (1) Subject to paragraph (2) of this subsection, provisions of law relating to victim notification and opportunity to be heard shall apply to proceedings relating to medical parole.~~

~~(2) In cases of imminent death, time limits relating to victim notification and opportunity to be heard may be waived in the discretion of the Commission.~~

~~(i) Consistent with § 7-301(d)(4) of this subtitle, a medical parole under this section for a person serving a life sentence shall require the approval of the Governor~~

~~**(1) IF THE COMMISSION DECIDES TO GRANT MEDICAL PAROLE TO AN INMATE SENTENCED TO LIFE IMPRISONMENT, THE DECISION SHALL BE TRANSMITTED TO THE GOVERNOR.**~~

~~**(2) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN TRANSMITTAL TO THE COMMISSION.**~~

~~**(3) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN 180 DAYS AFTER RECEIPT, THE DECISION BECOMES EFFECTIVE.**~~

~~(j) The Commission shall issue regulations to implement the provisions of this section.~~

~~7-401.~~

~~(a) If a parolee is alleged to have violated a condition of parole, one commissioner shall hear the case on revocation of the parole at the time and place that the Commission designates.~~

~~(b) (1) Each individual charged with a parole violation is entitled to be represented by counsel of the individual's choice or, if eligible, counsel provided by the Public Defender's office.~~

~~(2) The Commission shall keep a record of the hearing.~~

~~(e) If the commissioner finds from the evidence that the parolee has violated a condition of parole, the commissioner may take any action that the commissioner considers appropriate, including:~~

~~(1) (i) **SUBJECT TO SUBSECTION (D)(1) OF THIS SECTION**, revoking the order of parole;~~

~~(ii) setting a future hearing date for consideration for reparole; and~~

~~(iii) remanding the individual to the Division of Correction or local correctional facility from which the individual was paroled; or~~

~~(2) continuing parole:~~

~~(i) without modification of its conditions; or~~

~~(ii) with modification of its conditions, including a requirement that the parolee spend all or part of the remaining parole period in a home detention program.~~

~~(d) (1) **IF SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF AN ORDER OF PAROLE IS REVOKED DUE TO A TECHNICAL VIOLATION, AS DEFINED IN § 6-101 OF THIS ARTICLE, THE COMMISSIONER HEARING THE PAROLE REVOCATION MAY REQUIRE THE INDIVIDUAL TO SERVE A PERIOD OF IMPRISONMENT OF:**~~

~~(I) **FOR A FIRST VIOLATION, NOT MORE THAN 15 DAYS;**~~

~~(II) **FOR A SECOND VIOLATION, NOT MORE THAN 30 DAYS; AND**~~

~~(III) **FOR A THIRD VIOLATION, NOT MORE THAN 45 DAYS.**~~

~~(2) Subject to paragraph ~~[(2)] (3)~~ of this subsection and further action by the Commission, if the order of parole is revoked **FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION**, the commissioner hearing the parole revocation, in the commissioner's discretion, may require the inmate to serve any unserved portion of the sentence originally imposed.~~

~~~~[(2)] (3)~~ An inmate may not receive credit for time between release on parole and revocation of parole if:~~

~~(i) the inmate was serving a sentence for a violent crime when parole was revoked; and~~

~~(ii) the parole was revoked due to a finding that the inmate committed a violent crime while on parole.~~

~~**(4) THE COMMISSIONER MAY DEPART FROM THE LIMITS PROVIDED UNDER THIS SUBSECTION IF THE COMMISSIONER MAKES AN AFFIRMATIVE FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY OR TO A VICTIM OR WITNESS OR FOR OTHER GOOD CAUSE.**~~

~~(c) Subject to subsection (d) of this section, if a sentence has commenced as provided under § 9-202(e)(2) of this article and the inmate is serving that sentence when the order of parole is revoked, any reimposed portion of the sentence originally imposed shall begin at the expiration of any sentences which were begun under § 9-202(e)(2) of this article.~~

~~(f) (1) The inmate may seek judicial review in the circuit court within 30 days after receiving the written decision of the Commission.~~

~~(2) The court shall hear the action on the record.~~

~~7-504.~~

~~(a) (1) In this section[, "term"] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "TERM of confinement" has the meaning stated in § 3-701 of this article.~~

~~(3) "TECHNICAL VIOLATION" HAS THE MEANING STATED IN § 6-101 OF THIS ARTICLE.~~

~~(b) (1) The **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE** commissioner presiding at an individual's mandatory supervision revocation hearing may revoke [any or all of the] diminution credits previously earned by the individual on the individual's term of confinement **IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:**~~

~~(I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;~~

~~(II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION;~~

~~(III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION; AND~~

~~(IV) UP TO ALL REMAINING DAYS FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION.~~

~~(2) Nothing in this section affects the prohibition against the application of diminution credits under § 7-502 of this subtitle to the term of confinement of an inmate convicted and sentenced to imprisonment for a crime committed while on mandatory supervision.~~

~~(3) THE COMMISSIONER MAY DEPART FROM THE LIMITS PROVIDED UNDER THIS SUBSECTION IF THE COMMISSIONER MAKES AN AFFIRMATIVE FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY OR TO A VICTIM OR WITNESS OR FOR OTHER GOOD CAUSE.~~

~~(e) After an inmate's mandatory supervision has been revoked, the inmate may not be awarded any new diminution credits on the term of confinement for which the inmate was on mandatory supervision.~~

~~9-614.~~

~~(A) THIS SECTION APPLIES TO AN INMATE IN A STATE OR LOCAL CORRECTIONAL FACILITY.~~

~~(B) THE DEPARTMENT SHALL COLLECT AN INMATE'S EARNINGS.~~

~~(C) FROM AN INMATE'S EARNINGS, THE DEPARTMENT SHALL:~~

~~(1) IF REQUIRED BY LAW, REIMBURSE THE COUNTY OR STATE FOR THE COST OF PROVIDING FOOD, LODGING, AND CLOTHING TO THE INMATE;~~

~~(2) PAY COURT ORDERED PAYMENTS FOR SUPPORT OF DEPENDENTS;~~

~~(3) PAY COURT ORDERED PAYMENTS FOR RESTITUTION; AND~~

~~(4) PAY COMPENSATION FOR VICTIMS OF CRIME IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.~~

~~(D) (1) OF THE EARNINGS OF AN INMATE IN THE PRIVATE SECTOR/PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM OF THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, THE DEPARTMENT SHALL WITHHOLD 20% FOR COMPENSATION FOR VICTIMS OF CRIME, IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROGRAM.~~

~~(2) (i) IF AN INMATE HAS EARNINGS THAT ARE NOT COVERED UNDER THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL WITHHOLD 25% FOR COMPENSATION FOR VICTIMS OF CRIME.~~

~~(ii) THE REQUIREMENTS OF SUBPARAGRAPH (i) OF THIS PARAGRAPH APPLY ONLY WHEN AN INMATE HAS AT LEAST \$50 IN THE INMATE'S FINANCIAL ACCOUNTS.~~

~~(3) (i) IF A COURT IN A CRIMINAL OR JUVENILE DELINQUENCY PROCEEDING HAS ORDERED THE INMATE TO PAY RESTITUTION, THE DEPARTMENT SHALL FORWARD THE MONEY WITHHELD UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION TO THE CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~(ii) THE CRIMINAL INJURIES COMPENSATION BOARD SHALL DISTRIBUTE FROM THE CRIMINAL INJURIES COMPENSATION FUND ANY AMOUNT RECEIVED UNDER THIS PARAGRAPH TO THE PERSON OR GOVERNMENTAL UNIT SPECIFIED IN THE JUDGMENT OF RESTITUTION TO PAY THE RESTITUTION AS REQUIRED UNDER § 11-607(B)(2) OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~(4) IF THE INMATE IS NOT SUBJECT TO A JUDGMENT OF RESTITUTION OR THE JUDGMENT OF RESTITUTION IS SATISFIED, OF THE MONEY WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL PAY:~~

~~(i) 50% INTO THE CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE; AND~~

~~(ii) 50% INTO THE STATE VICTIMS OF CRIME FUND ESTABLISHED UNDER § 11-916 OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~(E) THE DEPARTMENT SHALL:~~

~~(1) CREDIT TO THE INMATE'S ACCOUNT ANY BALANCE THAT REMAINS AFTER PAYING THE ITEMS IN SUBSECTION (C)(1) THROUGH (4) OF THIS SECTION; AND~~

~~(2) PAY THE BALANCE IN THE INMATE'S ACCOUNT TO THE INMATE WITHIN 15 DAYS AFTER THE INMATE IS RELEASED.~~

~~11-504.~~

~~(a) An inmate who is sentenced to a local correctional facility shall be allowed an initial deduction from the inmate's term of confinement.~~

~~(b) The deduction described in subsection (a) of this section shall be calculated:~~

~~(1) from the first day of the inmate's postsentence commitment to the custody of the local correctional facility to the last day of the inmate's maximum term of confinement;~~

~~(2) (I) at the rate of 5 days for each calendar month IF THE INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR~~

~~(II) AT THE RATE OF 10 DAYS FOR EACH CALENDAR MONTH FOR ALL OTHER INMATES; and~~

~~(3) on a prorated basis for any portion of a calendar month.~~

~~§ 11-604.~~

~~(a) The Department shall collect an inmate's earnings.~~

~~(b) From an inmate's earnings, the Department shall:~~

~~(1) reimburse the county or State for the cost of providing food, lodging, and clothing to the inmate in a local correctional facility;~~

~~(2) pay court ordered payments for support of dependents;~~

~~(3) pay court ordered payments for restitution; and~~

~~(4) pay compensation for victims of crime in accordance with subsection (e) of this section.~~

~~(e) (1) Of the earnings of an inmate in the Private Sector/Prison Industry Enhancement Certification Program of the United States Department of Justice, Bureau of Justice Assistance, the Department shall withhold 20% for compensation for victims of crime, in accordance with the requirements of the Program.~~

~~(2) (i) If a court in a criminal or juvenile delinquency proceeding has ordered the inmate to pay restitution, the Department shall forward the 20% withheld under paragraph (1) of this subsection to the Criminal Injuries Compensation Fund established under § 11-819 of the Criminal Procedure Article.~~

~~(ii) The Criminal Injuries Compensation Board shall distribute from the Criminal Injuries Compensation Fund any amount received under this paragraph to~~

~~the person or governmental unit specified in the judgment of restitution to pay the restitution as required under § 11-607(b)(2) of the Criminal Procedure Article.~~

~~(3) If the inmate is not subject to a judgment of restitution or the judgment of restitution is satisfied, of the money withheld under paragraph (1) of this subsection, the Department shall pay:~~

~~(i) 50% into the Criminal Injuries Compensation Fund established under § 11-819 of the Criminal Procedure Article; and~~

~~(ii) 50% into the State Victims of Crime Fund established under § 11-916 of the Criminal Procedure Article.~~

~~(d) The Department shall:~~

~~(1) credit to the inmate's account any balance that remains after paying the items in subsection (b)(1) through (3) of this section; and~~

~~(2) pay the balance in the inmate's account to the inmate within 15 days after the inmate is released.]~~

### ~~Article—Criminal Law~~

#### ~~2-204.~~

~~(a) A murder that is not in the first degree under § 2-201 of this subtitle is in the second degree.~~

~~(b) A person who commits a murder in the second degree is guilty of a felony and on conviction is subject to imprisonment not exceeding [30] 40 years.~~

#### ~~3-502.~~

~~(a) A person may not, by force or fraud, carry or cause a person to be carried in or outside the State with the intent to have the person carried or concealed in or outside the State.~~

~~(b) A person who violates this section is guilty of the felony of kidnapping and on conviction is subject to imprisonment not exceeding [30] 40 years.~~

~~(c) Kidnapping does not include the act of a parent in carrying a minor child of that parent in or outside the State.~~

#### ~~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), (3), and (4) of this subsection]** **SUBSECTION (D) OF THIS SECTION**, 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]:**~~

~~**(1) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$25,000 \$5,000 OR BOTH;**~~

~~**(2) FOR A SECOND OR THIRD CONVICTION, IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$25,000 \$5,000 OR BOTH; AND**~~

~~**(3) FOR A FOURTH OR SUBSEQUENT CONVICTION, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$25,000 \$5,000 OR BOTH.**~~

~~**[(2) (i)] (D)** Except as provided in **[subparagraph (ii) of this paragraph]** **§ 5-601.1 OF THIS ARTICLE**, a person whose violation of this section involves the use or possession of marijuana **IS GUILTY OF A MISDEMEANOR AND** is subject to **[imprisonment not exceeding 1 year 6 MONTHS or a fine not exceeding \$1,000 or both.]:**~~

~~(1) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND~~

~~(2) FOR A SECOND OR SUBSEQUENT CONVICTION, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.~~

~~[(ii) 1. A first 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 \$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.~~

~~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 subparagraph 1, 2, or 3 of this subparagraph to attend a drug 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 shall order a person at least 21 years old who commits a violation punishable under subparagraph 3 of this subparagraph to attend a drug 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.]~~

~~[(3) (i) 1.] (E) (1) (I) In this [paragraph] SUBSECTION the following words have the meanings indicated.~~

~~[2.] (II) "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.] (III) "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.] 1. is a resident of the State;~~

~~[B.] 2. is at least 21 years old;~~

~~{C.} 3.~~ is an immediate family member, a spouse, or a domestic partner of the patient;

~~{D.} 4.~~ has not been convicted of a crime of violence as defined in § 14-101 of this article;

~~{E.} 5.~~ has not been convicted of a violation of a State or federal controlled dangerous substances law;

~~{F.} 6~~ has not been convicted of a crime of moral turpitude;

~~{G.} 7.~~ has been designated as caregiver by the patient in writing that has been placed in the patient's medical record prior to arrest;

~~{H.} 8.~~ is the only individual designated by the patient to serve as caregiver; and

~~{I.} 9.~~ is not serving as caregiver for any other patient.

~~{4.} (IV)~~ “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.} 1.~~ cachexia or wasting syndrome;

~~{B.} 2.~~ severe or chronic pain;

~~{C.} 3.~~ severe nausea;

~~{D.} 4.~~ seizures;

~~{E.} 5.~~ severe and persistent muscle spasms; or

~~{F.} 6~~ any other condition that is severe and resistant to conventional medicine.

~~{(ii) 1.} (2)~~ (I) 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.} (H)~~ Notwithstanding ~~[paragraph (2) of this subsection]~~ **SUBSECTION (C) OF THIS SECTION**, if the court finds that the person used or possessed marijuana because of medical necessity, the court shall dismiss the charge.

~~[(iii) 1.] (3)(i) 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.] 1. 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.] 2. the debilitating medical condition is severe and resistant to conventional medicine; and~~

~~[C.] 3. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.~~

~~[2. A.] (ii) 1. 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.] 2. A defendant may not assert the affirmative defense under this [subsubparagraph] SUBPARAGRAPH 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.] (iii) An affirmative defense under this [subparagraph] PARAGRAPH may not be used if the defendant was:~~

~~[A.] 1. 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.] 2. in possession of more than 1 ounce of marijuana.~~

~~[(4) A violation of this section involving the smoking of marijuana in a public place is a civil offense punishable by a fine not exceeding \$500.~~

~~(d) The provisions of subsection (e)(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.]~~

~~(F) (1) BEFORE IMPOSING A SENTENCE UNDER SUBSECTION (C) OR (D) OF THIS SECTION, THE COURT SHALL MAY ORDER THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO EVALUATE THE DEFENDANT FOR DRUG DEPENDENCE AND PROVIDE AN ASSESSMENT TO DETERMINE WHETHER THE DEFENDANT IS IN NEED OF AND MAY BENEFIT FROM DRUG TREATMENT HEALTH AND MENTAL HYGIENE OR A CERTIFIED AND LICENSED DESIGNEE TO CONDUCT AN ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE USE DISORDER AND DETERMINE WHETHER THE DEFENDANT IS IN NEED OF AND MAY BENEFIT FROM DRUG TREATMENT.~~

~~(2) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL CONDUCT AN EVALUATION OF THE DEFENDANT AND PROVIDE AN ASSESSMENT ON RECEIVING AN ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE DESIGNEE, SHALL CONDUCT AN ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE USE DISORDER AND PROVIDE THE RESULTS TO THE COURT, THE DEFENDANT OR THE DEFENDANT'S ATTORNEY, AND THE STATE IDENTIFYING THE DEFENDANT'S DRUG TREATMENT NEEDS.~~

~~(3) THE COURT SHALL CONSIDER AND INCORPORATE THE RESULTS OF THE AN ASSESSMENT PERFORMED IN PARAGRAPH (2) OF THIS SUBSECTION INTO WHEN IMPOSING THE DEFENDANT'S SENTENCE AND:~~

~~(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH IF THE COURT FINDS THAT THE DEFENDANT IS NOT AN A IMMINENT RISK TO PUBLIC SAFETY, THE COURT SHALL SUSPEND THE EXECUTION OF THE SENTENCE AND ORDER PROBATION AND, IF THE ASSESSMENT SHOWS THAT THE DEFENDANT IS IN NEED OF SUBSTANCE ABUSE TREATMENT, REQUIRE THE DIVISION OF PAROLE AND PROBATION TO PROVIDE APPROPRIATE TREATMENT IN THE COMMUNITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO PROVIDE THE MEDICALLY APPROPRIATE LEVEL OF TREATMENT AS IDENTIFIED IN THE ASSESSMENT; OR~~

~~(II) IF THE COURT FINDS THAT THE DEFENDANT POSES AN A IMMINENT RISK TO PUBLIC SAFETY OR OTHERWISE FOR GOOD CAUSE, THE COURT MAY IMPOSE A TERM OF IMPRISONMENT UNDER SUBSECTION (C) OR (D) OF THIS SECTION AND ORDER THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL FACILITY TO PROVIDE FACILITATE THE MEDICALLY APPROPRIATE LEVEL OF TREATMENT FOR THE DEFENDANT AS IDENTIFIED IN THE ASSESSMENT.~~

~~(4) THE COURT MAY NOT FIND GOOD CAUSE UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION SOLELY BECAUSE THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE LACKS SUFFICIENT RESOURCES TO COMPLY WITH AN ORDER TO PROVIDE TREATMENT.~~

~~5-601.1.~~

~~(A) A VIOLATION OF § 5-601 OF THIS PART INVOLVING THE SMOKING OF MARIJUANA IN A PUBLIC PLACE IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$500.~~

~~(B) (1) A FIRST VIOLATION OF § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$100.~~

~~(2) A SECOND VIOLATION OF § 5-601 OF THIS PART 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 § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$500.~~

~~(4) (i) IN ADDITION TO A FINE, A COURT SHALL ORDER A PERSON UNDER THE AGE OF 21 YEARS WHO COMMITS A VIOLATION PUNISHABLE UNDER PARAGRAPH (1), (2), OR (3) OF THIS SUBSECTION TO ATTEND A DRUG 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.~~

~~(ii) IN ADDITION TO A FINE, A COURT SHALL ORDER A PERSON AT LEAST 21 YEARS OLD WHO COMMITS A VIOLATION PUNISHABLE UNDER PARAGRAPH (3) OF THIS SUBSECTION TO ATTEND A DRUG 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.~~

~~[(a)](C) 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)](D) (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.~~

~~[(e)] (E) (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:~~

- ~~(i) the name and address of the person charged;~~
- ~~(ii) the date and time that the violation occurred;~~
- ~~(iii) the location at which the violation occurred;~~
- ~~(iv) the fine that may be imposed;~~
- ~~(v) a notice stating that prepayment of the fine is allowed, except as provided in paragraph (2) of this subsection; and~~
- ~~(vi) a notice in boldface type that states that the person shall:
  - ~~1. pay the full amount of the preset fine; or~~
  - ~~2. request a trial date at the date, time, and place established by the District Court by writ or trial notice.~~~~

~~(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.~~

~~[(d)] (F) The form of the citation shall be uniform throughout the State and shall be prescribed by the District Court.~~

~~[(e)] (G) The Chief Judge of the District Court shall establish a schedule for the prepayment of the fine.~~

~~[(f)] (H) 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)] (I) 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.~~

~~(J) THE PROVISIONS OF THIS SECTION MAKING THE USE OR POSSESSION OF LESS THAN 10 GRAMS 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.~~

~~5-607.~~

~~(a) Except as provided in §§ 5-608 and 5-609 of this subtitle, a person who violates a provision of §§ 5-602 through 5-606 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$15,000 or both.~~

~~(b) (1) [Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person who has been convicted previously under subsection (a) of this section shall be sentenced to imprisonment for not less than 2 years.~~

~~(2) The court may not suspend the mandatory minimum sentence to less than 2 years.~~

~~(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.~~

~~(c) A person convicted under subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8-507 of the Health General Article because of the length of the sentence.~~

~~5-608.~~

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

~~(b) (1) [Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section shall be sentenced to imprisonment for not less than 10 years and is subject to a fine not exceeding \$100,000 if the person previously has been convicted once.~~

- ~~(i) under subsection (a) of this section or § 5-609 of this subtitle;~~
- ~~(ii) of conspiracy to commit a crime included in subsection (a) of this section or § 5-609 of this subtitle; or~~
- ~~(iii) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-609 of this subtitle if committed in this State.~~
- ~~(2) The court may not suspend the mandatory minimum sentence to less than 10 years.~~
- ~~(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.~~
- ~~(e) (1) [Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section shall be sentenced to imprisonment for not less than 25 years and is subject to a fine not exceeding \$100,000 if the person previously:~~
- ~~(i) has served at least one term of confinement of at least 180 days in a correctional institution as a result of a conviction:~~
- ~~1. under subsection (a) of this section or § 5-609 or § 5-614 of this subtitle;~~
- ~~2. of conspiracy to commit a crime included in subsection (a) of this section or § 5-609 of this subtitle; or~~
- ~~3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-609 of this subtitle if committed in this State; and~~
- ~~(ii) has been convicted twice, if the convictions arise from separate occasions:~~
- ~~1. under subsection (a) of this section or § 5-609 of this subtitle;~~
- ~~2. of conspiracy to commit a crime included in subsection (a) of this section or § 5-609 of this subtitle;~~
- ~~3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-609 of this subtitle if committed in this State; or~~
- ~~4. of any combination of these crimes.~~

~~(2) The court may not suspend any part of the mandatory minimum sentence of 25 years.~~

~~(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.~~

~~(4) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.~~

~~(d) (1) [Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section shall be sentenced to imprisonment for not less than 40 years and is subject to a fine not exceeding \$100,000 if the person previously has served three or more separate terms of confinement as a result of three or more separate convictions:~~

~~(i) under subsection (a) of this section or § 5-609 of this subtitle;~~

~~(ii) of conspiracy to commit a crime included in subsection (a) of this section or § 5-609 of this subtitle;~~

~~(iii) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-609 of this subtitle if committed in this State; or~~

~~(iv) of any combination of these crimes.~~

~~(2) The court may not suspend any part of the mandatory minimum sentence of 40 years.~~

~~(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.~~

~~(e) A person convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8-507 of the Health General Article because of the length of the sentence.~~

~~5-609.~~

~~(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5-602 through 5-606 of this subtitle with respect to any of the following controlled dangerous substances is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both:~~

~~(1) phenethylidine;~~

- ~~(2) 1-(1-phenylecyclohexyl) piperidine;~~
- ~~(3) 1-phenylecyclohexylamine;~~
- ~~(4) 1-piperidinoecyclohexanecarbonitrile;~~
- ~~(5) N-ethyl-1-phenylecyclohexylamine;~~
- ~~(6) 1-(1-phenylecyclohexyl) pyrrolidine;~~
- ~~(7) 1-(1-(2-thionyl) cyclohexyl) piperidine;~~
- ~~(8) lysergic acid diethylamide; or~~
- ~~(9) 750 grams or more of 3,4-methylenedioxymethamphetamine (MDMA).~~

~~(b) (1) [Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section shall be sentenced to imprisonment for not less than 10 years and is subject to a fine not exceeding \$100,000 if the person previously has been convicted once:~~

~~(i) under subsection (a) of this section or § 5-608 of this subtitle;~~

~~(ii) of conspiracy to commit a crime included in subsection (a) of this section or § 5-608 of this subtitle;~~

~~(iii) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if committed in this State; or~~

~~(iv) of any combination of these crimes.~~

~~(2) The court may not suspend the mandatory minimum sentence to less than 10 years.~~

~~(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.~~

~~(e) (1) [Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section shall be sentenced to imprisonment for not less than 25 years and is subject to a fine not exceeding \$100,000 if the person previously:~~

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

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

~~1. under subsection (a) of this section or § 5-608 of this subtitle;~~

~~2. of conspiracy to commit a crime included in subsection (a) of this section or § 5-608 of this subtitle;~~

~~3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if committed in this State; or~~

~~4. of any combination of these crimes.~~

~~(2) The court may not suspend any part of the mandatory minimum sentence of 25 years.~~

~~(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.~~

~~(4) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.~~

~~(d) (1) [Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section shall be sentenced to imprisonment for not less than 40 years and is subject to a fine not exceeding \$100,000 if the person previously has served three separate terms of confinement as a result of three separate convictions:~~

~~(i) under subsection (a) of this section or § 5-608 of this subtitle;~~

~~(ii) of conspiracy to commit a crime included in subsection (a) of this section or § 5-608 of this subtitle;~~

~~(iii) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if committed in this State; or~~

~~(iv) of any combination of these crimes.~~

~~(2) The court may not suspend any part of the mandatory minimum sentence of 40 years.~~

~~(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.~~

~~(e) A person convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8-507 of the Health General Article because of the length of the sentence.~~

~~5-609.1.~~

~~(A) A court may [depart from] IMPOSE a mandatory minimum sentence prescribed in § 5-607, § 5-608, or § 5-609 of this subtitle [if the court finds and states on the record] ONLY IF THE STATE SHOWS that, giving due regard to the nature of the crime, the history and character of the defendant, and the defendant's chances of successful rehabilitation:~~

~~(1) imposition of the mandatory minimum sentence would NOT result in substantial injustice to the defendant; and~~

~~(2) the mandatory minimum sentence is [not] necessary for the protection of the public.~~

~~(B) A COURT SHALL STATE ON THE RECORD THE REASONS FOR DEPARTING FROM A MANDATORY MINIMUM SENTENCE.~~

~~(C) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A PERSON WHO IS SERVING A TERM OF CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR BEFORE SEPTEMBER 30, 2016, FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE MAY APPLY TO THE COURT TO MODIFY OR REDUCE THE MANDATORY MINIMUM SENTENCE AS PROVIDED IN MARYLAND RULE 4-345, REGARDLESS OF WHETHER THE DEFENDANT FILED A TIMELY MOTION FOR RECONSIDERATION OR A MOTION FOR RECONSIDERATION WAS DENIED BY THE COURT.~~

~~(2) THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE MANDATORY MINIMUM SENTENCE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION.~~

~~(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN APPLICATION FOR A HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBMITTED TO THE COURT OR REVIEW PANEL ON OR BEFORE SEPTEMBER 30, 2017.~~

~~(II) THE COURT MAY CONSIDER AN APPLICATION AFTER SEPTEMBER 30, 2017, ONLY FOR GOOD CAUSE SHOWN.~~

~~(III) THE COURT SHALL NOTIFY THE STATE'S ATTORNEY OF A REQUEST FOR A HEARING.~~

~~(IV) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION FOR A HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR A MANDATORY MINIMUM SENTENCE FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE.~~

~~5-612.~~

~~(a) A person may not manufacture, distribute, dispense, or possess:~~

~~(1) 50 pounds or more of marijuana;~~

~~(2) 448 grams or more of cocaine;~~

~~(3) 448 grams or more of any mixture containing a detectable amount of cocaine;~~

~~(4) [50] 448 grams or more of cocaine base, commonly known as "crack";~~

~~(5) 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;~~

~~(6) any mixture containing 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;~~

~~(7) 1,000 dosage units or more of lysergic acid diethylamide;~~

~~(8) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;~~

~~(9) 16 ounces or more of phenacyclidine in liquid form;~~

~~(10) 448 grams or more of any mixture containing phenacyclidine;~~

~~(11) 448 grams or more of methamphetamine; or~~

~~(12) any mixture containing 448 grams or more of methamphetamine.~~

~~(b) For the purpose of determining the quantity of a controlled dangerous substance involved in individual acts of manufacturing, distributing, dispensing, or~~

~~possessing under subsection (a) of this section, the acts may be aggregated if each of the acts occurred within a 90-day period.~~

~~(e) (1) A person who is convicted of a violation of subsection (a) of this section shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not exceeding \$100,000.~~

~~(2) The court may not suspend any part of the mandatory minimum sentence of 5 years.~~

~~(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.~~

~~7-104.~~

~~(a) A person may not willfully or knowingly obtain or exert unauthorized control over property, if the person:~~

~~(1) intends to deprive the owner of the property;~~

~~(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or~~

~~(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.~~

~~(b) A person may not obtain control over property by willfully or knowingly using deception, if the person:~~

~~(1) intends to deprive the owner of the property;~~

~~(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or~~

~~(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.~~

~~(c) (1) A person may not possess stolen personal property knowing that it has been stolen, or believing that it probably has been stolen, if the person:~~

~~(i) intends to deprive the owner of the property;~~

~~(ii) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or~~

~~(iii) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.~~

~~(2) In the case of a person in the business of buying or selling goods, the knowledge required under this subsection may be inferred if:~~

~~(i) the person possesses or exerts control over property stolen from more than one person on separate occasions;~~

~~(ii) during the year preceding the criminal possession charged, the person has acquired stolen property in a separate transaction; or~~

~~(iii) being in the business of buying or selling property of the sort possessed, the person acquired it for a consideration that the person knew was far below a reasonable value.~~

~~(3) In a prosecution for theft by possession of stolen property under this subsection, it is not a defense that:~~

~~(i) the person who stole the property has not been convicted, apprehended, or identified;~~

~~(ii) the defendant stole or participated in the stealing of the property;~~

~~(iii) the property was provided by law enforcement as part of an investigation, if the property was described to the defendant as being obtained through the commission of theft; or~~

~~(iv) the stealing of the property did not occur in the State.~~

~~(4) Unless the person who criminally possesses stolen property participated in the stealing, the person who criminally possesses stolen property and a person who has stolen the property are not accomplices in theft for the purpose of any rule of evidence requiring corroboration of the testimony of an accomplice.~~

~~(d) A person may not obtain control over property knowing that the property was lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature or amount of the property, if the person:~~

~~(1) knows or learns the identity of the owner or knows, is aware of, or learns of a reasonable method of identifying the owner;~~

~~(2) fails to take reasonable measures to restore the property to the owner;~~  
~~and~~

~~(3) intends to deprive the owner permanently of the use or benefit of the property when the person obtains the property or at a later time.~~

~~(e) A person may not obtain the services of another that are available only for compensation:~~

~~(1) by deception; or~~

~~(2) with knowledge that the services are provided without the consent of the person providing them.~~

~~(f) Under this section, an offender's intention or knowledge that a promise would not be performed may not be established by or inferred solely from the fact that the promise was not performed.~~

~~(g) (1) A person convicted of theft of property or services with a value of:~~

~~(i) at least ~~[\$1,000]~~ **\$2,000** but less than ~~[\$10,000]~~ **\$25,000** is guilty of a felony and:~~

~~1. is subject to imprisonment not exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both; and~~

~~2. shall restore the property taken to the owner or pay the owner the value of the property or services;~~

~~(ii) at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and:~~

~~1. is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding \$15,000 or both; and~~

~~2. shall restore the property taken to the owner or pay the owner the value of the property or services; or~~

~~(iii) \$100,000 or more is guilty of a felony and:~~

~~1. is subject to imprisonment not exceeding ~~[25]~~ **20** years or a fine not exceeding \$25,000 or both; and~~

~~2. shall restore the property taken to the owner or pay the owner the value of the property or services.~~

~~(2) Except as provided in ~~[paragraphs (3) and (4)]~~ **PARAGRAPH (3)** of this subsection, a person convicted of theft of property or services with a value of **AT LEAST \$100 BUT** less than ~~[\$1,000]~~ **\$2,000**, is guilty of a misdemeanor and:~~

~~(i) is subject to imprisonment not exceeding ~~[18]~~ **12** months or a fine not exceeding \$500 or both; and~~

~~(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.~~

~~(3) A person convicted of theft of property or services with a value of less than \$100 is guilty of a misdemeanor and:~~

~~(i) is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both; and~~

~~(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.~~

~~[(4) Subject to paragraph (5) of this subsection, a person who has two **FOUR** or more prior convictions under this subtitle and who is convicted of theft of property or services with a value of less than \$1,000 **\$2,000** under paragraph (2) of this subsection is guilty of a misdemeanor and:~~

~~(i) is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both; and~~

~~(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.~~

~~(5) The court may not impose the penalties under paragraph (4) of this subsection unless the State's Attorney serves notice on the defendant or the defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial that:~~

~~(i) the State will seek the penalties under paragraph (4) of this subsection; and~~

~~(ii) lists the alleged prior convictions.]~~

~~7-108.~~

~~(a) An indictment, information, warrant, or other charging document for theft under this part, other than for taking a motor vehicle under § 7-105 of this part, is sufficient if it substantially states:~~

~~“(name of defendant) on (date) in (county) stole (property or services stolen) of (name of victim), having a value of (less than [\$1,000, at least \$1,000 but less than \$10,000, at least \$10,000] **\$2,000, AT LEAST \$2,000 BUT LESS THAN \$25,000, AT LEAST \$25,000** but less than \$100,000, or \$100,000 or more) in violation of § 7-104 of the Criminal Law Article, against the peace, government, and dignity of the State.”~~

~~(b) An indictment, information, warrant, or other charging document for theft under this part for taking a motor vehicle under § 7-105 of this part is sufficient if it substantially states:~~

~~“(name of defendant) on (date) in (county) knowingly and willfully took a motor vehicle out of (name of victim)’s lawful custody, control, or use, without the consent of (name of victim), in violation of § 7-105 of the Criminal Law Article, against the peace, government, and dignity of the State.”~~

~~(e) In a case in the circuit court in which the general form of indictment or information is used to charge a defendant with a crime under this part, the defendant, on timely demand, is entitled to a bill of particulars.~~

~~(d) Unless specifically charged by the State, theft of property or services with a value of less than \$100 as provided under § 7-104(g)(3) of this subtitle may not be considered a lesser included crime of any other crime.~~

~~§ 106.~~

~~(a) (1) A person who obtains property or services with a value of at least **[\$1,000] \$2,000** but less than **[\$10,000] \$25,000** by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding **[10] 5** years or a fine not exceeding \$10,000 or both.~~

~~(2) A person who obtains property or services with a value of at least **[\$10,000] \$25,000** but less than \$100,000 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding **[15] 10** years or a fine not exceeding \$15,000 or both.~~

~~(3) A person who obtains property or services with a value of \$100,000 or more by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding **[25] 20** years or a fine not exceeding \$25,000 or both.~~

~~(b) A person who obtains property or services by issuing or passing more than one check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding **[10] 5** years or a fine not exceeding \$10,000 or both if:~~

~~(1) each check that is issued is for **[less than \$1,000] AT LEAST \$2,000 BUT LESS THAN \$25,000** and is issued to the same person within a 30-day period; and~~

~~(2) the cumulative value of the property or services is **[\$1,000 or more] AT LEAST \$2,000 BUT LESS THAN \$25,000**.~~

~~(e) Except as provided in subsections (b) and (d) of this section, a person who obtains property or services with a value of **AT LEAST \$100 BUT** less than **[\$1,000] \$2,000**~~

~~by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18] 12 months or a fine not exceeding \$500 or both.~~

~~(d) (1) A person who obtains property or services with a value of less than \$100 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.~~

~~(2) It is not a defense to the crime of obtaining property or services with a value of less than \$100 by issuing or passing a check in violation of § 8-103 of this subtitle that the value of the property or services at issue is \$100 or more.~~

~~§ 206.~~

~~(a) A person may not for the purpose of obtaining money, goods, services, or anything of value, and with the intent to defraud another, use:~~

~~(1) a credit card obtained or retained in violation of § 8-204 or § 8-205 of this subtitle; or~~

~~(2) a credit card that the person knows is counterfeit.~~

~~(b) A person may not, with the intent to defraud another, obtain money, goods, services, or anything of value by representing:~~

~~(1) without the consent of the cardholder, that the person is the holder of a specified credit card; or~~

~~(2) that the person is the holder of a credit card when the credit card had not been issued.~~

~~(c) (1) (i) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least [~~\$1,000~~] **\$2,000** but less than [~~\$10,000~~] **\$25,000**, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both.~~

~~(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least [~~\$10,000~~] **\$25,000** but less than \$100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [15] 10 years or a fine not exceeding \$15,000 or both.~~

~~(iii) If the value of all money, goods, services, and other things of value obtained in violation of this section is \$100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [25] 20 years or a fine not exceeding \$25,000 or both.~~

~~(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value obtained in violation of this section is AT LEAST \$100 BUT less than [\$1,000] \$2,000, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18] 12 months or a fine not exceeding \$500 or both.~~

~~(3) If the value of all money, goods, services, and other things of value obtained in violation of this section [does not exceed] IS LESS THAN \$100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.~~

~~§ 207.~~

~~(a) If a person is authorized by an issuer to furnish money, goods, services, or anything of value on presentation of a credit card by the cardholder, the person or an agent or employee of the person may not, with the intent to defraud the issuer or cardholder:~~

~~(1) furnish money, goods, services, or anything of value on presentation of:~~

~~(i) a credit card obtained or retained in violation of § 8-204 or § 8-205 of this subtitle; or~~

~~(ii) a credit card that the person knows is counterfeit; or~~

~~(2) fail to furnish money, goods, services, or anything of value that the person represents in writing to the issuer that the person has furnished.~~

~~(b) (1) (i) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least [\$1,000] \$2,000 but less than [\$10,000] \$25,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both.~~

~~(ii) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least [\$10,000] \$25,000 but less than \$100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [15] 10 years or a fine not exceeding \$15,000 or both.~~

~~(iii) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is \$100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [25] 20 years or a fine not exceeding \$25,000 or both.~~

~~(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is AT LEAST \$100 BUT less than [\$1,000] \$2,000, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18] 12 months or a fine not exceeding \$500 or both.~~

~~(3) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section [does not exceed] IS LESS THAN \$100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.~~

~~§ 200.~~

~~(a) A person may not receive money, goods, services, or anything of value if the person knows or believes that the money, goods, services, or other thing of value was obtained in violation of § 8-206 of this subtitle.~~

~~(b) (1) (i) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least [\$1,000] \$2,000 but less than [\$10,000] \$25,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both.~~

~~(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least [\$10,000] \$25,000 but less than \$100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [15] 10 years or a fine not exceeding \$15,000 or both.~~

~~(iii) If the value of all money, goods, services, and other things of value obtained in violation of this section is \$100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [25] 20 years or a fine not exceeding \$25,000 or both.~~

~~(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value obtained in violation of this section is AT LEAST \$100 BUT less than [\$1,000] \$2,000, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18] 12 months or a fine not exceeding \$500 or both.~~

~~(3) If the value of all money, goods, services, and other things of value obtained in violation of this section [does not exceed] IS LESS THAN \$100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.~~

~~§ 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.~~

~~(5) "Payment device number" has the meaning stated in § 8-213 of this title.~~

~~(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.~~

~~(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.~~

~~(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) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another to possess or obtain any personal identifying information of an individual, without the consent of the individual, in order to use, sell, or transfer the information to get a benefit, credit, good, service, or other thing of value or to access health information or health care.~~

~~(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.~~

~~(c) A person may not knowingly and willfully assume the identity of another, including a fictitious person:~~

~~(1) to avoid identification, apprehension, or prosecution for a crime; or~~

~~(2) with fraudulent intent to:~~

- ~~(i) get a benefit, credit, good, service, or other thing of value;~~
- ~~(ii) access health information or health care; or~~
- ~~(iii) avoid the payment of debt or other legal obligation.~~

~~(d) A person may not knowingly, willfully, and with fraudulent intent to obtain a benefit, credit, good, service, or other thing of value or to access health information or health care, use:~~

~~(1) a re-encoder to place information encoded on the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card or use any other electronic medium that allows such a transaction to occur without the consent of the individual authorized to use the credit card from which the personal identifying information or payment device number is being re-encoded; or~~

~~(2) a skimming device to access, read, scan, obtain, memorize, or store personal identifying information or a payment device number on the magnetic strip or stripe of a credit card without the consent of the individual authorized to use the credit card.~~

~~(e) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another possess or obtain a re-encoder device or a skimming device for the unauthorized use, sale, or transfer of personal identifying information or a payment device number.~~

~~(f) A person may not knowingly and willfully claim to represent another person without the knowledge and consent of that person, with the intent to solicit, request, or take any other action to otherwise induce another person to provide personal identifying information or a payment device number.~~

~~(g) (1) (i) A person who violates this section where the benefit, credit, good, service, health information or health care, or other thing of value that is the subject of subsection (b), (e), or (d) of this section has a value of at least ~~[\$1,000]~~ **\$2,000** but less than ~~[\$10,000]~~ **\$25,000** is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both.~~

~~(ii) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection (b), (e), or (d) of this section has a value of at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding \$15,000 or both.~~

~~(iii) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection (b), (e), or (d) of this section~~

~~has a value of \$100,000 or more is guilty of a felony and on conviction is subject to imprisonment not exceeding [25] 20 years or a fine not exceeding \$25,000 or both.~~

~~(2) A person who violates this section where the benefit, credit, good, service, health information or health care, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of AT LEAST \$100 BUT less than [\$1,000] \$2,000 is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18] 12 months or a fine not exceeding \$500 or both.~~

~~(3) A person who violates this section under circumstances that reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent is guilty of a felony and on conviction is subject to imprisonment not exceeding [15] 10 years or a fine not exceeding \$25,000 or both.~~

~~(4) A person who violates subsection (b-1), (c)(1), (c), or (f) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18] 12 months or a fine not exceeding \$500 or both.~~

~~(5) When the violation of this section is pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one violation and the value of the benefit, credit, good, service, or other thing of value may be aggregated in determining whether the violation is a felony or misdemeanor.~~

~~§ 516.~~

~~(a) If a violation of this part results in the death of an individual, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding life or a fine not exceeding \$200,000 or both.~~

~~(b) If a violation of this part results in serious injury to an individual, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$100,000 or both.~~

~~(c) If the value of the money, health care services, or other goods or services involved is [\$1,000] \$2,000 or more in the aggregate, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$100,000 or both.~~

~~(d) A person who violates any other provision of this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$50,000 or both.~~

~~(e) (1) In this subsection, "business entity" includes an association, firm, institution, partnership, and corporation.~~

~~(2) A business entity that violates a provision of this part is subject to a fine not exceeding:~~

~~(i) \$250,000 for each felony; and~~

~~(ii) \$100,000 for each misdemeanor.~~

~~§ 611.~~

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

~~(2) “Counterfeit mark” means:~~

~~(i) an unauthorized copy of intellectual property; or~~

~~(ii) intellectual property affixed to goods knowingly sold, offered for sale, manufactured, or distributed, to identify services offered or rendered, without the authority of the owner of the intellectual property.~~

~~(3) “Intellectual property” means a trademark, service mark, trade name, label, term, device, design, or word adopted or used by a person to identify the goods or services of the person.~~

~~(4) “Retail value” means:~~

~~(i) a trademark counterfeiter’s selling price for the goods or services that bear or are identified by the counterfeit mark; or~~

~~(ii) a trademark counterfeiter’s selling price of the finished product, if the goods that bear a counterfeit mark are components of the finished product.~~

~~(5) “Trademark counterfeiter” means a person who commits the crime of trademark counterfeiting prohibited by this section.~~

~~(b) A person may not willfully manufacture, produce, display, advertise, distribute, offer for sale, sell, or possess with the intent to sell or distribute goods or services that the person knows are bearing or are identified by a counterfeit mark.~~

~~(c) If the aggregate retail value of the goods or services is ~~[\$1,000] \$2,000~~ or more, a person who violates this section is guilty of the felony of trademark counterfeiting and on conviction:~~

~~(1) is subject to imprisonment not exceeding ~~[15] 10~~ years or a fine not exceeding \$10,000 or both; and~~

~~(2) shall transfer all of the goods to the owner of the intellectual property.~~

~~(d) If the aggregate retail value of the goods or services is less than ~~[\$1,000]~~ ~~\$2,000~~, a person who violates this section is guilty of the misdemeanor of trademark counterfeiting and on conviction:~~

~~(1) is subject to:~~

~~(i) for a first violation,] imprisonment not exceeding ~~[18]~~ ~~12~~ months or a fine not exceeding \$1,000 or both]; or~~

~~(ii) for each subsequent violation, imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or both]; and~~

~~(2) shall transfer all of the goods to the owner of the intellectual property.~~

~~(e) An action or prosecution for trademark counterfeiting in which the aggregate retail value of the goods or services is less than ~~[\$1,000]~~ ~~\$2,000~~ shall be commenced within ~~2~~ years after the commission of the crime.~~

~~(f) Any goods bearing a counterfeit mark are subject to seizure by a law enforcement officer to preserve the goods for transfer to the owner of the intellectual property either:~~

~~(1) under an agreement with the person alleged to have committed the crime; or~~

~~(2) after a conviction under this section.~~

~~(g) State or federal registration of intellectual property is prima facie evidence that the intellectual property is a trademark or trade name.~~

~~§ 801.~~

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

~~(2) "Deception" has the meaning stated in § 7-101 of this article.~~

~~(3) "Deprive" has the meaning stated in § 7-101 of this article.~~

~~(4) "Obtain" has the meaning stated in § 7-101 of this article.~~

~~(5) "Property" has the meaning stated in § 7-101 of this article.~~

~~(6) (i) "Undue influence" means domination and influence amounting to force and coercion exercised by another person to such an extent that a vulnerable adult~~

~~or an individual at least 68 years old was prevented from exercising free judgment and choice.~~

~~(ii) “Undue influence” does not include the normal influence that one member of a family has over another member of the family.~~

~~(7) “Value” has the meaning stated in § 7-103 of this article.~~

~~(8) “Vulnerable adult” has the meaning stated in § 3-604 of this article.~~

~~(b) (1) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of the vulnerable adult’s property.~~

~~(2) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual’s property.~~

~~(c) (1) (i) A person convicted of a violation of this section when the value of the property is at least ~~[\$1,000] \$2,000~~ but less than ~~[\$10,000] \$25,000~~ is guilty of a felony and:~~

~~1. is subject to imprisonment not exceeding ~~[10] 5~~ years or a fine not exceeding \$10,000 or both; and~~

~~2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner’s estate.~~

~~(ii) A person convicted of a violation of this section when the value of the property is at least ~~[\$10,000] \$25,000~~ but less than \$100,000 is guilty of a felony and:~~

~~1. is subject to imprisonment not exceeding ~~[15] 10~~ years or a fine not exceeding \$15,000 or both; and~~

~~2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner’s estate.~~

~~(iii) A person convicted of a violation of this section when the value of the property is \$100,000 or more is guilty of a felony and:~~

~~1. is subject to imprisonment not exceeding ~~[25] 20~~ years or a fine not exceeding \$25,000 or both; and~~

~~2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.~~

~~(2) A person convicted of a violation of this section when the value of the property is less than ~~[\$1,000] \$2,000~~ is guilty of a misdemeanor and:~~

~~(i) is subject to imprisonment not exceeding ~~[18] 12~~ months or a fine not exceeding \$500 or both; and~~

~~(ii) shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.~~

~~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) earjacking;~~

~~(11) armed earjacking;~~

~~(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) assault with intent to commit a sexual offense in the first degree; and~~
- ~~(24) assault with intent to commit a sexual offense in the second degree.~~
- ~~(b) (1) Except as provided in subsection (f) of this section, on conviction for a fourth time of a crime of violence, a person who has served three separate terms of confinement in a correctional facility as a result of three separate convictions of any crime of violence shall be sentenced to life imprisonment without the possibility of parole.~~
- ~~(2) Notwithstanding any other law, the provisions of this subsection are mandatory.~~
- ~~(e) (1) Except as provided in subsection (f) of this section, on conviction for a third time of a crime of violence, a person shall be sentenced to imprisonment for the term allowed by law but not less than 25 years, if the person:~~

~~(i) has been convicted of a crime of violence on two prior separate occasions:~~

~~1. in which the second or succeeding crime is committed after there has been a charging document filed for the preceding occasion; and~~

~~2. for which the convictions do not arise from a single incident; and~~

~~(ii) has served at least one term of confinement in a correctional facility as a result of a conviction of a crime of violence.~~

~~(2) The court may not suspend all or part of the mandatory 25 year sentence required under this subsection.~~

~~(3) A person sentenced under this subsection is not eligible for parole except in accordance with the provisions of § 4-305 of the Correctional Services Article.~~

~~(d) (1) On conviction for a second time of a crime of violence committed on or after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:~~

~~(i) has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 1994; and~~

~~(ii) served a term of confinement in a correctional facility for that conviction.~~

~~(2) The court may not suspend all or part of the mandatory 10 year sentence required under this subsection.~~

~~(e) If the State intends to proceed against a person as a subsequent offender under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.~~

~~(f) (1) THIS SUBSECTION DOES NOT APPLY TO A PERSON REGISTERED OR ELIGIBLE FOR REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~(2) A person sentenced under this section may petition for and be granted parole if the person:~~

~~(i) is at least [65] 60 years old; and~~

~~(ii) has served at least [15] 10 years of the sentence imposed under this section OR ONE THIRD OF THE PERSON'S TOTAL AGGREGATE SENTENCE.~~

~~[(2)] (3) The Maryland Parole Commission shall adopt regulations to implement this subsection.~~

### ~~Article – Criminal Procedure~~

~~1-101.~~

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

~~(b) “ABSCONDING” HAS THE MEANING STATED IN § 6-101 OF THE CORRECTIONAL SERVICES ARTICLE.~~

~~(c) (1) “Charging document” means a written accusation alleging that a defendant has committed a crime.~~

~~(2) “Charging document” includes a citation, an indictment, an information, a statement of charges, and a warrant.~~

~~[(e)] (D) “Correctional facility” has the meaning stated in § 1-101 of the Correctional Services Article.~~

~~[(d)] (E) “County” means a county of the State or Baltimore City.~~

~~[(e)] (F) “Crime of violence” has the meaning stated in § 14-101 of the Criminal Law Article.~~

~~[(f)] (G) “Department” means the Department of Public Safety and Correctional Services.~~

~~[(g)] (H) “Inmate” has the meaning stated in § 1-101 of the Correctional Services Article.~~

~~[(h)] (I) “Local correctional facility” has the meaning stated in § 1-101 of the Correctional Services Article.~~

~~[(i)] (J) “Managing official” has the meaning stated in § 1-101 of the Correctional Services Article.~~

~~[(j)] (K) “Nolle prosequi” means a formal entry on the record by the State that declares the State’s intention not to prosecute a charge.~~

~~[(k)] (L) “Nolo contendere” means a plea stating that the defendant will not contest the charge but does not admit guilt or claim innocence.~~

~~[(l)] (M)~~ ~~“Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, or other entity.~~

~~[(m)] (N)~~ ~~“Secretary” means the Secretary of the Department of Public Safety and Correctional Services.~~

~~[(n)] (O)~~ ~~“State” means:~~

- ~~(1) a state, possession, territory, or commonwealth of the United States; or~~
- ~~(2) the District of Columbia.~~

~~[(o)] (P)~~ ~~“State correctional facility” has the meaning stated in § 1-101 of the Correctional Services Article.~~

~~(P) (Q)~~ ~~“TECHNICAL VIOLATION” MEANS A VIOLATION OF A CONDITION OF PROBATION THAT DOES NOT INCLUDE:~~

- ~~(1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER;~~
- ~~(2) A CONVICTION; OR~~
- ~~(3) A VIOLATION OF A NO CONTACT OR STAY AWAY ORDER; OR~~
- ~~(4) ABSCONDING.~~

~~6-200.~~

~~(a) The Commission shall review annually sentencing policy and practice and, on or before January 31 of each year, report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the activities of the preceding calendar year.~~

~~(b) (1) The report shall:~~

~~(i) include any changes to the sentencing guidelines made during the preceding year;~~

~~(ii) review judicial compliance with the sentencing guidelines, including compliance by crime and by judicial circuit;~~

~~(iii) review reductions or increases in original sentences that have occurred because of reconsiderations of sentences imposed under § 14-101 of the Criminal Law Article; [and]~~

~~(iv) categorize information on the number of reconsiderations of sentences by crimes as listed in § 14-101(a) of the Criminal Law Article and by judicial circuit; AND~~

~~(v) REVIEW JUDICIAL COMPLIANCE WITH THE GUIDELINES FOR SUSPENDED SENTENCES ESTABLISHED UNDER PARAGRAPH (3) OF THIS SUBSECTION.~~

~~(2) The Commission shall consider a sentence to a corrections options program to be within the sentencing guidelines if the sentence falls within a corrections options zone shown on the matrix.~~

~~(3) THE COMMISSION SHALL INCLUDE A SUSPENDED PORTION OF A SENTENCE IN THE DETERMINATION OF WHETHER A SENTENCE IS COMPLIANT WITH THE SENTENCING GUIDELINES.~~

~~6-223.~~

~~(a) A circuit court or the District Court may end the period of probation at any time.~~

~~(b) On receipt of written charges, filed under oath, that a probationer or defendant violated a condition of probation during the period of probation, the District Court may, during the period of probation or within 30 days after the violation, whichever is later, issue a warrant or notice requiring the probationer or defendant to be brought or appear before the judge issuing the warrant or notice:~~

~~(1) to answer the charge of violation of a condition of probation or of suspension of sentence; and~~

~~(2) to be present for the setting of a timely hearing date for that charge.~~

~~(c) Pending the hearing or determination of the charge, a circuit court or the District Court may remand the probationer or defendant to a correctional facility or release the probationer or defendant with or without bail.~~

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

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

~~(2) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR A TECHNICAL VIOLATION, IMPOSE A PERIOD OF INCARCERATION OF:~~

~~1. NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;~~

~~2. NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION; AND~~

~~3. NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION; AND~~

~~(H) FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION, impose any sentence that might have originally been imposed for the crime of which the probationer or defendant was convicted or pleaded nolo contendere.~~

~~(3) THE COURT MAY DEPART FROM THE LIMITS PROVIDED UNDER THIS SUBSECTION IF:~~

~~(I) THE COURT FINDS AND STATES ON THE RECORD:~~

~~1. THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY OR TO A VICTIM OR WITNESS; OR~~

~~2. OTHER GOOD CAUSE; OR~~

~~(H) THE COURT COMMITS THE PROBATIONER OR DEFENDANT TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH — GENERAL ARTICLE.~~

~~6-224.~~

~~(a) This section applies to a defendant who is convicted of a crime for which the court:~~

~~(1) does not impose a sentence;~~

~~(2) suspends the sentence generally;~~

~~(3) places the defendant on probation for a definite time; or~~

~~(4) passes another order and imposes other conditions of probation.~~

~~(b) If a defendant is brought before a circuit court to be sentenced on the original charge or for violating a condition of probation, and the judge then presiding finds that the defendant violated a condition of probation, the judge:~~

~~(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, may sentence the defendant to:~~

~~(i) all or any part of the period of imprisonment imposed in the original sentence; or~~

~~(ii) any sentence allowed by law, if a sentence was not imposed before; and~~

~~(2) may suspend all or part of a sentence and place the defendant on further probation on any conditions that the judge considers proper, and that do not exceed the maximum set under § 6-222 of this subtitle.~~

~~(e) IF (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE JUDGE FINDS THAT THE DEFENDANT VIOLATED A CONDITION OF PROBATION THAT IS A TECHNICAL VIOLATION, THE JUDGE MAY IMPOSE A PERIOD OF INCARCERATION OF:~~

~~(1) (I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;~~

~~(2) (II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION;~~

~~(3) (III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION; AND~~

~~(4) (IV) ALL OR ANY PART OF THE PERIOD OF IMPRISONMENT IMPOSED IN THE ORIGINAL SENTENCE FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION.~~

~~(2) THE COURT MAY DEPART FROM THE LIMITS PROVIDED UNDER THIS SUBSECTION IF:~~

~~(i) THE COURT FINDS AND STATES ON THE RECORD:~~

~~1. THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY OR TO A VICTIM OR WITNESS; OR~~

~~2. OTHER GOOD CAUSE; OR~~

~~(ii) THE COURT COMMITS THE PROBATIONER OR DEFENDANT TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH GENERAL ARTICLE.~~

~~(D) (1) The District Court judge who originally imposed conditions of probation or suspension of sentence shall hear any charge of violation of the conditions of probation or suspension of sentence.~~

~~(2) Except as provided in paragraph (3) of this subsection, the judge shall sentence the defendant if probation is revoked or suspension stricken.~~

~~(3) If the judge has been removed from office, has died or resigned, or is otherwise incapacitated, any other judge of the District Court may act in the matter.~~

~~10-110.~~

~~(A) A PERSON MAY FILE A PETITION LISTING RELEVANT FACTS FOR EXPUNGEMENT OF A POLICE RECORD, COURT RECORD, OR OTHER RECORD MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IF THE PERSON IS CONVICTED OF A MISDEMEANOR THAT IS A VIOLATION OF:~~

~~(1) § 6-320 OF THE ALCOHOLIC BEVERAGES ARTICLE;~~

~~(2) AN OFFENSE LISTED IN § 17-613(A) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;~~

~~(3) § 5-712, § 19-304, § 19-308, OR TITLE 5, SUBTITLE 6 OR SUBTITLE 9 OF THE BUSINESS REGULATION ARTICLE;~~

~~(4) § 3-1508 OR § 10-402 OF THE COURTS ARTICLE;~~

~~(5) § 14-1915, § 14-2902, OR § 14-2903 OF THE COMMERCIAL LAW ARTICLE;~~

~~(6) § 5-211 OF THE CRIMINAL PROCEDURE ARTICLE;~~

~~(7) § 3-203 OR § 3-808 OF THE CRIMINAL LAW ARTICLE;~~

~~(8) § 5-601, § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, OR § 5-902 OF THE CRIMINAL LAW ARTICLE;~~

~~(9) § 6-105, § 6-108, § 6-206, § 6-303, § 6-306, § 6-307, § 6-402, OR § 6-503 OF THE CRIMINAL LAW ARTICLE;~~

~~(10) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, OR § 7-309 OF THE CRIMINAL LAW ARTICLE;~~

~~(11) § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, § 8-503, § 8-521, § 8-523, OR § 8-904 OF THE CRIMINAL LAW ARTICLE;~~

~~(12) § 9-204, § 9-205, § 9-503, OR § 9-506 OF THE CRIMINAL LAW ARTICLE;~~

~~(13) § 10-110, § 10-201, § 10-402, § 10-404, OR § 10-502 OF THE CRIMINAL LAW ARTICLE;~~

~~(14) § 11-306(A) OF THE CRIMINAL LAW ARTICLE;~~

~~(15) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, § 12-204, § 12-205, OR § 12-302 OF THE CRIMINAL LAW ARTICLE;~~

~~(16) § 13-401, § 13-602, OR § 16-201 OF THE ELECTION LAW ARTICLE;~~

~~(17) § 4-509 OF THE FAMILY LAW ARTICLE;~~

~~(18) § 18-215 OF THE HEALTH GENERAL ARTICLE;~~

~~(19) § 4-411 OR § 4-2005 OF THE HUMAN SERVICES ARTICLE;~~

~~(20) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, § 27-407.1, OR § 27-407.2 OF THE INSURANCE ARTICLE;~~

~~(21) § 5-307, § 5-308, § 6-602, § 7-402, OR § 14-114 OF THE PUBLIC SAFETY ARTICLE;~~

~~(22) § 7-318.1, § 7-509, OR § 10-507 OF THE REAL PROPERTY ARTICLE;~~

~~(23) § 9-124 OF THE STATE GOVERNMENT ARTICLE;~~

~~(24) § 13-1001, § 13-1004, § 13-1007, OR § 13-1024 OF THE TAX GENERAL ARTICLE;~~

~~(25) THE COMMON LAW OFFENSES OF AFFRAY, RIOTING, CRIMINAL CONTEMPT, OR HINDERING; OR~~

~~(26) AN ATTEMPT, CONSPIRACY, OR SOLICITATION OF ANY OFFENSE LISTED IN ITEMS (1) THROUGH (25) OF THIS SUBSECTION.~~

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PERSON SHALL FILE A PETITION FOR EXPUNGEMENT IN THE COURT IN WHICH THE PROCEEDING BEGAN.~~

~~(2) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO ANOTHER COURT, THE PERSON SHALL FILE THE PETITION IN THE COURT TO WHICH THE PROCEEDING WAS TRANSFERRED.~~

~~(ii) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO THE JUVENILE COURT UNDER § 4-202 OR § 4-202.2 OF THIS ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.~~

~~(3) (i) IF THE PROCEEDING IN A COURT OF ORIGINAL JURISDICTION WAS APPEALED TO A COURT EXERCISING APPELLATE JURISDICTION, THE PERSON SHALL FILE THE PETITION IN THE APPELLATE COURT.~~

~~(ii) THE APPELLATE COURT MAY REMAND THE MATTER TO THE COURT OF ORIGINAL JURISDICTION.~~

~~(C) A PETITION FOR EXPUNGEMENT UNDER THIS SECTION MAY NOT BE FILED EARLIER THAN 10 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.~~

~~(D) (1) IF THE PERSON IS CONVICTED OF A NEW CRIME DURING THE APPLICABLE TIME PERIOD SET FORTH IN SUBSECTION (C) OF THIS SECTION, THE ORIGINAL CONVICTION OR CONVICTIONS ARE NOT ELIGIBLE FOR EXPUNGEMENT UNLESS THE NEW CONVICTION BECOMES ELIGIBLE FOR EXPUNGEMENT.~~

~~(2) A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT IF THE PERSON IS A DEFENDANT IN A PENDING CRIMINAL PROCEEDING.~~

~~(3) IF A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ONE CONVICTION IN A UNIT, THE PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ANY OTHER CONVICTION IN THE UNIT.~~

~~(E) (1) THE COURT SHALL HAVE A COPY OF A PETITION FOR EXPUNGEMENT SERVED ON THE STATE'S ATTORNEY.~~

~~(2) THE COURT SHALL SEND WRITTEN NOTICE OF THE EXPUNGEMENT REQUEST TO ALL LISTED VICTIMS IN THE CASE IN WHICH THE PETITIONER IS SEEKING EXPUNGEMENT AT THE ADDRESS LISTED IN THE COURT FILE, ADVISING THE VICTIM OR VICTIMS OF THE RIGHT TO OFFER ADDITIONAL INFORMATION RELEVANT TO THE EXPUNGEMENT PETITION TO THE COURT.~~

~~(3) UNLESS THE STATE'S ATTORNEY OR A VICTIM FILES AN OBJECTION TO THE PETITION FOR EXPUNGEMENT WITHIN 30 DAYS AFTER THE PETITION IS SERVED, THE COURT SHALL PASS AN ORDER REQUIRING THE EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE CHARGE.~~

~~(F) (1) IF THE STATE'S ATTORNEY OR A VICTIM FILES A TIMELY OBJECTION TO THE PETITION, THE COURT SHALL HOLD A HEARING.~~

~~(2) THE COURT SHALL ORDER THE EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE CHARGE AFTER A HEARING, IF THE COURT FINDS AND STATES ON THE RECORD:~~

~~(I) THAT THE CONVICTION IS ELIGIBLE FOR EXPUNGEMENT UNDER SUBSECTION (A) OF THIS SECTION;~~

~~(II) THAT THE PERSON IS ELIGIBLE FOR EXPUNGEMENT UNDER SUBSECTION (D) OF THIS SECTION;~~

~~(III) THAT GIVING DUE REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND CHARACTER OF THE PERSON, AND THE PERSON'S SUCCESS AT REHABILITATION, THE PERSON IS NOT A RISK TO PUBLIC SAFETY; AND~~

~~(IV) THAT AN EXPUNGEMENT WOULD BE IN THE INTEREST OF JUSTICE.~~

~~(G) IF AT A HEARING THE COURT FINDS THAT A PERSON IS NOT ENTITLED TO EXPUNGEMENT, THE COURT SHALL DENY THE PETITION.~~

~~(H) UNLESS AN ORDER IS STAYED PENDING APPEAL, WITHIN 60 DAYS AFTER ENTRY OF ORDER, EVERY CUSTODIAN OF THE POLICE RECORDS AND COURT RECORDS THAT ARE SUBJECT TO THE ORDER OF EXPUNGEMENT SHALL ADVISE IN WRITING THE COURT AND THE PERSON WHO IS SEEKING EXPUNGEMENT OF COMPLIANCE WITH THE ORDER.~~

~~(I) (1) THE STATE'S ATTORNEY IS A PARTY TO THE PROCEEDING.~~

~~(2) A PARTY AGGRIEVED BY THE DECISION OF THE COURT IS ENTITLED TO THE APPELLATE REVIEW AS PROVIDED IN THE COURTS ARTICLE.~~

~~11-810.~~

~~(b) The Criminal Injuries Compensation Fund:~~

- ~~(1) shall be used to:~~
- ~~(i) carry out the provisions of this subtitle; and~~
  - ~~(ii) distribute restitution payments forwarded to the Fund under [§ 11-604] § 9-614 of the Correctional Services Article; and~~
- ~~(2) may be used for:~~
- ~~(i) any award given under this subtitle; and~~
  - ~~(ii) the costs of carrying out this subtitle.~~

### ~~Article Health General~~

#### ~~§ 505.~~

~~(a) (1) Before or during a criminal trial, before or after sentencing, or before or during a term of probation, the court may order the Department to evaluate a defendant to determine whether, by reason of drug or alcohol abuse, the defendant is in need of and may benefit from treatment if:~~

- ~~(i) It appears to the court that the defendant has an alcohol or drug abuse problem; or~~
- ~~(ii) The defendant alleges an alcohol or drug dependency.~~

~~(2) A court shall set and may change the conditions under which an examination is to be conducted under this section.~~

~~(3) The Department shall ensure that each evaluation under this section is conducted in accordance with regulations adopted by the Department.~~

~~(b) On consideration of the nature of the charge, the court:~~

- ~~(1) May require or permit an examination to be conducted on an outpatient basis; and~~
- ~~(2) If an outpatient examination is authorized, shall set bail for the defendant or authorize the release of the defendant on personal recognizance.~~

~~(c) (1) If a defendant is to be held in custody for examination under this section:~~

- ~~(i) The defendant may be confined in a detention facility until the Department is able to conduct the examination; or~~

~~(ii) The court may order confinement of the defendant in a medical wing or other isolated and secure unit of a detention facility, if the court finds it appropriate for the health or safety of the defendant.~~

~~(2) (i) If the court finds that, because of the apparent severity of the alcohol or drug dependency or other medical or psychiatric complications, a defendant in custody would be endangered by confinement in a jail, the court may order the Department to either:~~

~~1. Place the defendant, pending examination, in an appropriate health care facility; or~~

~~2. Immediately conduct an evaluation of the defendant.~~

~~(ii) Unless the Department retains a defendant, the defendant shall be promptly returned to the court after an examination.~~

~~(iii) A defendant who is detained for an examination under this section may question at any time the legality of the detention by a petition for a writ of habeas corpus.~~

~~(d) (1) If a court orders an evaluation under this section, the evaluator shall:~~

~~(i) Conduct an evaluation of the defendant; and~~

~~(ii) Submit a complete report of the evaluation within 7 days to the:~~

~~1. Court;~~

~~2. Department; and~~

~~3. Defendant or the defendant's attorney.~~

~~(2) On good cause shown, a court may extend the time for an evaluation under this section.~~

~~(3) Whenever an evaluator recommends treatment, the evaluator's report shall:~~

~~(i) Name a specific program able to IMMEDIATELY provide the recommended treatment; and~~

~~(ii) Give an actual or estimated date when the program can begin treatment of the defendant.~~

~~(e) (1) The Department shall IMMEDIATELY provide the services required by this section.~~

~~(2) A designee of the Department may carry out any of its duties under this section [if appropriate funding is provided].~~

~~(f) Evaluations performed in facilities operated by the Department of Public Safety and Correctional Services shall be conducted by the Administration.~~

~~§ 507.~~

~~(a) Subject to the limitations in this section, a court that finds in a criminal case or during a term of probation that a defendant has an alcohol or drug dependency may commit the defendant as a condition of release, after conviction, or at any other time the defendant voluntarily agrees to participate in treatment, to the Department for treatment that the Department recommends, even if:~~

~~(1) The defendant did not timely file a motion for reconsideration under Maryland Rule 4-345; or~~

~~(2) The defendant timely filed a motion for reconsideration under Maryland Rule 4-345 which was denied by the court.~~

~~(b) Before a court commits a defendant to the Department under this section, the court shall:~~

~~(1) Offer the defendant the opportunity to receive treatment;~~

~~(2) Obtain the written consent of the defendant:~~

~~(i) To receive treatment; and~~

~~(ii) To have information reported back to the court;~~

~~(3) Order an evaluation of the defendant under § 8-505 or § 8-506 of this subtitle;~~

~~(4) Consider the report on the defendant's evaluation; and~~

~~(5) Find that the treatment that the Department recommends to be appropriate and necessary.~~

~~(c) Immediately on receiving an order for treatment under this section, the Department shall order a report of all pending cases, warrants, and detainers for the defendant and forward a copy of the report to the court, the defendant, and the defendant's last attorney of record.~~

~~(d) (1) The Department shall provide the services required by this section.~~

~~(2) A designee of the Department may carry out any of the Department's duties under this section if appropriate funding is provided.~~

~~(c) (1) A court may not order that the defendant be delivered for treatment until:~~

~~(i) The Department gives the court notice that an appropriate treatment program is able to begin treatment of the defendant;~~

~~(ii) Any detainer based on an untried indictment, information, warrant, or complaint for the defendant has been removed; and~~

~~(iii) (H) Any sentence of incarceration for the defendant is no longer in effect.~~

~~(2) The Department shall facilitate [the prompt] THE IMMEDIATE treatment of a defendant WITHOUT UNNECESSARY DELAY AND IN NO EVENT LATER THAN 30 DAYS FROM THE ORDER UNLESS THE COURT FINDS EXIGENT CIRCUMSTANCES TO DELAY COMMITMENT FOR TREATMENT FOR NO LONGER THAN 30 DAYS.~~

~~(3) IF A DEFENDANT WHO HAS BEEN COMMITTED FOR TREATMENT UNDER THIS SECTION IS NOT PLACED IN TREATMENT WITHIN 30 7 DAYS OF THE ORDER, THE COURT MAY ORDER THE DEPARTMENT TO APPEAR TO EXPLAIN THE REASON FOR THE LACK OF PLACEMENT MAY ISSUE A SHOW CAUSE ORDER FOR THE DEPARTMENT TO APPEAR AND EXPLAIN WHY THE DEPARTMENT SHOULD NOT BE HELD IN CONTEMPT UNDER TITLE 15 OF THE MARYLAND RULES.~~

~~(f) For a defendant committed for treatment under this section, a court shall order supervision of the defendant:~~

~~(1) By an appropriate pretrial release agency, if the defendant is released pending trial;~~

~~(2) By the Division of Parole and Probation under appropriate conditions in accordance with §§ 6-219 through 6-225 of the Criminal Procedure Article and Maryland Rule 4-345, if the defendant is released on probation; or~~

~~(3) By the Department, if the defendant remains in the custody of a local correctional facility.~~

~~(g) A court may order law enforcement officials, detention center staff, Department of Public Safety and Correctional Services staff, or sheriff's department staff within the appropriate local jurisdiction to transport a defendant to and from treatment under this section.~~

~~(h) The Department shall promptly report to a court a defendant's withdrawal of consent to treatment and have the defendant returned to the court within 7 days for further proceedings.~~

~~(i) A defendant who is committed for treatment under this section may question at any time the legality of the commitment by a petition for a writ of habeas corpus.~~

~~(j) (1) A commitment under this section shall be for at least 72 hours and not more than 1 year.~~

~~(2) On good cause shown by the Department, the court, or the State, the court may extend the time period for providing the necessary treatment services in increments of 6 months.~~

~~(3) Except during the first 72 hours after admission of a defendant to a treatment program, the Department may terminate the treatment if the Department determines that:~~

~~(i) Continued treatment is not in the best interest of the defendant;~~  
~~or~~

~~(ii) The defendant is no longer amenable to treatment.~~

~~(k) When a defendant is to be released from treatment under this section, the Department shall notify the court that ordered the treatment.~~

~~(l) (1) If a defendant leaves treatment without authorization, the responsibility of the Department is limited to the notification of the court that ordered the defendant's treatment as soon as it is reasonably possible.~~

~~(2) Notice under this subsection shall constitute probable cause for a court to issue a warrant for the arrest of a defendant.~~

~~(m) Nothing in this section imposes any obligation on the Department:~~

~~(1) To treat any defendant who knowingly and willfully declines to consent to further treatment; or~~

~~(2) In reporting to the court under this section, to include an assessment of a defendant's dangerousness to one's self, to another individual, or to the property of another individual by virtue of a drug or alcohol problem.~~

~~(n) Time during which a defendant is held under this section for inpatient evaluation or inpatient or residential treatment shall be credited against any sentence imposed by the court that ordered the evaluation or treatment.~~

~~(e) This section may not be construed to limit a court's authority to order drug treatment in lieu of incarceration under Title 5 of the Criminal Law Article.~~

~~Article State Finance and Procurement~~

~~6-226.~~

~~(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.~~

~~(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:~~

~~84. the Economic Development Marketing Fund; [and]~~

~~85. the Military Personnel and Veteran Owned Small Business No Interest Loan Fund; AND~~

~~86. THE PERFORMANCE INCENTIVE COUNTY GRANT FUND.~~

~~Article State Government~~

~~SUBTITLE 32. JUSTICE REINVESTMENT OVERSIGHT BOARD.~~

~~9-3201.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(B) "BOARD" MEANS THE JUSTICE REINVESTMENT OVERSIGHT BOARD.~~

~~(C) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.~~

~~(D) "FUND" MEANS THE PERFORMANCE INCENTIVE COUNTY GRANT FUND ESTABLISHED IN § 9-3209 OF THIS SUBTITLE.~~

~~9-3202.~~

~~THERE IS A JUSTICE REINVESTMENT OVERSIGHT BOARD IN THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.~~

~~9-3203.~~

~~(A) THE BOARD 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 EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(4) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;~~

~~(5) THE CHAIR OF THE MARYLAND PAROLE COMMISSION, OR THE CHAIR'S DESIGNEE;~~

~~(6) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;~~

~~(7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;~~

~~(8) THE PUBLIC DEFENDER, OR THE PUBLIC DEFENDER'S DESIGNEE;~~

~~(9) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY'S DESIGNEE;~~

~~(10) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE;~~

~~(11) THE CHAIR OF THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION, OR THE CHAIR'S DESIGNEE;~~

~~(12) ONE MEMBER TWO MEMBERS APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS;~~

~~(13) ONE MEMBER APPOINTED BY THE CHIEF JUDGE OF THE DISTRICT COURT OF MARYLAND ONE MEMBER APPOINTED BY THE MARYLAND SHERIFFS' ASSOCIATION; AND~~

~~(14) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE:~~

~~(I) ONE MEMBER REPRESENTING VICTIMS OF CRIME;~~

~~(II) ONE MEMBER REPRESENTING THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION;~~

~~(III) ONE MEMBER REPRESENTING LAW ENFORCEMENT; AND~~

~~(IV) ONE MEMBER TWO MEMBERS REPRESENTING THE MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION THAT INCLUDES ONE REPRESENTATIVE FROM A LARGE CORRECTIONAL FACILITY AND ONE REPRESENTATIVE FROM A SMALL CORRECTIONAL FACILITY.~~

~~(B) TO THE EXTENT PRACTICABLE, IN MAKING APPOINTMENTS UNDER THIS SECTION, THE GOVERNOR SHALL ENSURE GEOGRAPHIC DIVERSITY AMONG THE MEMBERSHIP OF THE BOARD.~~

~~(C) (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 4 YEARS.~~

~~(2) THE TERMS OF THE APPOINTED MEMBERS OF THE BOARD ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2016.~~

~~(3) AT THE END OF A TERM, AN APPOINTED MEMBER:~~

~~(I) IS ELIGIBLE FOR REAPPOINTMENT; AND~~

~~(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

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

~~9-3204.~~

~~(A) THE EXECUTIVE DIRECTOR IS GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.~~

~~(B) WITH THE APPROVAL OF THE BOARD, THE CHAIR MAY APPOINT A VICE CHAIR WHO SHALL HAVE THE DUTIES ASSIGNED BY THE CHAIR.~~

~~9-3205.~~

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

~~(B) THE BOARD SHALL MEET AT LEAST TWICE EACH YEAR AT THE TIMES AND PLACES DETERMINED BY THE BOARD OR THE CHAIR OF THE BOARD.~~

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

~~(1) MAY NOT RECEIVE COMPENSATION FOR SERVICE ON THE BOARD; BUT~~

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

~~9-3206.~~

~~THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE STAFF FOR THE BOARD.~~

~~9-3207.~~

~~(A) THE BOARD SHALL:~~

~~(1) MONITOR PROGRESS AND COMPLIANCE WITH THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;~~

~~(2) CONSIDER THE RECOMMENDATIONS OF THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION AND ANY LEGISLATION, REGULATIONS, RULES, BUDGETARY CHANGES, OR OTHER ACTIONS TAKEN TO IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;~~

~~(3) MAKE ADDITIONAL LEGISLATIVE AND BUDGETARY RECOMMENDATIONS FOR FUTURE DATA DRIVEN, FISCALLY SOUND CRIMINAL JUSTICE POLICY CHANGES;~~

~~(4) COLLECT AND ANALYZE THE DATA SUBMITTED UNDER § 9-3208 OF THIS SUBTITLE REGARDING PRETRIAL DETAINEES;~~

~~(5) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE COMMISSION ON CRIMINAL SENTENCING POLICY, CREATE PERFORMANCE MEASURES TO TRACK AND ASSESS THE OUTCOMES OF THE LAWS RELATED TO THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;~~

~~(6) CREATE PERFORMANCE MEASURES TO ASSESS THE EFFECTIVENESS OF THE GRANTS ADMINISTERED UNDER § 9-3209 OF THIS SUBTITLE; AND~~

~~(7) CONSULT AND COORDINATE WITH:~~

~~(i) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION; AND~~

~~(ii) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS CONCERNING JUSTICE REINVESTMENT ISSUES.~~

~~(5) CREATE PERFORMANCE MEASURES TO ASSESS THE EFFECTIVENESS OF THE GRANTS;~~

~~(6) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE COMMISSION ON CRIMINAL SENTENCING POLICY, CREATE PERFORMANCE MEASURES TO TRACK AND ASSESS THE OUTCOMES OF THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;~~

~~(7) CREATE PERFORMANCE MEASURES TO ASSESS THE EFFECTIVENESS OF THE GRANTS ADMINISTERED UNDER § 9-3209 OF THIS SUBTITLE; AND~~

~~(8) CONSULT AND COORDINATE WITH:~~

~~(i) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION; AND~~

~~(ii) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS CONCERNING JUSTICE REINVESTMENT ISSUES.~~

~~(b) (1) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE BOARD SHALL DETERMINE THE ANNUAL~~

~~SAVINGS FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL BASED ON THE DIFFERENCE BETWEEN THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2017, THE BASELINE DAY, AND THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2018, THE COMPARISON DAY, AND THE VARIABLE COST OF INCARCERATION.~~

~~(2) IF THE PRISON POPULATION ON THE COMPARISON DAY IS LESS THAN THE PRISON POPULATION ON THE BASELINE DAY, THE BOARD SHALL DETERMINE A SAVINGS BASED ON THE DIFFERENCE IN THE PRISON POPULATION MULTIPLIED BY THE VARIABLE COST.~~

~~(3) THE BOARD SHALL ANNUALLY DETERMINE THE DIFFERENCE BETWEEN THE PRISON POPULATION ON OCTOBER 1, 2017, AND THE PRISON POPULATION ON OCTOBER 1 OF THE CURRENT YEAR AND CALCULATE ANY SAVINGS IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(4) IF A PRISON POPULATION DECLINE CAUSES A CORRECTIONAL UNIT, WING, OR FACILITY TO CLOSE, THE BOARD SHALL CONDUCT AN ASSESSMENT TO DETERMINE THE SAVINGS FROM THE CLOSURE AND DISTRIBUTE THE SAVINGS, REALIZED ANNUALLY, ACCORDING TO THE SCHEDULE IN PARAGRAPH (5) OF THIS SUBSECTION.~~

~~(5) THE BOARD SHALL ANNUALLY RECOMMEND THAT THE SAVINGS IDENTIFIED IN PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION BE DISTRIBUTED AS FOLLOWS:~~

~~(I) UP TO 50% OF THE SAVINGS SHALL BE PLACED IN THE PERFORMANCE INCENTIVE COUNTY GRANT FUND FOR PURPOSES ESTABLISHED UNDER § 9-3209(B)(1) OF THIS SUBTITLE; AND~~

~~(II) THE REMAINING SAVINGS SHALL BE USED FOR ADDITIONAL SERVICES IDENTIFIED AS REINVESTMENT PRIORITIES IN THE JUSTICE REINVESTMENT COORDINATING COUNCIL'S FINAL REPORT.~~

~~(B)(C) THE BOARD MAY ENTER INTO AN AGREEMENT WITH THE MARYLAND DATA ANALYSIS CENTER AT THE UNIVERSITY OF MARYLAND AN ACADEMIC INSTITUTION OR ANOTHER SIMILAR ENTITY THAT IS QUALIFIED TO COLLECT AND INTERPRET DATA IN ORDER TO ASSIST THE BOARD WITH ITS DUTIES.~~

~~9-3208.~~

~~(A) SEMIANNUALLY, EACH COUNTY, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE~~

~~COMMISSION ON CRIMINAL SENTENCING POLICY SHALL COLLECT AND REPORT DATA TO THE BOARD IN ORDER FOR THE BOARD TO PERFORM ITS DUTIES UNDER § 9-3207 OF THIS SUBTITLE, INCLUDING DATA RELATING TO:~~

~~(1) THE ADMISSION OF INMATES TO STATE AND LOCAL CORRECTIONAL FACILITIES;~~

~~(2) THE LENGTH OF INMATE SENTENCES;~~

~~(3) THE LENGTH OF TIME BEING SERVED BY INMATES;~~

~~(4) RECIDIVISM;~~

~~(5) THE POPULATION OF COMMUNITY SUPERVISION; AND~~

~~(6) INFORMATION ABOUT THE INMATE POPULATION; AND~~

~~(7) DEPARTURES BY THE COURT AND THE COMMISSION FROM THE SENTENCING LIMITS FOR TECHNICAL VIOLATIONS UNDER §§ 6-223 AND 6-224 OF THE CRIMINAL PROCEDURE ARTICLE AND §§ 7-401 AND 7-504 OF THE CORRECTIONAL SERVICES ARTICLE.~~

~~(B) ON OR BEFORE MARCH 31 EACH YEAR, EACH COUNTY, THE DIVISION OF PRETRIAL DETENTION AND SERVICES, AND THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL REPORT TO THE BOARD THE FOLLOWING INFORMATION FOR THE PRIOR CALENDAR YEAR REGARDING INDIVIDUALS HELD IN PRETRIAL DETENTION:~~

~~(1) THE NUMBER OF INDIVIDUALS DETAINED PRETRIAL ON THE SAME DAY EACH YEAR;~~

~~(2) THE MEAN AND MEDIAN DAYS INDIVIDUALS WERE DETAINED IN PRETRIAL DETENTION;~~

~~(3) THE CHARGES UNDER WHICH INDIVIDUALS WERE DETAINED IN PRETRIAL DETENTION;~~

~~(4) THE REASONS WHY INDIVIDUALS WERE UNABLE TO SECURE RELEASE;~~

~~(5) THE NUMBER OF INDIVIDUALS WHO WERE RELEASED DURING THE PRETRIAL PERIOD; AND~~

~~(6) THE DISPOSITION OF EACH CASE.~~

~~9-3209.~~

~~(A) THERE IS A PERFORMANCE INCENTIVE COUNTY GRANT FUND.~~

~~(B) (1) THE PURPOSE OF THE FUND IS TO MAKE USE OF THE SAVINGS FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL.~~

~~(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY RECOMMEND TO THE EXECUTIVE DIRECTOR THAT GRANTS BE MADE TO COUNTIES TO:~~

~~(I) ENSURE THAT THE RIGHTS OF CRIME VICTIMS ARE PROTECTED AND ENHANCED;~~

~~(II) PROVIDE FOR PRETRIAL RISK ASSESSMENTS;~~

~~(III) PROVIDE FOR SERVICES TO REDUCE PRETRIAL DETENTION;~~

~~(IV) PROVIDE FOR DIVERSION PROGRAMS, INCLUDING MEDIATION AND RESTORATIVE JUSTICE PROGRAMS;~~

~~(V) PROVIDE FOR RECIDIVISM REDUCTION PROGRAMMING;~~

~~(VI) PROVIDE FOR EVIDENCE-BASED PRACTICES AND POLICIES;~~

~~(VII) PROVIDE FOR SPECIALTY COURTS;~~

~~(VIII) PROVIDE FOR REENTRY PROGRAMS; AND~~

~~(IX) PROVIDE FOR SUBSTANCE USE DISORDER AND MENTAL HEALTH SERVICE PROGRAMS; AND~~

~~(X) PROVIDE FOR ANY OTHER PROGRAM OR SERVICE THAT WILL FURTHER THE PURPOSES ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(3) AT LEAST 5% OF THE GRANTS PROVIDED TO A COUNTY UNDER THIS SECTION SHALL BE USED TO FUND PROGRAMS AND SERVICES TO ENSURE THAT THE RIGHTS OF CRIME VICTIMS ARE PROTECTED AND ENHANCED.~~

~~(4) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL RECEIVE FROM THE FUND EACH FISCAL YEAR THE AMOUNT NECESSARY TO OFFSET THE COSTS OF ADMINISTERING THE FUND.~~

~~(C) (1) SUBJECT TO THE AUTHORITY OF THE EXECUTIVE DIRECTOR, THE BOARD SHALL ADMINISTER THE FUND.~~

~~(2) THE EXECUTIVE DIRECTOR MAY APPROVE OR DISAPPROVE ANY GRANTS FROM THE FUND.~~

~~(D) (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.~~

~~(E) THE FUND CONSISTS OF:~~

~~(1) MONEY APPROPRIATED IN THE STATE BUDGET;~~

~~(2) INTEREST EARNED ON MONEY IN THE FUND; AND~~

~~(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.~~

~~(F) THE FUND MAY BE USED ONLY FOR THE PURPOSES ESTABLISHED IN SUBSECTION (B) OF THIS SECTION.~~

~~(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

~~(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.~~

~~(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.~~

~~(I) MONEY EXPENDED FROM THE FUND FOR PROGRAMS TO REDUCE RECIDIVISM AND CONTROL CORRECTIONAL COSTS IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THESE PURPOSES.~~

~~9-3210.~~

~~THE BOARD MAY PERFORM ANY ACTS NECESSARY AND APPROPRIATE TO CARRY OUT THE POWERS AND DUTIES SET FORTH IN THIS SUBTITLE.~~

~~9-3211.~~

~~(A) IN THIS SECTION, "COMMISSION" MEANS THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION.~~

~~(B) THERE IS A LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION.~~

~~(C) THE COMMISSION SHALL:~~

~~(1) ADVISE THE BOARD ON MATTERS RELATED TO LEGISLATION, REGULATIONS, RULES, BUDGETARY CHANGES, AND ALL OTHER ACTIONS NEEDED TO IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL AS THEY RELATE TO LOCAL GOVERNMENTS;~~

~~(2) MAKE RECOMMENDATIONS TO THE BOARD REGARDING GRANTS TO LOCAL GOVERNMENTS FROM THE FUND; AND~~

~~(3) CREATE PERFORMANCE MEASURES TO ASSESS THE EFFECTIVENESS OF THE GRANTS.~~

~~(D) (1) THE COMMISSION CONSISTS OF ONE MEMBER FROM EACH COUNTY APPOINTED BY THE GOVERNING BODY OF THE COUNTY.~~

~~(2) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR OF THE COMMISSION.~~

~~(E) (1) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.~~

~~(2) THE TERMS OF THE MEMBERS OF THE COMMISSION ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 2016.~~

~~(3) AT THE END OF A TERM, A MEMBER:~~

~~(I) IS ELIGIBLE FOR REAPPOINTMENT; AND~~

~~(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

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

~~(F) 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.~~

~~(G) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE STAFF FOR THE COMMISSION.~~

~~9-3212.~~

~~ON OR BEFORE DECEMBER 31, 2017, AND EACH YEAR THEREAFTER, THE BOARD SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THIS ARTICLE, TO THE GENERAL ASSEMBLY ON THE ACTIVITIES OF THE BOARD AND THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION.~~

~~Article — Transportation~~

~~27-101.~~

~~(b) Except as otherwise provided in this section, any person convicted of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than \$500.~~

~~(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both:~~

~~(1) § 12-301(e) or (f) (“Special identification cards: Unlawful use of identification card prohibited”);~~

~~(2) § 14-102 (“Taking or driving vehicle without consent of owner”);~~

~~(3) § 14-104 (“Damaging or tampering with vehicle”);~~

~~(4) § 14-107 (“Removed, falsified, or unauthorized identification number or registration card or plate”);~~

~~(5) § 14-110 (“Altered or forged documents and plates”);~~

~~(6) § 15-312 (“Dealers: Prohibited acts — Vehicle sales transactions”);~~

~~(7) § 15-313 (“Dealers: Prohibited acts — Advertising practices”);~~

- (8) ~~§ 15-314 (“Dealers: Prohibited acts—Violation of licensing laws”);~~
- (9) ~~§ 15-411 (“Vehicle salesmen: Prohibited acts”);~~
- (10) ~~§ 16-113(j) (“Violation of alcohol restriction”);~~
- (11) ~~§ 16-301, except § 16-301(a) or (b) (“Unlawful use of license”);~~
- (12) ~~§ 16-303(h) (“Licenses suspended under certain provisions of Code”);~~
- (13) ~~§ 16-303(i) (“Licenses suspended under certain provisions of the traffic laws or regulations of another state”);~~
- (15) ~~§ 20-103 (“Driver to remain at scene—Accidents resulting only in damage to attended vehicle or property”);~~
- ~~[(16)] (13)~~ ~~§ 20-104 (“Duty to give information and render aid”);~~
- ~~[(17)] (14)~~ ~~§ 20-105 (“Duty on striking unattended vehicle or other property”);~~
- ~~[(18)] (15)~~ ~~§ 20-108 (“False reports prohibited”);~~
- ~~[(19)] (16)~~ ~~§ 21-206 (“Interference with traffic control devices or railroad signs and signals”);~~
- ~~[(20)] (17)~~ ~~As to a pedestrian in a marked crosswalk, § 21-502(a) (“Pedestrians’ right of way in crosswalks: In general”), if the violation contributes to an accident;~~
- ~~[(21)] (18)~~ ~~As to another vehicle stopped at a marked crosswalk, § 21-502(e) (“Passing of vehicle stopped for pedestrian prohibited”), if the violation contributes to an accident;~~
- ~~[(22)] (19)~~ ~~Except as provided in subsections (f) and (g) of this section, § 21-902(b) (“Driving while impaired by alcohol”);~~
- ~~[(23)] (20)~~ ~~Except as provided in subsections (f) and (g) of this section, § 21-902(e) (“Driving while impaired by drugs or drugs and alcohol”);~~
- ~~[(24)] (21)~~ ~~§ 21-902.1 (“Driving within 12 hours after arrest”);~~
- ~~[(25)] (22)~~ ~~Title 21, Subtitle 10A (“Towing or Removal of Vehicles from Parking Lots”); or~~

~~[(26)] (23) § 27-107(d), (e), (f), or (g) (“Prohibited acts – Ignition interlock systems”).~~

~~(y) Any person who is convicted of a violation of § 16-101 of this article (“Drivers must be licensed”) is subject to:~~

~~(1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500;~~

~~(2) For a [first] SECOND offense, a fine of not more than \$500 or imprisonment for not more than 60 days or both; and~~

~~(3) For a [second] THIRD or subsequent offense, a fine of not more than \$500 or imprisonment for not more than 1 year or both.~~

~~(GG) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-303(H) (“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF CODE”) OF THIS ARTICLE OR § 16-303(I) (“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF THE TRAFFIC LAWS OR REGULATIONS OF ANOTHER STATE”) OF THIS ARTICLE IS SUBJECT TO:~~

~~(1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500; AND~~

~~(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT OF NOT MORE THAN 60 DAYS OR BOTH.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Governor’s Office of Crime Control and Prevention shall, in coordination with the Department of Public Safety and Correctional Services, the Department of Health and Mental Hygiene, the Judiciary, public health and treatment professionals, and local corrections authorities, conduct an analysis to determine the gap between offender treatment needs and available treatment services in the State, including a feasibility study of local jail and service provider capacity for substance use and mental health disorder and related treatment, and shall report the results of the analysis with recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article, on or before December 31, 2016.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide funding annually in the budget bill for:~~

~~(1) the Department of Health and Mental Hygiene to expand the use of drug treatment under § 8-507 of the Health General Article, as enacted by Section 1 of this Act;~~

~~(2) the Division of Correction to expand treatment and programming within correctional institutions for substance abuse treatment, mental health treatment, cognitive behavioral programming, and other evidence-based interventions for offenders; and~~

~~(3) the Division of Parole and Probation to expand treatment and programming in the community to include day reporting centers, mental health treatment, cognitive behavioral programming, and other evidence based interventions for offenders.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017, the Maryland Mediation and Conflict Resolution Office shall study and identify best practices for criminal referrals to mediation, based on experiences across the State and research, and submit a report of its findings and recommendations to the Justice Reinvestment Coordinating Council, the Governor, and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017, the State Commission on Criminal Sentencing Policy shall study how more alternatives to incarceration may be included in the sentencing guidelines and shall submit a report of the findings and recommendations to the Justice Reinvestment Coordinating Council, the Governor, and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Justice Reinvestment Oversight Board shall expire as follows:~~

- ~~(1) two members in 2017 2018;~~
- ~~(2) two members in 2018 2019;~~
- ~~(3) two members in 2019 2020; and~~
- ~~(4) two members in 2020 2021.~~

~~SECTION 7. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Local Government Justice Reinvestment Commission shall expire as follows:~~

- ~~(1) six members in 2017 2018;~~
- ~~(2) six members in 2018 2019;~~
- ~~(3) six members in 2019 2020; and~~
- ~~(4) six members in 2020 2021.~~

~~SECTION 8. AND BE IT FURTHER ENACTED, That the Governor's Office of Crime Control and Prevention shall:~~

~~(1) study the restitution process in the State and make recommendations concerning the restitution process, including:~~

- ~~(i) recommending a process and State unit for collecting data and developing evidence-based practices for restitution collection; and~~
- ~~(ii) recommending methods for developing additional enforcement and data collection technology infrastructure;~~
- ~~(2) determine which State unit should assume the duties currently undertaken by the Division of Parole and Probation regarding collection of restitution;~~
- ~~(3) determine whether the Criminal Injuries Compensation Board and any other victim services programs should be transferred to another entity, including considering whether a transfer would:~~
  - ~~(i) minimize fragmentation of functions that the State government performs on behalf of victims of crime and delinquent acts; and~~
  - ~~(ii) improve the coordination, efficiency, and effectiveness of State assistance to victims of crime and delinquent acts;~~
- ~~(4) consider any other ways to improve the collection of restitution; and~~
- ~~(5) report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly by December 1, 2016, on its findings and recommendations.~~

~~SECTION 9. AND BE IT FURTHER ENACTED, That unless the Governor determines that transferring the collection of restitution from the Division of Parole and Probation to another State unit will not improve the collection of restitution, the Governor shall order the new State unit to assume the responsibility of collecting restitution by issuing an executive order to reorganize State government under Article II, Section 24 of the Maryland Constitution for the 2017 regular session of the General Assembly. The Governor shall include a provision in the executive order providing that the transfer may not be effective until 30 days after the Governor's Office of Crime Control and Prevention notifies in writing the Governor, the President of the Senate, and the Speaker of the House that the new State unit is able to assume the collection roles and responsibilities.~~

~~SECTION 10. AND BE IT FURTHER ENACTED, That local correctional facilities shall, in coordination with the Department of Health and Mental Hygiene and local health departments, conduct an analysis to determine the budgetary requirements of this Act and shall report a plan for meeting the budgetary requirements to the General Assembly, in accordance with § 2-1246 of the State Government Article, on or before June 30, 2017.~~

~~SECTION 11. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that local correctional facilities and local health departments provide funding for treatment required for individuals diverted from incarceration for a violation of § 5-601 of the Criminal Law Article as enacted by Section 1 of this Act.~~

~~SECTION 12. AND BE IT FURTHER ENACTED, That § 3-704 of the Correctional Services Article, as enacted by Section 1 of this Act, shall be construed prospectively to apply only to inmates that are sentenced on or after October 1, 2017.~~

~~SECTION 13. AND BE IT FURTHER ENACTED, That Section 1, Section 6, and Section 7 of this Act shall take effect October 1, 2017.~~

~~SECTION 10. 14. AND BE IT FURTHER ENACTED, That, except as provided in Section 13 of this Act, this Act shall take effect October 1, 2016.~~

### *Article – Correctional Services*

3-601.

**(a) IN THIS SECTION, “RISK AND NEEDS ASSESSMENT” HAS THE MEANING STATED IN § 6-101 OF THIS ARTICLE.**

**(B) Promptly after an inmate is sentenced to the jurisdiction of the Division, the Division shall assemble an adequate case record for the inmate that includes:**

- (1) a description of the inmate;
- (2) a photograph of the inmate;
- (3) the family history of the inmate;
- (4) any previous record of the inmate;
- (5) a summary of the facts of each case for which the inmate is serving a sentence; [and]

**(6) THE RESULTS OF A RISK AND NEEDS ASSESSMENT OF THE INMATE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND**

**[(6)] (7) the results of the physical, mental, and educational examination of the inmate required under subsection [(b)] (C) of this section.**

**[(b)] (C) The Division shall conduct A RISK AND NEEDS ASSESSMENT AND a physical, mental, and educational examination of an inmate as soon as feasible after the individual is sentenced to the jurisdiction of the Division.**

**[(c)] (D) (1) Based on the information assembled under subsection [(a)] (B) of this section, the Division shall classify an inmate and [assign the inmate to any available treatment, training, or employment that the Division considers appropriate] DEVELOP A**

CASE PLAN TO GUIDE AN INMATE'S REHABILITATION WHILE UNDER THE CUSTODY OF THE DIVISION.

(2) THE CASE PLAN DEVELOPED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) PROGRAMMING AND TREATMENT RECOMMENDATIONS BASED ON THE RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER SUBSECTION (C) OF THIS SECTION;

(II) REQUIRED CONDUCT IN ACCORDANCE WITH THE RULES AND POLICIES OF THE DIVISION; AND

(III) A PLAN FOR THE PAYMENT OF RESTITUTION, NOT TO SUPERSEDE ANY PAYMENT PLAN ESTABLISHED BY THE COURT, IF RESTITUTION HAS BEEN ORDERED.

[(d)] (E) In accordance with regulations adopted by the Division, the managing official of each correctional facility shall maintain, as a part of an inmate's case record:

(1) an adequate record of the conduct, effort, and progress of the inmate during confinement; and

(2) a record of the character of any offense committed by the inmate and the nature and amount of punishment inflicted.

[(e)] (F) To identify an inmate, the Division may photograph and fingerprint the inmate and record a description of the inmate's personal background data.

3-704.

(a) An inmate shall be allowed a deduction in advance from the inmate's term of confinement.

(b) (1) The deduction allowed under subsection (a) of this section shall be calculated:

(i) from the first day of commitment to the custody of the Commissioner through the last day of the inmate's term of confinement;

(ii) except as provided in paragraph (2) of this subsection, at the rate of 10 days for each calendar month; and

(iii) on a prorated basis for any portion of a calendar month.

(2) If an inmate's term of confinement includes a consecutive or concurrent sentence for a crime of violence as defined in § 14-101 of the Criminal Law Article or a crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance in violation of [§§ 5-602 through 5-609,] § 5-612[,] or § 5-613 of the Criminal Law Article, the deduction described in subsection (a) of this section shall be calculated at the rate of 5 days for each calendar month.

(c) A deduction under this section may not be allowed for a period during which an inmate does not receive credit for service of the inmate's term of confinement, including a period:

(1) during which the inmate's sentence is stayed;

(2) during which the inmate is not in the custody of the Commissioner because of escape; or

(3) for which the Maryland Parole Commission has declined to grant credit after revocation of parole or mandatory supervision.

3-705.

(a) (1) In addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of 5 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory performance of assigned work tasks.

(2) The deduction described in paragraph (1) of this subsection shall be calculated:

(i) from the first day that the work task is performed; and

(ii) on a prorated basis for any portion of a calendar month during which the inmate performed the work task.

(b) The Commissioner shall adopt regulations governing the determination of deductions authorized under this section.

3-706.

(a) In addition to any other deductions allowed under this subtitle, **AS AN INCENTIVE TO REDUCE A TERM OF INCARCERATION**, an inmate may be allowed a deduction of 5 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory progress in **OR COMPLETION OF**:

(1) vocational courses; [or]

(2) other educational and training courses;

(3) WORKFORCE DEVELOPMENT TRAINING;

(4) COGNITIVE-BEHAVIORAL THERAPY; OR

(5) SUBSTANCE ABUSE THERAPY.

(b) The deduction described in subsection (a) of this section shall be calculated:

(1) from the first day that the inmate participates in the course; and

(2) on a prorated basis for any portion of the calendar month during which the inmate participates in the course.

3-707.

(a) (1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of up to [10] 20 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory progress in those special selected work projects or other special programs, INCLUDING RECIDIVISM REDUCTION PROGRAMMING, designated by the Commissioner and approved by the Secretary.

(2) THE DEDUCTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CALCULATED AT THE RATE OF UP TO 10 DAYS FOR EACH CALENDAR MONTH, IF AN INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE FOR:

(I) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE;

(II) A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE; OR

(III) A CRIME OF MANUFACTURING, DISTRIBUTING, DISPENSING, OR POSSESSING A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF § 5-612 OR § 5-613 OF THE CRIMINAL LAW ARTICLE.

(b) A deduction described in subsection (a) of this section shall be calculated:

(1) from the first day that the inmate is assigned to the work project or program; and

(2) on a prorated basis for any portion of the calendar month during which the inmate participates in the work project or program.

3-708.

Notwithstanding any other provision of this subtitle, an inmate may not be allowed a deduction under this subtitle of more than [20]:

(1) 20 DAYS FOR A CALENDAR MONTH FOR AN INMATE DESCRIBED IN § 3-707(A)(2) OF THIS SUBTITLE; AND

(2) 30 days for a calendar month FOR ALL OTHER INMATES.

6-101.

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

(b) (1) “ABSCONDING” MEANS WILLFULLY EVADING SUPERVISION.

(2) “ABSCONDING” DOES NOT INCLUDE MISSING A SINGLE APPOINTMENT WITH A SUPERVISING AUTHORITY.

(C) “Commission” means the Maryland Parole Commission.

[(c)] (D) “Crime of violence” has the meaning stated in § 14-101 of the Criminal Law Article.

(E) “CRIMINAL RISK FACTORS” MEANS AN INDIVIDUAL’S CHARACTERISTICS AND BEHAVIORS THAT:

(1) AFFECT THE INDIVIDUAL’S RISK OF ENGAGING IN CRIMINAL BEHAVIOR; AND

(2) ARE DIMINISHED WHEN ADDRESSED BY EFFECTIVE TREATMENT, SUPERVISION, AND OTHER SUPPORT SERVICES, RESULTING IN A REDUCED RISK OF CRIMINAL BEHAVIOR.

[(d)] (F) “Director” means the Director of the Division or the Director’s designee.

[(e)] (G) “Division” means the Division of Parole and Probation.

[(f)] (H) “Mandatory supervision” has the meaning stated in § 7-101 of this article.

[(g)] (I) “Offender” means an individual on parole or under mandatory supervision.

[(h)] (J) “Parolee” means an individual who has been released on parole.

[(i)] (K) “Program” means a home detention program established under § 6–108 of this subtitle.

(L) “RISK AND NEEDS ASSESSMENT” MEANS AN ACTUARIAL TOOL VALIDATED ON THE STATE’S CORRECTIONAL POPULATION THAT DETERMINES:

(1) AN INDIVIDUAL’S RISK OF REOFFENDING; AND

(2) THE CRIMINAL RISK FACTORS THAT, WHEN ADDRESSED, REDUCE THE INDIVIDUAL’S RISK OF REOFFENDING.

(M) “TECHNICAL VIOLATION” MEANS A VIOLATION OF A CONDITION OF PROBATION, PAROLE, OR MANDATORY SUPERVISION THAT DOES NOT INVOLVE:

(1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER;

(2) A VIOLATION OF A CRIMINAL PROHIBITION OTHER THAN A MINOR TRAFFIC OFFENSE;

(3) A VIOLATION OF A NO–CONTACT OR STAY–AWAY ORDER; OR

(4) ABSCONDING.

6–104.

(a) Subject to the authority of the Secretary and in addition to any other duties established by law, the Division:

(1) shall:

(I) ADMINISTER A VALIDATED SCREENING TOOL ON EACH INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION UNDER THE SUPERVISION OF THE DIVISION;

(II) ADMINISTER A RISK AND NEEDS ASSESSMENT AND DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION WHO HAS BEEN SCREENED AS MODERATE OR HIGH RISK TO REOFFEND;

[(i)] (III) supervise [the conduct of parolees] AN INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION BASED ON THE RESULTS OF A VALIDATED SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEMS (I) OR (II) OF THIS ITEM;

[(ii)] (IV) supervise an individual under mandatory supervision until the expiration of the individual's maximum term or terms of confinement;

[(iii)] (V) regularly inform the Commission of the activities of offenders who are supervised by the Division, INCLUDING, IF REQUESTED BY THE COMMISSION, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS SUBTITLE;

[(iv)] (VI) issue a warrant for the retaking of an offender charged with a violation of a condition of parole or mandatory supervision, if this authority is delegated by the Commission to the Director of the Division; and

[(v)] (VII) administer the Drinking Driver Monitor Program, collect supervision fees, and adopt guidelines for collecting the monthly program fee assessed in accordance with § 6-115 of this subtitle; and

(2) may recommend:

(i) that the Commission modify any condition of parole or mandatory supervision; and

(ii) that the Commission issue a warrant for the retaking of an offender.

(b) Funding for the Drinking Driver Monitor Program shall be as provided in the State budget.

6-111.

If a court suspends the sentence of an individual convicted of a crime and orders the individual to continue under the supervision of the Division for a specified time or until ordered otherwise, the Division shall:

(1) [supervise the conduct of] ADMINISTER A VALIDATED SCREENING TOOL ON the individual;

(2) [determine whether the individual is complying with the conditions of probation or suspension of sentence; and] ADMINISTER A RISK AND NEEDS ASSESSMENT AND DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL WHO HAS BEEN SCREENED AS MODERATE OR HIGH RISK TO REOFFEND;

(3) SUPERVISE AN INDIVIDUAL BASED ON THE PROBATION ORDER AND, TO THE EXTENT NOT INCONSISTENT WITH THAT ORDER, ON THE RESULTS OF A VALIDATED SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEMS (1) OR (2) OF THIS SECTION;

(4) NOTWITHSTANDING ANY OTHER LAW, IMPOSE GRADUATED SANCTIONS UNDER § 6-121 OF THIS SUBTITLE IN RESPONSE TO TECHNICAL VIOLATIONS AS AN ALTERNATIVE TO SEEKING REVOCATION UNDER § 6-223 OR § 6-224 OF THE CRIMINAL PROCEDURE ARTICLE;

[(3)] (5) PROVIDE PROMPT NOTICE TO THE COURT OF ANY TECHNICAL VIOLATIONS COMMITTED AND GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS SUBTITLE; AND

(6) report to the court on the individual's compliance.

6-117.

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

(2) "Abatement" means an end to active supervision of a supervised individual, without effect on the legal expiration date of the case or the supervised individual's obligation to:

(i) obey all laws; AND

(ii) [report as instructed; and

(iii)] obtain written permission from the Division of Parole and Probation before relocating the supervised individual's residence outside the State.

(3) "Earned compliance credit" means a 20-day reduction from the period of active supervision of the supervised individual for every month that a supervised individual:

(i) exhibits [full compliance] COMPLIANCE with the conditions[, ] AND goals[, and treatment as part] of the supervised individual's probation, parole, or mandatory release supervision, as determined by the Department;

(ii) has no new arrests;

(iii) has not violated any conditions of no contact imposed on the supervised individual;

(iv) is current on court ordered payments for restitution, fines, and fees relating to the offense for which earned compliance credits are being accrued; and

(v) is current in completing any community supervision requirements included in the conditions of the supervised individual's probation, parole, or mandatory release supervision.

(4) (i) "Supervised individual" means an individual placed on probation by a court or serving a period of parole or mandatory release supervision after release from a correctional facility.

(ii) "Supervised individual" does not include:

1. a person incarcerated, on probation, or convicted in this State for a crime of violence;

2. a person incarcerated, on probation, or convicted in this State for a crime under Title 3, Subtitle 3 of the Criminal Law Article;

3. a person incarcerated, on probation, or convicted in this State for a violation of § 2-503, [§] §§ [5-602 through § 5-617] **5-612 THROUGH 5-614**, § 5-627, or § 5-628 of the Criminal Law Article;

4. a person registered or eligible for registration under Title 11, Subtitle 7 of the Criminal Procedure Article;

5. a person who was convicted in any other jurisdiction of a crime and the person's supervision was transferred to this State; or

6. a person who was convicted in this State of a crime and the person's supervision was transferred to another state.

(b) The Department shall:

(1) establish a program to implement earned compliance credits; and

(2) adopt policies and procedures to implement the program.

(c) (1) Notwithstanding any other law, the Maryland Parole Commission or the court [may] **SHALL** adjust the period of a supervised individual's supervision on the recommendation of the Division of Parole and Probation for earned compliance credits accrued under a program created under this section.

(2) **ONCE A COMBINATION OF TIME SERVED ON PROBATION, PAROLE, OR MANDATORY SUPERVISION, AND EARNED COMPLIANCE CREDITS SATISFY THE**

**SUPERVISED INDIVIDUAL'S ACTIVE TERM OF SUPERVISION, THE DIVISION SHALL PLACE THE INDIVIDUAL ON ABATEMENT.**

**(D) THE DIVISION SHALL:**

**(1) PROVIDE REGULAR NOTIFICATION TO A SUPERVISED INDIVIDUAL OF THE TENTATIVE ABATEMENT TRANSFER DATE; AND**

**(2) DEVELOP POLICIES FOR NOTIFYING A SUPERVISED INDIVIDUAL OF CHANGE TO THE ABATEMENT TRANSFER DATE.**

**(E) AT LEAST 90 DAYS BEFORE THE DATE OF TRANSFER TO ABATEMENT, THE DIVISION SHALL NOTIFY THE COMMISSION OR THE COURT OF THE IMPENDING TRANSFER.**

**[(d)] (F) A supervised individual whose period of active supervision has been completely reduced as a result of earned compliance credits shall remain on abatement until the expiration of the supervised individual's sentence, unless:**

**(1) the supervised individual consents to continued active supervision; or**

**(2) the supervised individual violates a condition of probation, parole, or mandatory release supervision including failure to pay a required payment of restitution.**

**(G) A SUPERVISED INDIVIDUAL WHO IS PLACED ON ABATEMENT UNDER THIS SECTION MAY NOT BE REQUIRED TO:**

**(1) REGULARLY REPORT TO A PAROLE OR PROBATION AGENT; OR**

**(2) PAY A SUPERVISION FEE.**

**[(e)] (H) If a supervised individual violates a condition of probation while on abatement, a court may order the supervised individual to be returned to active supervision.**

**[(f)] (I) (1) Twenty-five percent of the savings realized by the Department as a result of the application of earned compliance credits shall revert to the Department.**

**(2) After the savings revert to the Department in accordance with paragraph (1) of this subsection, any remaining savings shall revert to the [General Fund] PERFORMANCE INCENTIVE GRANT FUND ESTABLISHED UNDER § 9-3209 OF THE STATE GOVERNMENT ARTICLE.**

**[(g)] (J) This section may not be construed to limit the authority of a court or the Parole Commission to extend probation, parole, or mandatory release supervision under § 6-222 of the Criminal Procedure Article.**

(K) THE DEPARTMENT SHALL DEVELOP AN AUTOMATED APPLICATION FOR THE TRACKING AND AWARDING OF EARNED COMPLIANCE CREDITS BY THE DIVISION.

6-119.

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

(2) "EVIDENCE-BASED PROGRAMS AND PRACTICES" MEANS PROGRAMS PROVEN BY SCIENTIFIC RESEARCH TO RELIABLY PRODUCE REDUCTIONS IN RECIDIVISM.

(3) "INNOVATIVE PROGRAMS AND PRACTICES" MEANS PROGRAMS THAT DO NOT MEET THE STANDARD OF EVIDENCE-BASED PRACTICES BUT WHICH PRELIMINARY RESEARCH OR DATA INDICATES WILL REDUCE THE LIKELIHOOD OF OFFENDER RECIDIVISM.

(B) THE DIVISION SHALL USE PRACTICABLE AND SUITABLE METHODS THAT ARE CONSISTENT WITH EVIDENCE-BASED PROGRAMS AND PRACTICES AND INNOVATIVE PROGRAMS AND PRACTICES TO AID AND ENCOURAGE A PROBATIONER OR PAROLEE TO IMPROVE CONDUCT, TO REDUCE THE RISK OF RECIDIVISM, AND TO PAY RESTITUTION.

(C) THE DIVISION SHALL HAVE AN INDEPENDENT VALIDATION STUDY CONDUCTED EVERY 3 YEARS ON THE RISK AND NEEDS ASSESSMENT TOOL.

6-120.

THE DEPARTMENT SHALL REQUIRE ALL PAROLE AND PROBATION AGENTS AND SUPERVISORS, COMMISSION MEMBERS, AND HEARING OFFICERS TO UNDERGO ANNUAL TRAINING BASED ON THE MOST CURRENT RESEARCH, REGARDING:

(1) IDENTIFYING, UNDERSTANDING, AND TARGETING AN INDIVIDUAL'S CRIMINAL RISK FACTORS;

(2) PRINCIPLES OF EFFECTIVE RISK INTERVENTIONS; AND

(3) SUPPORTING AND ENCOURAGING COMPLIANCE AND BEHAVIOR CHANGE, INCLUDING REGARDING THE PAYMENT OF RESTITUTION.

6-121.

(A) THIS SECTION SHALL APPLY TO ALL INDIVIDUALS UNDER THE SUPERVISION OF THE DIVISION.

(B) (1) THE DIVISION SHALL IMPOSE GRADUATED SANCTIONS IN RESPONSE TO TECHNICAL VIOLATIONS OF CONDITIONS OF SUPERVISION.

(2) GRADUATED SANCTIONS MAY NOT INCLUDE INCARCERATION OR INVOLUNTARY DETENTION.

(3) THE DIVISION SHALL PROVIDE NOTICE TO THE COURT OF A TECHNICAL VIOLATION COMMITTED AND A GRADUATED SANCTION IMPOSED AS A RESULT OF THE VIOLATION.

(C) THE DEPARTMENT SHALL:

(1) ESTABLISH A PROGRAM TO IMPLEMENT THE USE OF GRADUATED SANCTIONS IN RESPONSE TO TECHNICAL VIOLATIONS OF THE CONDITIONS OF COMMUNITY SUPERVISION;

(2) ADOPT POLICIES AND PROCEDURES TO IMPLEMENT THE PROGRAM AND TO ENSURE THAT DUE PROCESS PROTECTIONS ARE IN PLACE FOR AN INDIVIDUAL UNDER THE SUPERVISION OF THE DIVISION TO CHALLENGE GRADUATED SANCTIONS IMPOSED UNDER THE PROGRAM; AND

(3) DEVELOP A MATRIX TO GUIDE A PAROLE AND PROBATION AGENT IN DETERMINING THE SUITABLE RESPONSE TO A TECHNICAL VIOLATION THAT INCLUDES A RANGE OF THE MOST COMMON VIOLATIONS AND A RANGE OF POSSIBLE NONCUSTODIAL SANCTIONS TO BE IMPOSED.

(D) IF THE AVAILABLE GRADUATED SANCTIONS HAVE BEEN EXHAUSTED, THE DIVISION SHALL REFER THE INDIVIDUAL TO THE COURT OR THE COMMISSION FOR ADDITIONAL SANCTIONS, INCLUDING FORMAL REVOCATION OF PROBATION, PAROLE, OR MANDATORY SUPERVISION UNDER § 7-401 OR § 7-504 OF THIS ARTICLE OR § 6-223 OR § 6-224 OF THE CRIMINAL PROCEDURE ARTICLE.

7-101.

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

(m) “Violent crime” means:

(1) a crime of violence as defined in § 14-101 of the Criminal Law Article;

or

(2) burglary in the first, second, or third degree.

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.

7-104.**(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF REHABILITATION TO AN INDIVIDUAL WHO:****(1) WAS CONVICTED OF A MISDEMEANOR OR FELONY THAT IS NOT:****(I) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR****(II) A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;****(2) WAS SUPERVISED BY THE DIVISION OF PAROLE AND PROBATION UNDER CONDITIONS OF:****(I) PAROLE;****(II) PROBATION; OR****(III) MANDATORY RELEASE SUPERVISION;****(3) HAS COMPLETED ALL SPECIAL AND GENERAL CONDITIONS OF SUPERVISION, INCLUDING PAYING ALL REQUIRED RESTITUTION, FINES, FEES, AND OTHER PAYMENT OBLIGATIONS; AND**

(4) IS NO LONGER UNDER THE JURISDICTION OF THE DIVISION OF PAROLE AND PROBATION.

(B) IT IS THE POLICY OF THE STATE TO ENCOURAGE THE EMPLOYMENT OF NONVIOLENT EX-OFFENDERS AND REMOVE BARRIERS TO THEIR ABILITY TO DEMONSTRATE FITNESS FOR OCCUPATIONAL LICENSES OR CERTIFICATIONS REQUIRED BY THE STATE.

(C) A LICENSING BOARD MAY NOT DENY AN OCCUPATIONAL LICENSE OR CERTIFICATE TO AN APPLICANT WHO HAS BEEN ISSUED A CERTIFICATE OF REHABILITATION SOLELY ON THE BASIS THAT THE APPLICANT HAS PREVIOUSLY BEEN CONVICTED OF THE CRIME THAT IS THE SUBJECT OF THE CERTIFICATE OF REHABILITATION, UNLESS THE LICENSING BOARD DETERMINES THAT:

(1) THERE IS A DIRECT RELATIONSHIP BETWEEN THE APPLICANT'S PREVIOUS CONVICTION AND THE SPECIFIC OCCUPATIONAL LICENSE OR CERTIFICATE SOUGHT; OR

(2) THE ISSUANCE OF THE LICENSE OR CERTIFICATE WOULD INVOLVE AN UNREASONABLE RISK TO PROPERTY OR TO THE SAFETY OR WELFARE OF SPECIFIC INDIVIDUALS OR THE GENERAL PUBLIC.

(D) IN MAKING A DETERMINATION UNDER SUBSECTION (C) OF THIS SECTION, THE LICENSING BOARD SHALL CONSIDER:

(1) THE POLICY OF THE STATE EXPRESSED IN SUBSECTION (B) OF THIS SECTION;

(2) THE SPECIFIC DUTIES AND RESPONSIBILITIES REQUIRED OF A LICENSEE OR CERTIFICATE HOLDER;

(3) WHETHER THE APPLICANT'S PREVIOUS CONVICTION HAS ANY IMPACT ON THE APPLICANT'S FITNESS OR ABILITY TO PERFORM THE DUTIES AND RESPONSIBILITIES AUTHORIZED BY THE LICENSE OR CERTIFICATE;

(4) THE AGE OF THE APPLICANT AT THE TIME OF THE CONVICTION AND THE AMOUNT OF TIME THAT HAS ELAPSED SINCE THE CONVICTION;

(5) THE SERIOUSNESS OF THE OFFENSE FOR WHICH THE APPLICANT WAS CONVICTED;

(6) OTHER INFORMATION PROVIDED BY THE APPLICANT OR ON THE APPLICANT'S BEHALF WITH REGARD TO THE APPLICANT'S REHABILITATION AND GOOD CONDUCT; AND

**(7) THE LEGITIMATE INTEREST OF THE DEPARTMENT IN PROTECTING PROPERTY AND THE SAFETY AND WELFARE OF SPECIFIC INDIVIDUALS OR THE GENERAL PUBLIC.**

**(E) AN INDIVIDUAL MAY RECEIVE ONLY ONE CERTIFICATE OF REHABILITATION PER LIFETIME.**

**(F) THE COURT OF APPEALS IS NOT A LICENSING BOARD FOR PURPOSES OF THIS SECTION.**

**(G) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AN APPLICATION AND REVIEW PROCESS FOR A CERTIFICATE OF REHABILITATION THAT ALLOWS THE STATE'S ATTORNEY AND THE VICTIM TO OBJECT TO THE ISSUANCE OF THE CERTIFICATE OF REHABILITATION.**

7-205.

(a) The Commission has the exclusive power to:

(1) authorize the parole of an individual sentenced under the laws of the State to any correctional facility in the State;

(2) negotiate, enter into, and sign predetermined parole release agreements as provided under subsection (b) of this section;

(3) hear cases for parole OR ADMINISTRATIVE RELEASE in which:

(i) the Commissioner of Correction, after reviewing the recommendation of the appropriate managing official, objects to a parole;

(ii) the inmate was convicted of a homicide;

(iii) the inmate is serving a sentence of life imprisonment; [or]

(iv) the parole hearing is open to the public under § 7-304 of this title;

**(V) THE INMATE FAILS TO MEET THE REQUIREMENTS OF THE ADMINISTRATIVE RELEASE PROCESS ESTABLISHED UNDER § 7-301.1 OF THIS TITLE;**

**(VI) A VICTIM REQUESTS A HEARING AS PROVIDED UNDER § 7-301.1 OF THIS TITLE; OR**

**(VII) THE COMMISSION FINDS THAT A HEARING FOR ADMINISTRATIVE RELEASE IS NECESSARY UNDER § 7-301.1 OF THIS TITLE;**

(4) hear exceptions to recommendations of a hearing examiner or a commissioner acting as a hearing examiner;

(5) review summarily all recommendations of a hearing examiner or a commissioner acting as a hearing examiner to which an exception has not been filed;

(6) hear a case for parole in absentia when an individual who was sentenced in this State to serve a term of imprisonment is in a correctional facility of a jurisdiction other than this State;

(7) hear cases of parole revocation; [and]

(8) if delegated by the Governor, hear cases involving an alleged violation of a conditional pardon; AND

**(9) DETERMINE CONDITIONS FOR ADMINISTRATIVE RELEASE UNDER § 7-301.1 OF THIS TITLE.**

(b) (1) (i) The Commission may negotiate, enter into, and sign a predetermined parole release agreement with the Commissioner of Correction and an inmate under the jurisdiction of the Commission.

(ii) The agreement may provide for the release of the inmate on parole at a predetermined time if, during the inmate's term of confinement, the inmate participates in the programs designated by the Commission and fulfills any other conditions specified in the agreement.

(2) This subsection does not affect any diminution of an inmate's term of confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article OR AN INMATE'S ELIGIBILITY FOR ADMINISTRATIVE RELEASE UNDER § 7-301.1 OF THIS TITLE.

7-301.

(a) (1) Except as otherwise provided in this section, the Commission shall request that the Division of Parole and Probation make an investigation for inmates in a local correctional facility and the Division of Correction make an investigation for inmates in a State correctional facility that will enable the Commission to determine the advisability of granting parole to an inmate who:

(i) has been sentenced under the laws of the State to serve a term of 6 months or more in a correctional facility; and

(ii) has served in confinement one-fourth of the inmate's aggregate sentence.

(2) Except as provided in paragraph (3) of this subsection, or as otherwise provided by law or in a predetermined parole release agreement, an inmate is not eligible for parole until the inmate has served in confinement one-fourth of the inmate's aggregate sentence.

(3) An inmate may be released on parole at any time in order to undergo drug or alcohol treatment, mental health treatment, or to participate in a residential program of treatment in the best interest of an inmate's expected or newborn child if the inmate:

(i) is not serving a sentence for a crime of violence, as defined in § 14-101 of the Criminal Law Article;

(ii) is not serving a sentence for a violation of Title 3, Subtitle 6, § 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the Criminal Law Article; and

(iii) has been determined to be amenable to treatment.

(4) The Division of Parole and Probation shall complete and submit to the Commission each investigation of an inmate in a local correctional facility required under paragraph (1) of this subsection within 60 days of commitment.

**(E) AN INMATE WHO IS SERVING A TERM OF IMPRISONMENT FOR A THIRD OR SUBSEQUENT CONVICTION OF A FELONY VIOLATION OF TITLE 5, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE COMMITTED ON OR AFTER OCTOBER 1, 2017, IS NOT ELIGIBLE FOR PAROLE UNTIL THE INMATE HAS SERVED IN CONFINEMENT ONE-HALF OF THE INMATE'S AGGREGATE SENTENCE.**

### **7-301.1.**

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

**(2) "ADMINISTRATIVE RELEASE" MEANS RELEASE OF AN ELIGIBLE INMATE WHO HAS SERVED ONE-FOURTH OF THE INMATE'S SENTENCE AND MET THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.**

**(3) "ELIGIBLE INMATE" MEANS AN INMATE WHO:**

**(I) HAS BEEN SENTENCED UNDER THE LAWS OF THE STATE TO SERVE A TERM OF 6 MONTHS OR MORE IN A CORRECTIONAL FACILITY;**

**(II) IS SERVING A SENTENCE FOR WHICH THE MOST SERIOUS OFFENSE IS:**

1. A VIOLATION OF §§ 5-601 THROUGH 5-606 OF THE CRIMINAL LAW ARTICLE; OR

2. A VIOLATION INVOLVING A VALUE OF \$1,500 OR LESS OF § 7-104, § 8-103, § 8-206, § 8-207, § 8-209, § 8-301, § 8-509, § 8-510, § 8-511, § 8-512, § 8-513, § 8-514, § 8-515, § 8-611, OR § 8-801 OF THE CRIMINAL LAW ARTICLE;

(III) DOES NOT HAVE A PRIOR CONVICTION FOR:

1. A VIOLENT CRIME; OR

2. A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;

(IV) DOES NOT HAVE TWO OR MORE CONVICTIONS FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF THE CRIMINAL LAW ARTICLE; AND

(V) IF SERVING A SENTENCE WITH A TERM OF CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE, HAS SERVED THE MANDATORY PORTION OF THE SENTENCE.

(4) "VICTIM" MEANS:

(I) A PERSON WHO IS THE VICTIM OF A CRIME COMMITTED BY AN ELIGIBLE INMATE; OR

(II) IF THE PERSON DESCRIBED IN ITEM (I) OF THIS PARAGRAPH IS DECEASED, DISABLED, OR A MINOR, A DESIGNATED FAMILY MEMBER, GUARDIAN AD LITEM, OR OTHER REPRESENTATIVE OF THE PERSON.

(B) (1) FOR AN INMATE IN A CORRECTIONAL FACILITY, THE COMMISSION SHALL:

(I) CONDUCT AN INVESTIGATION TO DETERMINE THE INMATE'S ELIGIBILITY FOR ADMINISTRATIVE RELEASE;

(II) DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE INMATE MAY BE RELEASED AFTER HAVING SERVED ONE-FOURTH OF THE INMATE'S TERM OF CONFINEMENT; AND

(III) CALCULATE A TENTATIVE RELEASE ELIGIBILITY DATE FOR AN ELIGIBLE INMATE.

(2) THE INVESTIGATIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE COMPLETED AND SUBMITTED TO THE COMMISSION WITHIN 60 DAYS OF COMMITMENT.

(C) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE COMMISSION, IN COLLABORATION WITH THE LOCAL CORRECTIONAL FACILITY, SHALL CONSIDER THE RESULTS OF THE INVESTIGATION CONDUCTED UNDER SUBSECTION (B)(1) OF THIS SECTION AND DEVELOP AN INDIVIDUAL CASE PLAN WITH WHICH AN ELIGIBLE INMATE MUST COMPLY IN ORDER TO BE RELEASED ON ADMINISTRATIVE RELEASE.

(D) (1) THE INDIVIDUAL CASE PLANS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION AND § 3-601(D) OF THIS ARTICLE SHALL INCLUDE CONDITIONS THAT AN INMATE WILL BE ABLE TO COMPLETE BEFORE THE INMATE'S ADMINISTRATIVE RELEASE DATE.

(2) AN INDIVIDUAL CASE PLAN MAY INCLUDE CONDITIONS THAT APPLY AFTER AN INMATE IS RELEASED ON ADMINISTRATIVE RELEASE.

(E) (1) THE DIVISION OF CORRECTION AND EACH LOCAL CORRECTIONAL FACILITY SHALL:

(I) REVIEW THE PROGRESS OF AN ELIGIBLE INMATE'S CASE PLAN EVERY 8 WEEKS FROM THE DATE THE CASE PLAN WAS DEVELOPED;

(II) SEND A PROGRESS REPORT ON EACH ELIGIBLE INMATE'S CASE PLAN TO THE COMMISSION EVERY 4 MONTHS; AND

(III) SEND A PROGRESS REPORT TO THE COMMISSION OF AN ELIGIBLE INMATE'S COMPLIANCE OR NONCOMPLIANCE WITH THE CASE PLAN AT LEAST 30 DAYS BEFORE THE INMATE'S TENTATIVE ADMINISTRATIVE RELEASE ELIGIBILITY DATE.

(2) THE COMMISSION MAY PROVIDE WRITTEN INPUT ON THE ELIGIBLE INMATE'S PROGRESS TOWARD COMPLETION OF THE CASE PLAN.

(F) (1) NOTWITHSTANDING THE LIMITATIONS ON WHO IS CONSIDERED A VICTIM IN § 7-801 OF THIS TITLE, FOR PURPOSES OF THIS SECTION, A VICTIM HAS ALL THE RIGHTS UNDER THIS SECTION THAT ARE GRANTED TO A VICTIM UNDER THIS TITLE FOR A PAROLE HEARING.

(2) AS PROVIDED IN § 7-801 OF THIS TITLE, THE COMMISSION SHALL NOTIFY A VICTIM OF:

(I) THE ELIGIBLE INMATE'S ADMINISTRATIVE RELEASE ELIGIBILITY DATE;

(II) THE VICTIM'S RIGHT TO REQUEST AN OPEN HEARING UNDER § 7-304 OF THIS SUBTITLE; AND

(III) THE VICTIM'S RIGHT TO SUBMIT WRITTEN TESTIMONY CONCERNING THE CRIME AND THE IMPACT OF THE CRIME ON THE VICTIM.

(G) THE COMMISSION SHALL AUTHORIZE THE RELEASE OF AN ELIGIBLE INMATE ON ADMINISTRATIVE RELEASE, WITHOUT A HEARING BEFORE THE COMMISSION, AT THE INMATE'S RELEASE ELIGIBILITY DATE IF:

(1) THE INMATE HAS COMPLIED WITH THE CASE PLAN DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION OR § 3-601(D) OF THIS ARTICLE;

(2) THE INMATE HAS NOT COMMITTED A CATEGORY 1 RULE VIOLATION, AS DEFINED IN 12.02.27.04 OF THE CODE OF MARYLAND REGULATIONS;

(3) A VICTIM HAS NOT REQUESTED A HEARING UNDER SUBSECTION (F) OF THIS SECTION; AND

(4) THE COMMISSION FINDS A HEARING UNNECESSARY CONSIDERING THE INMATE'S HISTORY, PROGRESS, AND COMPLIANCE.

(H) AN INDIVIDUAL ON ADMINISTRATIVE RELEASE IS SUBJECT TO:

(1) THE JURISDICTION OF THE COMMISSION IN THE SAME MANNER AS A PAROLEE; AND

(2) ALL LAWS AND CONDITIONS THAT APPLY TO PAROLEES.

(I) AN ELIGIBLE INMATE WHO IS NOT RELEASED ON ADMINISTRATIVE RELEASE UNDER THIS SECTION IS OTHERWISE ELIGIBLE FOR RELEASE AS PROVIDED UNDER THIS SUBTITLE.

7-305.

Each hearing examiner and commissioner determining whether an inmate is suitable for parole, and the Commission before entering into a predetermined parole release agreement, shall consider:

(1) the circumstances surrounding the crime;

- (2) the physical, mental, and moral qualifications of the inmate;
- (3) the progress of the inmate during confinement, including the academic progress of the inmate in the mandatory education program required under § 22-102 of the Education Article;
- (4) a report on a drug or alcohol evaluation that has been conducted on the inmate, including any recommendations concerning the inmate's amenability for treatment and the availability of an appropriate treatment program;
- (5) whether there is reasonable probability that the inmate, if released on parole, will remain at liberty without violating the law;
- (6) whether release of the inmate on parole is compatible with the welfare of society;
- (7) an updated victim impact statement or recommendation prepared under § 7-801 of this title;
- (8) any recommendation made by the sentencing judge at the time of sentencing;
- (9) any information that is presented to a commissioner at a meeting with the victim; [and]
- (10) any testimony presented to the Commission by the victim or the victim's designated representative under § 7-801 of this title; AND
- (11) COMPLIANCE WITH THE CASE PLAN DEVELOPED UNDER § 7-301.1 OF THIS SUBTITLE OR § 3-601 OF THIS ARTICLE.**

7-309.

(a) This section applies to any inmate who is sentenced to a term of incarceration for which all sentences being served, including any life sentence, are with the possibility of parole.

(b) An inmate who is so **CHRONICALLY** debilitated or incapacitated by a medical or mental health condition, disease, or syndrome as to be physically incapable of presenting a danger to society may be released on medical parole at any time during the term of that inmate's sentence, without regard to the eligibility standards specified in § 7-301 of this subtitle.

(c) (1) A request for a medical parole under this section may be filed with the Maryland Parole Commission by:

- (i) the inmate seeking the medical parole;
- (ii) an attorney;
- (iii) a prison official or employee;
- (iv) a medical professional;
- (v) a family member; or
- (vi) any other person.

(2) The request shall be in writing and shall articulate the grounds that support the appropriateness of granting the medical parole.

(d) Following review of the request, the Commission may:

(1) find the request to be inconsistent with the best interests of public safety and take no further action; or

(2) request that department or local correctional facility personnel provide information for formal consideration of parole release.

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

**(1) (I) A RECOMMENDATION BY THE MEDICAL PROFESSIONAL TREATING THE INMATE UNDER CONTRACT WITH THE DEPARTMENT OR LOCAL CORRECTIONAL FACILITY; OR**

**(II) IF REQUESTED BY AN INDIVIDUAL IDENTIFIED IN SUBSECTION (C)(1) OF THIS SECTION, ONE MEDICAL EVALUATION CONDUCTED AT NO COST TO THE INMATE BY A MEDICAL PROFESSIONAL WHO IS INDEPENDENT FROM THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL FACILITY;**

~~[(1)]~~ **(2) the inmate's medical information, including:**

(i) a description of the inmate's condition, disease, or syndrome;

(ii) a prognosis concerning the likelihood of recovery from the condition, disease, or syndrome;

(iii) a description of the inmate's physical incapacity and score on the Karnofsky Performance Scale Index or similar classification of physical impairment; and

(iv) a mental health evaluation, where relevant;

[(2)] (3) discharge information, including:

(i) availability of treatment or professional services within the community;

(ii) family support within the community; and

(iii) housing availability, including hospital or hospice care; and

[(3)] (4) case management information, including:

(i) the circumstances of the current offense;

(ii) institutional history;

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

(iv) criminal history information.

(f) The Commission may require as a condition of release on medical parole that:

(1) the parolee agree to placement for a definite or indefinite period of time in a hospital or hospice or other housing accommodation suitable to the parolee's medical condition, including the family home of the parolee, as specified by the Commission or the supervising agent; and

(2) the parolee forward authentic copies of applicable medical records to indicate that the particular medical condition giving rise to the release continues to exist.

(g) (1) If the Commission has reason to believe that a parolee is no longer so debilitated or incapacitated as to be physically incapable of presenting a danger to society, the parolee shall be returned to the custody of the Division of Correction or the local correctional facility from which the inmate was released.

(2) (i) A parole hearing for a parolee returned to custody shall be held to consider whether the parolee remains incapacitated and shall be heard promptly.

(ii) A parolee returned to custody under this subsection shall be maintained in custody, if the incapacitation is found to no longer exist.

(3) An inmate whose medical parole is revoked for lack of continued incapacitation may be considered for parole in accordance with the eligibility requirements specified in § 7-301 of this subtitle.

(h) (1) Subject to paragraph (2) of this subsection, provisions of law relating to victim notification and opportunity to be heard shall apply to proceedings relating to medical parole.

(2) In cases of imminent death, time limits relating to victim notification and opportunity to be heard may be REDUCED OR waived in the discretion of the Commission.

(i) [Consistent with § 7-301(d)(4) of this subtitle, a medical parole under this section for a person serving a life sentence shall require the approval of the Governor]

**(1) IF THE COMMISSION DECIDES TO GRANT MEDICAL PAROLE TO AN INMATE SENTENCED TO LIFE IMPRISONMENT, THE DECISION SHALL BE TRANSMITTED TO THE GOVERNOR.**

**(2) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN TRANSMITTAL TO THE COMMISSION.**

**(3) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN 180 DAYS AFTER RECEIPT OF THE WRITTEN TRANSMITTAL, THE DECISION BECOMES EFFECTIVE.**

(i) The Commission shall issue regulations to implement the provisions of this section.

7-401.

(a) If a parolee is alleged to have violated a condition of parole, one commissioner shall hear the case on revocation of the parole at the time and place that the Commission designates.

(b) (1) Each individual charged with a parole violation is entitled to be represented by counsel of the individual's choice or, if eligible, counsel provided by the Public Defender's office.

(2) The Commission shall keep a record of the hearing.

(c) If the commissioner finds from the evidence that the parolee has violated a condition of parole, the commissioner may take any action that the commissioner considers appropriate, including:

(1) (i) **SUBJECT TO SUBSECTION (D)(1) OF THIS SECTION,** revoking the order of parole;

(ii) setting a future hearing date for consideration for reparole; and

(iii) remanding the individual to the Division of Correction or local correctional facility from which the individual was paroled; or

(2) continuing parole:

(i) without modification of its conditions; or

(ii) with modification of its conditions, including a requirement that the parolee spend all or part of the remaining parole period in a home detention program.

(d) (1) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF AN ORDER OF PAROLE IS REVOKED DUE TO A TECHNICAL VIOLATION, AS DEFINED IN § 6-101 OF THIS ARTICLE, THE COMMISSIONER HEARING THE PAROLE REVOCATION MAY REQUIRE THE INDIVIDUAL TO SERVE A PERIOD OF IMPRISONMENT OF:

(I) FOR A FIRST VIOLATION, NOT MORE THAN 15 DAYS;

(II) FOR A SECOND VIOLATION, NOT MORE THAN 30 DAYS; AND

(III) FOR A THIRD VIOLATION, NOT MORE THAN 45 DAYS.

(2) Subject to paragraph [(2)] (3) of this subsection and further action by the Commission, if the order of parole is revoked FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION, the commissioner hearing the parole revocation, in the commissioner's discretion, may require the inmate to serve any unserved portion of the sentence originally imposed.

[(2)] (3) An inmate may not receive credit for time between release on parole and revocation of parole if:

(i) the inmate was serving a sentence for a violent crime when parole was revoked; and

(ii) the parole was revoked due to a finding that the inmate committed a violent crime while on parole.

(4) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS ON THE PERIOD OF IMPRISONMENT THAT MAY BE IMPOSED FOR A TECHNICAL VIOLATION ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION ARE APPLICABLE.

(II) THE PRESUMPTION MAY BE REBUTTED IF A COMMISSIONER FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS, THAT ADHERING TO THE LIMITS ON THE PERIOD OF IMPRISONMENT ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:

1. THE NATURE OF THE PAROLE VIOLATION;

2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR WHICH THE PAROLEE WAS CONVICTED; AND

3. THE PAROLEE'S HISTORY.

(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSIONER MAY:

1. DIRECT IMPOSITION OF A LONGER PERIOD OF IMPRISONMENT THAN PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, BUT NO MORE THAN THE TIME REMAINING ON THE ORIGINAL SENTENCE; OR

2. COMMIT THE PAROLEE TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH-GENERAL ARTICLE.

(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS ARTICLE.

(e) Subject to subsection (d) of this section, if a sentence has commenced as provided under § 9-202(c)(2) of this article and the inmate is serving that sentence when the order of parole is revoked, any reimposed portion of the sentence originally imposed shall begin at the expiration of any sentences which were begun under § 9-202(c)(2) of this article.

(f) (1) The inmate may seek judicial review in the circuit court within 30 days after receiving the written decision of the Commission.

(2) The court shall hear the action on the record.

7-504.

(a) (1) In this section[, "term] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "TERM of confinement" has the meaning stated in § 3-701 of this article.

(3) "TECHNICAL VIOLATION" HAS THE MEANING STATED IN § 6-101 OF THIS ARTICLE.

(b) (1) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE commissioner presiding at an individual's mandatory supervision revocation hearing may revoke [any or all of the] diminution credits previously earned by the individual on the individual's term of confinement IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

(I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;

(II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION;

(III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION; AND

(IV) UP TO ALL REMAINING DAYS FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION.

(2) Nothing in this section affects the prohibition against the application of diminution credits under § 7-502 of this subtitle to the term of confinement of an inmate convicted and sentenced to imprisonment for a crime committed while on mandatory supervision.

(3) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS ON THE REVOCATION OF DIMINUTION CREDITS FOR A TECHNICAL VIOLATION ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION ARE APPLICABLE.

(II) THE PRESUMPTION MAY BE REBUTTED IF A COMMISSIONER FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS, THAT ADHERING TO THE LIMITS ON THE REVOCATION OF DIMINUTION CREDITS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:

1. THE NATURE OF THE MANDATORY SUPERVISION VIOLATION;

2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR WHICH THE INMATE WAS CONVICTED; AND

3. THE INMATE'S HISTORY.

(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSIONER MAY:

1. DIRECT THAT A GREATER NUMBER OF DIMINUTION CREDITS BE REVOKED THAN PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION; OR

2. COMMIT THE INMATE TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH-GENERAL ARTICLE.

(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS ARTICLE.

[(c) After an inmate's mandatory supervision has been revoked, the inmate may not be awarded any new diminution credits on the term of confinement for which the inmate was on mandatory supervision.]

9-402.

(a) In this section, "sentenced inmates" means those inmates confined in a local correctional facility after being sentenced to the custody of the local correctional facility for more than 12 months and not more than 18 months.

(b) Subject to subsection (d) of this section, for each fiscal year the State shall provide each county a grant equal to at least \$45 for each day from the end of the 12th month through the end of the 18th month that a sentenced inmate was confined in a local correctional facility during the second preceding fiscal year.

(c) Subject to subsection (d) of this section, for each fiscal year the State shall provide each county a grant equal to at least \$45 for each day:

(1) after the first day through the day of release that an inmate who has been sentenced to the jurisdiction of the Division of Correction was confined in a local correctional facility during the second preceding fiscal year; OR

(2) THAT AN INMATE WHO HAS BEEN SENTENCED TO THE JURISDICTION OF THE DIVISION OF CORRECTION RECEIVED REENTRY OR OTHER PRERELEASE PROGRAMMING AND SERVICES FROM A LOCAL CORRECTIONAL FACILITY DURING THE SECOND PRECEDING FISCAL YEAR.

(d) (1) On or before October 1 of each year, each county shall submit to the Department inmate days reports for the previous fiscal year.

(2) If a county fails to submit the information required under paragraph (1) of this subsection when due, the Department shall deduct an amount equal to 20% of the

grant under subsection (b) of this section for each 30 days or part of 30 days after the due date that the information has not been submitted.

**9-614.**

**(A) THIS SECTION APPLIES TO AN INMATE IN A STATE OR LOCAL CORRECTIONAL FACILITY.**

**(B) THE DEPARTMENT SHALL COLLECT AN INMATE'S EARNINGS.**

**(C) FROM AN INMATE'S EARNINGS, THE DEPARTMENT SHALL:**

**(1) IF REQUIRED BY LAW, REIMBURSE THE COUNTY OR STATE FOR THE COST OF PROVIDING FOOD, LODGING, AND CLOTHING TO THE INMATE;**

**(2) PAY COURT ORDERED PAYMENTS FOR SUPPORT OF DEPENDENTS;**

**(3) PAY COURT ORDERED PAYMENTS FOR RESTITUTION; AND**

**(4) PAY COMPENSATION FOR VICTIMS OF CRIME IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.**

**(D) (1) OF THE EARNINGS OF AN INMATE IN THE PRIVATE SECTOR/PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM OF THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, THE DEPARTMENT SHALL WITHHOLD 20% FOR COMPENSATION FOR VICTIMS OF CRIME, IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROGRAM.**

**(2) (I) THIS PARAGRAPH APPLIES TO AN INMATE WHO IS SUBJECT TO AN UNSATISFIED JUDGMENT OF RESTITUTION.**

**(II) IF AN INMATE HAS EARNINGS THAT ARE NOT COVERED UNDER THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL WITHHOLD 25% FOR COMPENSATION FOR VICTIMS OF CRIME UNTIL THE JUDGMENT IS SATISFIED.**

**(3) (I) IF A COURT IN A CRIMINAL OR JUVENILE DELINQUENCY PROCEEDING HAS ORDERED THE INMATE TO PAY RESTITUTION, THE DEPARTMENT SHALL FORWARD THE MONEY WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE.**

**(II) THE CRIMINAL INJURIES COMPENSATION BOARD SHALL DISTRIBUTE FROM THE CRIMINAL INJURIES COMPENSATION FUND ANY AMOUNT**

RECEIVED UNDER THIS PARAGRAPH TO THE PERSON OR GOVERNMENTAL UNIT SPECIFIED IN THE JUDGMENT OF RESTITUTION TO PAY THE RESTITUTION AS REQUIRED UNDER § 11-607(B)(2) OF THE CRIMINAL PROCEDURE ARTICLE.

(4) IF THE INMATE IS NOT SUBJECT TO A JUDGMENT OF RESTITUTION OR THE JUDGMENT OF RESTITUTION IS SATISFIED, OF THE MONEY WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL PAY:

(I) 50% INTO THE CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE; AND

(II) 50% INTO THE STATE VICTIMS OF CRIME FUND ESTABLISHED UNDER § 11-916 OF THE CRIMINAL PROCEDURE ARTICLE.

(E) THE DEPARTMENT SHALL:

(1) CREDIT TO THE INMATE'S ACCOUNT ANY BALANCE THAT REMAINS AFTER PAYING THE ITEMS IN SUBSECTION (C)(1) THROUGH (4) OF THIS SECTION; AND

(2) PAY THE BALANCE IN THE INMATE'S ACCOUNT TO THE INMATE WITHIN 15 DAYS AFTER THE INMATE IS RELEASED.

11-504.

(a) An inmate who is sentenced to a local correctional facility shall be allowed an initial deduction from the inmate's term of confinement.

(b) The deduction described in subsection (a) of this section shall be calculated:

(1) from the first day of the inmate's postsentence commitment to the custody of the local correctional facility to the last day of the inmate's maximum term of confinement;

(2) (I) at the rate of 5 days for each calendar month IF THE INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE OR A CRIME OF MANUFACTURING, DISTRIBUTING, DISPENSING, OR POSSESSING A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF § 5-612 OR § 5-613 OF THE CRIMINAL LAW ARTICLE; OR

(II) AT THE RATE OF 10 DAYS FOR EACH CALENDAR MONTH FOR ALL OTHER INMATES; and

(3) on a prorated basis for any portion of a calendar month.

[11-604.

(a) The Department shall collect an inmate's earnings.

(b) From an inmate's earnings, the Department shall:

(1) reimburse the county or State for the cost of providing food, lodging, and clothing to the inmate in a local correctional facility;

(2) pay court ordered payments for support of dependents;

(3) pay court ordered payments for restitution; and

(4) pay compensation for victims of crime in accordance with subsection (c) of this section.

(c) (1) Of the earnings of an inmate in the Private Sector/Prison Industry Enhancement Certification Program of the United States Department of Justice, Bureau of Justice Assistance, the Department shall withhold 20% for compensation for victims of crime, in accordance with the requirements of the Program.

(2) (i) If a court in a criminal or juvenile delinquency proceeding has ordered the inmate to pay restitution, the Department shall forward the 20% withheld under paragraph (1) of this subsection to the Criminal Injuries Compensation Fund established under § 11-819 of the Criminal Procedure Article.

(ii) The Criminal Injuries Compensation Board shall distribute from the Criminal Injuries Compensation Fund any amount received under this paragraph to the person or governmental unit specified in the judgment of restitution to pay the restitution as required under § 11-607(b)(2) of the Criminal Procedure Article.

(3) If the inmate is not subject to a judgment of restitution or the judgment of restitution is satisfied, of the money withheld under paragraph (1) of this subsection, the Department shall pay:

(i) 50% into the Criminal Injuries Compensation Fund established under § 11-819 of the Criminal Procedure Article; and

(ii) 50% into the State Victims of Crime Fund established under § 11-916 of the Criminal Procedure Article.

(d) The Department shall:

(1) credit to the inmate's account any balance that remains after paying the items in subsection (b)(1) through (3) of this section; and

(2) pay the balance in the inmate's account to the inmate within 15 days after the inmate is released.]

**Article – Criminal Law**

2-204.

(a) A murder that is not in the first degree under § 2-201 of this subtitle is in the second degree.

(b) A person who commits a murder in the second degree is guilty of a felony and on conviction is subject to imprisonment not exceeding [30] 40 years.

3-601.

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

(2) “Abuse” means physical injury sustained by a minor as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the minor’s health or welfare is harmed or threatened by the treatment or act.

(3) “Family member” means a relative of a minor by blood, adoption, or marriage.

(4) “Household member” means a person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse.

(5) “Severe physical injury” means:

(i) brain injury or bleeding within the skull;

(ii) starvation; or

(iii) physical injury that:

1. creates a substantial risk of death; or

2. causes permanent or protracted serious:

A. disfigurement;

B. loss of the function of any bodily member or organ; or

C. impairment of the function of any bodily member or organ.

(b) (1) A parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause abuse to the minor that:

- (i) results in the death of the minor; or
- (ii) causes severe physical injury to the minor.

(2) Except as provided in subsection (c) of this section, a person who violates paragraph (1) of this subsection is guilty of the felony of child abuse in the first degree and on conviction is subject to:

- (i) imprisonment not exceeding 25 years; [or]
- (ii) if the violation results in the death of [the] A victim **AT LEAST 13 YEARS OLD**, imprisonment not exceeding 40 years; **OR**

**(III) IF THE VIOLATION RESULTS IN THE DEATH OF A VICTIM UNDER THE AGE OF 13 YEARS, IMPRISONMENT NOT EXCEEDING LIFE.**

(c) A person who violates this section after being convicted of a previous violation of this section is guilty of a felony and on conviction is subject to:

- (1) imprisonment not exceeding 25 years; or
- (2) if the violation results in the death of the victim, imprisonment not exceeding [40 years] **LIFE**.

(d) (1) (i) A parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause abuse to the minor.

(ii) A household member or family member may not cause abuse to a minor.

(2) Except as provided in subsection (c) of this section, a person who violates paragraph (1) of this subsection is guilty of the felony of child abuse in the second degree and on conviction is subject to imprisonment not exceeding 15 years.

(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

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), (3), and (4) 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]:

(I) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH;

(II) FOR A SECOND OR THIRD CONVICTION, IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH; OR

(III) FOR A FOURTH OR SUBSEQUENT CONVICTION, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a person whose violation of this section involves the use or possession of marijuana IS GUILTY OF A MISDEMEANOR AND is subject to imprisonment not exceeding [1 year] 6 MONTHS or a fine not exceeding \$1,000 or both.

(E) (1) (I) BEFORE IMPOSING A SENTENCE UNDER SUBSECTION (C) OF THIS SECTION, THE COURT MAY ORDER THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR A CERTIFIED AND LICENSED DESIGNEE TO CONDUCT AN ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE USE DISORDER AND DETERMINE WHETHER THE DEFENDANT IS IN NEED OF AND MAY BENEFIT FROM DRUG TREATMENT.

(II) IF AN ASSESSMENT FOR SUBSTANCE USE DISORDER IS REQUESTED BY THE DEFENDANT AND THE COURT DENIES THE REQUEST, THE COURT SHALL STATE ON THE RECORD THE BASIS FOR THE DENIAL.

(2) ON RECEIVING AN ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE DESIGNEE, SHALL CONDUCT AN ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE USE DISORDER AND PROVIDE THE RESULTS TO THE COURT, THE DEFENDANT OR THE DEFENDANT'S ATTORNEY, AND THE STATE IDENTIFYING THE DEFENDANT'S DRUG TREATMENT NEEDS.

(3) THE COURT SHALL CONSIDER THE RESULTS OF AN ASSESSMENT PERFORMED UNDER PARAGRAPH (2) OF THIS SUBSECTION WHEN IMPOSING THE DEFENDANT'S SENTENCE AND:

(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COURT SHALL SUSPEND THE EXECUTION OF THE SENTENCE AND ORDER PROBATION AND, IF THE ASSESSMENT SHOWS THAT THE DEFENDANT IS IN NEED OF SUBSTANCE ABUSE TREATMENT, REQUIRE THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR THE DESIGNEE TO PROVIDE THE MEDICALLY APPROPRIATE LEVEL OF TREATMENT AS IDENTIFIED IN THE ASSESSMENT; OR

(II) THE COURT MAY IMPOSE A TERM OF IMPRISONMENT UNDER SUBSECTION (C) OF THIS SECTION AND ORDER THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL FACILITY TO FACILITATE THE MEDICALLY APPROPRIATE LEVEL OF TREATMENT FOR THE DEFENDANT AS IDENTIFIED IN THE ASSESSMENT.

5-602.

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

(1) distribute or dispense a controlled dangerous substance; or

(2) possess a controlled dangerous substance in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance.

5-603.

Except as otherwise provided in this title, a person may not manufacture a controlled dangerous substance, or manufacture, distribute, or possess a machine, equipment, instrument, implement, device, or a combination of them that is adapted to produce a controlled dangerous substance under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance in violation of this title.

5-604.

(a) In this section, “counterfeit substance” means a controlled dangerous substance, or its container or labeling, that:

(1) without authorization, bears a likeness of the trademark, trade name, or other identifying mark, imprint, number, or device of a manufacturer, distributor, or dispenser other than the actual manufacturer, distributor, or dispenser; and

(2) thereby falsely purports or is represented to be the product of, or to have been distributed by, the other manufacturer, distributor, or dispenser.

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

(1) create or distribute a counterfeit substance; or

(2) possess a counterfeit substance with intent to distribute it.

(c) Except as otherwise provided in this title, a person may not manufacture, distribute, or possess equipment that is designed to print, imprint, or reproduce an authentic or imitation trademark, trade name, other identifying mark, imprint, number, or device of another onto a drug or the container or label of a drug, rendering the drug a counterfeit substance.

5-605.

(a) “Common nuisance” means a dwelling, building, vehicle, vessel, aircraft, or other place:

(1) resorted to by individuals for the purpose of administering illegally controlled dangerous substances; or

(2) where controlled dangerous substances or controlled paraphernalia are manufactured, distributed, dispensed, stored, or concealed illegally.

(b) A person may not keep a common nuisance.

5-606.

(a) Except as otherwise provided in this title, a person may not pass, issue, make, or possess a false, counterfeit, or altered prescription for a controlled dangerous substance with intent to distribute the controlled dangerous substance.

(b) Information that is communicated to an authorized prescriber in an effort to obtain a controlled dangerous substance in violation of subsection (a) of this section is not a privileged communication.

5-607.

(a) Except as provided in §§ 5-608 and 5-609 of this subtitle, a person who violates a provision of §§ 5-602 through 5-606 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$15,000 or both.

(b) [(1) Except as provided in § 5-609.1 of this subtitle, a person who has been convicted previously under subsection (a) of this section shall be sentenced to imprisonment for not less than 2 years.

(2) The court may not suspend the mandatory minimum sentence to less than 2 years.

(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(c) A person convicted under [subsection (a) of] this section is not prohibited from participating in a drug treatment program under § 8-507 of the Health – General Article because of the length of the sentence.

5-608.

(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5-602 through 5-606 of this subtitle with respect to a Schedule I or Schedule II narcotic drug is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding ~~[\$25,000]~~ **\$15,000** or both.

(b) [(1) Except as provided in § 5-609.1 of this subtitle, a] A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section [shall be sentenced] **IS SUBJECT** to imprisonment [for not less than 10] **NOT EXCEEDING 20** years [and is subject to] **OR** a fine not exceeding ~~[\$100,000]~~ **\$15,000 OR BOTH** if the person previously has been convicted once:

[(i)] (1) under subsection (a) of this section or § 5-609 of this subtitle;

[(ii)] (2) of conspiracy to commit a crime included in subsection (a) of this section or § 5-609 of this subtitle; or

[(iii)] (3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-609 of this subtitle if committed in this State.

[(2) The court may not suspend the mandatory minimum sentence to less than 10 years.

[(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.]

(c) (1) [Except as provided in § 5-609.1 of this subtitle, a] A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section [shall be sentenced] **IS SUBJECT** to imprisonment [for not less than] **NOT EXCEEDING 25 years** [and is subject to] **OR** a fine not exceeding [**\$100,000**] **\$25,000 OR BOTH** if the person previously:

(i) has served at least one term of confinement of at least 180 days in a correctional institution as a result of a conviction:

1. under subsection (a) of this section or § 5-609 or § 5-614 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5-609 of this subtitle; or

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-609 of this subtitle if committed in this State; and

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

1. under subsection (a) of this section or § 5-609 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5-609 of this subtitle;

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-609 of this subtitle if committed in this State; or

4. of any combination of these crimes.

(2) [The court may not suspend any part of the mandatory minimum sentence of 25 years.]

(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(4) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.

(d) [(1) Except as provided in § 5-609.1 of this subtitle, a] A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section [shall be sentenced] **IS SUBJECT** to imprisonment [for not less than] **NOT EXCEEDING 40 years** [and is subject to] **OR a fine not exceeding [\$100,000] \$25,000 OR BOTH** if the person previously has served three or more separate terms of confinement as a result of three or more separate convictions:

[(i)] (1) under subsection (a) of this section or § 5-609 of this subtitle;

[(ii)] (2) of conspiracy to commit a crime included in subsection (a) of this section or § 5-609 of this subtitle;

[(iii)] (3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-609 of this subtitle if committed in this State; or

[(iv)] (4) of any combination of these crimes.

[(2) The court may not suspend any part of the mandatory minimum sentence of 40 years.]

(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.]

(e) A person convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8-507 of the Health – General Article because of the length of the sentence.

5-609.

(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5-602 through 5-606 of this subtitle with respect to any of the following controlled dangerous substances is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding [\$20,000] **\$15,000** or both:

- (1) phencyclidine;
- (2) 1-(1-phenylcyclohexyl) piperidine;
- (3) 1-phenylcyclohexylamine;
- (4) 1-piperidinocyclohexanecarbonitrile;
- (5) N-ethyl-1-phenylcyclohexylamine;
- (6) 1-(1-phenylcyclohexyl)-pyrrolidine;
- (7) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- (8) lysergic acid diethylamide; or
- (9) 750 grams or more of 3, 4-methylenedioxyamphetamine (MDMA).

(b) [(1) Except as provided in § 5-609.1 of this subtitle, a] A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not less than 10] NOT EXCEEDING 20 years [and is subject to] OR a fine not exceeding [\$100,000] \$15,000 OR BOTH if the person previously has been convicted once:

[(i)] (1) under subsection (a) of this section or § 5-608 of this subtitle;

[(ii)] (2) of conspiracy to commit a crime included in subsection (a) of this section or § 5-608 of this subtitle;

[(iii)] (3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if committed in this State; or

[(iv)] (4) of any combination of these crimes.

[(2) The court may not suspend the mandatory minimum sentence to less than 10 years.

[(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.]

(c) (1) [Except as provided in § 5-609.1 of this subtitle, a] A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not less

than] NOT EXCEEDING 25 years [and is subject to] OR a fine not exceeding [\$100,000] \$25,000 OR BOTH if the person previously:

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

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

1. under subsection (a) of this section or § 5-608 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5-608 of this subtitle;

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if committed in this State; or

4. of any combination of these crimes.

(2) [The court may not suspend any part of the mandatory minimum sentence of 25 years.

(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(4) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.

(d) [(1) Except as provided in § 5-609.1 of this subtitle, a] A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not less than] NOT EXCEEDING 40 years [and is subject to] OR a fine not exceeding [\$100,000] \$25,000 OR BOTH if the person previously has served three separate terms of confinement as a result of three separate convictions:

[(i)] (1) under subsection (a) of this section or § 5-608 of this subtitle;

[(ii)] (2) of conspiracy to commit a crime included in subsection (a) of this section or § 5-608 of this subtitle;

[(iii)] (3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if committed in this State; or

[(iv)] (4) of any combination of these crimes.

[(2) The court may not suspend any part of the mandatory minimum sentence of 40 years.

[(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.]

(e) A person convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8-507 of the Health – General Article because of the length of the sentence.

#### 5-609.1.

A court may depart from a mandatory minimum sentence prescribed in § 5-607, § 5-608, or § 5-609 of this subtitle if the court finds and states on the record that, giving due regard to the nature of the crime, the history and character of the defendant, and the defendant's chances of successful rehabilitation:

(1) imposition of the mandatory minimum sentence would NOT result in substantial injustice to the defendant; and

(2) the mandatory minimum sentence is not necessary for the protection of the public.]

#### 5-609.1.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON WHO IS SERVING A TERM OF CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR BEFORE SEPTEMBER 30, 2017, FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE MAY APPLY TO THE COURT TO MODIFY OR REDUCE THE MANDATORY MINIMUM SENTENCE AS PROVIDED IN MARYLAND RULE 4-345, REGARDLESS OF WHETHER THE DEFENDANT FILED A TIMELY MOTION FOR RECONSIDERATION OR A MOTION FOR RECONSIDERATION WAS DENIED BY THE COURT.

(B) THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE MANDATORY MINIMUM SENTENCE UNLESS THE STATE SHOWS THAT, GIVING DUE REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND CHARACTER OF THE DEFENDANT, AND THE DEFENDANT'S CHANCES OF SUCCESSFUL REHABILITATION:

(1) RETENTION OF THE MANDATORY MINIMUM SENTENCE WOULD NOT RESULT IN SUBSTANTIAL INJUSTICE TO THE DEFENDANT; AND

(2) THE MANDATORY MINIMUM SENTENCE IS NECESSARY FOR THE PROTECTION OF THE PUBLIC.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN APPLICATION FOR A HEARING UNDER SUBSECTION (A) OF THIS SECTION SHALL BE SUBMITTED TO THE COURT OR REVIEW PANEL ON OR BEFORE SEPTEMBER 30, 2018.

(2) THE COURT MAY CONSIDER AN APPLICATION AFTER SEPTEMBER 30, 2018, ONLY FOR GOOD CAUSE SHOWN.

(3) THE COURT SHALL NOTIFY THE STATE'S ATTORNEY OF A REQUEST FOR A HEARING.

(4) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION FOR A HEARING UNDER SUBSECTION (A) OF THIS SECTION FOR A MANDATORY MINIMUM SENTENCE FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE.

5-612.

(a) A person may not manufacture, distribute, dispense, or possess:

(1) 50 pounds or more of marijuana;

(2) 448 grams or more of cocaine;

(3) 448 grams or more of any mixture containing a detectable amount of cocaine;

(4) [50] 448 grams or more of cocaine base, commonly known as "crack";

(5) 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(6) any mixture containing 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(7) 1,000 dosage units or more of lysergic acid diethylamide;

(8) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;

- (9) 16 ounces or more of phencyclidine in liquid form;
- (10) 448 grams or more of any mixture containing phencyclidine;
- (11) 448 grams or more of methamphetamine; or
- (12) any mixture containing 448 grams or more of methamphetamine.

(b) For the purpose of determining the quantity of a controlled dangerous substance involved in individual acts of manufacturing, distributing, dispensing, or possessing under subsection (a) of this section, the acts may be aggregated if each of the acts occurred within a 90-day period.

(c) (1) A person who is convicted of a violation of subsection (a) of this section shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not exceeding \$100,000.

(2) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

5-905.

(a) [A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A person convicted of a subsequent crime under this title is subject to:

- (1) a term of imprisonment twice that otherwise authorized;
- (2) twice the fine otherwise authorized; or
- (3) both.

(b) For purposes of this section, a crime is considered a subsequent crime, if, before the conviction for the crime, the offender has ever been convicted of a crime under this title or under any law of the United States or of this or another state relating to other controlled dangerous substances.

(c) A person convicted of a subsequent crime under a law superseded by this title is eligible for parole, probation, and suspension of sentence in the same manner as those persons convicted under this title.

(d) A sentence on a single count under this section may be imposed in conjunction with other sentences under this title.

(E) A PERSON WHOSE PRIOR AND SUBSEQUENT CONVICTIONS WERE FOR A VIOLATION OF § 5-601, § 5-602, § 5-603, § 5-604, § 5-605, OR § 5-606 OF THIS TITLE IS SUBJECT TO THIS SECTION ONLY IF THE PERSON WAS ALSO PREVIOUSLY CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THIS ARTICLE.

7-104.

(a) A person may not willfully or knowingly obtain or exert unauthorized control over property, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(b) A person may not obtain control over property by willfully or knowingly using deception, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(c) (1) A person may not possess stolen personal property knowing that it has been stolen, or believing that it probably has been stolen, if the person:

(i) intends to deprive the owner of the property;

(ii) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(iii) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(2) In the case of a person in the business of buying or selling goods, the knowledge required under this subsection may be inferred if:

(i) the person possesses or exerts control over property stolen from more than one person on separate occasions;

(ii) during the year preceding the criminal possession charged, the person has acquired stolen property in a separate transaction; or

(iii) being in the business of buying or selling property of the sort possessed, the person acquired it for a consideration that the person knew was far below a reasonable value.

(3) In a prosecution for theft by possession of stolen property under this subsection, it is not a defense that:

(i) the person who stole the property has not been convicted, apprehended, or identified;

(ii) the defendant stole or participated in the stealing of the property;

(iii) the property was provided by law enforcement as part of an investigation, if the property was described to the defendant as being obtained through the commission of theft; or

(iv) the stealing of the property did not occur in the State.

(4) Unless the person who criminally possesses stolen property participated in the stealing, the person who criminally possesses stolen property and a person who has stolen the property are not accomplices in theft for the purpose of any rule of evidence requiring corroboration of the testimony of an accomplice.

(d) A person may not obtain control over property knowing that the property was lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature or amount of the property, if the person:

(1) knows or learns the identity of the owner or knows, is aware of, or learns of a reasonable method of identifying the owner;

(2) fails to take reasonable measures to restore the property to the owner;  
and

(3) intends to deprive the owner permanently of the use or benefit of the property when the person obtains the property or at a later time.

(e) A person may not obtain the services of another that are available only for compensation:

(1) by deception; or

(2) with knowledge that the services are provided without the consent of the person providing them.

(f) Under this section, an offender's intention or knowledge that a promise would not be performed may not be established by or inferred solely from the fact that the promise was not performed.

(g) (1) A person convicted of theft of property or services with a value of:

(i) at least ~~[\$1,000]~~ **\$1,500** but less than ~~[\$10,000]~~ **\$25,000** is guilty of a felony and:

1. is subject to imprisonment not exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services;

(ii) at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding \$15,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services; or

(iii) \$100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding ~~[25]~~ **20** years or a fine not exceeding \$25,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services.

(2) Except as provided in ~~[paragraphs (3) and (4)]~~ **PARAGRAPH (3)** of this subsection, a person convicted of theft of property or services with a value of **AT LEAST \$100 BUT less than ~~[\$1,000]~~ \$1,500**, is guilty of a misdemeanor and:

(i) is subject to ~~[imprisonment not exceeding 18 months or a fine not exceeding \$500 or both]~~:

1. **FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND**

2. **FOR A SECOND OR SUBSEQUENT CONVICTION, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH; and**

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(3) A person convicted of theft of property or services with a value of less than \$100 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(4) Subject to paragraph (5) of this subsection, a person who has **[two] FOUR** or more prior convictions under this subtitle and who is convicted of theft of property or services with a value of less than **[\$1,000] \$1,500** under paragraph (2) of this subsection is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(5) The court may not impose the penalties under paragraph (4) of this subsection unless the State's Attorney serves notice on the defendant or the defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial that:

(i) the State will seek the penalties under paragraph (4) of this subsection; and

(ii) lists the alleged prior convictions.

7-108.

(a) An indictment, information, warrant, or other charging document for theft under this part, other than for taking a motor vehicle under § 7-105 of this part, is sufficient if it substantially states:

“(name of defendant) on (date) in (county) stole (property or services stolen) of (name of victim), having a value of (less than **[\$1,000, at least \$1,000 but less than \$10,000, at least \$10,000] \$1,500, AT LEAST \$1,500 BUT LESS THAN \$25,000, AT LEAST \$25,000** but less than \$100,000, or \$100,000 or more) in violation of § 7-104 of the Criminal Law Article, against the peace, government, and dignity of the State.”

(b) An indictment, information, warrant, or other charging document for theft under this part for taking a motor vehicle under § 7-105 of this part is sufficient if it substantially states:

“(name of defendant) on (date) in (county) knowingly and willfully took a motor vehicle out of (name of victim)’s lawful custody, control, or use, without the consent of (name of victim), in violation of § 7-105 of the Criminal Law Article, against the peace, government, and dignity of the State.”

(c) In a case in the circuit court in which the general form of indictment or information is used to charge a defendant with a crime under this part, the defendant, on timely demand, is entitled to a bill of particulars.

(d) Unless specifically charged by the State, theft of property or services with a value of less than \$100 as provided under § 7-104(g)(3) of this subtitle may not be considered a lesser included crime of any other crime.

8-106.

(a) (1) A person who obtains property or services with a value of at least ~~[\$1,000]~~ **\$1,500** but less than ~~[\$10,000]~~ **\$25,000** by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both.

(2) A person who obtains property or services with a value of at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding \$15,000 or both.

(3) A person who obtains property or services with a value of \$100,000 or more by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[25]~~ **20** years or a fine not exceeding \$25,000 or both.

(b) A person who obtains property or services by issuing or passing more than one check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both if:

(1) each check that is issued is for ~~[less than \$1,000]~~ **AT LEAST \$1,500 BUT LESS THAN \$25,000** and is issued to the same person within a 30-day period; and

(2) the cumulative value of the property or services is ~~[\$1,000 or more]~~ **AT LEAST \$1,500 BUT LESS THAN \$25,000.**

(c) Except as provided in subsections (b) and (d) of this section, a person who obtains property or services with a value of **AT LEAST \$100 BUT** less than ~~[\$1,000]~~ **\$1,500**

by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18 months] 1 YEAR or a fine not exceeding \$500 or both.

(d) (1) A person who obtains property or services with a value of less than \$100 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

(2) It is not a defense to the crime of obtaining property or services with a value of less than \$100 by issuing or passing a check in violation of § 8-103 of this subtitle that the value of the property or services at issue is \$100 or more.

8-206.

(a) A person may not for the purpose of obtaining money, goods, services, or anything of value, and with the intent to defraud another, use:

(1) a credit card obtained or retained in violation of § 8-204 or § 8-205 of this subtitle; or

(2) a credit card that the person knows is counterfeit.

(b) A person may not, with the intent to defraud another, obtain money, goods, services, or anything of value by representing:

(1) without the consent of the cardholder, that the person is the holder of a specified credit card; or

(2) that the person is the holder of a credit card when the credit card had not been issued.

(c) (1) (i) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least [ \$1,000 ] \$1,500 but less than [ \$10,000 ] \$25,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both.

(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least [ \$10,000 ] \$25,000 but less than \$100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [15] 10 years or a fine not exceeding \$15,000 or both.

(iii) If the value of all money, goods, services, and other things of value obtained in violation of this section is \$100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [25] 20 years or a fine not exceeding \$25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value obtained in violation of this section is AT LEAST \$100 BUT less than [\$1,000] \$1,500, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18 months] 1 YEAR or a fine not exceeding \$500 or both.

(3) If the value of all money, goods, services, and other things of value obtained in violation of this section [does not exceed] IS LESS THAN \$100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

8-207.

(a) If a person is authorized by an issuer to furnish money, goods, services, or anything of value on presentation of a credit card by the cardholder, the person or an agent or employee of the person may not, with the intent to defraud the issuer or cardholder:

(1) furnish money, goods, services, or anything of value on presentation of:

(i) a credit card obtained or retained in violation of § 8-204 or § 8-205 of this subtitle; or

(ii) a credit card that the person knows is counterfeit; or

(2) fail to furnish money, goods, services, or anything of value that the person represents in writing to the issuer that the person has furnished.

(b) (1) (i) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least [\$1,000] \$1,500 but less than [\$10,000] \$25,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both.

(ii) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least [\$10,000] \$25,000 but less than \$100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [15] 10 years or a fine not exceeding \$15,000 or both.

(iii) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is \$100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [25] 20 years or a fine not exceeding \$25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value furnished or not furnished in violation of

this section is AT LEAST \$100 BUT less than [\$1,000] \$1,500, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18 months] 1 YEAR or a fine not exceeding \$500 or both.

(3) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section [does not exceed] IS LESS THAN \$100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

8-209.

(a) A person may not receive money, goods, services, or anything of value if the person knows or believes that the money, goods, services, or other thing of value was obtained in violation of § 8-206 of this subtitle.

(b) (1) (i) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least [\$1,000] \$1,500 but less than [\$10,000] \$25,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both.

(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least [\$10,000] \$25,000 but less than \$100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [15] 10 years or a fine not exceeding \$15,000 or both.

(iii) If the value of all money, goods, services, and other things of value obtained in violation of this section is \$100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [25] 20 years or a fine not exceeding \$25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value obtained in violation of this section is AT LEAST \$100 BUT less than [\$1,000] \$1,500, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18 months] 1 YEAR or a fine not exceeding \$500 or both.

(3) If the value of all money, goods, services, and other things of value obtained in violation of this section [does not exceed] IS LESS THAN \$100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

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.

(5) “Payment device number” has the meaning stated in § 8-213 of this title.

(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.

(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.

(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) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another to possess or obtain any personal identifying information of an individual, without the consent of the individual, in order to use, sell, or transfer the information to get a benefit, credit, good, service, or other thing of value or to access health information or health care.

(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.

(c) A person may not knowingly and willfully assume the identity of another, including a fictitious person:

(1) to avoid identification, apprehension, or prosecution for a crime; or

(2) with fraudulent intent to:

(i) get a benefit, credit, good, service, or other thing of value;

(ii) access health information or health care; or

(iii) avoid the payment of debt or other legal obligation.

(d) A person may not knowingly, willfully, and with fraudulent intent to obtain a benefit, credit, good, service, or other thing of value or to access health information or health care, use:

(1) a re-encoder to place information encoded on the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card or use any other electronic medium that allows such a transaction to occur without the consent of the individual authorized to use the credit card from which the personal identifying information or payment device number is being re-encoded; or

(2) a skimming device to access, read, scan, obtain, memorize, or store personal identifying information or a payment device number on the magnetic strip or stripe of a credit card without the consent of the individual authorized to use the credit card.

(e) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another possess or obtain a re-encoder device or a skimming device for the unauthorized use, sale, or transfer of personal identifying information or a payment device number.

(f) A person may not knowingly and willfully claim to represent another person without the knowledge and consent of that person, with the intent to solicit, request, or take any other action to otherwise induce another person to provide personal identifying information or a payment device number.

(g) (1) (i) A person who violates this section where the benefit, credit, good, service, health information or health care, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least ~~[\$1,000]~~ **\$1,500** but less than ~~[\$10,000]~~ **\$25,000** is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both.

(ii) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding \$15,000 or both.

(iii) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of \$100,000 or more is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[25]~~ **20** years or a fine not exceeding \$25,000 or both.

(2) A person who violates this section where the benefit, credit, good, service, health information or health care, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of **AT LEAST \$100 BUT** less than ~~[\$1,000]~~ **\$1,500** is

guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18 months] 1 YEAR or a fine not exceeding \$500 or both.

(3) A person who violates this section under circumstances that reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent is guilty of a felony and on conviction is subject to imprisonment not exceeding [15] 10 years or a fine not exceeding \$25,000 or both.

(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] 1 YEAR or a fine not exceeding \$500 or both.

(5) When the violation of this section is pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one violation and the value of the benefit, credit, good, service, or other thing of value may be aggregated in determining whether the violation is a felony or misdemeanor.

8-516.

(a) If a violation of this part results in the death of an individual, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding life or a fine not exceeding \$200,000 or both.

(b) If a violation of this part results in serious injury to an individual, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$100,000 or both.

(c) If the value of the money, health care services, or other goods or services involved is [ \$1,000 ] \$1,500 or more in the aggregate, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$100,000 or both.

(d) A person who violates any other provision of this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$50,000 or both.

(e) (1) In this subsection, "business entity" includes an association, firm, institution, partnership, and corporation.

(2) A business entity that violates a provision of this part is subject to a fine not exceeding:

(i) \$250,000 for each felony; and

(ii) \$100,000 for each misdemeanor.

8-611.

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

(2) “Counterfeit mark” means:

(i) an unauthorized copy of intellectual property; or

(ii) intellectual property affixed to goods knowingly sold, offered for sale, manufactured, or distributed, to identify services offered or rendered, without the authority of the owner of the intellectual property.

(3) “Intellectual property” means a trademark, service mark, trade name, label, term, device, design, or word adopted or used by a person to identify the goods or services of the person.

(4) “Retail value” means:

(i) a trademark counterfeiter’s selling price for the goods or services that bear or are identified by the counterfeit mark; or

(ii) a trademark counterfeiter’s selling price of the finished product, if the goods that bear a counterfeit mark are components of the finished product.

(5) “Trademark counterfeiter” means a person who commits the crime of trademark counterfeiting prohibited by this section.

(b) A person may not willfully manufacture, produce, display, advertise, distribute, offer for sale, sell, or possess with the intent to sell or distribute goods or services that the person knows are bearing or are identified by a counterfeit mark.

(c) If the aggregate retail value of the goods or services is [~~\$1,000~~] **\$1,500** or more, a person who violates this section is guilty of the felony of trademark counterfeiting and on conviction:

(1) is subject to imprisonment not exceeding [~~15~~] **10** years or a fine not exceeding \$10,000 or both; and

(2) shall transfer all of the goods to the owner of the intellectual property.

(d) If the aggregate retail value of the goods or services is less than [~~\$1,000~~] **\$1,500**, a person who violates this section is guilty of the misdemeanor of trademark counterfeiting and on conviction:

(1) is subject to[:

(i) for a first violation,] imprisonment not exceeding [18 months] 1 YEAR or a fine not exceeding \$1,000 or both]; or

(ii) for each subsequent violation, imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or both]; and

(2) shall transfer all of the goods to the owner of the intellectual property.

(e) An action or prosecution for trademark counterfeiting in which the aggregate retail value of the goods or services is less than [ \$1,000 ] \$1,500 shall be commenced within 2 years after the commission of the crime.

(f) Any goods bearing a counterfeit mark are subject to seizure by a law enforcement officer to preserve the goods for transfer to the owner of the intellectual property either:

(1) under an agreement with the person alleged to have committed the crime; or

(2) after a conviction under this section.

(g) State or federal registration of intellectual property is prima facie evidence that the intellectual property is a trademark or trade name.

8-801.

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

(2) “Deception” has the meaning stated in § 7-101 of this article.

(3) “Deprive” has the meaning stated in § 7-101 of this article.

(4) “Obtain” has the meaning stated in § 7-101 of this article.

(5) “Property” has the meaning stated in § 7-101 of this article.

(6) (i) “Undue influence” means domination and influence amounting to force and coercion exercised by another person to such an extent that a vulnerable adult or an individual at least 68 years old was prevented from exercising free judgment and choice.

(ii) “Undue influence” does not include the normal influence that one member of a family has over another member of the family.

(7) “Value” has the meaning stated in § 7-103 of this article.

(8) “Vulnerable adult” has the meaning stated in § 3-604 of this article.

(b) (1) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of the vulnerable adult's property.

(2) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual's property.

(c) (1) (i) A person convicted of a violation of this section when the value of the property is at least ~~[\$1,000]~~ **\$1,500** but less than ~~[\$10,000]~~ **\$25,000** is guilty of a felony and:

1. is subject to imprisonment not exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(ii) A person convicted of a violation of this section when the value of the property is at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding \$15,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(iii) A person convicted of a violation of this section when the value of the property is \$100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding ~~[25]~~ **20** years or a fine not exceeding \$25,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(2) A person convicted of a violation of this section when the value of the property is less than ~~[\$1,000]~~ **\$1,500** is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding ~~[18 months]~~ **1 YEAR** or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

9-801.

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

(b) "Coerce" means to compel or attempt to compel another by threat of harm or other adverse consequences.

(c) "Criminal gang" means a group or association of three or more persons whose members:

(1) individually or collectively engage in a pattern of criminal gang activity;

(2) have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and

(3) have in common an overt or covert organizational or command structure.

(D) "ENTERPRISE" INCLUDES:

(1) A SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, BUSINESS TRUST, OR OTHER LEGAL ENTITY; OR

(2) ANY GROUP OF INDIVIDUALS ASSOCIATED IN FACT ALTHOUGH NOT A LEGAL ENTITY.

[(d)] (E) "Pattern of criminal gang activity" means the commission of, attempted commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts by a juvenile that would be an underlying crime if committed by an adult, provided the crimes or acts were not part of the same incident.

[(e)] (F) "Solicit" has the meaning stated in § 11-301 of this article.

[(f)] (G) "Underlying crime" means:

(1) a crime of violence as defined under § 14-101 of this article;

(2) a violation of § 3-203 (second degree assault), § 4-203 (wearing, carrying, or transporting a handgun), § 9-302 (inducing false testimony or avoidance of subpoena), § 9-303 (retaliation for testimony), § 9-305 (intimidating or corrupting juror), § 11-303 (human trafficking), § 11-304 (receiving earnings of prostitute), or § 11-306(a)(2), (3), or (4) (house of prostitution) of this article;

(3) a felony violation of § 3-701 (extortion), § 4-503 (manufacture or possession of destructive device), § 5-602 (distribution of CDS), § 5-603 (manufacturing CDS or equipment), § 5-604(B) (CREATING OR POSSESSING A COUNTERFEIT SUBSTANCE), § 5-606 (FALSE PRESCRIPTION), § 6-103 (second degree arson), § 6-202 (first degree burglary), § 6-203 (second degree burglary), § 6-204 (third degree burglary), § 7-104 (theft), or § 7-105 (unauthorized use of a motor vehicle) of this article; or

(4) a felony violation of § 5-133 of the Public Safety Article.

9-802.

(a) A person may not threaten an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding **[\$1,000] \$10,000** or both.

9-803.

(a) A person may not threaten an individual, or a friend or family member of an individual, with or use physical violence to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang:

(1) in a school vehicle, as defined under § 11-154 of the Transportation Article; or

(2) in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board of education and used for elementary or secondary education.

(b) Subsection (a) of this section applies whether or not:

(1) school was in session at the time of the crime; or

(2) the real property was being used for purposes other than school purposes at the time of the crime.

(c) 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 **[\$4,000] \$20,000** or both.

(d) Notwithstanding any other law, a conviction under this section may not merge with a conviction under § 9-802 of this subtitle.

9-804.

(a) A person may not:

(1) participate in a criminal gang knowing that the members of the gang engage in a pattern of criminal gang activity; and

(2) knowingly and willfully direct or participate in an underlying crime, or act by a juvenile that would be an underlying crime if committed by an adult, committed for the benefit of, at the direction of, or in association with a criminal gang.

(B) A CRIMINAL GANG OR AN INDIVIDUAL BELONGING TO A CRIMINAL GANG MAY NOT:

(1) RECEIVE PROCEEDS KNOWN TO HAVE BEEN DERIVED DIRECTLY OR INDIRECTLY FROM AN UNDERLYING CRIME; AND

(2) USE OR INVEST, DIRECTLY OR INDIRECTLY, AN AGGREGATE OF \$10,000 OR MORE OF THE PROCEEDS FROM AN UNDERLYING CRIME IN:

(I) THE ACQUISITION OF A TITLE TO, RIGHT TO, INTEREST IN, OR EQUITY IN REAL PROPERTY; OR

(II) THE ESTABLISHMENT OR OPERATION OF ANY ENTERPRISE.

(C) A CRIMINAL GANG MAY NOT ACQUIRE OR MAINTAIN, DIRECTLY OR INDIRECTLY, ANY INTEREST IN OR CONTROL OF ANY ENTERPRISE OR REAL PROPERTY THROUGH AN UNDERLYING CRIME.

(D) A PERSON MAY NOT CONSPIRE TO VIOLATE SUBSECTION (A), (B), OR (C) OF THIS SECTION.

[(b)] (E) A person may not violate subsection (a) of this section that results in the death of a victim.

[(c)] (F) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 15 years or a fine not exceeding [\$100,000] \$1,000,000 or both.

(ii) A person who violates subsection [(b)] (E) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [20] 25 years or a fine not exceeding [\$100,000] \$5,000,000 or both.

(2) (i) A sentence imposed under paragraph (1)(i) of this subsection for a first offense may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation of this section.

(ii) A sentence imposed under paragraph (1)(i) of this subsection for a second or subsequent offense, or paragraph (1)(ii) of this subsection shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

(iii) A consecutive sentence for a second or subsequent offense shall not be mandatory unless the State notifies the person in writing of the State's intention to proceed against the person as a second or subsequent offender at least 30 days before trial.

**(3) IN ADDITION TO THE OTHER PENALTIES PROVIDED IN THIS SUBSECTION, ON CONVICTION THE COURT MAY:**

**(I) ORDER A PERSON OR CRIMINAL GANG TO BE DIVESTED OF ANY INTEREST IN AN ENTERPRISE OR REAL PROPERTY;**

**(II) ORDER THE DISSOLUTION OR REORGANIZATION OF AN ENTERPRISE; AND**

**(III) ORDER THE SUSPENSION OR REVOCATION OF ANY LICENSE, PERMIT, OR PRIOR APPROVAL GRANTED TO THE ENTERPRISE OR PERSON BY A UNIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.**

**(G) (1) THIS SUBSECTION APPLIES TO A VIOLATION OF § 5-602, § 5-603, § 5-604(B), § 5-606, § 5-612, § 5-613, § 5-614, OR § 5-617 OF THIS ARTICLE.**

**(2) ASSETS DIVESTED UNDER THIS SECTION AND DERIVED FROM THE COMMISSION OF, ATTEMPTED COMMISSION OF, CONSPIRACY TO COMMIT, OR SOLICITATION OF A CRIME DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, EITHER IN WHOLE OR IN PART, SHALL BE DEPOSITED IN THE ADDICTION TREATMENT DIVESTITURE FUND ESTABLISHED UNDER § 8-6D-01 OF THE HEALTH – GENERAL ARTICLE.**

~~[(d)]~~ **(H) A person may be charged with a violation of this section only by indictment, criminal information, or petition alleging a delinquent act.**

~~[(e)]~~ **(I) (1) The Attorney General, at the request of the GOVERNOR OR THE State's Attorney for a county in which a violation or an act establishing a violation of this section occurs, may:**

**(i) aid in the investigation of the violation or act; and**

(ii) prosecute the violation or act.

(2) In exercising 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 the grand jury in the county, to prosecute the violation.

(3) Notwithstanding any other provision of law, in circumstances in which violations of this section are alleged to have been committed in more than one county, the respective State's Attorney of each county, or the Attorney General, may join the causes of action in a single complaint with the consent of each State's Attorney having jurisdiction over an offense sought to be joined.

~~[(f)]~~ **(J)** Notwithstanding any other provision of law and provided at least one criminal gang activity of a criminal gang allegedly occurred in the county in which a grand jury is sitting, the grand jury may issue subpoenas, summon witnesses, and otherwise conduct an investigation of the alleged criminal gang's activities and offenses in other counties.

9-805.

(a) A person may not organize, supervise, **PROMOTE, SPONSOR,** finance, or manage a criminal gang.

(b) 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 ~~[\$100,000]~~ **\$1,000,000** or both.

(c) A sentence imposed under this section shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

9-807.

**FOR PURPOSES OF VENUE, ANY VIOLATION OF THIS SUBTITLE IS CONSIDERED TO HAVE BEEN COMMITTED IN ANY COUNTY:**

**(1) IN WHICH ANY ACT WAS PERFORMED IN FURTHERANCE OF A VIOLATION OF THIS SUBTITLE;**

**(2) THAT IS THE PRINCIPAL PLACE OF THE OPERATIONS OF THE CRIMINAL GANG IN THE STATE;**

**(3) IN WHICH A DEFENDANT HAD CONTROL OR POSSESSION OF PROCEEDS OF A VIOLATION OF THIS SUBTITLE OR OF RECORDS OR OTHER MATERIAL OR OBJECTS THAT WERE USED IN FURTHERANCE OF A VIOLATION; OR**

**(4) IN WHICH A DEFENDANT RESIDES.**

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) assault with intent to commit a sexual offense in the first degree; and

(24) assault with intent to commit a sexual offense in the second degree.

(b) (1) Except as provided in subsection (f) of this section, on conviction for a fourth time of a crime of violence, a person who has served three separate terms of confinement in a correctional facility as a result of three separate convictions of any crime of violence shall be sentenced to life imprisonment without the possibility of parole.

(2) Notwithstanding any other law, the provisions of this subsection are mandatory.

(c) (1) Except as provided in subsection (f) of this section, on conviction for a third time of a crime of violence, a person shall be sentenced to imprisonment for the term allowed by law but not less than 25 years, if the person:

(i) has been convicted of a crime of violence on two prior separate occasions:

1. in which the second or succeeding crime is committed after there has been a charging document filed for the preceding occasion; and

2. for which the convictions do not arise from a single incident; and

(ii) has served at least one term of confinement in a correctional facility as a result of a conviction of a crime of violence.

(2) The court may not suspend all or part of the mandatory 25-year sentence required under this subsection.

(3) A person sentenced under this subsection is not eligible for parole except in accordance with the provisions of § 4-305 of the Correctional Services Article.

(d) (1) On conviction for a second time of a crime of violence committed on or after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:

(i) has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 1994; and

(ii) served a term of confinement in a correctional facility for that conviction.

(2) The court may not suspend all or part of the mandatory 10-year sentence required under this subsection.

(e) If the State intends to proceed against a person as a subsequent offender under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

(f) (1) **THIS SUBSECTION DOES NOT APPLY TO A PERSON REGISTERED OR ELIGIBLE FOR REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.**

(2) A person sentenced under this section may petition for and be granted parole if the person:

(i) is at least ~~[65]~~ 60 years old; and

(ii) has served at least 15 years of the sentence imposed under this section.

~~[(2)] (3) The Maryland Parole Commission shall adopt regulations to implement this subsection.~~

### Article – Criminal Procedure

1-101.

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

(b) “ABSCONDING” HAS THE MEANING STATED IN § 6–101 OF THE CORRECTIONAL SERVICES ARTICLE.

(C) (1) “Charging document” means a written accusation alleging that a defendant has committed a crime.

(2) “Charging document” includes a citation, an indictment, an information, a statement of charges, and a warrant.

[(c)] (D) “Correctional facility” has the meaning stated in § 1–101 of the Correctional Services Article.

[(d)] (E) “County” means a county of the State or Baltimore City.

[(e)] (F) “Crime of violence” has the meaning stated in § 14–101 of the Criminal Law Article.

[(f)] (G) “Department” means the Department of Public Safety and Correctional Services.

[(g)] (H) “Inmate” has the meaning stated in § 1–101 of the Correctional Services Article.

[(h)] (I) “Local correctional facility” has the meaning stated in § 1–101 of the Correctional Services Article.

[(i)] (J) “Managing official” has the meaning stated in § 1–101 of the Correctional Services Article.

[(j)] (K) “Nolle prosequi” means a formal entry on the record by the State that declares the State’s intention not to prosecute a charge.

[(k)] (L) “Nolo contendere” means a plea stating that the defendant will not contest the charge but does not admit guilt or claim innocence.

[(l)] (M) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, or other entity.

[(m)] (N) “Secretary” means the Secretary of the Department of Public Safety and Correctional Services.

[(n)] (O) “State” means:

(1) a state, possession, territory, or commonwealth of the United States; or

(2) the District of Columbia.

~~[(o)]~~ (P) “State correctional facility” has the meaning stated in § 1-101 of the Correctional Services Article.

**(Q) “TECHNICAL VIOLATION” HAS THE MEANING STATED IN § 6-101 OF THE CORRECTIONAL SERVICES ARTICLE.**

6-223.

(a) A circuit court or the District Court may end the period of probation at any time.

(b) On receipt of written charges, filed under oath, that a probationer or defendant violated a condition of probation during the period of probation, the District Court may, during the period of probation or within 30 days after the violation, whichever is later, issue a warrant or notice requiring the probationer or defendant to be brought or appear before the judge issuing the warrant or notice:

(1) to answer the charge of violation of a condition of probation or of suspension of sentence; and

(2) to be present for the setting of a timely hearing date for that charge.

(c) Pending the hearing or determination of the charge, a circuit court or the District Court may remand the probationer or defendant to a correctional facility or release the probationer or defendant with or without bail.

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

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

(2) **(I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR A TECHNICAL VIOLATION, IMPOSE A PERIOD OF INCARCERATION OF:**

**1. NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;**

**2. NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION; AND**

**3. NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION; AND**

(II) FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION, impose any sentence that might have originally been imposed for the crime of which the probationer or defendant was convicted or pleaded nolo contendere.

(3) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS ON THE PERIOD OF INCARCERATION THAT MAY BE IMPOSED FOR A TECHNICAL VIOLATION ESTABLISHED IN PARAGRAPH (2) OF THIS SUBSECTION ARE APPLICABLE.

(II) THE PRESUMPTION MAY BE REBUTTED IF THE COURT FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS, THAT ADHERING TO THE LIMITS ON THE PERIOD OF INCARCERATION ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:

1. THE NATURE OF THE PROBATION VIOLATION;

2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR WHICH THE PROBATIONER OR DEFENDANT WAS CONVICTED; AND

3. THE PROBATIONER'S OR DEFENDANT'S HISTORY.

(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COURT MAY:

1. DIRECT IMPOSITION OF A LONGER PERIOD OF INCARCERATION THAN PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BUT NO MORE THAN THE TIME REMAINING ON THE ORIGINAL SENTENCE; OR

2. COMMIT THE PROBATIONER OR DEFENDANT TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE.

(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS ARTICLE.

6-224.

(a) This section applies to a defendant who is convicted of a crime for which the court:

(1) does not impose a sentence;

- (2) suspends the sentence generally;
- (3) places the defendant on probation for a definite time; or
- (4) passes another order and imposes other conditions of probation.

(b) If a defendant is brought before a circuit court to be sentenced on the original charge or for violating a condition of probation, and the judge then presiding finds that the defendant violated a condition of probation, the judge:

(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, may sentence the defendant to:

(i) all or any part of the period of imprisonment imposed in the original sentence; or

(ii) any sentence allowed by law, if a sentence was not imposed before;  
and

(2) may suspend all or part of a sentence and place the defendant on further probation on any conditions that the judge considers proper, and that do not exceed the maximum set under § 6-222 of this subtitle.

(c) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE COURT FINDS THAT THE DEFENDANT VIOLATED A CONDITION OF PROBATION THAT IS A TECHNICAL VIOLATION, THE COURT MAY IMPOSE A PERIOD OF INCARCERATION OF:

(I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;

(II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION;

(III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION; AND

(IV) ALL OR ANY PART OF THE PERIOD OF IMPRISONMENT IMPOSED IN THE ORIGINAL SENTENCE FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION.

(2) (1) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS ON THE PERIOD OF INCARCERATION THAT MAY BE IMPOSED FOR A TECHNICAL VIOLATION ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION ARE APPLICABLE.

**(II) THE PRESUMPTION MAY BE REBUTTED IF THE COURT FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS, THAT ADHERING TO THE LIMITS ON THE PERIOD OF INCARCERATION ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:**

- 1. THE NATURE OF THE PROBATION VIOLATION;**
- 2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR WHICH THE DEFENDANT WAS CONVICTED; AND**
- 3. THE DEFENDANT'S HISTORY.**

**(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COURT MAY:**

- 1. DIRECT IMPOSITION OF A LONGER PERIOD OF INCARCERATION THAN PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, BUT NO MORE THAN THE TIME REMAINING ON THE ORIGINAL SENTENCE; OR**
- 2. COMMIT THE DEFENDANT TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE.**

**(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS ARTICLE.**

**(D) (1) The District Court judge who originally imposed conditions of probation or suspension of sentence shall hear any charge of violation of the conditions of probation or suspension of sentence.**

**(2) Except as provided in paragraph (3) of this subsection, the judge shall sentence the defendant if probation is revoked or suspension stricken.**

**(3) If the judge has been removed from office, has died or resigned, or is otherwise incapacitated, any other judge of the District Court may act in the matter.**

**10-110.**

**(A) A PERSON MAY FILE A PETITION LISTING RELEVANT FACTS FOR EXPUNGEMENT OF A POLICE RECORD, COURT RECORD, OR OTHER RECORD**

MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IF THE PERSON IS CONVICTED OF A MISDEMEANOR THAT IS A VIOLATION OF:

- (1) § 6-320 OF THE ALCOHOLIC BEVERAGES ARTICLE;
- (2) AN OFFENSE LISTED IN § 17-613(A) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;
- (3) § 5-712, § 19-304, § 19-308, OR TITLE 5, SUBTITLE 6 OR SUBTITLE 9 OF THE BUSINESS REGULATION ARTICLE;
- (4) § 3-1508 OR § 10-402 OF THE COURTS ARTICLE;
- (5) § 14-1915, § 14-2902, OR § 14-2903 OF THE COMMERCIAL LAW ARTICLE;
- (6) § 5-211 OF THE CRIMINAL PROCEDURE ARTICLE;
- (7) § 3-203 OR § 3-808 OF THE CRIMINAL LAW ARTICLE;
- (8) § 5-601, § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, OR § 5-902 OF THE CRIMINAL LAW ARTICLE;
- (9) § 6-105, § 6-108, § 6-206, § 6-303, § 6-306, § 6-307, § 6-402, OR § 6-503 OF THE CRIMINAL LAW ARTICLE;
- (10) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, OR § 7-309 OF THE CRIMINAL LAW ARTICLE;
- (11) § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, § 8-503, § 8-521, § 8-523, OR § 8-904 OF THE CRIMINAL LAW ARTICLE;
- (12) § 9-204, § 9-205, § 9-503, OR § 9-506 OF THE CRIMINAL LAW ARTICLE;
- (13) § 10-110, § 10-201, § 10-402, § 10-404, OR § 10-502 OF THE CRIMINAL LAW ARTICLE;
- (14) § 11-306(A) OF THE CRIMINAL LAW ARTICLE;
- (15) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, § 12-204, § 12-205, OR § 12-302 OF THE CRIMINAL LAW ARTICLE;
- (16) § 13-401, § 13-602, OR § 16-201 OF THE ELECTION LAW ARTICLE;

(17) § 4-509 OF THE FAMILY LAW ARTICLE;

(18) § 18-215 OF THE HEALTH – GENERAL ARTICLE;

(19) § 4-411 OR § 4-2005 OF THE HUMAN SERVICES ARTICLE;

(20) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, § 27-407.1, OR § 27-407.2 OF THE INSURANCE ARTICLE;

(21) § 5-307, § 5-308, § 6-602, § 7-402, OR § 14-114 OF THE PUBLIC SAFETY ARTICLE;

(22) § 7-318.1, § 7-509, OR § 10-507 OF THE REAL PROPERTY ARTICLE;

(23) § 9-124 OF THE STATE GOVERNMENT ARTICLE;

(24) § 13-1001, § 13-1004, § 13-1007, OR § 13-1024 OF THE TAX – GENERAL ARTICLE;

(25) THE COMMON LAW OFFENSES OF AFFRAY, RIOTING, CRIMINAL CONTEMPT, OR HINDERING; OR

(26) AN ATTEMPT, A CONSPIRACY, OR A SOLICITATION OF ANY OFFENSE LISTED IN ITEMS (1) THROUGH (25) OF THIS SUBSECTION.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PERSON SHALL FILE A PETITION FOR EXPUNGEMENT IN THE COURT IN WHICH THE PROCEEDING BEGAN.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO ANOTHER COURT, THE PERSON SHALL FILE THE PETITION IN THE COURT TO WHICH THE PROCEEDING WAS TRANSFERRED.

(II) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO THE JUVENILE COURT UNDER § 4-202 OR § 4-202.2 OF THIS ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.

(3) (I) IF THE PROCEEDING IN A COURT OF ORIGINAL JURISDICTION WAS APPEALED TO A COURT EXERCISING APPELLATE JURISDICTION, THE PERSON SHALL FILE THE PETITION IN THE APPELLATE COURT.

(II) THE APPELLATE COURT MAY REMAND THE MATTER TO THE COURT OF ORIGINAL JURISDICTION.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PETITION FOR EXPUNGEMENT UNDER THIS SECTION MAY NOT BE FILED EARLIER THAN 10 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.

(2) A PETITION FOR EXPUNGEMENT FOR A VIOLATION OF § 3-203 OF THE CRIMINAL LAW ARTICLE OR FOR AN OFFENSE CLASSIFIED AS A DOMESTICALLY RELATED CRIME UNDER § 6-233 OF THE CRIMINAL PROCEDURE ARTICLE MAY NOT BE FILED EARLIER THAN 15 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.

(D) (1) IF THE PERSON IS CONVICTED OF A NEW CRIME DURING THE APPLICABLE TIME PERIOD SET FORTH IN SUBSECTION (C) OF THIS SECTION, THE ORIGINAL CONVICTION OR CONVICTIONS ARE NOT ELIGIBLE FOR EXPUNGEMENT UNLESS THE NEW CONVICTION BECOMES ELIGIBLE FOR EXPUNGEMENT.

(2) A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT IF THE PERSON IS A DEFENDANT IN A PENDING CRIMINAL PROCEEDING.

(3) IF A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ONE CONVICTION IN A UNIT, THE PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ANY OTHER CONVICTION IN THE UNIT.

(E) (1) THE COURT SHALL HAVE A COPY OF A PETITION FOR EXPUNGEMENT SERVED ON THE STATE'S ATTORNEY.

(2) THE COURT SHALL SEND WRITTEN NOTICE OF THE EXPUNGEMENT REQUEST TO EACH LISTED VICTIM IN THE CASE IN WHICH THE PETITIONER IS SEEKING EXPUNGEMENT AT THE ADDRESS LISTED IN THE COURT FILE, ADVISING THE VICTIM OF THE RIGHT TO OFFER ADDITIONAL INFORMATION RELEVANT TO THE EXPUNGEMENT PETITION TO THE COURT.

(3) UNLESS THE STATE'S ATTORNEY OR A VICTIM FILES AN OBJECTION TO THE PETITION FOR EXPUNGEMENT WITHIN 30 DAYS AFTER THE PETITION IS SERVED, THE COURT SHALL PASS AN ORDER REQUIRING THE EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE CHARGE.

(F) (1) IF THE STATE'S ATTORNEY OR A VICTIM FILES A TIMELY OBJECTION TO THE PETITION, THE COURT SHALL HOLD A HEARING.

**(2) THE COURT SHALL ORDER THE EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE CHARGE AFTER A HEARING, IF THE COURT FINDS AND STATES ON THE RECORD:**

**(I) THAT THE CONVICTION IS ELIGIBLE FOR EXPUNGEMENT UNDER SUBSECTION (A) OF THIS SECTION;**

**(II) THAT THE PERSON IS ELIGIBLE FOR EXPUNGEMENT UNDER SUBSECTION (D) OF THIS SECTION;**

**(III) THAT GIVING DUE REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND CHARACTER OF THE PERSON, AND THE PERSON'S SUCCESS AT REHABILITATION, THE PERSON IS NOT A RISK TO PUBLIC SAFETY; AND**

**(IV) THAT AN EXPUNGEMENT WOULD BE IN THE INTEREST OF JUSTICE.**

**(G) IF AT A HEARING THE COURT FINDS THAT A PERSON IS NOT ENTITLED TO EXPUNGEMENT, THE COURT SHALL DENY THE PETITION.**

**(H) UNLESS AN ORDER IS STAYED PENDING APPEAL, WITHIN 60 DAYS AFTER ENTRY OF THE ORDER, EVERY CUSTODIAN OF THE POLICE RECORDS AND COURT RECORDS THAT ARE SUBJECT TO THE ORDER OF EXPUNGEMENT SHALL ADVISE IN WRITING THE COURT AND THE PERSON WHO IS SEEKING EXPUNGEMENT OF COMPLIANCE WITH THE ORDER.**

**(I) (1) THE STATE'S ATTORNEY IS A PARTY TO THE PROCEEDING.**

**(2) A PARTY AGGRIEVED BY THE DECISION OF THE COURT IS ENTITLED TO THE APPELLATE REVIEW AS PROVIDED IN THE COURTS ARTICLE.**

11-819.

*(b) The Criminal Injuries Compensation Fund:*

*(1) shall be used to:*

*(i) carry out the provisions of this subtitle; and*

*(ii) distribute restitution payments forwarded to the Fund under [§ 11-604] § 9-614 of the Correctional Services Article; and*

*(2) may be used for:*

- (i) any award given under this subtitle; and
- (ii) the costs of carrying out this subtitle.

**Article – Health – General**

8-505.

(a) (1) Before or during a criminal trial, before or after sentencing, or before or during a term of probation, the court may order the Department to evaluate a defendant to determine whether, by reason of drug or alcohol abuse, the defendant is in need of and may benefit from treatment if:

(i) It appears to the court that the defendant has an alcohol or drug abuse problem; or

(ii) The defendant alleges an alcohol or drug dependency.

(2) A court shall set and may change the conditions under which an examination is to be conducted under this section.

(3) The Department shall ensure that each evaluation under this section is conducted in accordance with regulations adopted by the Department.

(b) On consideration of the nature of the charge, the court:

(1) May require or permit an examination to be conducted on an outpatient basis; and

(2) If an outpatient examination is authorized, shall set bail for the defendant or authorize the release of the defendant on personal recognizance.

(c) (1) If a defendant is to be held in custody for examination under this section:

(i) The defendant may be confined in a detention facility until the Department is able to conduct the examination; or

(ii) The court may order confinement of the defendant in a medical wing or other isolated and secure unit of a detention facility, if the court finds it appropriate for the health or safety of the defendant.

(2) (i) If the court finds that, because of the apparent severity of the alcohol or drug dependency or other medical or psychiatric complications, a defendant in custody would be endangered by confinement in a jail, the court may order the Department to either:

1. Place the defendant, pending examination, in an appropriate health care facility; or

2. Immediately conduct an evaluation of the defendant.

(ii) Unless the Department retains a defendant, the defendant shall be promptly returned to the court after an examination.

(iii) A defendant who is detained for an examination under this section may question at any time the legality of the detention by a petition for a writ of habeas corpus.

(d) (1) If a court orders an evaluation under this section, the evaluator shall:

(i) Conduct an evaluation of the defendant; and

(ii) Submit a complete report of the evaluation within 7 days to the:

1. Court;

2. Department; and

3. Defendant or the defendant's attorney.

(2) On good cause shown, a court may extend the time for an evaluation under this section.

(3) Whenever an evaluator recommends treatment, the evaluator's report shall:

(i) Name a specific program able to IMMEDIATELY provide the recommended treatment; and

(ii) Give an actual or estimated date when the program can begin treatment of the defendant.

(e) (1) The Department shall IMMEDIATELY provide the services required by this section.

(2) A designee of the Department may carry out any of its duties under this section [if appropriate funding is provided].

(f) Evaluations performed in facilities operated by the Department of Public Safety and Correctional Services shall be conducted by the Administration.

(a) Subject to the limitations in this section, a court that finds in a criminal case or during a term of probation that a defendant has an alcohol or drug dependency may commit the defendant as a condition of release, after conviction, or at any other time the defendant voluntarily agrees to participate in treatment, to the Department for treatment that the Department recommends, even if:

(1) The defendant did not timely file a motion for reconsideration under Maryland Rule 4-345; or

(2) The defendant timely filed a motion for reconsideration under Maryland Rule 4-345 which was denied by the court.

(b) Before a court commits a defendant to the Department under this section, the court shall:

(1) Offer the defendant the opportunity to receive treatment;

(2) Obtain the written consent of the defendant:

(i) To receive treatment; and

(ii) To have information reported back to the court;

(3) Order an evaluation of the defendant under § 8-505 or § 8-506 of this subtitle;

(4) Consider the report on the defendant's evaluation; and

(5) Find that the treatment that the Department recommends to be appropriate and necessary.

(c) Immediately on receiving an order for treatment under this section, the Department shall order a report of all pending cases, warrants, and detainers for the defendant and forward a copy of the report to the court, the defendant, and the defendant's last attorney of record.

(d) (1) The Department shall provide the services required by this section.

(2) A designee of the Department may carry out any of the Department's duties under this section [if appropriate funding is provided].

(e) (1) A court may not order that the defendant be delivered for treatment until:

(i) [The Department gives the court notice that an appropriate treatment program is able to begin treatment of the defendant;

(ii)] Any detainer based on an untried indictment, information, warrant, or complaint for the defendant has been removed; and

[(iii)] (II) Any sentence of incarceration for the defendant is no longer in effect.

(2) The Department shall facilitate the [prompt] IMMEDIATE treatment of a defendant UNLESS THE COURT FINDS EXIGENT CIRCUMSTANCES TO DELAY COMMITMENT FOR TREATMENT FOR LONGER THAN 30 DAYS.

(3) IF A DEFENDANT WHO HAS BEEN COMMITTED FOR TREATMENT UNDER THIS SECTION IS NOT PLACED IN TREATMENT WITHIN 21 DAYS OF THE ORDER, THE COURT MAY ORDER THE DEPARTMENT TO APPEAR TO EXPLAIN THE REASON FOR THE LACK OF PLACEMENT.

(f) For a defendant committed for treatment under this section, a court shall order supervision of the defendant:

(1) By an appropriate pretrial release agency, if the defendant is released pending trial;

(2) By the Division of Parole and Probation under appropriate conditions in accordance with §§ 6–219 through 6–225 of the Criminal Procedure Article and Maryland Rule 4–345, if the defendant is released on probation; or

(3) By the Department, if the defendant remains in the custody of a local correctional facility.

(g) A court may order law enforcement officials, detention center staff, Department of Public Safety and Correctional Services staff, or sheriff's department staff within the appropriate local jurisdiction to transport a defendant to and from treatment under this section.

(h) The Department shall promptly report to a court a defendant's withdrawal of consent to treatment and have the defendant returned to the court within 7 days for further proceedings.

(i) A defendant who is committed for treatment under this section may question at any time the legality of the commitment by a petition for a writ of habeas corpus.

(j) (1) A commitment under this section shall be for at least 72 hours and not more than 1 year.

(2) On good cause shown by the Department, the court, or the State, the court may extend the time period for providing the necessary treatment services in increments of 6 months.

(3) Except during the first 72 hours after admission of a defendant to a treatment program, the Department may terminate the treatment if the Department determines that:

(i) Continued treatment is not in the best interest of the defendant;  
or

(ii) The defendant is no longer amenable to treatment.

(k) When a defendant is to be released from treatment under this section, the Department shall notify the court that ordered the treatment.

(l) (1) If a defendant leaves treatment without authorization, the responsibility of the Department is limited to the notification of the court that ordered the defendant's treatment as soon as it is reasonably possible.

(2) Notice under this subsection shall constitute probable cause for a court to issue a warrant for the arrest of a defendant.

(m) Nothing in this section imposes any obligation on the Department:

(1) To treat any defendant who knowingly and willfully declines to consent to further treatment; or

(2) In reporting to the court under this section, to include an assessment of a defendant's dangerousness to one's self, to another individual, or to the property of another individual by virtue of a drug or alcohol problem.

(n) Time during which a defendant is held under this section for inpatient evaluation or inpatient or residential treatment shall be credited against any sentence imposed by the court that ordered the evaluation or treatment.

(o) This section may not be construed to limit a court's authority to order drug treatment in lieu of incarceration under Title 5 of the Criminal Law Article.

#### **SUBTITLE 6D. ADDICTION TREATMENT DIVESTITURE FUND.**

##### **8-6D-01.**

**(A) THERE IS AN ADDICTION TREATMENT DIVESTITURE FUND IN THE DEPARTMENT.**

**(B) THE PURPOSE OF THE FUND IS TO SUPPORT ADDICTION TREATMENT SERVICES TO PERSONS WITH SUBSTANCE-RELATED DISORDERS.**

**(C) THE SECRETARY SHALL ADMINISTER THE FUND.**

**(D) (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.**

**(E) THE FUND CONSISTS OF:**

**(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 9-804 OF THE CRIMINAL LAW ARTICLE;**

**(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND**

**(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.**

**(F) THE FUND MAY BE USED ONLY TO SUPPORT THE ACTIONS OF THE SECRETARY TO PROVIDE TREATMENT FOR SUBSTANCE-RELATED DISORDERS.**

**(G) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

**(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.**

**Article – State Finance and Procurement**

**6-226.**

**(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.**

**(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:**

**85. the Military Personnel and Veteran-Owned Small Business No-Interest Loan Fund; [and]**

**86. the Performance Incentive Grant Fund; AND**

**87. THE ADDICTION TREATMENT DIVESTITURE FUND.**

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – State Finance and Procurement**

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

84. the Economic Development Marketing Fund; [and]

85. the Military Personnel and Veteran–Owned Small Business No–Interest Loan Fund; AND

**86. THE PERFORMANCE INCENTIVE GRANT FUND.**

**Article – State Government**

**SUBTITLE 32. JUSTICE REINVESTMENT OVERSIGHT BOARD.**

9–3201.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BOARD” MEANS THE JUSTICE REINVESTMENT OVERSIGHT BOARD.

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

(D) “FUND” MEANS THE PERFORMANCE INCENTIVE GRANT FUND ESTABLISHED IN § 9–3209 OF THIS SUBTITLE.

9–3202.

THERE IS A JUSTICE REINVESTMENT OVERSIGHT BOARD IN THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

9-3203.

(A) THE BOARD 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 EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(4) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;

(5) THE CHAIR OF THE MARYLAND PAROLE COMMISSION, OR THE CHAIR'S DESIGNEE;

(6) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;

(7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;

(8) THE PUBLIC DEFENDER, OR THE PUBLIC DEFENDER'S DESIGNEE;

(9) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY'S DESIGNEE;

(10) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE;

(11) THE CHAIR OF THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION, OR THE CHAIR'S DESIGNEE;

(12) TWO MEMBERS APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS;

(13) THE SECRETARY OF LABOR, LICENSING, AND REGULATION, OR THE SECRETARY'S DESIGNEE;

(14) ONE MEMBER APPOINTED BY THE MARYLAND CHIEFS AND SHERIFFS ASSOCIATION;

(15) THE PRESIDENT OF THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION OR THE PRESIDENT'S DESIGNEE;

(16) TWO MEMBERS OF THE MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION, APPOINTED BY THE PRESIDENT OF THE MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION, INCLUDING ONE REPRESENTATIVE FROM A LARGE CORRECTIONAL FACILITY AND ONE REPRESENTATIVE FROM A SMALL CORRECTIONAL FACILITY;

(17) THE PRESIDENT OF THE MARYLAND ASSOCIATION OF COUNTIES OR THE PRESIDENT'S DESIGNEE; AND

(18) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR:

(I) ONE MEMBER REPRESENTING VICTIMS OF CRIME;

(II) ONE MEMBER REPRESENTING LAW ENFORCEMENT;

(III) TWO LOCAL HEALTH OFFICERS; AND

(IV) ONE MEMBER WITH DIRECT EXPERIENCE TEACHING INMATES IN ACADEMIC PROGRAMS INTENDED TO ACHIEVE THE GOAL OF A HIGH SCHOOL DIPLOMA OR GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATION.

(B) TO THE EXTENT PRACTICABLE, IN MAKING APPOINTMENTS UNDER THIS SECTION, THE GOVERNOR SHALL ENSURE GEOGRAPHIC DIVERSITY AMONG THE MEMBERSHIP OF THE BOARD.

(C) (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 4 YEARS.

(2) THE TERMS OF THE APPOINTED MEMBERS OF THE BOARD ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2016.

(3) AT THE END OF A TERM, AN APPOINTED MEMBER:

(I) IS ELIGIBLE FOR REAPPOINTMENT; AND

(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED OR REAPPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) THE MEMBERS OF THE BOARD APPOINTED FROM THE SENATE OF MARYLAND, THE HOUSE OF DELEGATES, AND THE CHIEF JUDGE OF THE COURT OF APPEALS, SHALL SERVE IN AN ADVISORY CAPACITY ONLY.

9-3204.

(A) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.

(B) WITH THE APPROVAL OF THE BOARD, THE CHAIR MAY APPOINT A VICE CHAIR WHO SHALL HAVE THE DUTIES ASSIGNED BY THE CHAIR.

9-3205.

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

(B) THE BOARD SHALL MEET AT LEAST QUARTERLY EACH YEAR AT THE TIMES AND PLACES DETERMINED BY THE BOARD OR THE CHAIR OF THE BOARD.

(C) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION FOR SERVICE ON THE BOARD; BUT

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

9-3206.

THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE STAFF FOR THE BOARD.

9-3207.

(A) THE BOARD SHALL:

(1) MONITOR PROGRESS AND COMPLIANCE WITH THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;

(2) CONSIDER THE RECOMMENDATIONS OF THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION AND ANY LEGISLATION, REGULATIONS, RULES, BUDGETARY CHANGES, OR OTHER ACTIONS TAKEN TO IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;

(3) MAKE ADDITIONAL LEGISLATIVE AND BUDGETARY RECOMMENDATIONS FOR FUTURE DATA-DRIVEN, FISCALLY SOUND CRIMINAL JUSTICE POLICY CHANGES;

(4) COLLECT AND ANALYZE THE DATA SUBMITTED UNDER § 9-3208 OF THIS SUBTITLE REGARDING PRETRIAL DETAINEES;

(5) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE COMMISSION ON CRIMINAL SENTENCING POLICY, CREATE PERFORMANCE MEASURES TO TRACK AND ASSESS THE OUTCOMES OF THE LAWS RELATED TO THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;

(6) IN COLLABORATION WITH THE MARYLAND PAROLE COMMISSION, MONITOR ADMINISTRATIVE RELEASE UNDER § 7-301.1 OF THE CORRECTIONAL SERVICES ARTICLE AND DETERMINE WHETHER TO ADJUST ELIGIBILITY CONSIDERING THE EFFECTIVENESS OF ADMINISTRATIVE RELEASE AND EVIDENCE-BASED PRACTICES;

(7) CREATE PERFORMANCE MEASURES TO ASSESS THE EFFECTIVENESS OF THE GRANTS ADMINISTERED UNDER § 9-3209 OF THIS SUBTITLE; AND

(8) CONSULT AND COORDINATE WITH:

(I) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION; AND

(II) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS CONCERNING JUSTICE REINVESTMENT ISSUES.

(B) (1) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE BOARD SHALL DETERMINE THE ANNUAL SAVINGS FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL BASED ON THE DIFFERENCE BETWEEN THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2017, THE BASELINE DAY, AND THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2018, THE COMPARISON DAY, AND THE VARIABLE COST OF INCARCERATION.

(2) IF THE PRISON POPULATION ON THE COMPARISON DAY IS LESS THAN THE PRISON POPULATION ON THE BASELINE DAY, THE BOARD SHALL DETERMINE A SAVINGS BASED ON THE DIFFERENCE IN THE PRISON POPULATION MULTIPLIED BY THE VARIABLE COST.

(3) THE BOARD ANNUALLY SHALL DETERMINE THE DIFFERENCE BETWEEN THE PRISON POPULATION ON OCTOBER 1, 2017, AND THE PRISON POPULATION ON OCTOBER 1 OF THE CURRENT YEAR AND CALCULATE ANY SAVINGS IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(4) IF A PRISON POPULATION DECLINE CAUSES A CORRECTIONAL UNIT, WING, OR FACILITY TO CLOSE, THE BOARD SHALL CONDUCT AN ASSESSMENT TO DETERMINE THE SAVINGS FROM THE CLOSURE AND DISTRIBUTE THE SAVINGS, REALIZED ANNUALLY, ACCORDING TO THE SCHEDULE IN PARAGRAPH (5) OF THIS SUBSECTION.

(5) THE BOARD ANNUALLY SHALL RECOMMEND THAT THE SAVINGS IDENTIFIED IN PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION BE DISTRIBUTED AS FOLLOWS:

(I) UP TO 50% OF THE SAVINGS SHALL BE PLACED IN THE PERFORMANCE INCENTIVE GRANT FUND FOR PURPOSES ESTABLISHED UNDER § 9-3209(B)(1) OF THIS SUBTITLE; AND

(II) THE REMAINING SAVINGS SHALL BE USED FOR ADDITIONAL SERVICES IDENTIFIED AS REINVESTMENT PRIORITIES IN THE JUSTICE REINVESTMENT COORDINATING COUNCIL'S FINAL REPORT.

(C) AT EACH MEETING OF THE BOARD, THE SECRETARY OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE, SHALL REPORT TO THE BOARD:

(1) THE NUMBER OF INDIVIDUALS COMMITTED TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE IN THE PREVIOUS 3 MONTHS INCLUDING THE NUMBER OF DAYS THAT IT TOOK TO PLACE EACH INDIVIDUAL INTO TREATMENT AND WHERE THE INDIVIDUAL WAS PLACED FOR TREATMENT;

(2) THE NUMBER OF INDIVIDUALS COMMITTED TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE WHO ARE WAITING FOR TREATMENT BUT CANNOT BE PLACED DUE TO LACK OF CAPACITY; AND

(3) THE NUMBER OF INDIVIDUALS ASSESSED FOR SUBSTANCE USE DISORDER IN THE PREVIOUS 3 MONTHS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE AND WHETHER EACH INDIVIDUAL WAS PLACED INTO TREATMENT AS A RESULT OF THE ASSESSMENT.

(D) (1) THE BOARD MAY ENTER INTO AN AGREEMENT WITH AN ACADEMIC INSTITUTION OR ANOTHER SIMILAR ENTITY THAT IS QUALIFIED TO COLLECT AND INTERPRET DATA IN ORDER TO ASSIST THE BOARD WITH ITS DUTIES.

(2) (I) THE BOARD MAY RECOMMEND THAT A UNIT OF THE STATE ENTER INTO A CONTRACT OR AGREEMENT WITH A PUBLIC OR PRIVATE ENTITY TO OBTAIN ASSISTANCE OR FINANCIAL RESOURCES TO FUND AND OTHERWISE FURTHER THE PURPOSES OF THIS SUBTITLE, INCLUDING ENTERING INTO PUBLIC-PRIVATE PARTNERSHIPS, SOCIAL IMPACT BONDS, AND OPPORTUNITY COMPACTS.

(II) IF THE BOARD MAKES A RECOMMENDATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD SHALL PROVIDE WRITTEN NOTICE TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, THE HOUSE JUDICIARY COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, OF THE RECOMMENDATION.

(III) A UNIT OF THE STATE MAY NOT ENTER INTO A CONTRACT OR AN AGREEMENT RECOMMENDED BY THE BOARD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH UNTIL 60 DAYS AFTER THE DATE OF THE NOTICE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(E) (1) THE BOARD SHALL ESTABLISH AN ADVISORY BOARD FOR THE PURPOSE OF INCLUDING STAKEHOLDERS IN THE CRIMINAL JUSTICE SYSTEM IN THE ANALYSIS OF THE IMPLEMENTATION OF JUSTICE REINVESTMENT INITIATIVES.

(2) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL APPOINT MEMBERS OF THE ADVISORY BOARD, SUBJECT TO THE APPROVAL OF THE CHAIR OF THE BOARD.

(3) MEMBERS OF THE ADVISORY BOARD SHALL INCLUDE:

(I) A REPRESENTATIVE OF THE EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES OF THE DIVISION OF PAROLE AND PROBATION;

(II) A REPRESENTATIVE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE;

(III) A REPRESENTATIVE OF CASA DE MARYLAND;

(IV) A REPRESENTATIVE OF THE AMERICAN CIVIL LIBERTIES UNION;

(V) THE CHAIR OF THE CRIMINAL LAW AND PRACTICE SECTION OF THE MARYLAND STATE BAR ASSOCIATION OR THE CHAIR'S DESIGNEE;

(VI) A REPRESENTATIVE OF VICTIMS OF DOMESTIC VIOLENCE;

(VII) A REPRESENTATIVE OF VICTIMS OF SEXUAL ASSAULT;

(VIII) A REPRESENTATIVE WITH CLINICAL EXPERIENCE AND EXPERTISE IN BEHAVIORAL HEALTH AND CRIMINAL JUSTICE;

(IX) A REPRESENTATIVE OF THE MARYLAND RETAILERS ASSOCIATION;

(X) A REPRESENTATIVE OF AN ORGANIZATION WHOSE MISSION IS TO DEVELOP AND ADVOCATE FOR POLICIES AND PROGRAMS TO INCREASE THE SKILLS, JOB OPPORTUNITIES, AND INCOMES OF LOW-SKILL, LOW-INCOME WORKERS AND JOB SEEKERS;

(XI) A REPRESENTATIVE OF AN ORGANIZATION WHOSE MISSION IS TO ADVOCATE FOR EX-OFFENDERS; AND

(XII) A REPRESENTATIVE OF THE MARYLAND CHAMBER OF COMMERCE.

9-3208.

(A) SEMIANNUALLY, EACH COUNTY, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE COMMISSION ON CRIMINAL SENTENCING POLICY SHALL COLLECT AND REPORT DATA TO THE BOARD THAT IS DISAGGREGATED BY RACE AND ETHNICITY IN ORDER FOR THE BOARD TO PERFORM ITS DUTIES UNDER § 9-3207 OF THIS SUBTITLE, INCLUDING DATA RELATING TO:

(1) THE ADMISSION OF INMATES TO STATE AND LOCAL CORRECTIONAL FACILITIES;

(2) THE LENGTH OF INMATE SENTENCES;

(3) THE LENGTH OF TIME BEING SERVED BY INMATES, INCLUDING SUSPENDED PERIODS OF A CRIMINAL SENTENCE;

(4) RECIDIVISM;

(5) THE POPULATION OF COMMUNITY SUPERVISION;

(6) INFORMATION ABOUT THE INMATE POPULATION, INCLUDING THE AMOUNT OF RESTITUTION ORDERED AND THE AMOUNT PAID; AND

(7) DEPARTURES BY THE COURT AND THE COMMISSION FROM THE SENTENCING LIMITS FOR TECHNICAL VIOLATIONS UNDER §§ 6-223 AND 6-224 OF THE CRIMINAL PROCEDURE ARTICLE AND §§ 7-401 AND 7-504 OF THE CORRECTIONAL SERVICES ARTICLE.

(B) ON OR BEFORE MARCH 31 EACH YEAR, EACH COUNTY, AND THE DIVISION OF PRETRIAL DETENTION AND SERVICES SHALL REPORT TO THE BOARD THE FOLLOWING INFORMATION FOR THE PRIOR CALENDAR YEAR REGARDING INDIVIDUALS HELD IN PRETRIAL DETENTION:

(1) THE NUMBER OF INDIVIDUALS DETAINED PRETRIAL ON THE SAME DAY EACH YEAR;

(2) THE MEAN AND MEDIAN DAYS INDIVIDUALS WERE DETAINED IN PRETRIAL DETENTION;

(3) THE CHARGES UNDER WHICH INDIVIDUALS WERE DETAINED IN PRETRIAL DETENTION;

(4) THE REASONS WHY INDIVIDUALS WERE UNABLE TO SECURE RELEASE;

(5) THE NUMBER OF INDIVIDUALS WHO WERE RELEASED DURING THE PRETRIAL PERIOD; AND

(6) THE DISPOSITION OF EACH CASE.

9-3209.

(A) THERE IS A PERFORMANCE INCENTIVE GRANT FUND.

(B) (1) THE PURPOSE OF THE FUND IS TO MAKE USE OF THE SAVINGS FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL.

**(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY RECOMMEND TO THE EXECUTIVE DIRECTOR THAT GRANTS BE MADE TO:**

**(I) ENSURE THAT THE RIGHTS OF CRIME VICTIMS ARE PROTECTED AND ENHANCED;**

**(II) PROVIDE FOR PRETRIAL RISK ASSESSMENTS;**

**(III) PROVIDE FOR SERVICES TO REDUCE PRETRIAL DETENTION;**

**(IV) PROVIDE FOR DIVERSION PROGRAMS, INCLUDING MEDIATION AND RESTORATIVE JUSTICE PROGRAMS;**

**(V) PROVIDE FOR RECIDIVISM REDUCTION PROGRAMMING;**

**(VI) PROVIDE FOR EVIDENCE-BASED PRACTICES AND POLICIES;**

**(VII) PROVIDE FOR SPECIALTY COURTS;**

**(VIII) PROVIDE FOR REENTRY PROGRAMS;**

**(IX) PROVIDE FOR SUBSTANCE USE DISORDER AND COMMUNITY MENTAL HEALTH SERVICE PROGRAMS; AND**

**(X) PROVIDE FOR ANY OTHER PROGRAM OR SERVICE THAT WILL FURTHER THE PURPOSES ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION.**

**(3) (I) AT LEAST 5% OF THE GRANTS PROVIDED TO A COUNTY UNDER THIS SECTION SHALL BE USED TO FUND PROGRAMS AND SERVICES TO ENSURE THAT THE RIGHTS OF CRIME VICTIMS ARE PROTECTED AND ENHANCED.**

**(II) THE GRANTS SHALL BE USED TO SUPPLEMENT, BUT NOT SUPPLANT, FUNDS RECEIVED FROM OTHER SOURCES.**

**(4) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL RECEIVE FROM THE FUND EACH FISCAL YEAR THE AMOUNT NECESSARY TO OFFSET THE COSTS OF ADMINISTERING THE FUND, INCLUDING THE COSTS INCURRED IN AN AGREEMENT TO COLLECT AND INTERPRET DATA AS AUTHORIZED BY § 9-3207 OF THIS SUBTITLE.**

**(C) (1) SUBJECT TO THE AUTHORITY OF THE EXECUTIVE DIRECTOR, THE BOARD SHALL ADMINISTER THE FUND.**

(2) THE EXECUTIVE DIRECTOR MAY APPROVE OR DISAPPROVE ANY GRANTS FROM THE FUND.

(D) (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.

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET;

(2) INTEREST EARNED ON MONEY IN THE FUND; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR THE PURPOSES ESTABLISHED IN SUBSECTION (B) OF THIS SECTION.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(I) MONEY EXPENDED FROM THE FUND FOR PROGRAMS TO REDUCE RECIDIVISM AND CONTROL CORRECTIONAL COSTS IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THESE PURPOSES.

9-3210.

THE BOARD MAY PERFORM ANY ACTS NECESSARY AND APPROPRIATE TO CARRY OUT THE POWERS AND DUTIES SET FORTH IN THIS SUBTITLE.

9-3211.

(A) IN THIS SECTION, "COMMISSION" MEANS THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION.

(B) THERE IS A LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION.

(C) THE COMMISSION SHALL:

(1) ADVISE THE BOARD ON MATTERS RELATED TO LEGISLATION, REGULATIONS, RULES, BUDGETARY CHANGES, AND ALL OTHER ACTIONS NEEDED TO IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL AS THEY RELATE TO LOCAL GOVERNMENTS;

(2) MAKE RECOMMENDATIONS TO THE BOARD REGARDING GRANTS TO LOCAL GOVERNMENTS FROM THE FUND; AND

(3) CREATE PERFORMANCE MEASURES TO ASSESS THE EFFECTIVENESS OF THE GRANTS.

(D) (1) THE COMMISSION CONSISTS OF ONE MEMBER FROM EACH COUNTY APPOINTED BY THE GOVERNING BODY OF THE COUNTY.

(2) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR OF THE COMMISSION.

(E) (1) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.

(2) THE TERMS OF THE MEMBERS OF THE COMMISSION ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 2016.

(3) AT THE END OF A TERM, A MEMBER:

(I) IS ELIGIBLE FOR REAPPOINTMENT; AND

(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED OR REAPPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(F) 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.

(G) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE STAFF FOR THE COMMISSION.

9-3212.

ON OR BEFORE DECEMBER 31, 2017, AND EACH YEAR THEREAFTER, THE BOARD SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THIS ARTICLE, TO THE GENERAL ASSEMBLY ON THE ACTIVITIES OF THE BOARD AND THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

27-101.

(b) Except as otherwise provided in this section, any person convicted of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than \$500.

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both:

(1) § 12-301(e) or (f) (“Special identification cards: Unlawful use of identification card prohibited”);

(2) § 14-102 (“Taking or driving vehicle without consent of owner”);

(3) § 14-104 (“Damaging or tampering with vehicle”);

(4) § 14-107 (“Removed, falsified, or unauthorized identification number or registration card or plate”);

(5) § 14-110 (“Altered or forged documents and plates”);

(6) § 15-312 (“Dealers: Prohibited acts – Vehicle sales transactions”);

(7) § 15-313 (“Dealers: Prohibited acts – Advertising practices”);

(8) § 15-314 (“Dealers: Prohibited acts – Violation of licensing laws”);

(9) § 15-411 (“Vehicle salesmen: Prohibited acts”);

(10) § 16-113(j) (“Violation of alcohol restriction”);

(11) § 16-301, except § 16-301(a) or (b) (“Unlawful use of license”);

(12) [§ 16-303(h) (“Licenses suspended under certain provisions of Code”);

(13) § 16-303(i) (“Licenses suspended under certain provisions of the traffic laws or regulations of another state”);

[(15)] § 20-103 (“Driver to remain at scene – Accidents resulting only in damage to attended vehicle or property”);

[(16)] (13) § 20-104 (“Duty to give information and render aid”);

[(17)] (14) § 20-105 (“Duty on striking unattended vehicle or other property”);

[(18)] (15) § 20-108 (“False reports prohibited”);

[(19)] (16) § 21-206 (“Interference with traffic control devices or railroad signs and signals”);

[(20)] (17) As to a pedestrian in a marked crosswalk, § 21-502(a) (“Pedestrians’ right-of-way in crosswalks: In general”), if the violation contributes to an accident;

[(21)] (18) As to another vehicle stopped at a marked crosswalk, § 21-502(c) (“Passing of vehicle stopped for pedestrian prohibited”), if the violation contributes to an accident;

[(22)] (19) Except as provided in subsections (f) and (q) of this section, § 21-902(b) (“Driving while impaired by alcohol”);

[(23)] (20) Except as provided in subsections (f) and (q) of this section, § 21-902(c) (“Driving while impaired by drugs or drugs and alcohol”);

[(24)] (21) § 21-902.1 (“Driving within 12 hours after arrest”);

[(25)] (22) Title 21, Subtitle 10A (“Towing or Removal of Vehicles from Parking Lots”); or

[(26)] (23) § 27-107(d), (e), (f), or (g) (“Prohibited acts – Ignition interlock systems”).

**(GG) A PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-303(H) (“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF CODE”) OR § 16-303(I) (“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF THE TRAFFIC LAWS OR REGULATIONS OF ANOTHER STATE”) OF THIS ARTICLE:**

- (1) IS SUBJECT TO A FINE OF NOT MORE THAN \$500;**
- (2) MUST APPEAR IN COURT; AND**
- (3) MAY NOT PREPAY THE FINE.**

**SECTION 5. AND BE IT FURTHER ENACTED, That the Governor’s Office of Crime Control and Prevention shall:**

**(1) in coordination with the Department of Public Safety and Correctional Services, the Department of Health and Mental Hygiene, the Judiciary, public health and treatment professionals, and local corrections authorities, conduct an analysis to determine the gap between offender treatment needs and available treatment services in the State, including:**

**(i) a feasibility study of local jail and service provider capacity for substance use and mental health disorder and related treatment; and**

**(ii) a plan for how a sequential intercept model could be used to address the gap between offender treatment needs and available treatment services in the State; and**

**(2) report the results of the analysis with recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article, on or before December 31, 2016.**

**SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide funding annually in the budget bill for:**

**(1) the Department of Health and Mental Hygiene to expand the use of drug treatment under § 8-507 of the Health – General Article, as enacted by Section 2 of this Act;**

**(2) the Department of Health and Mental Hygiene and the Department of Public Safety and Correctional Services to establish a process to expand the enrollment of incarcerated individuals in Medicaid on release;**

**(3) the Division of Correction to expand treatment and programming within correctional institutions for substance abuse treatment, mental health treatment, cognitive-behavioral programming, and other evidence-based interventions for offenders;**

(4) the Division of Parole and Probation to expand treatment and programming in the community to include day reporting centers, mental health treatment, cognitive-behavioral programming, and other evidence-based interventions for offenders; and

(5) the State unit responsible for the improvement of the collection of restitution as determined under Sections 12 and 13 of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017, the Maryland Mediation and Conflict Resolution Office shall study and identify best practices for criminal referrals to mediation, based on experiences across the State and research, and submit a report of its findings and recommendations to the Justice Reinvestment Oversight Board, the Governor, and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 8. AND BE IT FURTHER ENACTED, That, on or before January 1, 2018, the State Commission on Criminal Sentencing Policy shall study how more alternatives to incarceration may be included in the sentencing guidelines and shall submit a report of the findings and recommendations to the Justice Reinvestment Oversight Board, the Governor, and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 9. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services shall:

(1) in consultation with organizations representing businesses dedicated to improving the business climate in Maryland and nonprofit organizations with the mission to develop and advocate policies and programs to increase the skills, job opportunities, and incomes of low-skill and low-income workers and job seekers, review and make recommendations regarding:

(i) potential barriers to employment, licensing, and entrepreneurship for individuals with a criminal record, including the denial, suspension, or revocation of occupational licenses for criminal convictions; and

(ii) the criminalization of occupational license violations, including the practicing of an occupation without a license; and

(2) make recommendations regarding changes to occupational licensing laws that:

(i) promote the State's policy of encouraging employment of workers with a criminal record by removing barriers for applicants seeking to demonstrate fitness for occupational licenses;

(ii) protect the integrity of professional occupations while promoting the State's interest in maintaining public safety and reducing costs and burdens to the criminal justice system;

(iii) promote consistency in and uniform application of the occupational licensing laws across all State agencies, including the State Department of Agriculture, the Department of the Environment, the Department of Health and Mental Hygiene, the Department of Human Resources, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services; and

(iv) on or before December 31, 2016, report the findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 10. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Justice Reinvestment Oversight Board shall expire as follows:

- (1) two members in 2017;
- (2) two members in 2018;
- (3) two members in 2019; and
- (4) two members in 2020.

SECTION 11. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Local Government Justice Reinvestment Commission shall expire as follows:

- (1) six members in 2017;
- (2) six members in 2018;
- (3) six members in 2019; and
- (4) six members in 2020.

SECTION 12. AND BE IT FURTHER ENACTED, That the Governor's Office of Crime Control and Prevention shall:

(1) study the restitution process in the State and make recommendations concerning the restitution process, including:

(i) recommending a process and State unit for collecting data and developing evidence-based practices for restitution collection; and

(ii) recommending methods for developing additional enforcement and data collection technology infrastructure;

(2) determine which State unit should assume the duties currently undertaken by the Division of Parole and Probation and the Central Collection Unit regarding collection of restitution;

(3) determine whether the Criminal Injuries Compensation Board and any other victim services programs should be transferred to another entity, including considering whether a transfer would;

(i) minimize fragmentation of functions that the State government performs on behalf of victims of crime and delinquent acts, while ensuring that services for special populations, including victims of sexual assault and child sexual abuse, are performed by providers with expertise in the area of need; and

(ii) improve the coordination, efficiency, and effectiveness of State assistance to victims of crime and delinquent acts;

(4) consider any other ways to improve the collection of restitution;

(5) review the classifications for larceny-theft under the Uniform Crime Reporting Program to determine how to distinguish shoplifting offenses from theft by organized retail crime rings; and

(6) report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly by December 1, 2016, on its findings and recommendations.

SECTION 13. AND BE IT FURTHER ENACTED, That unless the Governor determines that transferring the collection of restitution from the Division of Parole and Probation and the Central Collection Unit to another State unit will not improve the collection of restitution, the Governor shall order the new State unit to assume the responsibility of collecting restitution by issuing an executive order to reorganize State government under Article II, Section 24 of the Maryland Constitution for the 2017 regular session of the General Assembly. The Governor shall include a provision in the executive order providing that the transfer may not be effective until 30 days after the Governor's Office of Crime Control and Prevention notifies in writing the Governor, the President of the Senate, and the Speaker of the House that the new State unit is able to assume the collection roles and responsibilities.

SECTION 14. AND BE IT FURTHER ENACTED, That § 3-704, § 3-707, and § 3-708 of the Correctional Services Article, as enacted by Section 2 of this Act, shall be construed prospectively to apply only to inmates that are sentenced on or after October 1, 2017.

SECTION 15. AND BE IT FURTHER ENACTED, That on or before March 1 annually, the Administrative Office of the Courts shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on the

number of substance abuse disorder assessments ordered by courts in criminal cases under § 8-505 of the Health – General Article during the previous calendar year.

SECTION 16. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017, the Justice Reinvestment Oversight Board shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on:

(1) the status of the progress toward the implementation of this Act; and

(2) the projected financial impact of the implementation of this Act on local jurisdictions and correctional facilities.

SECTION 17. AND BE IT FURTHER ENACTED, That local correctional facilities shall, in coordination with the Department of Health and Mental Hygiene and local health departments, conduct an analysis to determine the budgetary requirements of this Act and shall report a plan for meeting the budgetary requirements to the General Assembly, in accordance with § 2-1246 of the State Government Article, on or before December 31, 2016.

SECTION 18. AND BE IT FURTHER ENACTED, That Section 2 and Section 4 of this Act shall take effect October 1, 2017.

SECTION 19. AND BE IT FURTHER ENACTED, That, except as provided in Section 18 of this Act, this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 516

(Senate Bill 864)

AN ACT concerning

**Public Safety – Internet Crimes Against Children Task Force Fund –  
Establishment  
(Alicia’s Law)**

FOR the purpose of ~~requiring that each fiscal year a certain portion of unclaimed lottery prizes be distributed to the Internet Crimes Against Children Task Force Fund;~~ establishing the Internet Crimes Against Children Task Force Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Executive Director of the Governor’s Office of Crime Control and Prevention to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller, in conjunction with the Executive Director, to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; beginning

~~in a certain fiscal year, requiring the Governor to include in the annual budget bill an appropriation of not less than a certain amount to the Fund; requiring the Executive Director to establish certain procedures for certain local law enforcement agencies to apply for certain grants; requiring a certain applicant to provide the Executive Director with certain information; requiring that the Fund be distributed in a certain manner; requiring the Executive Director to make grants to local law enforcement agencies for certain purposes based on certain needs; requiring a local law enforcement agency that is awarded a grant to enter into a certain memorandum of understanding; requiring a local law enforcement agency to submit proof of certain grant expenditures to the Executive Director; exempting the Fund from a certain provision of law requiring interest on State money in special funds to accrue to the General Fund of the State; defining certain terms; and generally relating to the establishment and use of the Internet Crimes Against Children Task Force Fund.~~

BY adding to

Article – Public Safety

Section 4–601 through 4–603 to be under the new subtitle “Subtitle 6. Internet Crimes Against Children Task Force Fund”

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland

(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)84. and 85.

Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)86.

Annotated Code of Maryland

(2015 Replacement Volume)

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

~~Article – State Government~~

~~Section 9–122(f)~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

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

**Article – Public Safety****SUBTITLE 6. INTERNET CRIMES AGAINST CHILDREN TASK FORCE FUND.****4-601.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

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

(C) “FUND” MEANS THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE FUND.

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

(E) “TASK FORCE” MEANS THE MARYLAND INTERNET CRIMES AGAINST CHILDREN TASK FORCE ESTABLISHED BY THE DEPARTMENT OF STATE POLICE.

**4-602.**

(A) THERE IS AN INTERNET CRIMES AGAINST CHILDREN TASK FORCE FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE:

(1) GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES FOR SALARIES, TRAINING, AND EQUIPMENT TO BE USED FOR THE INVESTIGATION AND PROSECUTION OF INTERNET CRIMES AGAINST CHILDREN; AND

(2) FUNDING TO SUPPORT THE ONGOING OPERATIONS OF THE TASK FORCE.

(C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

(D) (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) THE FUND CONSISTS OF:

~~(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 9-122 OF THE STATE GOVERNMENT ARTICLE;~~

~~(2)~~ MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

~~(3)~~ (2) INTEREST EARNINGS OF THE FUND; AND

~~(4)~~ (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND SHALL BE DISTRIBUTED ON THE BASIS OF NEED, AS DETERMINED BY THE EXECUTIVE DIRECTOR, IN THE FOLLOWING MANNER:

(1) ~~40% OF THE MONEY IN THE FUND~~ FOR GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES FOR SALARIES, TRAINING, AND EQUIPMENT TO BE USED FOR THE INVESTIGATION AND PROSECUTION OF INTERNET CRIMES AGAINST CHILDREN; ~~AND~~

(2) ~~60% OF THE MONEY IN THE FUND TO BE DISTRIBUTED~~ TO THE TASK FORCE TO SUPPORT THE ONGOING OPERATIONS OF THE TASK FORCE; AND

(3) IN AN AMOUNT NOT GREATER THAN 25% OF THE FUND, TO CHILD ADVOCACY CENTERS, AS ESTABLISHED UNDER § 11-923(H) OF THE CRIMINAL PROCEDURE ARTICLE.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(I) FOR FISCAL YEAR 2018 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF NOT LESS THAN \$2,000,000 TO THE FUND.

~~(J)~~ (J) THE ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

4-603.

~~(A) THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR LOCAL LAW ENFORCEMENT AGENCIES TO APPLY FOR GRANTS FROM THE FUND.~~

~~(B) AN APPLICANT SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH ANY INFORMATION THE EXECUTIVE DIRECTOR CONSIDERS NECESSARY TO MAKE GRANTS FOR SALARIES, TRAINING, AND EQUIPMENT TO BE USED FOR THE INVESTIGATION AND PROSECUTION OF INTERNET CRIMES AGAINST CHILDREN.~~

~~(C) IN ACCORDANCE WITH THE STATE BUDGET, THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES FOR SALARIES, TRAINING, AND EQUIPMENT TO BE USED FOR THE INVESTIGATION AND PROSECUTION OF INTERNET CRIMES AGAINST CHILDREN BASED ON THE COMPARATIVE NEEDS OF EACH LOCAL LAW ENFORCEMENT AGENCY AS DETERMINED FROM THE INFORMATION PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(D)~~ (A) BEFORE THE DISTRIBUTION OF GRANT FUNDS, GRANT RECIPIENTS SHALL EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE TASK FORCE AND AGREE TO WORK WITH THE TASK FORCE, ABIDING BY TASK FORCE GUIDELINES AND PROTOCOLS RELATED TO THE INVESTIGATION AND PROSECUTION OF INTERNET CRIMES AGAINST CHILDREN.

~~(E)~~ (B) AFTER RECEIVING A GRANT AWARD, THE LOCAL LAW ENFORCEMENT AGENCY SHALL SUBMIT A REPORT DETAILING THE USE OF GRANT EXPENDITURES TO THE EXECUTIVE DIRECTOR.

#### Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

84. the Economic Development Marketing Fund; [and]

85. the Military Personnel and Veteran-Owned Small Business No-Interest Loan Fund; AND

86. THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE FUND.

~~Article – State Government~~

~~0-122.~~

~~(f) (1) A prize winner shall claim a prize within 182 days after the drawing in which the prize is won.~~

~~(2) Except as provided in paragraph (3) of this subsection, the Director shall keep an unclaimed prize]:~~

~~(i)] for 182 days after the drawing in which the prize is won, for payment of the winner]; and~~

~~(ii) then in an unclaimed prize fund for use for other prizes].~~

~~(3) For a game that the Agency designates as a bonus game or drawing and that is not a daily or weekly State lottery drawing, the period for claiming a prize may differ from the period set in paragraph (2) of this subsection.~~

~~(4) FOLLOWING THE EXPIRATION OF THE TIME PERIOD UNDER PARAGRAPH (2) OF THIS SUBSECTION, UNCLAIMED PRIZES SHALL BE DISTRIBUTED AS FOLLOWS:~~

~~(I) EACH FISCAL YEAR THE FIRST \$3,000,000 IN UNCLAIMED PRIZES SHALL BE DISTRIBUTED TO THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE FUND ESTABLISHED UNDER TITLE 4, SUBTITLE 6 OF THE PUBLIC SAFETY ARTICLE; AND~~

~~(II) THE REMAINDER OF UNCLAIMED PRIZES SHALL BE DISTRIBUTED TO AN UNCLAIMED PRIZE FUND FOR USE FOR OTHER PRIZES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, May 19, 2016.

**Chapter 517****(Senate Bill 160)**

AN ACT concerning

**Death or Life-Threatening Injury by Motor Vehicle or Vessel – Subsequent Offenders – Penalties**

FOR the purpose of establishing subsequent offender penalties for certain offenses that result in the death or life-threatening injury to another as the result of a certain person driving, operating, or controlling a vehicle or vessel; providing that certain offenses committed in another state or federal jurisdiction are to be considered for the application of certain subsequent offender penalties; and generally relating to death or life-threatening injuries by motor vehicles or vessels.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 2–209, 2–210, 2–503 through 2–506, and 3–211  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Law**

2–209.

(a) In this section, “vehicle” includes a motor vehicle, streetcar, locomotive, engine, and train.

(b) A person may not cause the death of another as a result of the person’s driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.

(c) A violation of this section is manslaughter by vehicle or vessel.

(d) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

**(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, OR § 3–211 OF THIS ARTICLE, OR § 21–902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO**

**IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

**(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-210, § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.**

(e) (1) An indictment or other charging document for manslaughter by vehicle or vessel is sufficient if it substantially states:

“(name of defendant) on (date) in (county) killed (name of victim) in a grossly negligent manner against the peace, government, and dignity of the State.”.

(2) An indictment or other charging document for manslaughter by vehicle or vessel need not set forth the manner or means of death.

2-210.

(a) In this section, “vehicle” includes a motor vehicle, streetcar, locomotive, engine, and train.

(b) A person may not cause the death of another as the result of the person’s driving, operating, or controlling a vehicle or vessel in a criminally negligent manner.

(c) For purposes of this section, a person acts in a criminally negligent manner with respect to a result or a circumstance when:

(1) the person should be aware, but fails to perceive, that the person’s conduct creates a substantial and unjustifiable risk that such a result will occur; and

(2) the failure to perceive constitutes a gross deviation from the standard of care that would be exercised by a reasonable person.

(d) It is not a violation of this section for a person to cause the death of another as the result of the person’s driving, operating, or controlling a vehicle or vessel in a negligent manner.

(e) A violation of this section is criminally negligent manslaughter by vehicle or vessel.

(f) (1) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** 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.

**(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, 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.**

**(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-209, § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.**

2-503.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while:

- (1) under the influence of alcohol; or
- (2) under the influence of alcohol per se.

(b) A violation of this section is:

- (1) homicide by motor vehicle or vessel while under the influence of alcohol;
- or
- (2) homicide by motor vehicle or vessel while under the influence of alcohol per se.

(c) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

**(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

**(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-209, § 2-210, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.**

2-504.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while impaired by alcohol.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by alcohol.

(c) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

**(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, 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.**

**(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.**

2-505.

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

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by drugs.

(c) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

**(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, 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.**

**(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.**

(d) It is not a defense to a charge of violating this section that the person is or was entitled under the laws of this State to use a drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug, combination of drugs, or combination of one or more drugs and alcohol would make the person incapable of driving, operating, or controlling a motor vehicle or vessel in a safe manner.

2-506.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance, as defined in § 5-101 of this article.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by a controlled dangerous substance.

(c) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

**(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, 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.**

**(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.**

(d) This section does not apply to a person who is entitled to use the controlled dangerous substance under the laws of this State.

3-211.

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

(2) “Under the influence of alcohol per se” means having an alcohol concentration at the time of testing of at least 0.08 as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(3) (i) “Vessel” means any watercraft that is used or is capable of being used as a means of transportation on water or ice.

(ii) “Vessel” does not include a seaplane.

(b) (1) For purposes of determining alcohol concentration under this section, if the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court shall convert the measurement into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

(2) The presumptions and evidentiary rules of §§ 10-302, 10-306, 10-307, and 10-308 of the Courts Article apply to a person charged under this section.

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

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(2) A violation of this subsection is life-threatening injury by motor vehicle or vessel while:

- (i) under the influence of alcohol; or
- (ii) under the influence of alcohol per se.

(3) **(I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** A person who violates this subsection 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.

**(II) A PERSON WHO VIOLATES THIS SUBSECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, OR § 2–506 OF THIS ARTICLE, OR § 21–902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

(d) (1) A person may not cause a life–threatening injury to another as a result of the person’s negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by alcohol.

(2) A violation of this subsection is life–threatening injury by motor vehicle or vessel while impaired by alcohol.

(3) **(I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

**(II) A PERSON WHO VIOLATES THIS SUBSECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, OR § 2–506 OF THIS ARTICLE, OR § 21–902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

(e) (1) A person may not cause a life–threatening injury to another as a result of the person’s negligently driving, operating, or controlling a motor vehicle or vessel while the person is so far impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(2) A violation of this subsection is life–threatening injury by motor vehicle or vessel while impaired by drugs.

(3) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

(II) A PERSON WHO VIOLATES THIS SUBSECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR § 2-506 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

(f) (1) This subsection does not apply to a person who is entitled to use the controlled dangerous substance under the laws of the State.

(2) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance as defined in § 5-101 of this article.

(3) A violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance.

(4) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A person who violates this subsection 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.

(II) A PERSON WHO VIOLATES THIS SUBSECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR § 2-506 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

(G) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBSECTION (C), (D), (E), OR (F) OF THIS SECTION, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR § 2-506 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 518

### (House Bill 157)

AN ACT concerning

#### **Death or Life-Threatening Injury by Motor Vehicle or Vessel – Subsequent Offenders – Penalties**

FOR the purpose of establishing subsequent offender penalties for certain offenses that result in the death of or life-threatening injury to another as the result of a certain person driving, operating, or controlling a vehicle or vessel; providing that certain offenses committed in another state or federal jurisdiction are to be considered for the application of certain subsequent offender penalties; and generally relating to death or life-threatening injuries by motor vehicles or vessels.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 2–209, 2–210, 2–503 through 2–506, and 3–211

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

#### **Article – Criminal Law**

2–209.

(a) In this section, “vehicle” includes a motor vehicle, streetcar, locomotive, engine, and train.

(b) A person may not cause the death of another as a result of the person’s driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.

(c) A violation of this section is manslaughter by vehicle or vessel.

(d) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

**(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-210, § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

**(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-210, § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.**

(e) (1) An indictment or other charging document for manslaughter by vehicle or vessel is sufficient if it substantially states:

“(name of defendant) on (date) in (county) killed (name of victim) in a grossly negligent manner against the peace, government, and dignity of the State.”.

(2) An indictment or other charging document for manslaughter by vehicle or vessel need not set forth the manner or means of death.

2-210.

(a) In this section, “vehicle” includes a motor vehicle, streetcar, locomotive, engine, and train.

(b) A person may not cause the death of another as the result of the person’s driving, operating, or controlling a vehicle or vessel in a criminally negligent manner.

(c) For purposes of this section, a person acts in a criminally negligent manner with respect to a result or a circumstance when:

(1) the person should be aware, but fails to perceive, that the person’s conduct creates a substantial and unjustifiable risk that such a result will occur; and

(2) the failure to perceive constitutes a gross deviation from the standard of care that would be exercised by a reasonable person.

(d) It is not a violation of this section for a person to cause the death of another as the result of the person’s driving, operating, or controlling a vehicle or vessel in a negligent manner.

(e) A violation of this section is criminally negligent manslaughter by vehicle or vessel.

(f) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** 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.

**(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, 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.**

**(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-209, § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.**

2-503.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while:

- (1) under the influence of alcohol; or
- (2) under the influence of alcohol per se.

(b) A violation of this section is:

- (1) homicide by motor vehicle or vessel while under the influence of alcohol;
- or
- (2) homicide by motor vehicle or vessel while under the influence of alcohol per se.

(c) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

**(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

**(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-209, § 2-210, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.**

2-504.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while impaired by alcohol.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by alcohol.

(c) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

**(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, 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.**

**(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-505, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.**

2-505.

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

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by drugs.

(c) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

**(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, 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.**

**(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-506, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.**

(d) It is not a defense to a charge of violating this section that the person is or was entitled under the laws of this State to use a drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug, combination of drugs, or combination of one or more drugs and alcohol would make the person incapable of driving, operating, or controlling a motor vehicle or vessel in a safe manner.

2-506.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance, as defined in § 5-101 of this article.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by a controlled dangerous substance.

(c) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, 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.

(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF COMMITTED IN THIS STATE WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR § 3-211 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.

(d) This section does not apply to a person who is entitled to use the controlled dangerous substance under the laws of this State.

3-211.

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

(2) “Under the influence of alcohol per se” means having an alcohol concentration at the time of testing of at least 0.08 as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(3) (i) “Vessel” means any watercraft that is used or is capable of being used as a means of transportation on water or ice.

(ii) “Vessel” does not include a seaplane.

(b) (1) For purposes of determining alcohol concentration under this section, if the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court shall convert the measurement into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

(2) The presumptions and evidentiary rules of §§ 10-302, 10-306, 10-307, and 10-308 of the Courts Article apply to a person charged under this section.

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

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(2) A violation of this subsection is life-threatening injury by motor vehicle or vessel while:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(3) **(I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A person who violates this subsection 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.**

**(II) A PERSON WHO VIOLATES THIS SUBSECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR § 2-506 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

(d) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by alcohol.

(2) A violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by alcohol.

(3) **(I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.**

**(II) A PERSON WHO VIOLATES THIS SUBSECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR § 2-506 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

(e) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while

the person is so far impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(2) A violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by drugs.

(3) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

(II) A PERSON WHO VIOLATES THIS SUBSECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR § 2-506 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

(f) (1) This subsection does not apply to a person who is entitled to use the controlled dangerous substance under the laws of the State.

(2) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance as defined in § 5-101 of this article.

(3) A violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance.

(4) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A person who violates this subsection 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.

(II) A PERSON WHO VIOLATES THIS SUBSECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR § 2-506 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

(G) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT OFFENDER PENALTIES UNDER SUBSECTION (C), (D), (E), OR (F) OF THIS SECTION, A CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL

JURISDICTION THAT, IF COMMITTED IN THIS STATE WOULD CONSTITUTE A VIOLATION OF THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR § 2-506 OF THIS ARTICLE, OR § 21-902 OF THE TRANSPORTATION ARTICLE, SHALL BE CONSIDERED A VIOLATION OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 519

(House Bill 1016)

AN ACT concerning

### Public Safety and Policing Workgroup – Recommendations

FOR the purpose of ~~adding to the individuals who may be a certain investigating officer or interrogating officer;~~ *prohibiting certain retaliatory action against a law enforcement officer who discloses certain information; prohibiting a law enforcement officer with knowledge of certain disclosures to undertake an independent investigation;* requiring a certain complaint against a law enforcement officer to be signed under the penalty of perjury instead of before an official authorized to administer oaths; authorizing an individual who has a certain video recording to file a certain complaint against a law enforcement officer; altering the time period within which a certain complaint against a law enforcement officer may be filed; altering the number of days that a certain interrogation shall be suspended under certain circumstances; *authorizing the appointment to a certain hearing board a member of the public who has received certain training* ~~authorizing the appointment to a certain hearing board of a member of the public who has received certain training;~~ requiring that, in the case of a complaint alleging brutality, a certain hearing board consist of certain members, chosen from a certain pool of law enforcement officers in a certain manner; ~~altering the membership of a certain hearing board; requiring a hearing board formed in a certain manner to include a certain member;~~ requiring that a certain hearing be open to the public, ~~with a certain exception~~ *except under certain circumstances;* ~~removing the Police Training Commission from the Department of Public Safety and Correctional Services to become an independent unit in the Executive Department;~~ renaming the Police Training Commission the Maryland Police Training and Standards Commission; *establishing the Maryland Police Training and Standards Commission as an independent commission that functions in the Department of Public Safety and Correctional Services;* repealing certain authority of the Secretary of Public Safety and Correctional Services; altering the composition of the *Maryland Police Training and Standards* Commission; requiring the election of a chair of the *Maryland Police Training and Standards* Commission; *requiring the Maryland*

*Police Training and Standards Commission* ~~and the Correctional Training Commission~~ to appoint an executive director with the approval of the Governor, rather than the Secretary; altering the powers and duties of the *Maryland Police Training and Standards Commission*; requiring the *Maryland Police Training and Standards Commission* to develop a certain reporting system by which certain law enforcement agencies shall report certain serious incidents and officer disciplinary actions; requiring the *Maryland Police Training and Standards Commission*, in consultation with the Department of Health and Mental Hygiene, to develop a certain hotline for certain purposes; requiring the *Maryland Police Training and Standards Commission* to establish a certain police complaint mediation program; requiring the *Maryland Police Training and Standards Commission* to develop best practices for the establishment and implementation of certain community policing programs and to develop a system by which each ~~local~~ *local* law enforcement agency annually files a certain description of the ~~local~~ *local* law enforcement agency's community policing program; requiring the *Maryland Police Training and Standards Commission* to review certain community policing programs and provide certain feedback regarding the programs; requiring the *Maryland Police Training and Standards Commission* to develop a certain uniform citizen complaint process; requiring the *Maryland Police Training and Standards Commission* to develop and administer a training program ~~on the Law Enforcement Officers' Bill of Rights for certain citizens on matters relating to police procedures for certain citizens and administrative law judges~~ *on the Law Enforcement Officers' Bill of Rights for certain citizens*; adding the submission to a certain psychological evaluation to the requirements for certification as a police officer; ~~prohibiting a law enforcement agency from requiring a certain individual to undergo certain additional training under certain circumstances~~; requiring each law enforcement agency to ~~require~~ *ensure that a certain incident report is filed by or on behalf of* a certain law enforcement officer ~~to file a certain incident report~~ *to file a certain incident report* at a certain time, with a certain exception; requiring each law enforcement agency to post certain policies and collective bargaining agreements on certain Web sites; ~~authorizing a chief to prohibit certain posting of certain information under certain circumstances~~; requiring each law enforcement agency to establish a certain policy for counseling certain officers; requiring each ~~local~~ *local* law enforcement agency to adopt a certain community policing program and to post and file certain information about the program in a certain manner; requiring each law enforcement agency to annually report certain information to the *Maryland Police Training and Standards Commission* regarding certain officer-involved incidents and officer discipline; requiring each law enforcement agency to adopt a certain uniform complaint process and post a certain complaint process on its Web site under certain circumstances; establishing the Community ~~Law Enforcement~~ Program Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Executive Director of the Governor's Office of Crime Control and Prevention to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; requiring the Governor each fiscal year to include in the annual budget bill an appropriation of a certain amount to the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Executive

Director to establish a certain application procedure; requiring ~~a local law enforcement~~ *an* agency that makes a certain application to provide the Executive Director with certain information; requiring the Executive Director to make certain grants to certain ~~local law enforcement~~ agencies in a certain manner; requiring ~~local law enforcement~~ agencies to submit certain proof to the Executive Director; providing that money distributed from the Fund is to supplement and not supplant any other funding; requiring the Governor's Office of Crime Control and Prevention and the Maryland Police Training and Standards Commission to provide certain technical assistance to certain ~~law enforcement~~ agencies; ~~requiring the Executive Director to report to the General Assembly on or before a certain date on the distribution of money from the Fund~~; exempting the Fund from a certain provision of law requiring interest on State money in special funds to accrue to the General Fund of the State; ~~prohibiting a supervisor, an appointing authority, and the head of a certain law enforcement agency from threatening or taking certain retaliatory actions against a certain law enforcement officer who discloses certain information or seeks a certain remedy~~; providing that certain protections apply to certain disclosures only under certain circumstances; requiring a law enforcement agency to provide certain law enforcement officers a copy of a certain subtitle under certain circumstances; authorizing a certain law enforcement officer to file a civil action against a certain law enforcement agency for certain relief under certain circumstances; authorizing the law enforcement officer to seek certain statutory damages instead of certain relief; providing that, under certain circumstances, the law enforcement agency has the burden of proving by clear and convincing evidence that certain personnel actions would have occurred despite a certain disclosure; requiring the trier of fact to consider certain factors in awarding certain statutory damages; authorizing the court to award certain relief and damages to the law enforcement officer under certain circumstances; requiring the court to issue a certain injunction under certain circumstances; authorizing a court to award certain attorney's fees and litigation expenses to a law enforcement agency under certain circumstances; providing that this Act may not be construed to diminish certain rights, privileges, or remedies; requiring the Attorney General to take certain actions for certain purposes; providing that this Act does not preclude certain actions or prohibit certain personnel actions; allowing a subtraction modification under the State income tax for certain income earned by certain law enforcement officers in certain political subdivisions under certain circumstances; requiring the Maryland Police Training and Standards Commission on certain dates to certify to the Comptroller the political subdivisions in which the crime rate exceeds the State's crime rate; providing for the continuity of the terms of office of certain appointed or elected persons; providing for the continuity of certain transactions, rights, duties, titles, and interests; providing for the continuity of the status of certain rules, regulations, and other associated duties and responsibilities affected by this Act; providing for the continuity of certain persons and schools certified by the Maryland Police Training and Standards Commission; ~~providing for the application of this Act~~; ~~requiring the Governor's Office of Crime Control and Prevention to conduct a certain study relating to best practices for the composition of law enforcement disciplinary hearing boards and submit a certain report~~; declaring the intent of the General

*Assembly*; defining certain terms; making conforming changes; and generally relating to public safety and policing.

BY repealing and reenacting, with amendments,  
Article – Correctional Services  
Section 2–201 ~~and 8–206(a)~~  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

~~*BY repealing and reenacting, without amendments,  
Article – Correctional Services  
Section 8–201(a) and (e)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)*~~

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section ~~3–104(e) 3–104(b), (c), 3–103(d), 3–104(c)~~ and (j), 3–107, 3–201, 3–202, 3–204,  
and 3–206 through 3–209  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing  
Article – Public Safety  
Section 3–203  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Public Safety  
Section 3–203 and 3–514 through 3–519; ~~3–801 through 3–806 to be under the new  
subtitle “Subtitle 8. Whistleblower Protections”; and 4–601 through 4–604  
4–603 to be under the new subtitle “Subtitle 6. Community Law Enforcement  
Program Fund”~~  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 6–226(a)(2)(i)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 6–226(a)(2)(ii)84. and 85.  
Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)86.

Annotated Code of Maryland

(2015 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 10–207(a)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

BY adding to

Article – Tax – General

Section 10–207(cc)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

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

### **Article – Correctional Services**

2–201.

The following units are in the Department:

- (1) the Division of Correction;
- (2) the Division of Parole and Probation;
- (3) the Division of Pretrial Detention and Services;
- (4) the Patuxent Institution;
- (5) the Board of Review for Patuxent Institution;
- (6) the Maryland Commission on Correctional Standards;
- (7) the Correctional Training Commission;
- (8) ~~the~~ MARYLAND Police Training AND STANDARDS Commission;
- (9)~~†~~ the Maryland Parole Commission;

- ~~[(10)] (9)~~ the Criminal Injuries Compensation Board;
- ~~[(11)] (10)~~ the Emergency Number Systems Board;
- ~~[(12)] (11)~~ the Sundry Claims Board;
- ~~[(13)] (12)~~ the Inmate Grievance Office; and
- ~~[(14)] (13)~~ any other unit that by law is declared to be part of the Department.

~~§ 201.~~

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

~~(c) *“Commission” means the Correctional Training Commission.*~~

~~§ 206.~~

~~(a) (1) *With the approval of the [Secretary] GOVERNOR, the Commission shall appoint an Executive Director.*~~

~~(2) *The Executive Director shall perform general administrative functions.*~~

~~(3) *The Executive Director serves at the pleasure of the Commission.*~~

### Article – Public Safety

~~3-103.~~

~~(d) (1) *A law enforcement officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the law enforcement officer’s employment or be threatened with that treatment because the law enforcement officer:*~~

~~[(1)] (I) *has exercised or demanded the rights granted by this subtitle; [or]*~~

~~[(2)] (II) *has lawfully exercised constitutional rights; OR*~~

~~(III) *HAS DISCLOSED INFORMATION THAT EVIDENCES:*~~

~~1. *GROSS MISMANAGEMENT;*~~

~~2. *A GROSS WASTE OF GOVERNMENT RESOURCES;*~~

3. A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY; OR

4. A VIOLATION OF LAW COMMITTED BY ANOTHER LAW ENFORCEMENT OFFICER.

(2) A LAW ENFORCEMENT OFFICER MAY NOT UNDERTAKE AN INDEPENDENT INVESTIGATION BASED ON KNOWLEDGE OF DISCLOSURES DESCRIBED IN PARAGRAPH (1)(III) OF THIS SUBSECTION.

3-104.

~~(b) For purposes of this section, the investigating officer or interrogating officer shall be:~~

~~(1) a sworn law enforcement officer; [or]~~

~~(2) if requested by the Governor, the Attorney General or Attorney General's designee;~~

~~(3) A REPRESENTATIVE OR EMPLOYEE OF A LAW ENFORCEMENT AGENCY; OR~~

~~(4) A REPRESENTATIVE OF A CIVILIAN REVIEW BOARD ESTABLISHED UNDER STATE OR LOCAL LAW.~~

(c) (1) A complaint against a law enforcement officer that alleges brutality in the execution of the law enforcement officer's duties may not be investigated unless the complaint is SIGNED AND sworn to, [before an official authorized to administer oaths] UNDER PENALTY OF PERJURY, by:

(i) the aggrieved individual;

(ii) a member of the aggrieved individual's immediate family;

(iii) an individual with firsthand knowledge obtained because the individual:

1. was present at and observed the alleged incident; OR

2. HAS ~~A AN UNALTERED~~ A VIDEO RECORDING OF THE INCIDENT THAT, TO THE BEST OF THE INDIVIDUAL'S KNOWLEDGE, IS UNALTERED; or

(iv) the parent or guardian of the minor child, if the alleged incident involves a minor child.

(2) Unless a complaint is filed within [90] **366** days after the alleged brutality, an investigation that may lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken.

(j) (1) (i) On request, the law enforcement officer under interrogation has the right to be represented by counsel or another responsible representative of the law enforcement officer's choice who shall be present and available for consultation at all times during the interrogation.

(ii) The law enforcement officer may waive the right described in subparagraph (i) of this paragraph.

(2) (i) The interrogation shall be suspended for a period not exceeding [10] **5 BUSINESS** days until representation is obtained.

(ii) Within that [10-day] ~~5-DAY~~ **5 BUSINESS DAY** period, the chief for good cause shown may extend the period for obtaining representation.

(3) During the interrogation, the law enforcement officer's counsel or representative may:

(i) request a recess at any time to consult with the law enforcement officer;

(ii) object to any question posed; and

(iii) state on the record outside the presence of the law enforcement officer the reason for the objection.

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.

(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.

~~(e) (1) Except as provided in [paragraph (4)] PARAGRAPHS (4) AND (5) 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, OR MEMBERS OF THE PUBLIC WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS; 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 A LAW ENFORCEMENT OFFICER of the same rank as the law enforcement officer against whom the complaint is filed THE FOLLOWING FOUR MEMBERS, WHO ARE APPOINTED BY THE CHIEF AND HAVE HAD NO PART IN THE INVESTIGATION OR INTERROGATION OF THE LAW ENFORCEMENT OFFICER:~~

~~(I) A LAW ENFORCEMENT OFFICER OF THE SAME RANK AS THE LAW ENFORCEMENT OFFICER AGAINST WHOM THE COMPLAINT IS FILED, 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;~~

~~(II) ANOTHER LAW ENFORCEMENT OFFICER, 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;~~

~~(III) 1. AN ADMINISTRATIVE LAW JUDGE WHO HAS RECEIVED TRAINING FROM THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION IN MATTERS RELATING TO POLICE PROCEDURES; OR~~

~~2. A RETIRED JUDGE; AND~~

~~(IV) A CITIZEN WHO HAS RECEIVED TRAINING FROM THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION IN MATTERS RELATING TO POLICE PROCEDURES.~~

~~(2) THE CITIZEN MEMBER OF THE HEARING BOARD SHALL SERVE IN AN ADVISORY CAPACITY AND MAY NOT VOTE, BUT MAY PARTICIPATE IN ALL DELIBERATIONS OF THE HEARING BOARD.~~

~~(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) 1. A SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, 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.~~

~~2. A HEARING BOARD FORMED UNDER THIS PARAGRAPH SHALL INCLUDE A CITIZEN MEMBER WHO HAS RECEIVED TRAINING FROM THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION IN MATTERS RELATING TO POLICE PROCEDURES AND WHO SHALL SERVE IN AN ADVISORY CAPACITY AND MAY NOT VOTE BUT MAY PARTICIPATE IN ALL DELIBERATIONS OF THE 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) IN THE CASE OF A COMPLAINT ALLEGING BRUTALITY, THE HEARING BOARD AUTHORIZED UNDER THIS SECTION SHALL CONSIST OF THREE MEMBERS, SELECTED FROM A POOL OF LAW ENFORCEMENT OFFICERS OF ANOTHER LAW ENFORCEMENT AGENCY:**~~

~~**(I) ONE OF WHOM IS CHOSEN BY THE CHIEF;**~~

~~**(II) ONE OF WHOM IS CHOSEN BY THE LAW ENFORCEMENT OFFICER AGAINST WHOM THE COMPLAINT IS FILED; AND**~~

~~**(III) ONE OF WHOM IS MUTUALLY AGREED ON.**~~

(c) (1) Except as provided in paragraph [(4)] (5) of this subsection and in § 3-111 of this subtitle, the hearing board authorized under this section shall consist of at least three VOTING 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) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CHIEF MAY APPOINT, AS A NONVOTING MEMBER OF THE HEARING BOARD, ONE MEMBER OF THE PUBLIC WHO HAS RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.**

**(II) IF AUTHORIZED BY LOCAL LAW, A HEARING BOARD FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE UP TO TWO VOTING OR NONVOTING MEMBERS OF THE PUBLIC WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.**

**(4) (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)] (5) (i) 1. 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.**

**2. A HEARING BOARD FORMED UNDER THIS PARAGRAPH MAY INCLUDE UP TO TWO VOTING OR NONVOTING MEMBERS OF THE PUBLIC, APPOINTED BY THE CHIEF, WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.**

**(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.

(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 UNLESS THE CHIEF DETERMINES AND PROVIDES NOTICE THAT A HEARING SHOULD BE CLOSED TO PROTECT THE IDENTITY OR SAFETY OF A~~

~~WITNESS OR AN UNDERCOVER LAW ENFORCEMENT OFFICER, THE hearing shall be conducted by a hearing board AND BE OPEN TO THE PUBLIC.~~

(e) (1) The hearing shall be:

(I) conducted by a hearing board; AND

(II) OPEN TO THE PUBLIC, UNLESS THE CHIEF FINDS A HEARING MUST BE CLOSED FOR GOOD CAUSE, INCLUDING TO PROTECT A CONFIDENTIAL INFORMANT, AN UNDERCOVER OFFICER, OR A CHILD WITNESS.

(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.

3-201.

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

(b) "Commission" means the **MARYLAND** Police Training **AND STANDARDS** Commission.

(c) ~~¶~~"Department" means the Department of Public Safety and Correctional Services.

~~(d)¶~~ (1) "Law enforcement agency" means a governmental police force, sheriff's office, or security force or law enforcement organization of the State, a county, or a municipal corporation that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the State.

(2) "Law enforcement agency" does not include members of the Maryland National Guard who:

(i) are under the control and jurisdiction of the Military Department;

(ii) are assigned to the military property designated as the Glenn L. Martin State Airport; and

(iii) are charged with exercising police powers in and for the Glenn L. Martin State Airport.

~~[(e)] (D)~~

(1) “Police officer” means an individual who:

(i) is authorized to enforce the general criminal laws of the State;

and

(ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;
2. the Police Department of Baltimore City;
3. the police department, bureau, or force of a county;
4. the police department, bureau, or force of a municipal corporation;
5. the Maryland Transit Administration police force;
6. the Maryland Transportation Authority Police;
7. the police forces of the University System of Maryland;
8. the police force of Morgan State University;
9. the office of the sheriff of a county;
10. the police forces of the Department of Natural Resources;
11. the police force of the Maryland Capitol Police of the Department of General Services;
12. the police force of a State, county, or municipal corporation if the special police officers are appointed under Subtitle 3 of this title;
13. the Housing Authority of Baltimore City Police Force;
14. the Baltimore City School Police Force;
15. the Crofton Police Department;
16. the police force of the Department of Labor, Licensing, and Regulation;

- Force;
17. the Washington Suburban Sanitary Commission Police
  18. the Ocean Pines Police Department;
  19. the police force of the Baltimore City Community College;
  20. the police force of the Hagerstown Community College;
  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.

(2) “Police officer” includes:

- Office;
- (i) a member of the Field Enforcement Bureau of the Comptroller’s
  - (ii) the State Fire Marshal or a deputy State fire marshal;
  - (iii) an investigator of the Intelligence and Investigative Division of the Department;
  - (iv) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;
  - (v) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;
  - (vi) a Prince George’s County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article;
  - (vii) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article; and
  - (viii) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article.

(3) “Police officer” does not include:

- (i) an individual who serves as a police officer only because the individual occupies another office or position;
- (ii) a sheriff, the Secretary of State Police, a commissioner of police, a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of

police, or another individual with an equivalent title who is appointed or employed by a government to exercise equivalent supervisory authority; or

(iii) a member of the Maryland National Guard who:

1. is under the control and jurisdiction of the Military Department;

2. is assigned to the military property designated as the Glenn L. Martin State Airport; and

3. is charged with exercising police powers in and for the Glenn L. Martin State Airport.

[(f) “Secretary” means the Secretary of Public Safety and Correctional Services.]

3–202.

There is a **MARYLAND** Police Training **AND STANDARDS** Commission, **WHICH IS AN INDEPENDENT ~~UNIT~~ COMMISSION THAT FUNCTIONS** in the **~~EXECUTIVE~~** Department.

[3–203.

(a) (1) The Commission consists of 16 members.

(2) Of the 16 members of the Commission:

(i) one shall be the President of the Maryland Chiefs of Police Association;

(ii) one shall be the President of the Maryland Sheriffs Association;

(iii) one shall be the President of the Maryland Law Enforcement Officers, Inc.;

(iv) one shall be the Attorney General of the State;

(v) one shall be the Secretary of State Police;

(vi) one shall be the Police Commissioner of Baltimore City;

(vii) one shall be the Chancellor of the University System of Maryland;

(viii) one shall be the agent in charge of the Baltimore office of the FBI;

(ix) one shall be the President of the Eastern Shore Police Association;

(x) one shall represent the Maryland State Lodge of Fraternal Order of Police;

(xi) one shall be the Secretary of Public Safety and Correctional Services;

(xii) one shall be the Chairman of the Maryland Municipal League Police Executive Association;

(xiii) three shall be police officials of the State appointed under subsection (b) of this section; and

(xiv) one shall be the President of the Police Chiefs' Association of Prince George's County.

(b) (1) The Secretary shall appoint the three police officials to be members of the Commission with the approval of the Governor and the advice and consent of the Senate.

(2) The three members appointed under paragraph (1) of this subsection shall represent different geographic areas of the State.

(c) (1) The term of a member who is appointed under subsection (b) of this section is 3 years.

(2) The terms of the members who are appointed under subsection (b) of this section are staggered as required by the terms provided for members of the Commission on October 1, 2003.

(3) At the end of a term, a member who is appointed under subsection (b) of this section 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 remainder of the term and until a successor is appointed and qualifies.

(d) Except for the three members appointed by the Secretary under subsection (b) of this section, a member of the Commission may serve personally at a Commission meeting or may designate a representative from the member's unit, agency, or association who may act at any meeting to the same effect as if the member were personally present.]

### **3-203.**

#### **(A) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:**

- (1) THE PRESIDENT OF THE MARYLAND CHIEFS OF POLICE ASSOCIATION;
- (2) THE PRESIDENT OF THE MARYLAND SHERIFFS ASSOCIATION;
- (3) THE ATTORNEY GENERAL OF THE STATE;
- (4) THE SECRETARY OF STATE POLICE;
- (5) THE AGENT IN CHARGE OF THE BALTIMORE OFFICE OF THE FEDERAL BUREAU OF INVESTIGATION;
- (6) ONE MEMBER REPRESENTING THE MARYLAND STATE LODGE OF FRATERNAL ORDER OF POLICE;
- (7) ONE MEMBER REPRESENTING THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION;
- (8) THE CHAIR OF THE MARYLAND MUNICIPAL LEAGUE POLICE EXECUTIVE ASSOCIATION;
- (9) THE ~~EXECUTIVE DIRECTOR OF THE MARYLAND MUNICIPAL LEAGUE~~ PRESIDENT OF MARYLAND LAW ENFORCEMENT OFFICERS, INC.;
- ~~(10) THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF COUNTIES;~~
- ~~(11) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND;~~
- (10) THE POLICE COMMISSIONER OF BALTIMORE CITY;
- (11) THE PRESIDENT OF THE POLICE CHIEFS' ASSOCIATION OF PRINCE GEORGE'S COUNTY;
- (12) A REPRESENTATIVE FROM THE WOR-WIC PROGRAM ADVISORY COMMITTEE – CRIMINAL JUSTICE;
- ~~(12)~~ (13) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;
- ~~(12)~~ ~~(13)~~ (14) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

~~(13)~~ ~~(14)~~ **(15)** THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE:

(I) ~~THREE FIVE~~ **THREE** POLICE OFFICERS, REPRESENTING ~~DIFFERENT GEOGRAPHIC AREAS OF THE STATE RACIAL, GENDER, GEOGRAPHIC, AND OTHER FORMS OF DIVERSITY~~ **DIFFERENT GEOGRAPHIC AREAS OF THE STATE;**

(II) ONE INDIVIDUAL WITH EXPERTISE IN COMMUNITY POLICING;

(III) ONE INDIVIDUAL WITH EXPERTISE IN POLICING STANDARDS;

(IV) ONE INDIVIDUAL WITH EXPERTISE IN MENTAL HEALTH; AND

(V) TWO CITIZENS OF THE STATE WITHOUT RELATIONSHIPS TO LAW ENFORCEMENT.

(B) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 2016.

(3) AT THE END OF A TERM, AN APPOINTED 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 REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(C) EXCEPT FOR THE APPOINTED MEMBERS, A MEMBER OF THE COMMISSION MAY SERVE PERSONALLY AT A COMMISSION MEETING OR MAY DESIGNATE A REPRESENTATIVE FROM THE MEMBER'S UNIT, AGENCY, OR ASSOCIATION WHO MAY ACT AT ANY MEETING TO THE SAME EFFECT AS IF THE MEMBER WERE PERSONALLY PRESENT.

**(D) THE MEMBERS OF THE COMMISSION APPOINTED FROM THE SENATE OF MARYLAND AND THE HOUSE OF DELEGATES SHALL SERVE IN AN ADVISORY CAPACITY ONLY.**

3-204.

[(a) The Secretary of State Police is the chairman of the Commission.

(b)] The Commission annually shall elect a [vice chairman] **CHAIR AND VICE CHAIR** from among its ~~VOTING~~ members.

3–206.

(a) (1) [~~With the approval of the Secretary~~ **GOVERNOR**, the] ~~THE~~ Commission shall appoint an executive director.

(2) The executive director shall perform general administrative and training management functions.

(3) The executive director serves at the pleasure of the Commission.

(b) (1) [~~With the approval of the Secretary, the]~~ **THE** Commission shall appoint a deputy director and any other employees that the Commission considers necessary to perform general administrative and training management functions.

(2) The deputy director and other employees appointed under paragraph (1) of this subsection shall serve at the pleasure of the Commission.

(c) In accordance with the State budget, the Commission may set the compensation of:

(1) the executive director and the deputy director; and

(2) a Commission employee in a position that:

(i) is unique to the Commission;

(ii) requires specific skills or experience to perform the duties of the position; and

(iii) does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(d) The Secretary of Budget and Management, in consultation with the Commission, shall determine the positions for which the Commission may set compensation under subsection (c) of this section.

3–207.

(A) [~~Subject to the authority of the Secretary, the]~~ **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, 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;

**(17) TO REQUIRE, FOR ENTRANCE-LEVEL POLICE TRAINING AND AT LEAST EVERY 2 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 OF ANTIDISCRIMINATION AND USE OF FORCE DE-ESCALATION TRAINING;**

**[(17)] (18)** 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]**

**(19) TO REVIEW THE NATIONAL INSTITUTE OF JUSTICE EXAMPLE USE OF FORCE CONTINUUM AND ADOPT, IN REGULATION, ADOPT AND RECOMMEND A SET OF BEST PRACTICES AND STANDARDS FOR USE OF FORCE;**

**(20) TO EVALUATE AND MODERNIZE RECRUITMENT STANDARDS AND PRACTICES OF LAW ENFORCEMENT AGENCIES TO INCREASE DIVERSITY WITHIN THOSE LAW ENFORCEMENT AGENCIES AND DEVELOP ~~MEDIA~~ STRATEGIES FOR RECRUITING WOMEN AND AFRICAN AMERICAN, HISPANIC OR LATINO, AND OTHER MINORITY CANDIDATES;**

**(21) TO DEVELOP STANDARDS FOR:**

**~~(I)~~ THE MANDATORY PSYCHOLOGICAL EVALUATION OF A LAW ENFORCEMENT OFFICER WHO ~~HAS BEEN~~ WAS ACTIVELY INVOLVED IN A TRAUMATIC AN INCIDENT WHEN ANOTHER PERSON WAS SERIOUSLY INJURED OR KILLED AS A RESULT OF AN ACCIDENT OR A SHOOTING OR HAS RETURNED FROM COMBAT DEPLOYMENT; AND**

**~~(II) THE PERIODIC PSYCHOLOGICAL EVALUATION OF ALL LAW ENFORCEMENT OFFICERS, IF DETERMINED BY THE COMMISSION TO BE APPROPRIATE; AND~~**

**[(18)] (22)** to perform any other act, INCLUDING ADOPTING REGULATIONS, that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle.

(B) (1) THE COMMISSION SHALL DEVELOP A SYSTEM BY WHICH LAW ENFORCEMENT AGENCIES REPORT TO THE COMMISSION ON THE NUMBER OF SERIOUS OFFICER-INVOLVED INCIDENTS EACH YEAR, ~~INCLUDING INCIDENTS IN WHICH AN OFFICER IS THE VICTIM,~~ THE NUMBER OF OFFICERS DISCIPLINED EACH YEAR, AND THE TYPE OF DISCIPLINE ADMINISTERED TO THOSE OFFICERS.

(2) THE COMMISSION SHALL ANNUALLY SUMMARIZE THE INFORMATION SUBMITTED BY LAW ENFORCEMENT AGENCIES AND:

(I) POST THE SUMMARY, *EXCLUDING THE NAMES OF OFFICERS AND OTHER INVOLVED PARTIES*, ON A WEB SITE MAINTAINED BY THE COMMISSION; AND

(II) SUBMIT THE SUMMARY TO THE GENERAL ASSEMBLY, AS PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

(C) IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE COMMISSION SHALL ESTABLISH A CONFIDENTIAL HOTLINE THAT IS AVAILABLE FOR POLICE OFFICERS AND OTHER LAW ENFORCEMENT PERSONNEL TO CONTACT AND SPEAK WITH A TRAINED PEER LAW ENFORCEMENT OFFICER OR A MENTAL HEALTH PROFESSIONAL WHO MAY PROVIDE INITIAL COUNSELING ADVICE AND CONFIDENTIAL REFERRAL TO APPROPRIATE SERVICES.

(D) THE COMMISSION SHALL:

(1) ESTABLISH A POLICE COMPLAINT MEDIATION PROGRAM TO WHICH A LAW ENFORCEMENT AGENCY MAY REFER, ~~SUBJECT TO THE AGREEMENT OF THE COMPLAINANT,~~ A NONVIOLENT COMPLAINT MADE AGAINST A POLICE OFFICER OUT OF THE STANDARD COMPLAINT PROCESS;

(2) REFER A COMPLAINT REFERRED TO THE PROGRAM TO VOLUNTARY MEDIATION CONDUCTED BY AN INDEPENDENT MEDIATION SERVICE; AND

(3) ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM, INCLUDING CRITERIA CONCERNING ELIGIBILITY FOR REFERRAL OF COMPLAINTS.

(E) (1) THE COMMISSION SHALL DEVELOP BEST PRACTICES FOR THE ESTABLISHMENT AND IMPLEMENTATION OF A COMMUNITY POLICING PROGRAM IN EACH JURISDICTION.

(2) THE COMMISSION SHALL DEVELOP A SYSTEM BY WHICH EACH ~~LOCAL~~ LOCAL LAW ENFORCEMENT AGENCY ANNUALLY FILES A DETAILED

DESCRIPTION OF THE LAW ENFORCEMENT AGENCY'S COMMUNITY POLICING PROGRAM.

(3) THE COMMISSION SHALL ANNUALLY:

(I) REVIEW EACH COMMUNITY POLICING PROGRAM FILED IN ACCORDANCE WITH § 3-517 OF THIS TITLE; AND

(II) PROVIDE EACH AGENCY WITH ANY COMMENTS THAT THE COMMISSION HAS TO IMPROVE THE AGENCY'S COMMUNITY POLICING PROGRAM.

(F) (1) THE COMMISSION SHALL DEVELOP A UNIFORM CITIZEN COMPLAINT PROCESS TO BE FOLLOWED BY EACH LAW ENFORCEMENT AGENCY.

(2) THE UNIFORM COMPLAINT PROCESS SHALL:

(I) BE SIMPLE;

(II) ~~REQUIRE A COMPLAINANT TO PROVIDE IDENTIFICATION, INCLUDING A TELEPHONE NUMBER OR E-MAIL ADDRESS, TO AN EXTENT SUFFICIENT FOR THE LAW ENFORCEMENT AGENCY IN QUESTION TO CONTACT THE COMPLAINANT TO VERIFY THE LEGITIMACY OF THE COMPLAINT;~~ REQUIRE A COMPLAINANT TO PROVIDE IDENTIFICATION TO AN EXTENT SUFFICIENT FOR THE LAW ENFORCEMENT AGENCY IN QUESTION TO CONTACT THE COMPLAINANT TO VERIFY THE LEGITIMACY OF THE COMPLAINT;

~~(III) (III)~~ REQUIRE, ~~IF THE COMPLAINANT IS IDENTIFIED,~~ THAT A ~~THE~~ A COMPLAINANT BE INFORMED OF THE FINAL DISPOSITION OF THE COMPLAINANT'S COMPLAINT AND ANY DISCIPLINE IMPOSED AS A RESULT; AND

~~(IV) (III) (IV) (III)~~ BE POSTED ON THE WEB SITES OF THE COMMISSION AND EACH LAW ENFORCEMENT AGENCY.

(G) THE COMMISSION SHALL DEVELOP AND ADMINISTER A TRAINING PROGRAM ON ~~THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS~~ THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES FOR CITIZENS AND ADMINISTRATIVE LAW JUDGES WHO INTENDED TO INTEND TO QUALIFY TO PARTICIPATE AS A MEMBER OF A HEARING BOARD UNDER § 3-107 OF THIS TITLE.

3-208.

[Subject to the authority of the Secretary, the] THE Commission has the following powers and duties:

(1) to adopt regulations necessary or appropriate to carry out this subtitle; and

(2) to adopt regulations that establish and enforce standards for prior substance abuse by individuals applying for certification as a police officer.

3–209.

(a) The Commission shall certify as a police officer each individual who:

(1) (i) satisfactorily meets the standards of the Commission; or

(ii) provides the Commission with sufficient evidence that the individual has satisfactorily completed a training program in another state of equal quality and content as required by the Commission; [and]

(2) ~~SUBMITS TO A PSYCHOLOGICAL EVALUATION BY A LICENSED PSYCHOLOGIST APPROVED BY THE COMMISSION; AND~~

(3) submits to a criminal history records check in accordance with § 3–209.1 of this subtitle.

(b) The Commission may certify as a police officer an individual who is not considered a police officer under § 3–201(e)(3) of this subtitle if the individual meets the selection and training standards of the Commission.

(c) Each certificate issued to a police officer under this subtitle remains the property of the Commission.

~~(D) IF THE COMMISSION HAS PREVIOUSLY CERTIFIED AN INDIVIDUAL AS A POLICE OFFICER, A LAW ENFORCEMENT AGENCY MAY NOT REQUIRE THE INDIVIDUAL TO UNDERGO ADDITIONAL ENTRANCE LEVEL POLICE TRAINING.~~

3–514.

~~EACH LAW ENFORCEMENT AGENCY SHALL REQUIRE ENSURE THAT AN INCIDENT REPORT IS FILED BY OR ON BEHALF OF~~ REQUIRE A LAW ENFORCEMENT OFFICER WHO WAS INVOLVED IN A USE OF FORCE INCIDENT IN THE LINE OF DUTY ~~TO FILE AN INCIDENT REPORT REGARDING THE USE OF FORCE~~ TO FILE AN INCIDENT REPORT REGARDING THE USE OF FORCE BY THE END OF THE OFFICER'S SHIFT UNLESS THE OFFICER IS DISABLED.

3–515.

~~EACH (A)~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH LAW ENFORCEMENT AGENCY SHALL POST ALL OF THE OFFICIAL POLICIES OF THE LAW ENFORCEMENT AGENCY, INCLUDING PUBLIC COMPLAINT PROCEDURES AND COLLECTIVE BARGAINING AGREEMENTS:

(1) ON THE WEB SITE OF THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION; AND

(2) ON THE AGENCY'S OWN WEB SITE, IF THE AGENCY MAINTAINS A WEB SITE.

(B) A CHIEF MAY PROHIBIT THE POSTING UNDER THIS SECTION OF ADMINISTRATIVE OR OPERATIONAL POLICIES THAT IF DISCLOSED WOULD JEOPARDIZE OPERATIONS OR CREATE A RISK TO PUBLIC OR OFFICER SAFETY, INCLUDING POLICIES RELATED TO HIGH-RISK PRISONER TRANSPORT SECURITY MEASURES, OPERATIONAL RESPONSE TO ACTIVE SHOOTERS, OR THE USE OF CONFIDENTIAL INFORMANTS.

3-516.

(A) EACH LAW ENFORCEMENT AGENCY SHALL ESTABLISH A CONFIDENTIAL AND NONPUNITIVE EARLY INTERVENTION POLICY FOR COUNSELING OFFICERS WHO RECEIVE THREE OR MORE CITIZEN COMPLAINTS WITHIN A 12-MONTH PERIOD.

(B) A POLICY DESCRIBED IN THIS SECTION MAY NOT PREVENT THE INVESTIGATION OF OR IMPOSITION OF DISCIPLINE FOR ANY PARTICULAR COMPLAINT.

3-517.

(A) IN THIS SECTION, "LOCAL LAW ENFORCEMENT AGENCY" MEANS:

(1) A POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE; OR

(2) A SHERIFF'S OFFICE THAT PROVIDES A LAW ENFORCEMENT FUNCTION IN A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

IN THIS SECTION, "LOCAL LAW ENFORCEMENT AGENCY" MEANS:

(1) A POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE; OR

**(2) A SHERIFF'S OFFICE THAT PROVIDES A LAW ENFORCEMENT FUNCTION IN A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.**

~~(A) (B)~~ **(B) EACH ~~LOCAL~~ LOCAL LAW ENFORCEMENT AGENCY SHALL ADOPT A COMMUNITY POLICING PROGRAM IN ACCORDANCE WITH BEST PRACTICES DEVELOPED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.**

~~(B) (C) (D)~~ **(C) EACH ~~LOCAL~~ LOCAL LAW ENFORCEMENT AGENCY SHALL:**

**(1) POST A DETAILED DESCRIPTION OF THE ~~LOCAL~~ LOCAL LAW ENFORCEMENT AGENCY'S COMMUNITY POLICING PROGRAM ON THE INTERNET IN ACCORDANCE WITH § 3-515 OF THIS SUBTITLE; AND**

**(2) ANNUALLY FILE A DETAILED DESCRIPTION OF THE ~~LOCAL~~ LOCAL LAW ENFORCEMENT AGENCY'S COMMUNITY POLICING PROGRAM WITH THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION, IN ACCORDANCE WITH § 3-207 OF THIS TITLE.**

**3-518.**

**EACH LAW ENFORCEMENT AGENCY SHALL ANNUALLY REPORT TO THE MARYLAND POLICE STANDARDS AND TRAINING COMMISSION, IN ACCORDANCE WITH § 3-207 OF THIS TITLE:**

**(1) THE NUMBER OF SERIOUS OFFICER-INVOLVED INCIDENTS, ~~INCLUDING INCIDENTS IN WHICH AN OFFICER IS THE VICTIM;~~**

**(2) THE NUMBER OF OFFICERS DISCIPLINED; AND**

**(3) THE TYPE OF DISCIPLINE ADMINISTERED TO EACH OFFICER WHO WAS DISCIPLINED.**

**3-519.**

**(A) EACH LAW ENFORCEMENT AGENCY SHALL ADOPT THE UNIFORM CITIZEN COMPLAINT PROCESS DEVELOPED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION UNDER § 3-207 OF THIS TITLE.**

**(B) A LAW ENFORCEMENT AGENCY SHALL POST THE AGENCY'S CITIZEN COMPLAINT PROCESS ON THE AGENCY'S WEB SITE IF THE AGENCY MAINTAINS A WEB SITE.**

**SUBTITLE 6. COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM FUND.**

## 4-601.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM” MEANS:

(1) A PROGRAM THAT IS ESTABLISHED AND SPONSORED BY A LOCAL LAW ENFORCEMENT AGENCY TO:

~~(1)~~ (I) PROVIDE RECREATIONAL OR ATHLETIC OPPORTUNITIES FOR MEMBERS OF THE COMMUNITY;

~~(2)~~ (II) IMPROVE RELATIONS BETWEEN CITIZENS AND LAW ENFORCEMENT; OR

~~(3)~~ (III) OTHERWISE BENEFIT OR IMPROVE THE COMMUNITY; OR

(2) A VIOLENCE INTERVENTION PROGRAM ESTABLISHED AND SUPPORTED BY A LOCAL LAW ENFORCEMENT AGENCY OR ANOTHER AGENCY OF A LOCAL GOVERNMENT.

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

(D) “FUND” MEANS THE COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM FUND.

(E) “LOCAL LAW ENFORCEMENT AGENCY” MEANS THE POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

## 4-602.

(A) THERE IS A COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM FUND.

(B) THE PURPOSE OF THE FUND IS TO ASSIST:

(1) LOCAL LAW ENFORCEMENT AGENCIES IN ESTABLISHING COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAMS; AND

(2) AGENCIES OF A LOCAL GOVERNMENT IN ESTABLISHING VIOLENCE INTERVENTION PROGRAMS.

(C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

(D) (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) (1) THE FUND CONSISTS OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(II) INVESTMENT EARNINGS OF THE FUND; AND

(III) MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(2) FOR FISCAL YEAR 2018 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE FUND OF \$500,000.

(F) (1) THE FUND MAY BE USED ONLY TO MAKE GRANTS AS PROVIDED UNDER THIS SUBTITLE.

(2) THE FUND MAY NOT BE USED FOR ADMINISTRATIVE EXPENSES.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE FUND.

4-603.

(A) THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR ~~LOCAL LAW ENFORCEMENT~~ AGENCIES TO APPLY FOR MONEY FROM THE FUND.

(B) ~~A LOCAL LAW ENFORCEMENT~~ AN AGENCY THAT APPLIES FOR MONEY FROM THE FUND SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH:

(1) A DESCRIPTION OF THE ACTIVITIES AND FUNCTIONS OF THE COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM FOR WHICH THE MONEY IS REQUESTED;

(2) THE ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM;

(3) THE NUMBER OF PARTICIPANTS IN THE COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM; AND

(4) ANY OTHER INFORMATION THAT THE EXECUTIVE DIRECTOR CONSIDERS NECESSARY.

(C) (1) THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS FROM THE FUND TO:

(I) LOCAL LAW ENFORCEMENT AGENCIES TO SUPPORT COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAMS; AND

(II) AGENCIES OF A LOCAL GOVERNMENT TO SUPPORT VIOLENCE INTERVENTION PROGRAMS.

(2) THE AMOUNT OF EACH GRANT SHALL BE IN PROPORTION TO THE NUMBER OF ~~LAW ENFORCEMENT~~ AGENCIES THAT APPLY FOR MONEY FROM THE FUND.

(D) THE ~~LOCAL LAW ENFORCEMENT~~ AGENCY SHALL SUBMIT TO THE EXECUTIVE DIRECTOR PROOF OF EXPENDITURES OF THE GRANT FOR THE COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM.

(E) MONEY DISTRIBUTED UNDER THIS SUBTITLE SHALL BE USED TO SUPPLEMENT AND NOT SUPPLANT ANY OTHER FUNDING FOR A COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM.

(F) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION AND THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL PROVIDE TECHNICAL ASSISTANCE TO ~~LAW ENFORCEMENT~~ AGENCIES IN APPLYING FOR:

(1) MONEY FROM THE FUND; OR

(2) OTHER FEDERAL, STATE, OR PRIVATE GRANTS FOR COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAMS.

~~4-604.~~

~~ON OR BEFORE SEPTEMBER 1 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.~~

**Article – State Finance and Procurement**

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

84. the Economic Development Marketing Fund; [and]

85. the Military Personnel and Veteran–Owned Small Business No–Interest Loan Fund; AND

86. ~~THE COMMUNITY LAW ENFORCEMENT PROGRAM FUND.~~

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

***Article – Tax – General***

10–207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

**(CC) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(II) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3–201 OF THE PUBLIC SAFETY ARTICLE.**

**(III) “LAW ENFORCEMENT OFFICER” MEANS AN INDIVIDUAL WHO:**

1. IN AN OFFICIAL CAPACITY IS AUTHORIZED BY LAW TO MAKE ARRESTS; AND

2. IS A MEMBER OF A LAW ENFORCEMENT AGENCY, INCLUDING A LAW ENFORCEMENT OFFICER WHO SERVES IN A PROBATIONARY STATUS OR AT THE PLEASURE OF THE APPOINTING AUTHORITY OF A COUNTY OR MUNICIPAL CORPORATION.

(IV) “MARYLAND POLICE TRAINING AND STANDARDS COMMISSION” MEANS THE UNIT ESTABLISHED UNDER § 3-202 OF THE PUBLIC SAFETY ARTICLE.

(2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE FIRST \$5,000 OF INCOME EARNED BY A LAW ENFORCEMENT OFFICER IF:

(I) THE LAW ENFORCEMENT OFFICER RESIDES IN THE POLITICAL SUBDIVISION IN WHICH THE LAW ENFORCEMENT OFFICER IS EMPLOYED; AND

(II) THE CRIME RATE IN THE POLITICAL SUBDIVISION EXCEEDS THE STATE’S CRIME RATE.

(3) ON OR BEFORE SEPTEMBER 1, 2016, AND EVERY 3 YEARS THEREAFTER, THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL CERTIFY TO THE COMPTROLLER THE POLITICAL SUBDIVISIONS IN WHICH THE CRIME RATE EXCEEDS THE STATE’S CRIME RATE.

#### ~~Article — Public Safety~~

#### ~~SUBTITLE 8. WHISTLEBLOWER PROTECTIONS.~~

#### ~~3-801.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(B) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3-101 OF THIS TITLE.~~

~~(C) “RETALIATORY ACTION” INCLUDES ANY RECOMMENDED, THREATENED, OR ACTUAL ADVERSE EMPLOYMENT ACTION, INCLUDING:~~

~~(1) TERMINATION, DEMOTION, SUSPENSION, OR REPRIMAND;~~

~~(2) INVOLUNTARY TRANSFER, REASSIGNMENT, OR DETAIL TO AN ASSIGNMENT THAT A REASONABLE LAW ENFORCEMENT OFFICER WOULD FIND LESS FAVORABLE;~~

~~(3) FAILURE TO PROMOTE, HIRE, OR TAKE OTHER FAVORABLE PERSONNEL ACTION;~~

~~(4) ENGAGING IN ANY CONDUCT THAT WOULD DISSUADE A REASONABLE LAW ENFORCEMENT OFFICER FROM ENGAGING IN ACTIVITIES PROTECTED UNDER THIS SUBTITLE; OR~~

~~(5) RETALIATING IN ANY OTHER MANNER DISCHARGE, DISCIPLINE, DEMOTION, SUSPENSION, DENIAL OF PROMOTION, TRANSFER, OR REASSIGNMENT; OR~~

~~(2) ANY OTHER DISCRIMINATORY ACTION OR THREAT OF ACTION AGAINST A LAW ENFORCEMENT OFFICER BECAUSE THE LAW ENFORCEMENT OFFICER MAKES A DISCLOSURE PROTECTED UNDER THIS SUBTITLE.~~

~~§ 802.~~

~~(A) THIS SUBTITLE DOES NOT PRECLUDE AN ACTION FOR DEFAMATION OR INVASION OF PRIVACY.~~

~~(B) THIS SUBTITLE DOES NOT PROHIBIT A PERSONNEL ACTION THAT WOULD HAVE BEEN TAKEN REGARDLESS OF A DISCLOSURE OF INFORMATION.~~

~~§ 803.~~

~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A SUPERVISOR, AN APPOINTING AUTHORITY, OR THE HEAD OF A LAW ENFORCEMENT AGENCY MAY NOT THREATEN OR TAKE TAKE, THREATEN TO TAKE, OR REFUSE TO TAKE ANY PERSONNEL ACTION AS A RETALIATORY ACTION AGAINST A LAW ENFORCEMENT OFFICER WHO:~~

~~(1) DISCLOSES INFORMATION THAT THE LAW ENFORCEMENT OFFICER REASONABLY BELIEVES PROVIDES EVIDENCE OF:~~

~~(I) AN ABUSE OF AUTHORITY, GROSS MISMANAGEMENT, OR A GROSS WASTE OF MONEY;~~

~~(II) A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY; OR~~

~~(H) A VIOLATION OF LAW; OR~~

~~(2) FOLLOWING A DISCLOSURE UNDER ITEM (1) OF THIS SUBSECTION, SEEKS A REMEDY PROVIDED UNDER THIS SUBTITLE OR ANY OTHER LAW OR POLICY GOVERNING THE LAW ENFORCEMENT AGENCY.~~

~~(B) SUBSECTION (A) OF THIS SECTION APPLIES TO A DISCLOSURE THAT IS OTHERWISE SPECIFICALLY PROHIBITED BY LAW OR A DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL BY LAW ONLY IF THE DISCLOSURE:~~

~~(1) IS MADE EXCLUSIVELY TO THE ATTORNEY GENERAL UNDER § 3-806 OF THIS SUBTITLE;~~

~~(2) IS IN WRITING; AND~~

~~(3) CONTAINS:~~

~~(I) THE DATE OF THE DISCLOSURE;~~

~~(II) THE NAME OF THE LAW ENFORCEMENT OFFICER MAKING THE DISCLOSURE;~~

~~(III) THE NATURE OF THE ALLEGED VIOLATION OF LAW, ABUSE OF AUTHORITY, MISMANAGEMENT, WASTE OF MONEY, OR DANGER THE INFORMATION DISCLOSED UNDER SUBSECTION (A) OF THIS SECTION; AND~~

~~(IV) IF POSSIBLE, THE DATE OR RANGE OF DATES ON WHICH THE ALLEGED VIOLATION OF LAW, ABUSE OF AUTHORITY, MISMANAGEMENT, WASTE OF MONEY, OR DANGER OCCURRED REGARDING ANY OCCURRENCE RELATED TO THE INFORMATION DISCLOSED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~3-804.~~

~~(A) ON REQUEST OF A LAW ENFORCEMENT OFFICER, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE LAW ENFORCEMENT OFFICER A COPY OF THIS SUBTITLE.~~

~~(B) IF A LAW ENFORCEMENT OFFICER ALLEGES THAT A RETALIATORY ACTION HAS OCCURRED, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE LAW ENFORCEMENT OFFICER WHO IS SUBJECT TO THE ALLEGED RETALIATORY ACTION A COPY OF THIS SUBTITLE.~~

~~3-805.~~

~~(A) AFTER A LAW ENFORCEMENT OFFICER AGGRIEVED BY A VIOLATION OF § 3-803 OF THIS SUBTITLE EXHAUSTS ALL ADMINISTRATIVE REMEDIES, THE LAW ENFORCEMENT OFFICER MAY BRING A CIVIL ACTION AGAINST THE LAW ENFORCEMENT AGENCY FOR EQUITABLE RELIEF OR DAMAGES.~~

~~(B) IN A CIVIL ACTION BROUGHT UNDER SUBSECTION (A) OF THIS SECTION, IF THE LAW ENFORCEMENT OFFICER DEMONSTRATES BY A PREPONDERANCE OF THE EVIDENCE THAT THE DISCLOSURE OF INFORMATION WAS A CONTRIBUTING FACTOR IN THE ALLEGED RETALIATORY ACTION AGAINST THE LAW ENFORCEMENT OFFICER, THE LAW ENFORCEMENT AGENCY HAS THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSONNEL ACTION WOULD HAVE OCCURRED FOR LEGITIMATE REASONS EVEN IF THE LAW ENFORCEMENT OFFICER HAD NOT MADE THE DISCLOSURE.~~

~~(C) (1) IN A CIVIL ACTION BROUGHT UNDER SUBSECTION (A) OF THIS SECTION, A LAW ENFORCEMENT OFFICER MAY SEEK, INSTEAD OF REINSTATEMENT AND BACK PAY, STATUTORY DAMAGES IN THE AMOUNT OF NOT LESS THAN \$5,000 FOR EACH INSTANCE OF RETALIATORY ACTION.~~

~~(2) IN AWARDING STATUTORY DAMAGES UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE TRIER OF FACT SHALL CONSIDER THE SEVERITY OF THE PROHIBITED RETALIATORY ACTION AND THE PURPOSES OF THIS SUBTITLE.~~

~~(D) IF THE TRIER OF FACT DETERMINES THAT THE LAW ENFORCEMENT OFFICER IS ENTITLED TO EQUITABLE RELIEF OR DAMAGES IN A CIVIL ACTION BROUGHT UNDER THIS SECTION, THE COURT MAY:~~

~~(1) ORDER THE REMOVAL OF ANY RELATED DETRIMENTAL INFORMATION FROM THE LAW ENFORCEMENT OFFICER'S PERSONNEL RECORDS;~~

~~(2) (i) ORDER THE LAW ENFORCEMENT AGENCY TO HIRE, PROMOTE, OR REINSTATE THE LAW ENFORCEMENT OFFICER TO THE SAME OR EQUIVALENT EMPLOYMENT WITH ANY APPLICABLE BENEFITS AND SENIORITY RIGHTS; OR~~

~~(ii) AWARD THE LAW ENFORCEMENT OFFICER STATUTORY DAMAGES UNDER SUBSECTION (C) OF THIS SECTION; AND~~

~~(3) AWARD THE LAW ENFORCEMENT OFFICER:~~

~~(i) COMPENSATION FOR ALL LOST REMUNERATION BACK PAY TO THE DAY OF THE VIOLATION; AND~~

~~(H) REASONABLE ATTORNEY'S FEES AND COSTS; AND~~

~~(4) TAKE ANY OTHER REMEDIAL ACTION CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE.~~

~~(E) (D) IN ADDITION TO THE RELIEF GRANTED UNDER SUBSECTION (D) (C) OF THIS SECTION, THE COURT SHALL ISSUE AGAINST THE LAW ENFORCEMENT AGENCY AN INJUNCTION AGAINST ANY CONTINUING VIOLATIONS OF RESULTING FROM THE DISCLOSURE MADE BY THE LAW ENFORCEMENT OFFICER UNDER THIS SUBTITLE.~~

~~(F) (E) IF THE COURT DETERMINES THAT A CIVIL ACTION UNDER SUBSECTION (A) OF THIS SECTION WAS BROUGHT BY A LAW ENFORCEMENT OFFICER IN BAD FAITH OR WITHOUT SUBSTANTIAL JUSTIFICATION, THE COURT MAY AWARD REASONABLE ATTORNEY'S FEES AND OTHER LITIGATION EXPENSES TO THE LAW ENFORCEMENT AGENCY.~~

~~(G) (F) THIS SECTION MAY NOT BE CONSTRUED TO DIMINISH THE RIGHTS, PRIVILEGES, OR REMEDIES OF A LAW ENFORCEMENT OFFICER PROVIDED UNDER ANY FEDERAL, STATE, OR LOCAL LAW OR UNDER A COLLECTIVE BARGAINING AGREEMENT.~~

~~3-806.~~

~~FOR PURPOSES OF THIS SUBTITLE, THE ATTORNEY GENERAL SHALL:~~

~~(1) DESIGNATE AN ASSISTANT ATTORNEY GENERAL TO RECEIVE FROM LAW ENFORCEMENT OFFICERS ANY INFORMATION THE DISCLOSURE OF WHICH IS OTHERWISE PROTECTED BY LAW;~~

~~(2) INVESTIGATE EACH ALLEGATION OF ILLEGALITY OR IMPROPRIETY; AND~~

~~(3) TAKE APPROPRIATE LEGAL ACTION.~~

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Maryland Police Training and Standards Commission shall expire as follows:

- (1) four members in 2017;
- (2) four members in 2018; and
- (3) four members in 2019.

SECTION 4. AND BE IT FURTHER ENACTED, That any transaction affected by or flowing from any statute amended, repealed, or transferred, and validly entered into before the effective date of this Act and every right, duty, or interest flowing from it remains valid after the effective date and may be terminated, completed, consummated, or enforced pursuant to law.

SECTION 5. AND BE IT FURTHER ENACTED, That any rules and regulations, standards, guidelines, orders and other directives, forms, plans, memberships, funds, appropriations, contracts properties, administrative and judicial proceedings, rights to sue and be sued, and other duties and responsibilities associated with those functions affected by this Act shall continue in effect until completed, withdrawn, canceled, modified, or otherwise changed in accordance with law.

SECTION 6. AND BE IT FURTHER ENACTED, That any person or school issued a certificate by the Police Training Commission is considered for all purposes to be continued under this Act for the duration of the term for which the certificate was issued unless otherwise provided by law.

SECTION 7. AND BE IT FURTHER ENACTED, That ~~Section 2 of 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~~ it is the intent of the General Assembly that, to the extent possible, the Maryland Police Training and Standards Commission and the Correctional Training Commission shall continue to share training and support staff.

SECTION 8. AND BE IT FURTHER ENACTED, That ~~the Governor's Office of Crime Control and Prevention shall conduct a study of best practices for the composition of law enforcement disciplinary hearing boards statewide and nationwide, and submit a report containing its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly by December 1, 2018~~ Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2015.

SECTION ~~8~~ 9. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2016.

SECTION 10. AND BE IT FURTHER ENACTED, That, except as provided in Section 9 of this Act, this Act shall take effect July 1, 2016.

Approved by the Governor, May 19, 2016.

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Chapter 520

(House Bill 22)

AN ACT concerning

**Interagency Disabilities Board Ethan Saylor Alliance for Self-Advocates as Educators – Membership and Duties – Community Inclusion Training Oversight**

FOR the purpose of altering the membership of the ~~Interagency Disabilities Board~~ Steering Committee of the Ethan Saylor Alliance for Self-Advocates as Educators; requiring the ~~Board~~ Steering Committee to review, or request that the Alliance review, the content and monitor the implementation of the training objectives and curriculum adopted by the Police Training Commission for a community inclusion training program at least once in a certain time period or more frequently if requested by the Commission; and generally relating to the membership and duties of the ~~Interagency Disabilities Board~~ Ethan Saylor Alliance for Self-Advocates as Educators.

BY repealing and reenacting, without amendments,

Article – Human Services

Section 7-502(a)

Annotated Code of Maryland

(2007 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section ~~7-128 and 7-131~~ 7-503

Annotated Code of Maryland

(2007 Volume and 2015 Supplement)

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

**Article – Human Services**

~~7-128.~~

~~The Board consists of the following members:~~

- ~~(1) the Secretary of Disabilities;~~
- ~~(2) the Secretary of Aging, or the Secretary's designee;~~
- ~~(3) the Secretary of Business Commerce, or the Secretary's designee;~~
- ~~(4) the Secretary of Budget and Management, or the Secretary's designee;~~
- ~~(5) the Secretary of Health and Mental Hygiene, or the Secretary's designee;~~

~~(6) the Secretary of Housing and Community Development, or the Secretary's designee;~~

~~(7) the Secretary of Human Resources, or the Secretary's designee;~~

~~(8) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S DESIGNEE;~~

~~[(8)](9) the Secretary of Labor, Licensing, and Regulation, or the Secretary's designee;~~

~~[(9)](10) the Secretary of Planning, or the Secretary's designee;~~

~~[(10)](11) the State Superintendent of Schools, or the Superintendent's designee;~~

~~[(11)](12) the Secretary of Transportation, or the Secretary's designee;~~

~~[(12)](13) the Executive Director of the Governor's Office for Children, or the Executive Director's designee;~~

~~(14) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~[(13)](15) the Director of the Governor's Office of the Deaf and Hard of Hearing, or the Director's designee; [and]~~

~~(16) THE EXECUTIVE DIRECTOR OF THE POLICE AND CORRECTIONAL TRAINING COMMISSIONS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND~~

~~[(14)](17) representatives from any other unit of State government that the Governor designates.~~

~~7-131.~~

~~The Board shall:~~

~~(1) provide ongoing examination of the structure and organization of the State's system of services and support to individuals with disabilities to ensure equal access to support services and resources by individuals with disabilities;~~

~~(2) facilitate the development of performance objectives that will result in a comprehensive, effective, efficient, and integrated service delivery system for individuals with disabilities;~~

~~(3) develop an interagency funding approach to maximize efficiencies and streamline access to services and support for individuals with disabilities;~~

~~(4) formulate policies on legislative issues and, under the direction of the Governor, communicate the policies to the General Assembly; [and]~~

~~(5) develop the State Disabilities Plan; AND~~

7-502.

(a) There is an Ethan Saylor Alliance for Self-Advocates as Educators in the Department.

7-503.

(a) There is a Steering Committee for the Alliance.

(b) The Steering Committee shall include the following members:

(1) the Secretary, or the Secretary's designee;

(2) the Superintendent of the State Police, or the Superintendent's designee;

(3) the Executive Director of the Police and Correctional Training Commissions, or the Executive Director's designee;

(4) the Deputy Secretary for Developmental Disabilities in the Department of Health and Mental Hygiene, or the Deputy Secretary's designee; and

(5) the following individuals, appointed by the Secretary:

(i) [a representative of People on the Go Maryland;

(ii)] a representative of the Maryland Developmental Disabilities Council;

[(iii)] (II) two representatives of community-based organizations that support people with intellectual disabilities and developmental disabilities;

[(iv)] (III) four members of the public with knowledge of intellectual disabilities and developmental disabilities, including at least two self-advocates and a family member of an individual with an intellectual disability or developmental disability;

AND

[(v) a representative of the Maryland Association of Boards of Education; and

(vi)] (IV) other members deemed necessary to carry out the work of the Steering Committee.

(c) A member appointed by the Secretary:

(1) serves for a term of 3 years and until a successor is appointed and qualifies; and

(2) may be reappointed.

(d) A member of the Steering Committee:

(1) may not receive compensation as a member of the Steering Committee; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(e) The Steering Committee shall:

(1) develop parameters for the Alliance, including expected outcomes for and evaluation of the Alliance;

(2) select entities to operate the Alliance through a competitive process;

(3) provide general oversight of the Alliance;

(4) approve the budget for the Alliance;

(5) review the Alliance's activities and outcomes; [and]

(6) develop recommendations for sustainability and expansion of the Alliance, including:

(i) costs of sustaining and expanding the Alliance;

(ii) potential sources of funding for the Alliance; and

(iii) compensation and supports for self-advocate [educators.]

EDUCATORS; AND

~~(6)~~ **(7) REVIEW, OR REQUEST THAT THE ALLIANCE REVIEW, THE CONTENT AND MONITOR THE IMPLEMENTATION OF THE TRAINING OBJECTIVES AND**

**CURRICULUM ADOPTED BY THE POLICE TRAINING COMMISSION FOR A COMMUNITY INCLUSION TRAINING PROGRAM:**

(I) AT LEAST ONCE EVERY 4 YEARS; OR

(II) MORE FREQUENTLY IF REQUESTED BY THE POLICE TRAINING COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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**Chapter 521**

(Senate Bill 417)

AN ACT concerning

~~**Labor and Employment – Minimum Wage – Individuals With Disabilities**~~  
~~**(Ken Capone Equal Employment Act)**~~  
**Individuals With Disabilities – Minimum Wage and Community Integration**  
**(Ken Capone Equal Employment Act)**

FOR the purpose of prohibiting the Commissioner of Labor and Industry, ~~except~~ under certain circumstances, from authorizing certain work activities centers and certain sheltered workshops to pay employees with disabilities less than a certain minimum wage; ~~requiring that a certain State certificate issued by the Commissioner under a certain provision of law expires no later than a certain date~~ authorizing certain work activities centers and certain sheltered workshops to pay new employees a certain wage only under certain circumstances; requiring the ~~Department of Labor, Licensing, and Regulation~~ Developmental Disabilities Administration and the Department of Disabilities, in partnership with certain State agencies, to develop and implement a certain plan to phase out certain authorizations under a certain provision of law; providing for the scope of the plan; requiring the Administration and the Department to engage with certain organizations representing those impacted by the phase-out to implement a certain plan; requiring the Administration and the Department to submit a certain plan to the Governor and the General Assembly on or before a certain date; requiring the Department to report certain benchmarks, outcomes, and recommendations to the Governor and the General Assembly on or before ~~a certain date each year~~ dates; ~~prohibiting a certain work activities center or other sheltered workshop from receiving State funds on or after a certain date under certain circumstances~~; requiring a certain individual and a certain resource coordinator, in consultation with certain individuals, to develop a

certain supplemental plan; requiring a certain resource coordinator to use appropriate communication devices and techniques to facilitate the involvement of a certain individual in the development of the individual's supplemental plan; requiring that an individual's plan include certain information; requiring the Administration, in consultation with certain stakeholders, to develop the planning protocol and format for a supplemental plan; requiring a certain individual and the individual's resource coordinator and team to discuss a certain job setting on an annual basis and at any other time requested by the individual; requiring the resource coordinator to document certain information in a certain individual's annual individual plan; requiring the Administration to track the progress of certain individuals by collecting certain data; requiring the Administration to report certain information to the Governor and the General Assembly on or before certain dates; prohibiting the Administration from funding certain providers beginning on a certain date; requiring a certain new employee to be informed by the employee's employer of certain opportunities, have a plan of habilitation that includes certain information, be engaged in certain work when choosing to work, choose the employer and employment, and be informed of certain rights; repealing certain provisions of law relating to the authorization of certain work activities centers and certain sheltered workshops to pay certain employees with disabilities less than a certain minimum wage; repealing certain provisions of law requiring the Administration and the Department to develop and implement a certain plan and make certain reports; repealing certain provisions of law requiring certain individuals to have a certain supplemental plan; repealing certain provisions of law requiring that a certain new employee be informed by the employee's employer of certain opportunities, have a plan of habilitation that includes certain information, be engaged in certain work when choosing to work, choose the employer and employment, and be informed of certain rights; authorizing certain work activities centers and other workshops, beginning on a certain date, to pay less than the federal prevailing wage of pay to the extent authorized under federal law and under certain circumstances; requiring the Administration and the Department to conduct a certain study, determine certain information, and make certain recommendations; requiring the Administration and the Department to consult certain State agencies, other entities, and relevant stakeholders in carrying out certain duties; requiring the Administration and the Department to report their findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date; altering certain terminology; providing for a delayed effective date for certain provisions of this Act; and generally relating to the payment of wages under the Maryland Wage and Hour Law and to and community integration of individuals with disabilities.

BY adding to

Article – Health – General  
Section 7–207, 7–1012, 7–1013, and 7–1014  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Labor and Employment  
 Section 3–414  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)

~~BY adding to~~

~~Article – Labor and Employment  
 Section 3–414.1  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)~~

~~BY adding to~~

~~Article – State Finance and Procurement  
 Section 2–801 to be under the new subtitle “Subtitle 8. Miscellaneous”  
 Annotated Code of Maryland  
 (2015 Replacement Volume)~~

BY repealing

Article – Health – General  
 Section 7–1012, 7–1013, and 7–1014  
 Annotated Code of Maryland  
 (2015 Replacement Volume)  
 (As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,

Article – Labor and Employment  
 Section 3–414 ~~and 3–414.1~~  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)  
 (As enacted by Section 1 of this Act)

#### Preamble

WHEREAS, Section 14(c) of the Fair Labor Standards Act of 1938 authorizes the United States Secretary of Labor to grant special wage certificates to certain entities, which may then pay special minimum wages less than the federal minimum wage to workers who have disabilities; and

WHEREAS, These Section 14(c) certificates also allow the payment of wages that are less than the prevailing wage to workers who have disabilities for work being performed on contracts subject to the McNamara–O’Hara Service Contract Act and the Walsh–Healey Public Contracts Act; and

WHEREAS, During 2015, 3,589 Maryland residents were employed under Section 14(c) certificates; and

WHEREAS, 20% of individuals with developmental disabilities in Maryland work in facility-based settings where, for a 2-week period, the mean number of hours worked is 17 hours and the mean income is \$66; and

WHEREAS, The practice of paying workers with disabilities less than the federal minimum wage dates back to the 1930s, a time of virtually no employment opportunities for disabled workers in the mainstream workforce; and

WHEREAS, Advancements in vocational rehabilitation, technology, and training now provide workers with disabilities with greater opportunities; and

WHEREAS, Employees with disabilities have rarely been able to transition from Section 14(c) programs to obtain integrated employment at competitive wages; now, therefore,

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

**Article – Health – General**

**7-207.**

**BEGINNING OCTOBER 1, 2020, THE ADMINISTRATION MAY NOT FUND PROVIDERS THAT PAY INDIVIDUALS LESS THAN THE MINIMUM WAGE UNDER A CERTIFICATE THAT THE UNITED STATES DEPARTMENT OF LABOR ISSUES TO A WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP TO ALLOW THE WORK ACTIVITIES CENTER OR WORKSHOP TO PAY AN INDIVIDUAL LESS THAN THE WAGE OTHERWISE REQUIRED FOR THE INDIVIDUAL UNDER FEDERAL LAW.**

**7-1012.**

**(A) THE ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES, IN PARTNERSHIP WITH RELEVANT STATE AGENCIES, INCLUDING THE DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE, THE STATE DEPARTMENT OF EDUCATION, AND THE DIVISION OF REHABILITATION SERVICES, SHALL DEVELOP AND IMPLEMENT A PLAN TO PHASE OUT ON OR BEFORE OCTOBER 1, 2020, AUTHORIZATIONS UNDER § 3-414 OF THE LABOR AND EMPLOYMENT ARTICLE TO PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE OTHERWISE REQUIRED FOR THE EMPLOYEE UNDER TITLE 3, SUBTITLE 4 OF THE LABOR AND EMPLOYMENT ARTICLE.**

**(B) THE PLAN DEVELOPED AND IMPLEMENTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:**

(1) BENCHMARKS AND DESIRED OUTCOMES FOR EACH YEAR OF THE PHASE-OUT;

(2) A LIST OF THE RESOURCES NECESSARY TO ENSURE THAT INDIVIDUALS WITH DISABILITIES RECEIVE SUPPORT ACCORDING TO THE NEEDS AND PREFERENCES OF THE INDIVIDUALS AND IN AN INTEGRATED SETTING, REGARDLESS OF THE NATURE OR SEVERITY OF THE INDIVIDUALS' DISABILITIES;

(3) APPLICATION FOR AND USE OF ALL FEDERAL AND STATE FUNDING PROGRAMS, INCLUDING PROGRAMS AVAILABLE UNDER MEDICAID WAIVER AMENDMENTS AND RESOURCES UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT, TO ASSIST INDIVIDUALS WITH DISABILITIES TO OBTAIN COMPETITIVE, INTEGRATED EMPLOYMENT; AND

(4) THE TRACKING OF OUTCOMES OF INDIVIDUALS WITH DISABILITIES ON THE BASIS OF:

(i) WAGES;

(ii) UNEMPLOYMENT RATES;

(iii) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO COMPETITIVE, INTEGRATED EMPLOYMENT; AND

(iv) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO NONPAYING ACTIVITIES.

(C) IN IMPLEMENTING THE PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES SHALL ENGAGE STATEWIDE ORGANIZATIONS, INCLUDING THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL, AND PROVIDER AND FAMILY STATEWIDE ADVOCACY ORGANIZATIONS REPRESENTING THOSE IMPACTED BY THE PHASE-OUT.

(D) (1) ON OR BEFORE OCTOBER 1, 2017, THE ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES SHALL SUBMIT THE PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(2) ON OR BEFORE OCTOBER 1, 2018, 2019, AND 2020, THE ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

(I) THE BENCHMARKS AND STATUS OF ACHIEVING THE OUTCOMES INCLUDED IN THE PLAN UNDER SUBSECTION (B)(1) OF THIS SECTION; AND

(II) RECOMMENDATIONS FOR FUNDING LEVELS OR OTHER RESOURCES NECESSARY TO IMPLEMENT THE PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION.

7-1013.

(A) (1) EACH INDIVIDUAL WHO IS BEING PAID LESS THAN THE MINIMUM WAGE UNDER § 3-414 OF THE LABOR AND EMPLOYMENT ARTICLE AND THE INDIVIDUAL'S RESOURCE COORDINATOR, IN CONSULTATION WITH MEMBERS FROM THE INDIVIDUAL'S TEAM, SHALL DEVELOP AS PART OF THE INDIVIDUAL'S ANNUAL INDIVIDUAL PLAN A SUPPLEMENTAL PLAN THAT ADDRESSES HOW COMMUNITY INTEGRATION AND EMPLOYMENT WILL BE ACCOMPLISHED.

(2) THE RESOURCE COORDINATOR SHALL USE APPROPRIATE COMMUNICATION DEVICES AND TECHNIQUES, INCLUDING SIGN LANGUAGE, TO FACILITATE THE INVOLVEMENT OF THE INDIVIDUAL IN THE DEVELOPMENT OF THE INDIVIDUAL'S SUPPLEMENTAL PLAN.

(B) AN INDIVIDUAL'S SUPPLEMENTAL PLAN SHALL INCLUDE:

(1) THE RESOURCE COORDINATOR'S RECOMMENDATION ON THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS;

(2) A DESCRIPTION OF THE SERVICES AND SUPPORTS THAT ARE REQUIRED FOR THE INDIVIDUAL TO RECEIVE SERVICES IN THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS;

(3) A LISTING OF BARRIERS THAT PREVENT THE INDIVIDUAL FROM RECEIVING THE SERVICES AND SUPPORTS REQUIRED FOR THE INDIVIDUAL TO WORK IN THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS, INCLUDING:

(I) BARRIERS TO ACCESSING FUNDING AND RESOURCES, INCLUDING FOR STAFFING, TRANSPORTATION, AND OTHER NEEDED SERVICES AND SUPPORTS;

(II) DECISION MAKING BY THE INDIVIDUAL OR THE INDIVIDUAL'S REPRESENTATIVE, AS APPROPRIATE;

(III) BARRIERS TO ACCESSING MEDICAL OR BEHAVIORAL SUPPORT NEEDS; AND

(IV) FAMILY MEMBERS' CONCERNS OR OPPOSITION; AND

(4) AN UPDATE ON THE STATUS AND PROGRESS TOWARD ADDRESSING AND RESOLVING BARRIERS IDENTIFIED UNDER ITEM (3) OF THIS SUBSECTION IN A PREVIOUS SUPPLEMENTAL PLAN.

(C) THE ADMINISTRATION SHALL DEVELOP, IN CONSULTATION WITH INTERESTED STAKEHOLDERS, THE PLANNING PROTOCOL AND FORMAT FOR THE SUPPLEMENTAL PLAN.

(D) (1) ON AN ANNUAL BASIS AND AT ANY OTHER TIME REQUESTED BY AN INDIVIDUAL WHO IS PAID LESS THAN THE MINIMUM WAGE UNDER § 3-414 OF THE LABOR AND EMPLOYMENT ARTICLE, THE INDIVIDUAL AND THE INDIVIDUAL'S RESOURCE COORDINATOR AND TEAM SHALL DISCUSS THE MOST INTEGRATED EMPLOYMENT SETTING THAT IS APPROPRIATE FOR THE INDIVIDUAL IN ACCORDANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT.

(2) THE RESOURCE COORDINATOR SHALL DOCUMENT IN THE INDIVIDUAL'S ANNUAL INDIVIDUAL PLAN:

(I) ANY DISCUSSIONS HELD UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) ANY RECOMMENDATIONS THAT RESULTED FROM THE DISCUSSIONS.

(E) (1) THE ADMINISTRATION SHALL TRACK THE PROGRESS OF INDIVIDUALS WITH A SUPPLEMENTAL PLAN BY COLLECTING THE FOLLOWING DATA:

(I) THE WAGES OF THE INDIVIDUALS;

(II) THE UNEMPLOYMENT RATES OF THE INDIVIDUALS;

(III) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO COMPETITIVE, INTEGRATED EMPLOYMENT; AND

(IV) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO NONPAYING ACTIVITIES.

(2) ON OR BEFORE SEPTEMBER 1, 2018, 2019, AND 2020, THE ADMINISTRATION SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH §

2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A SUMMARY OF THE DATA COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION ON A STATEWIDE AND REGIONAL BASIS.

7-1014.

A NEW EMPLOYEE EMPLOYED AT LESS THAN THE MINIMUM WAGE UNDER § 3-414 OF THE LABOR AND EMPLOYMENT ARTICLE SHALL:

(1) BE INFORMED BY THE EMPLOYEE’S EMPLOYER OF ALL OPPORTUNITIES TO OBTAIN COMPETITIVE, INTEGRATED EMPLOYMENT;

(2) HAVE A ~~PLAN OF HABILITATION~~ SUPPLEMENTAL PLAN UNDER § ~~7-1006~~ § 7-1013 OF THIS SUBTITLE THAT INCLUDES:

(I) A GOAL TO ACHIEVE A SPECIFIC EMPLOYMENT OUTCOME;

(II) A DESCRIPTION OF THE SUPPORTS NEEDED TO ACHIEVE THE GOAL;

(III) A PLAN FOR MONITORING PROGRESS TOWARD THE GOAL;

(IV) THE BARRIERS TO COMPETITIVE, INTEGRATED EMPLOYMENT; AND

(V) GOALS AND ACTIVITIES FOR THE EMPLOYEE WHEN WORK IS NOT AVAILABLE OR THE EMPLOYEE CHOOSES NOT TO WORK ON A SPECIFIC DAY OR DURING A SPECIFIC SHIFT;

(3) WHEN CHOOSING TO WORK, BE ENGAGED IN WORK THAT IS CONSISTENT WITH THE EMPLOYEE’S UNIQUE STRENGTHS, RESOURCES, PRIORITIES, CONCERNS, ABILITIES, CAPABILITIES, INTERESTS, AND INFORMED CHOICE;

(4) CHOOSE THE EMPLOYER AND THE EMPLOYMENT; AND

(5) BE INFORMED OF THE EMPLOYEE’S RIGHT TO CHOOSE WHEN TO WORK.

**Article – Labor and Employment**

3-414.

(a) In this section, “federal certificate” means a certificate that the United States Department of Labor issues to a work activities center or other sheltered workshop to allow

the workshop to pay an individual less than the wage otherwise required for that individual under the federal Act.

~~(b) This section does not apply to a blind individual who works in a sheltered workshop of Blind Industries and Services of Maryland.~~

~~(e) (B) (1)~~ Subject to the limitations in this section, the Commissioner may ~~NOT~~ authorize a work activities center or other sheltered workshop to pay [a mentally or physically disabled employee of the workshop] **AN EMPLOYEE WITH A DISABILITY** less than the minimum wage otherwise required under this subtitle for the employee ~~UNLESS:~~

~~(1) THE COMMISSIONER AUTHORIZED THE WORKSHOP BEFORE OCTOBER 1, 2016, TO PAY THE EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE OTHERWISE REQUIRED UNDER THIS SUBTITLE FOR THE EMPLOYEE; AND~~

~~(2) THE COMMISSIONER PROHIBITS THE WORKSHOP FROM PAYING ADDITIONAL EMPLOYEES LESS THAN THE MINIMUM WAGE OTHERWISE REQUIRED UNDER THIS SUBTITLE.~~

**(2) THE COMMISSIONER MAY NOT AUTHORIZE A WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP TO PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE WORK ACTIVITIES CENTER OR WORKSHOP WAS NOT AUTHORIZED TO DO SO BEFORE OCTOBER 1, 2016.**

**(3) A WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP MAY PAY A NEW EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE REQUIREMENTS OF § 7-1014 OF THE HEALTH – GENERAL ARTICLE ARE MET.**

~~(d) (C)~~ (1) To authorize a work activities center or other sheltered workshop to pay less than the minimum wage, the Commissioner shall:

(i) issue a State certificate that sets wages for employees of the workshop;

(ii) accept a federal certificate for the workshop; or

(iii) grant an exception for the workshop but only if:

1. the Commissioner has not issued a State certificate for the workshop;

2. the workshop is not eligible for a federal certificate; and

3. the Commissioner investigates and holds a hearing on the exception.

(2) The Commissioner shall accept a federal certificate if a work activities center or other sheltered workshop submits that certificate to the Commissioner within 10 days after the workshop receives the certificate.

~~(D)~~ (1) Each certificate that the Commissioner issues under this section shall:

~~(H)~~ state the period for which the certificate is in effect; ~~AND~~

~~(H)~~ ~~EXPIRE NO LATER THAN OCTOBER 1, 2019.~~

(2) The acceptance of a federal certificate does not apply automatically to an individual whom a work activities center or other sheltered workshop continues to employ after the individual completes a training program that the workshop runs.

~~(E)~~ (1) The Commissioner may revoke acceptance of a federal certificate if:

(i) the United States Department of Labor revokes the federal certificate; or

(ii) at any time before revocation by the Department of Labor and after an investigation and hearing, the Commissioner finds good cause to revoke the acceptance.

(2) The Commissioner shall send notice of a hearing under this subsection, by certified mail, to the holder of the federal certificate at least 30 days before the hearing.

~~§ 414.1.~~

~~(A) IN THIS SECTION, “DEPARTMENT” MEANS THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.~~

~~(B) THE DEPARTMENT, IN PARTNERSHIP WITH RELEVANT STATE AGENCIES, INCLUDING THE DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE, THE DEPARTMENT OF DISABILITIES, THE DEVELOPMENTAL DISABILITIES ADMINISTRATION, THE STATE DEPARTMENT OF EDUCATION, AND THE DIVISION OF REHABILITATION SERVICES, SHALL DEVELOP AND IMPLEMENT A PLAN TO PHASE OUT BY OCTOBER 1, 2019, AUTHORIZATIONS UNDER § 3-414 OF THIS SUBTITLE TO PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE OTHERWISE REQUIRED FOR THE EMPLOYEE UNDER THIS SUBTITLE.~~

~~(C) THE PLAN DEVELOPED AND IMPLEMENTED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:~~

~~(1) BENCHMARKS AND DESIRED OUTCOMES FOR EACH YEAR OF THE PHASE-OUT;~~

~~(2) A LIST OF THE RESOURCES NECESSARY TO ENSURE THAT INDIVIDUALS WITH DISABILITIES RECEIVE SUPPORT ACCORDING TO THE NEEDS AND PREFERENCES OF THE INDIVIDUALS WITH DISABILITIES IN AN INTEGRATED SETTING, REGARDLESS OF THE NATURE OR SEVERITY OF THE INDIVIDUALS' DISABILITIES;~~

~~(3) APPLICATION TO AND USE OF ALL FEDERAL AND STATE FUNDING PROGRAMS, INCLUDING MEDICAID WAIVER AMENDMENTS AND RESOURCES UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT, TO ASSIST INDIVIDUALS WITH DISABILITIES TO OBTAIN COMPETITIVE, INTEGRATED EMPLOYMENT; AND~~

~~(4) THE TRACKING OF OUTCOMES OF INDIVIDUALS WITH DISABILITIES ON THE BASIS OF:~~

~~(I) WAGES;~~

~~(II) UNEMPLOYMENT RATES;~~

~~(III) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO COMPETITIVE, INTEGRATED EMPLOYMENT; AND~~

~~(IV) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO NONPAYING ACTIVITIES.~~

~~(D) THE DEPARTMENT SHALL ENGAGE STATEWIDE ORGANIZATIONS REPRESENTING THOSE IMPACTED BY THE PHASE-OUT, INCLUDING THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL AND ADVOCACY, PROVIDER, FAMILY, AND OTHER STATEWIDE ORGANIZATIONS, IN IMPLEMENTING THE PLAN DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(E) ON OR BEFORE OCTOBER 1 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE BENCHMARKS AND RESULTS OF OUTCOMES DESCRIBED IN PARAGRAPH (C) OF THIS SECTION AND RECOMMENDATIONS FOR FUNDING LEVELS OR OTHER RESOURCES NECESSARY TO IMPLEMENT THE PLAN DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~SUBTITLE 8. MISCELLANEOUS.~~~~2-801.~~

~~BEGINNING JANUARY 1, 2019, A WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP THAT PAYS AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE OTHERWISE REQUIRED UNDER TITLE 3, SUBTITLE 4 OF THE LABOR AND EMPLOYMENT ARTICLE MAY NOT RECEIVE STATE FUNDS.~~

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

Article – Health – General

[7-1012.

(a) The Administration and the Department of Disabilities, in partnership with relevant State agencies, including the Department of Economic Competitiveness and Commerce, the State Department of Education, and the Division of Rehabilitation Services, shall develop and implement a plan to phase out on or before October 1, 2020, authorizations under § 3-414 of the Labor and Employment Article to pay an employee with a disability less than the minimum wage otherwise required for the employee under Title 3, Subtitle 4 of the Labor and Employment Article.

(b) The plan developed and implemented under subsection (a) of this section shall include:

(1) Benchmarks and desired outcomes for each year of the phase-out;

(2) A list of the resources necessary to ensure that individuals with disabilities receive support according to the needs and preferences of the individuals and in an integrated setting, regardless of the nature or severity of the individuals' disabilities;

(3) Application for and use of all federal and State funding programs, including programs available under Medicaid waiver amendments and resources under the Workforce Innovation and Opportunity Act, to assist individuals with disabilities to obtain competitive, integrated employment; and

(4) The tracking of outcomes of individuals with disabilities on the basis of:

(i) Wages;

(ii) Unemployment rates;

(iii) The number of individuals who move from subminimum wage positions to competitive, integrated employment; and

(iv) The number of individuals who move from subminimum wage positions to nonpaying activities.

(c) In implementing the plan developed under subsection (a) of this section, the Administration and the Department of Disabilities shall engage statewide organizations, including the Maryland Developmental Disabilities Council, and provider and family statewide advocacy organizations representing those impacted by the phase-out.

(d) (1) On or before October 1, 2017, the Administration and the Department of Disabilities shall submit the plan developed under subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

(2) On or before October 1, 2018, 2019, and 2020, the Administration and the Department of Disabilities shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on:

(i) The benchmarks and status of achieving the outcomes included in the plan under subsection (b)(1) of this section; and

(ii) Recommendations for funding levels or other resources necessary to implement the plan developed under subsection (a) of this section.]

[7-1013.

(a) (1) Each individual who is being paid less than the minimum wage under § 3-414 of the Labor and Employment Article and the individual's resource coordinator, in consultation with members from the individual's team, shall develop as part of the individual's annual individual plan a supplemental plan that addresses how community integration and employment will be accomplished.

(2) The resource coordinator shall use appropriate communication devices and techniques, including sign language, to facilitate the involvement of the individual in the development of the individual's supplemental plan.

(b) An individual's supplemental plan shall include:

(1) The resource coordinator's recommendation on the most integrated setting appropriate to meet the individual's needs;

(2) A description of the services and supports that are required for the individual to receive services in the most integrated setting appropriate to meet the individual's needs;

(3) A listing of barriers that prevent the individual from receiving the services and supports required for the individual to work in the most integrated setting appropriate to meet the individual's needs, including:

(i) Barriers to accessing funding and resources, including for staffing, transportation, and other needed services and supports;

(ii) Decision making by the individual or the individual's representative, as appropriate;

(iii) Barriers to accessing medical or behavioral support needs; and

(iv) Family members' concerns or opposition; and

(4) An update on the status and progress toward addressing and resolving barriers identified under item (3) of this subsection in a previous supplemental plan.

(c) The Administration shall develop, in consultation with interested stakeholders, the planning protocol and format for the supplemental plan.

(d) (1) On an annual basis and at any other time requested by an individual who is paid less than the minimum wage under § 3-414 of the Labor and Employment Article, the individual and the individual's resource coordinator and team shall discuss the most integrated employment setting that is appropriate for the individual in accordance with the federal Americans with Disabilities Act.

(2) The resource coordinator shall document in the individual's annual individual plan:

(i) Any discussions held under paragraph (1) of this subsection; and

(ii) Any recommendations that resulted from the discussions.

(e) (1) The Administration shall track the progress of individuals with a supplemental plan by collecting the following data:

(i) The wages of the individuals;

(ii) The unemployment rates of the individuals;

(iii) The number of individuals who move from subminimum wage positions to competitive, integrated employment; and

(iv) The number of individuals who move from subminimum wage positions to nonpaying activities.

(2) On or before September 1, 2018, 2019, and 2020, the Administration shall submit to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly a summary of the data collected under paragraph (1) of this subsection on a statewide and regional basis.]

[7–1014.

A new employee employed at less than the minimum wage under § 3–414 of the Labor and Employment Article shall:

(1) Be informed by the employee’s employer of all opportunities to obtain competitive, integrated employment;

(2) Have a plan of habilitation under § 7–1006 of this subtitle that includes:

(i) A goal to achieve a specific employment outcome;

(ii) A description of the supports needed to achieve the goal;

(iii) A plan for monitoring progress toward the goal;

(iv) The barriers to competitive, integrated employment; and

(v) Goals and activities for the employee when work is not available or the employee chooses not to work on a specific day or during a specific shift;

(3) When choosing to work, be engaged in work that is consistent with the employee’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

(4) Choose the employer and the employment; and

(5) Be informed of the employee’s right to choose when to work.]

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

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

§3–414.

(a) In this section, “federal certificate” means a certificate that the United States Department of Labor issues to a work activities center or other sheltered workshop to allow the workshop to pay an individual less than the wage otherwise required for that individual under the federal Act.

~~(b) This section does not apply to a blind individual who works in a sheltered workshop of Blind Industries and Services of Maryland.~~

~~(e) (B) (b) [(1) Subject to the limitations in this section, the Commissioner may not authorize a work activities center or other sheltered workshop to pay an employee with a disability less than the minimum wage otherwise required under this subtitle for the employee unless:~~

~~(1) the Commissioner authorized the workshop before October 1, 2016, to pay the employee with a disability less than the minimum wage otherwise required under this subtitle for the employee; and~~

~~(2) the Commissioner prohibits the workshop from paying additional employees less than the minimum wage otherwise required under this subtitle.~~

(2)/(1) [The] BEGINNING OCTOBER 1, 2020, THE Commissioner may not authorize a work activities center or other sheltered workshop to pay an employee with a disability less than the minimum wage [under paragraph (1) of this subsection if the work activities center or workshop was not authorized to do so before October 1, 2016] OTHERWISE REQUIRED UNDER THIS SUBTITLE FOR THE EMPLOYEE.

(2) BEGINNING OCTOBER 1, 2020, A WORK ACTIVITIES CENTER OR WORKSHOP MAY PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE FEDERAL PREVAILING WAGE OF PAY TO THE EXTENT AUTHORIZED BY FEDERAL LAW IF THE WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP:

(I) WAS AUTHORIZED BY THE COMMISSIONER BEFORE OCTOBER 1, 2016, TO PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE THAT WAS OTHERWISE REQUIRED UNDER THIS SUBTITLE FOR THE EMPLOYEE THROUGH THE ACCEPTANCE OF A FEDERAL CERTIFICATE; AND

(II) THE WORK ACTIVITIES CENTER OR WORKSHOP MAINTAINS THE FEDERAL CERTIFICATE.

[(3) A work activities center or other sheltered workshop may pay a new employee with a disability less than the minimum wage under paragraph (1) of this subsection only if the requirements of § 7-1014 of the Health – General Article are met.]

~~(d) (1) (c) [(1) To authorize a work activities center or other sheltered workshop to pay less than the minimum wage, the Commissioner shall:~~

~~(i) issue a State certificate that sets wages for employees of the workshop;~~

~~(ii) accept a federal certificate for the workshop; or~~

(iii) grant an exception for the workshop but only if:

1. the Commissioner has not issued a State certificate for the workshop;
2. the workshop is not eligible for a federal certificate; and
3. the Commissioner investigates and holds a hearing on the exception.

(2) The Commissioner shall accept a federal certificate if a work activities center or other sheltered workshop submits that certificate to the Commissioner within 10 days after the workshop receives the certificate.

~~(e) (D) (d)~~ (1) Each certificate that the Commissioner issues under this section shall:

- ~~(i)~~ state the period for which the certificate is in effect, ~~and~~
- ~~(ii)~~ ~~expire no later than October 1, 2019.~~

(2) The acceptance of a federal certificate does not apply automatically to an individual whom a work activities center or other sheltered workshop continues to employ after the individual completes a training program that the workshop runs.

~~(f) (E) (e)~~ (1) The Commissioner may revoke acceptance of a federal certificate if:

- (i) the United States Department of Labor revokes the federal certificate; or
- (ii) at any time before revocation by the Department of Labor and after an investigation and hearing, the Commissioner finds good cause to revoke the acceptance.

(2) The Commissioner shall send notice of a hearing under this subsection, by certified mail, to the holder of the federal certificate at least 30 days before the hearing. ~~†~~

~~§ 414.1.~~

~~(a) In this section, "Department" means the Department of Labor, Licensing, and Regulation.~~

~~(b) The Department in partnership with relevant State agencies, including the Department of Economic Competitiveness and Commerce, the Department of Disabilities,~~

~~the Developmental Disabilities Administration, the State Department of Education, and the Division of Rehabilitation Services, shall develop and implement a plan to phase out by October 1, 2019, authorizations under § 3-414 of this subtitle to pay an employee with a disability less than the minimum wage otherwise required for the employee under this subtitle.~~

~~(e) The plan developed and implemented under subsection (b) of this section shall include:~~

~~(1) benchmarks and desired outcomes for each year of the phase out;~~

~~(2) a list of the resources necessary to ensure that individuals with disabilities receive support according to their needs and preferences in an integrated setting, regardless of the nature or severity of the individuals' disabilities;~~

~~(3) application to and use of all federal and State funding programs, including Medicaid waiver amendments and resources under the Workforce Innovation and Opportunity Act, to assist individuals with disabilities to obtain competitive, integrated employment; and~~

~~(4) the tracking of outcomes of individuals with disabilities on the basis of:~~

~~(i) wages;~~

~~(ii) unemployment rates;~~

~~(iii) the number of individuals who move from subminimum wage positions to competitive, integrated employment; and~~

~~(iv) the number of individuals who move from subminimum wage positions to nonpaying activities.~~

~~(d) The Department shall engage statewide organizations representing those impacted by the phase out, including the Maryland Developmental Disabilities Council and advocacy, provider, family, and other statewide organizations, in implementing the plan developed under subsection (b) of this section.~~

~~(e) On or before October 1 each year, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the benchmarks and results of outcomes described in paragraph (c) of this section and recommendations for funding levels or other resources necessary to implement the plan developed under subsection (b) of this section.】~~

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Developmental Disabilities Administration and the Department of Disabilities shall:

(1) conduct a study of employees who earn at least the federal minimum wage but less than the federal prevailing wage of pay for a nondisabled employee under a federal certificate that authorizes the payment of a wage that is less than the wage otherwise required for the employees under federal law;

(2) determine:

(i) the number and demographics of employees employed between the federal minimum wage and federal prevailing wage of pay for nondisabled employees;

(ii) whether the employment of the employees complies with the integration requirements under 42 C.F.R. § 441.71;

(iii) the type of employment of the employees, including whether employees are employed under federal Ability One contracts;

(iv) whether any changes in federal law or policy regarding the payment of lower wages to the employees occurred after October 1, 2016, or are likely to occur and, if changes have occurred or are likely to occur, what the changes were or are likely to be; and

(v) whether there are prospects for the employees to obtain employment at similar rates of pay without federal certificates; and

(3) make any recommendations for State legislative or policy changes regarding the employment of individuals with disabilities.

(b) In carrying out the duties described in subsection (a) of this section, the Developmental Disabilities Administration and the Department of Disabilities shall consult:

(1) the State agencies specified in § 7-1012(a) of the Health – General Article, as enacted by Section 1 of this Act;

(2) Maryland Works;

(3) People on the Go;

(4) the Maryland Association of Community Services;

(5) the National Federation of the Blind;

(6) the Association of People Supporting Employment;

(7) the ARC Maryland; and

(8) any other relevant stakeholders.

(c) On or before October 1, 2017, the Developmental Disabilities Administration and the Department of Disabilities shall report their findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee, the House Economic Matters Committee, and the House Health and Government Operations Committee.

SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, ~~2019~~ 2021.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 2020.

SECTION ~~4~~ 7. AND BE IT FURTHER ENACTED, That, except as provided in ~~Section 3~~ Sections 5 and 6 of this Act, this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 522

(House Bill 420)

AN ACT concerning

~~Labor and Employment – Minimum Wage – Individuals With Disabilities  
(Ken Capone Equal Employment Act)~~  
Individuals With Disabilities – Minimum Wage and Community Integration  
(Ken Capone Equal Employment Act)

FOR the purpose of prohibiting the Commissioner of Labor and Industry, ~~except~~ under certain circumstances, from authorizing certain work activities centers and certain sheltered workshops to pay employees with disabilities less than a certain minimum wage; ~~requiring that a certain State certificate issued by the Commissioner under a certain provision of law expires no later than a certain date~~ authorizing certain work activities centers and certain sheltered workshops to pay new employees a certain wage only under certain circumstances; requiring the ~~Department of Labor, Licensing, and Regulation~~ Developmental Disabilities Administration and the Department of Disabilities, in partnership with certain State agencies, to develop and implement a certain plan to phase out certain authorizations under a certain provision of law; providing for the scope of the plan; requiring the Administration and the Department to engage with certain organizations representing those impacted by the phase-out to implement a certain plan; requiring the Administration and the Department to submit a certain plan to the Governor and the General Assembly on or before a certain date; requiring the Department to report

~~certain benchmarks, outcomes, and recommendations to the Governor and the General Assembly on or before a certain date each year dates; prohibiting a certain work activities center or other sheltered workshop from receiving State funds on or after a certain date under certain circumstances; requiring a certain individual and a certain resource coordinator, in consultation with certain individuals, to develop a certain supplemental plan; requiring a certain resource coordinator to use appropriate communication devices and techniques to facilitate the involvement of a certain individual in the development of the individual's supplemental plan; requiring that an individual's plan include certain information; requiring the Administration, in consultation with certain stakeholders, to develop the planning protocol and format for a supplemental plan; requiring a certain individual and the individual's resource coordinator and team to discuss a certain job setting on an annual basis and at any other time requested by the individual; requiring the resource coordinator to document certain information in a certain individual's annual individual plan; requiring the Administration to track the progress of certain individuals by collecting certain data; requiring the Administration to report certain information to the Governor and the General Assembly on or before certain dates; prohibiting the Administration from funding certain providers beginning on a certain date; requiring a certain new employee to be informed by the employee's employer of certain opportunities, have a plan of habilitation that includes certain information, be engaged in certain work when choosing to work, choose the employer and employment, and be informed of certain rights; repealing certain provisions of law relating to the authorization of certain work activities centers and certain sheltered workshops to pay certain employees with disabilities less than a certain minimum wage; repealing certain provisions of law requiring the Administration and the Department to develop and implement a certain plan and make certain reports; repealing certain provisions of law requiring certain individuals to have a certain supplemental plan; repealing certain provisions of law requiring that a certain new employee be informed by the employee's employer of certain opportunities, have a plan of habilitation that includes certain information, be engaged in certain work when choosing to work, choose the employer and employment, and be informed of certain rights; authorizing certain work activities centers and other workshops, beginning on a certain date, to pay less than the federal prevailing wage of pay to the extent authorized under federal law and under certain circumstances; requiring the Administration and the Department to conduct a certain study, determine certain information, and make certain recommendations; requiring the Administration and the Department to consult certain State agencies, other entities, and relevant stakeholders in carrying out certain duties; requiring the Administration and the Department to report their findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date; altering certain terminology; providing for a delayed effective date for certain provisions of this Act; and generally relating to the payment of wages under the Maryland Wage and Hour Law and to and community integration of individuals with disabilities.~~

BY adding to

Article – Health – General

Section 7–207, 7–1012, 7–1013, and 7–1014  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 3–414  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

~~BY adding to~~  
~~Article – Labor and Employment~~  
~~Section 3–414.1~~  
~~Annotated Code of Maryland~~  
~~(2008 Replacement Volume and 2015 Supplement)~~

~~BY adding to~~  
~~Article – State Finance and Procurement~~  
~~Section 2–801 to be under the new subtitle “Subtitle 8. Miscellaneous”~~  
~~Annotated Code of Maryland~~  
~~(2015 Replacement Volume)~~

BY repealing  
Article – Health – General  
Section 7–1012, 7–1013, and 7–1014  
Annotated Code of Maryland  
(2015 Replacement Volume)  
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 3–414 ~~and 3–414.1~~  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)  
(As enacted by Section 1 of this Act)

#### Preamble

WHEREAS, Section 14(c) of the Fair Labor Standards Act of 1938 authorizes the United States Secretary of Labor to grant special wage certificates to certain entities, which may then pay special minimum wages less than the federal minimum wage to workers who have disabilities; and

WHEREAS, These Section 14(c) certificates also allow the payment of wages that are less than the prevailing wage to workers who have disabilities for work being performed on contracts subject to the McNamara–O’Hara Service Contract Act and the Walsh–Healey Public Contracts Act; and

WHEREAS, During 2015, 3,589 Maryland residents were employed under Section 14(c) certificates; and

WHEREAS, 20% of individuals with developmental disabilities in Maryland work in facility-based settings where, for a 2-week period, the mean number of hours worked is 17 hours and the mean income is \$66; and

WHEREAS, The practice of paying workers with disabilities less than the federal minimum wage dates back to the 1930s, a time of virtually no employment opportunities for disabled workers in the mainstream workforce; and

WHEREAS, Advancements in vocational rehabilitation, technology, and training now provide workers with disabilities with greater opportunities; and

WHEREAS, Employees with disabilities have rarely been able to transition from Section 14(c) programs to obtain integrated employment at competitive wages; now, therefore,

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

Article – Health – General

7-207.

BEGINNING OCTOBER 1, 2020, THE ADMINISTRATION MAY NOT FUND PROVIDERS THAT PAY INDIVIDUALS LESS THAN THE MINIMUM WAGE UNDER A CERTIFICATE THAT THE UNITED STATES DEPARTMENT OF LABOR ISSUES TO A WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP TO ALLOW THE WORK ACTIVITIES CENTER OR WORKSHOP TO PAY AN INDIVIDUAL LESS THAN THE WAGE OTHERWISE REQUIRED FOR THE INDIVIDUAL UNDER FEDERAL LAW.

7-1012.

(A) THE ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES, IN PARTNERSHIP WITH RELEVANT STATE AGENCIES, INCLUDING THE DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE, THE STATE DEPARTMENT OF EDUCATION, AND THE DIVISION OF REHABILITATION SERVICES, SHALL DEVELOP AND IMPLEMENT A PLAN TO PHASE OUT ON OR BEFORE OCTOBER 1, 2020, AUTHORIZATIONS UNDER § 3-414 OF THE LABOR AND EMPLOYMENT ARTICLE TO PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE OTHERWISE REQUIRED FOR THE EMPLOYEE UNDER TITLE 3, SUBTITLE 4 OF THE LABOR AND EMPLOYMENT ARTICLE.

**(B) THE PLAN DEVELOPED AND IMPLEMENTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:**

**(1) BENCHMARKS AND DESIRED OUTCOMES FOR EACH YEAR OF THE PHASE-OUT;**

**(2) A LIST OF THE RESOURCES NECESSARY TO ENSURE THAT INDIVIDUALS WITH DISABILITIES RECEIVE SUPPORT ACCORDING TO THE NEEDS AND PREFERENCES OF THE INDIVIDUALS AND IN AN INTEGRATED SETTING, REGARDLESS OF THE NATURE OR SEVERITY OF THE INDIVIDUALS' DISABILITIES;**

**(3) APPLICATION FOR AND USE OF ALL FEDERAL AND STATE FUNDING PROGRAMS, INCLUDING PROGRAMS AVAILABLE UNDER MEDICAID WAIVER AMENDMENTS AND RESOURCES UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT, TO ASSIST INDIVIDUALS WITH DISABILITIES TO OBTAIN COMPETITIVE, INTEGRATED EMPLOYMENT; AND**

**(4) THE TRACKING OF OUTCOMES OF INDIVIDUALS WITH DISABILITIES ON THE BASIS OF:**

**(I) WAGES;**

**(II) UNEMPLOYMENT RATES;**

**(III) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO COMPETITIVE, INTEGRATED EMPLOYMENT; AND**

**(IV) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO NONPAYING ACTIVITIES.**

**(C) IN IMPLEMENTING THE PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES SHALL ENGAGE STATEWIDE ORGANIZATIONS, INCLUDING THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL, AND PROVIDER AND FAMILY STATEWIDE ADVOCACY ORGANIZATIONS REPRESENTING THOSE IMPACTED BY THE PHASE-OUT.**

**(D) (1) ON OR BEFORE OCTOBER 1, 2017, THE ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES SHALL SUBMIT THE PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

**(2) ON OR BEFORE OCTOBER 1, 2018, 2019, AND 2020, THE ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES SHALL REPORT TO THE**

GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

(I) THE BENCHMARKS AND STATUS OF ACHIEVING THE OUTCOMES INCLUDED IN THE PLAN UNDER SUBSECTION (B)(1) OF THIS SECTION; AND

(II) RECOMMENDATIONS FOR FUNDING LEVELS OR OTHER RESOURCES NECESSARY TO IMPLEMENT THE PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION.

7-1013.

(A) (1) EACH INDIVIDUAL WHO IS BEING PAID LESS THAN THE MINIMUM WAGE UNDER § 3-414 OF THE LABOR AND EMPLOYMENT ARTICLE AND THE INDIVIDUAL'S RESOURCE COORDINATOR, IN CONSULTATION WITH MEMBERS FROM THE INDIVIDUAL'S TEAM, SHALL DEVELOP AS PART OF THE INDIVIDUAL'S ANNUAL INDIVIDUAL PLAN A SUPPLEMENTAL PLAN THAT ADDRESSES HOW COMMUNITY INTEGRATION AND EMPLOYMENT WILL BE ACCOMPLISHED.

(2) THE RESOURCE COORDINATOR SHALL USE APPROPRIATE COMMUNICATION DEVICES AND TECHNIQUES, INCLUDING SIGN LANGUAGE, TO FACILITATE THE INVOLVEMENT OF THE INDIVIDUAL IN THE DEVELOPMENT OF THE INDIVIDUAL'S SUPPLEMENTAL PLAN.

(B) AN INDIVIDUAL'S SUPPLEMENTAL PLAN SHALL INCLUDE:

(1) THE RESOURCE COORDINATOR'S RECOMMENDATION ON THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS;

(2) A DESCRIPTION OF THE SERVICES AND SUPPORTS THAT ARE REQUIRED FOR THE INDIVIDUAL TO RECEIVE SERVICES IN THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS;

(3) A LISTING OF BARRIERS THAT PREVENT THE INDIVIDUAL FROM RECEIVING THE SERVICES AND SUPPORTS REQUIRED FOR THE INDIVIDUAL TO WORK IN THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS, INCLUDING:

(I) BARRIERS TO ACCESSING FUNDING AND RESOURCES, INCLUDING FOR STAFFING, TRANSPORTATION, AND OTHER NEEDED SERVICES AND SUPPORTS;

(II) DECISION MAKING BY THE INDIVIDUAL OR THE INDIVIDUAL'S REPRESENTATIVE, AS APPROPRIATE;

(III) BARRIERS TO ACCESSING MEDICAL OR BEHAVIORAL SUPPORT NEEDS; AND

(IV) FAMILY MEMBERS' CONCERNS OR OPPOSITION; AND

(4) AN UPDATE ON THE STATUS AND PROGRESS TOWARD ADDRESSING AND RESOLVING BARRIERS IDENTIFIED UNDER ITEM (3) OF THIS SUBSECTION IN A PREVIOUS SUPPLEMENTAL PLAN.

(C) THE ADMINISTRATION SHALL DEVELOP, IN CONSULTATION WITH INTERESTED STAKEHOLDERS, THE PLANNING PROTOCOL AND FORMAT FOR THE SUPPLEMENTAL PLAN.

(D) (1) ON AN ANNUAL BASIS AND AT ANY OTHER TIME REQUESTED BY AN INDIVIDUAL WHO IS PAID LESS THAN THE MINIMUM WAGE UNDER § 3-414 OF THE LABOR AND EMPLOYMENT ARTICLE, THE INDIVIDUAL AND THE INDIVIDUAL'S RESOURCE COORDINATOR AND TEAM SHALL DISCUSS THE MOST INTEGRATED EMPLOYMENT SETTING THAT IS APPROPRIATE FOR THE INDIVIDUAL IN ACCORDANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT.

(2) THE RESOURCE COORDINATOR SHALL DOCUMENT IN THE INDIVIDUAL'S ANNUAL INDIVIDUAL PLAN:

(I) ANY DISCUSSIONS HELD UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) ANY RECOMMENDATIONS THAT RESULTED FROM THE DISCUSSIONS.

(E) (1) THE ADMINISTRATION SHALL TRACK THE PROGRESS OF INDIVIDUALS WITH A SUPPLEMENTAL PLAN BY COLLECTING THE FOLLOWING DATA:

(I) THE WAGES OF THE INDIVIDUALS;

(II) THE UNEMPLOYMENT RATES OF THE INDIVIDUALS;

(III) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO COMPETITIVE, INTEGRATED EMPLOYMENT; AND

(IV) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO NONPAYING ACTIVITIES.

(2) ON OR BEFORE SEPTEMBER 1, 2018, 2019, AND 2020, THE ADMINISTRATION SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A SUMMARY OF THE DATA COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION ON A STATEWIDE AND REGIONAL BASIS.

7-1014.

A NEW EMPLOYEE EMPLOYED AT LESS THAN THE MINIMUM WAGE UNDER § 3-414 OF THE LABOR AND EMPLOYMENT ARTICLE SHALL:

(1) BE INFORMED BY THE EMPLOYEE'S EMPLOYER OF ALL OPPORTUNITIES TO OBTAIN COMPETITIVE, INTEGRATED EMPLOYMENT;

(2) HAVE A ~~PLAN OF HABILITATION~~ SUPPLEMENTAL PLAN UNDER ~~§ 7-1006~~ § 7-1013 OF THIS SUBTITLE THAT INCLUDES:

(I) A GOAL TO ACHIEVE A SPECIFIC EMPLOYMENT OUTCOME;

(II) A DESCRIPTION OF THE SUPPORTS NEEDED TO ACHIEVE THE GOAL;

(III) A PLAN FOR MONITORING PROGRESS TOWARD THE GOAL;

(IV) THE BARRIERS TO COMPETITIVE, INTEGRATED EMPLOYMENT; AND

(V) GOALS AND ACTIVITIES FOR THE EMPLOYEE WHEN WORK IS NOT AVAILABLE OR THE EMPLOYEE CHOOSES NOT TO WORK ON A SPECIFIC DAY OR DURING A SPECIFIC SHIFT;

(3) WHEN CHOOSING TO WORK, BE ENGAGED IN WORK THAT IS CONSISTENT WITH THE EMPLOYEE'S UNIQUE STRENGTHS, RESOURCES, PRIORITIES, CONCERNS, ABILITIES, CAPABILITIES, INTERESTS, AND INFORMED CHOICE;

(4) CHOOSE THE EMPLOYER AND THE EMPLOYMENT; AND

(5) BE INFORMED OF THE EMPLOYEE'S RIGHT TO CHOOSE WHEN TO WORK.

Article – Labor and Employment

3-414.

(a) In this section, “federal certificate” means a certificate that the United States Department of Labor issues to a work activities center or other sheltered workshop to allow the workshop to pay an individual less than the wage otherwise required for that individual under the federal Act.

~~(b) This section does not apply to a blind individual who works in a sheltered workshop of Blind Industries and Services of Maryland.~~

~~(B) (1) Subject to the limitations in this section, the Commissioner may NOT authorize a work activities center or other sheltered workshop to pay [a mentally or physically disabled employee of the workshop] AN EMPLOYEE WITH A DISABILITY less than the minimum wage otherwise required under this subtitle for the employee UNLESS:~~

~~(1) THE COMMISSIONER AUTHORIZED THE WORKSHOP BEFORE OCTOBER 1, 2016, TO PAY THE EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE OTHERWISE REQUIRED UNDER THIS SUBTITLE FOR THE EMPLOYEE; AND~~

~~(2) THE COMMISSIONER PROHIBITS THE WORKSHOP FROM PAYING ADDITIONAL EMPLOYEES LESS THAN THE MINIMUM WAGE OTHERWISE REQUIRED UNDER THIS SUBTITLE.~~

(2) THE COMMISSIONER MAY NOT AUTHORIZE A WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP TO PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE WORK ACTIVITIES CENTER OR WORKSHOP WAS NOT AUTHORIZED TO DO SO BEFORE OCTOBER 1, 2016.

(3) A WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP MAY PAY A NEW EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE REQUIREMENTS OF § 7-1014 OF THE HEALTH – GENERAL ARTICLE ARE MET.

~~(C) (1) To authorize a work activities center or other sheltered workshop to pay less than the minimum wage, the Commissioner shall:~~

~~(i) issue a State certificate that sets wages for employees of the workshop;~~

~~(ii) accept a federal certificate for the workshop; or~~

~~(iii) grant an exception for the workshop but only if:~~

~~1. the Commissioner has not issued a State certificate for the workshop;~~

2. the workshop is not eligible for a federal certificate; and
3. the Commissioner investigates and holds a hearing on the

exception.

(2) The Commissioner shall accept a federal certificate if a work activities center or other sheltered workshop submits that certificate to the Commissioner within 10 days after the workshop receives the certificate.

~~(e)~~ **(D)** (1) Each certificate that the Commissioner issues under this section shall

~~(i)~~ state the period for which the certificate is in effect; ~~AND~~

~~(ii)~~ ~~EXPIRE NO LATER THAN OCTOBER 1, 2019.~~

(2) The acceptance of a federal certificate does not apply automatically to an individual whom a work activities center or other sheltered workshop continues to employ after the individual completes a training program that the workshop runs.

~~(e)~~ **(E)** (1) The Commissioner may revoke acceptance of a federal certificate if:

(i) the United States Department of Labor revokes the federal certificate; or

(ii) at any time before revocation by the Department of Labor and after an investigation and hearing, the Commissioner finds good cause to revoke the acceptance.

(2) The Commissioner shall send notice of a hearing under this subsection, by certified mail, to the holder of the federal certificate at least 30 days before the hearing.

~~3-414.1.~~

~~(A) IN THIS SECTION, "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.~~

~~(B) THE DEPARTMENT, IN PARTNERSHIP WITH RELEVANT STATE AGENCIES, INCLUDING THE DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE, THE DEPARTMENT OF DISABILITIES, THE DEVELOPMENTAL DISABILITIES ADMINISTRATION, THE STATE DEPARTMENT OF EDUCATION, AND THE DIVISION OF REHABILITATION SERVICES, SHALL DEVELOP AND IMPLEMENT A PLAN TO PHASE OUT BY OCTOBER 1, 2019, AUTHORIZATIONS UNDER § 3-414 OF THIS SUBTITLE TO PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE OTHERWISE REQUIRED FOR THE EMPLOYEE UNDER THIS SUBTITLE.~~

~~(C) THE PLAN DEVELOPED AND IMPLEMENTED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:~~

~~(1) BENCHMARKS AND DESIRED OUTCOMES FOR EACH YEAR OF THE PHASE-OUT;~~

~~(2) A LIST OF THE RESOURCES NECESSARY TO ENSURE THAT INDIVIDUALS WITH DISABILITIES RECEIVE SUPPORT ACCORDING TO THE NEEDS AND PREFERENCES OF THE INDIVIDUALS WITH DISABILITIES IN AN INTEGRATED SETTING, REGARDLESS OF THE NATURE OR SEVERITY OF THE INDIVIDUALS' DISABILITIES;~~

~~(3) APPLICATION TO AND USE OF ALL FEDERAL AND STATE FUNDING PROGRAMS, INCLUDING MEDICAID WAIVER AMENDMENTS AND RESOURCES UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT, TO ASSIST INDIVIDUALS WITH DISABILITIES TO OBTAIN COMPETITIVE, INTEGRATED EMPLOYMENT; AND~~

~~(4) THE TRACKING OF OUTCOMES OF INDIVIDUALS WITH DISABILITIES ON THE BASIS OF:~~

~~(I) WAGES;~~

~~(II) UNEMPLOYMENT RATES;~~

~~(III) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO COMPETITIVE, INTEGRATED EMPLOYMENT; AND~~

~~(IV) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO NONPAYING ACTIVITIES.~~

~~(D) THE DEPARTMENT SHALL ENGAGE STATEWIDE ORGANIZATIONS REPRESENTING THOSE IMPACTED BY THE PHASE-OUT, INCLUDING THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL AND ADVOCACY, PROVIDER, FAMILY, AND OTHER STATEWIDE ORGANIZATIONS, IN IMPLEMENTING THE PLAN DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(E) ON OR BEFORE OCTOBER 1 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE BENCHMARKS AND RESULTS OF OUTCOMES DESCRIBED IN PARAGRAPH (C) OF THIS SECTION AND RECOMMENDATIONS FOR FUNDING LEVELS OR OTHER RESOURCES NECESSARY TO IMPLEMENT THE PLAN DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~Article – State Finance and Procurement~~~~SUBTITLE 8. MISCELLANEOUS.~~~~2-801.~~

~~BEGINNING JANUARY 1, 2019, A WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP THAT PAYS AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE OTHERWISE REQUIRED UNDER TITLE 3, SUBTITLE 4 OF THE LABOR AND EMPLOYMENT ARTICLE MAY NOT RECEIVE STATE FUNDS.~~

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

Article – Health – General[7-1012.

(a) The Administration and the Department of Disabilities, in partnership with relevant State agencies, including the Department of Economic Competitiveness and Commerce, the State Department of Education, and the Division of Rehabilitation Services, shall develop and implement a plan to phase out on or before October 1, 2020, authorizations under § 3-414 of the Labor and Employment Article to pay an employee with a disability less than the minimum wage otherwise required for the employee under Title 3, Subtitle 4 of the Labor and Employment Article.

(b) The plan developed and implemented under subsection (a) of this section shall include:

(1) Benchmarks and desired outcomes for each year of the phase-out;

(2) A list of the resources necessary to ensure that individuals with disabilities receive support according to the needs and preferences of the individuals and in an integrated setting, regardless of the nature or severity of the individuals' disabilities;

(3) Application for and use of all federal and State funding programs, including programs available under Medicaid waiver amendments and resources under the Workforce Innovation and Opportunity Act, to assist individuals with disabilities to obtain competitive, integrated employment; and

(4) The tracking of outcomes of individuals with disabilities on the basis of:

(i) Wages;

(ii) Unemployment rates;

(iii) The number of individuals who move from subminimum wage positions to competitive, integrated employment; and

(iv) The number of individuals who move from subminimum wage positions to nonpaying activities.

(c) In implementing the plan developed under subsection (a) of this section, the Administration and the Department of Disabilities shall engage statewide organizations, including the Maryland Developmental Disabilities Council, and provider and family statewide advocacy organizations representing those impacted by the phase-out.

(d) (1) On or before October 1, 2017, the Administration and the Department of Disabilities shall submit the plan developed under subsection (a) of this section to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) On or before October 1, 2018, 2019, and 2020, the Administration and the Department of Disabilities shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(i) The benchmarks and status of achieving the outcomes included in the plan under subsection (b)(1) of this section; and

(ii) Recommendations for funding levels or other resources necessary to implement the plan developed under subsection (a) of this section.]

[7–1013.

(a) (1) Each individual who is being paid less than the minimum wage under § 3–414 of the Labor and Employment Article and the individual’s resource coordinator, in consultation with members from the individual’s team, shall develop as part of the individual’s annual individual plan a supplemental plan that addresses how community integration and employment will be accomplished.

(2) The resource coordinator shall use appropriate communication devices and techniques, including sign language, to facilitate the involvement of the individual in the development of the individual’s supplemental plan.

(b) An individual’s supplemental plan shall include:

(1) The resource coordinator’s recommendation on the most integrated setting appropriate to meet the individual’s needs;

(2) A description of the services and supports that are required for the individual to receive services in the most integrated setting appropriate to meet the individual’s needs;

(3) A listing of barriers that prevent the individual from receiving the services and supports required for the individual to work in the most integrated setting appropriate to meet the individual's needs, including:

(i) Barriers to accessing funding and resources, including for staffing, transportation, and other needed services and supports;

(ii) Decision making by the individual or the individual's representative, as appropriate;

(iii) Barriers to accessing medical or behavioral support needs; and

(iv) Family members' concerns or opposition; and

(4) An update on the status and progress toward addressing and resolving barriers identified under item (3) of this subsection in a previous supplemental plan.

(c) The Administration shall develop, in consultation with interested stakeholders, the planning protocol and format for the supplemental plan.

(d) (1) On an annual basis and at any other time requested by an individual who is paid less than the minimum wage under § 3-414 of the Labor and Employment Article, the individual and the individual's resource coordinator and team shall discuss the most integrated employment setting that is appropriate for the individual in accordance with the federal Americans with Disabilities Act.

(2) The resource coordinator shall document in the individual's annual individual plan:

(i) Any discussions held under paragraph (1) of this subsection; and

(ii) Any recommendations that resulted from the discussions.

(e) (1) The Administration shall track the progress of individuals with a supplemental plan and by collecting the following data:

(i) The wages of the individuals;

(ii) The unemployment rates of the individuals;

(iii) The number of individuals who move from subminimum wage positions to competitive, integrated employment; and

(iv) The number of individuals who move from subminimum wage positions to nonpaying activities.

(2) On or before September 1, 2018, 2019, and 2020, the Administration shall submit to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly a summary of the data collected under paragraph (1) of this subsection on a statewide and regional basis.]

[7–1014.

A new employee employed at less than the minimum wage under § 3–414 of the Labor and Employment Article shall:

(1) Be informed by the employee’s employer of all opportunities to obtain competitive, integrated employment;

(2) Have a plan of habilitation under § 7–1006 of this subtitle that includes:

(i) A goal to achieve a specific employment outcome;

(ii) A description of the supports needed to achieve the goal;

(iii) A plan for monitoring progress toward the goal;

(iv) The barriers to competitive, integrated employment; and

(v) Goals and activities for the employee when work is not available or the employee chooses not to work on a specific day or during a specific shift;

(3) When choosing to work, be engaged in work that is consistent with the employee’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

(4) Choose the employer and the employment; and

(5) Be informed of the employee’s right to choose when to work.]

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

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

§3–414.

(a) In this section, “federal certificate” means a certificate that the United States Department of Labor issues to a work activities center or other sheltered workshop to allow the workshop to pay an individual less than the wage otherwise required for that individual under the federal Act.

~~(b) This section does not apply to a blind individual who works in a sheltered workshop of Blind Industries and Services of Maryland.~~

~~(b)~~ **(1)** Subject to the limitations in this section, the Commissioner may ~~not~~ authorize a work activities center or other sheltered workshop to pay an employee with a disability less than the minimum wage otherwise required under this subtitle for the employee ~~unless:~~

~~(1) the Commissioner authorized the workshop before October 1, 2016, to pay the employee with a disability less than the minimum wage otherwise required under this subtitle for the employee; and~~

~~(2) the Commissioner prohibits the workshop from paying additional employees less than the minimum wage otherwise required under this subtitle.~~

**(2) (1) [The] BEGINNING OCTOBER 1, 2020, THE** Commissioner may not authorize a work activities center or other sheltered workshop to pay an employee with a disability less than the minimum wage [under paragraph (1) of this subsection if the work activities center or workshop was not authorized to do so before October 1, 2016.] OTHERWISE REQUIRED UNDER THIS SUBTITLE FOR THE EMPLOYEE.

**(2) BEGINNING OCTOBER 1, 2020, A WORK ACTIVITIES CENTER OR WORKSHOP MAY PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE FEDERAL PREVAILING WAGE OF PAY TO THE EXTENT AUTHORIZED BY FEDERAL LAW IF THE WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP:**

**(I) WAS AUTHORIZED BY THE COMMISSIONER BEFORE OCTOBER 1, 2016, TO PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE THAT WAS OTHERWISE REQUIRED UNDER THIS SUBTITLE FOR THE EMPLOYEE THROUGH THE ACCEPTANCE OF A FEDERAL CERTIFICATE; AND**

**(II) THE WORK ACTIVITIES CENTER OR WORKSHOP MAINTAINS THE FEDERAL CERTIFICATE.**

**(3) A work activities center or other sheltered workshop may pay a new employee with a disability less than the minimum wage under paragraph (1) of this subsection only if the requirements of § 7-1014 of the Health – General Article are met.]**

~~(c)~~ ~~(1)~~ **(1)** To authorize a work activities center or other sheltered workshop to pay less than the minimum wage, the Commissioner shall:

(i) issue a State certificate that sets wages for employees of the workshop;

(ii) accept a federal certificate for the workshop; or

(iii) grant an exception for the workshop but only if:

1. the Commissioner has not issued a State certificate for the workshop;
2. the workshop is not eligible for a federal certificate; and
3. the Commissioner investigates and holds a hearing on the exception.

(2) The Commissioner shall accept a federal certificate if a work activities center or other sheltered workshop submits that certificate to the Commissioner within 10 days after the workshop receives the certificate.

- ~~(e)~~ (d) (1) Each certificate that the Commissioner issues under this section shall:
- ~~(i)~~ state the period for which the certificate is in effect; ~~and~~
  - ~~(ii)~~ ~~expire no later than October 1, 2019.~~

(2) The acceptance of a federal certificate does not apply automatically to an individual whom a work activities center or other sheltered workshop continues to employ after the individual completes a training program that the workshop runs.

- ~~(f)~~ (e) (1) The Commissioner may revoke acceptance of a federal certificate if:
- (i) the United States Department of Labor revokes the federal certificate; or
  - (ii) at any time before revocation by the Department of Labor and after an investigation and hearing, the Commissioner finds good cause to revoke the acceptance.

(2) The Commissioner shall send notice of a hearing under this subsection, by certified mail, to the holder of the federal certificate at least 30 days before the hearing. ~~†~~

~~†3-414.1.~~

~~(a) In this section, “Department” means the Department of Labor, Licensing, and Regulation.~~

~~(b) The Department in partnership with relevant State agencies, including the Department of Economic Competitiveness and Commerce, the Department of Disabilities, the Developmental Disabilities Administration, the State Department of Education, and the Division of Rehabilitation Services, shall develop and implement a plan to phase out by October 1, 2019, authorizations under § 3-414 of this subtitle to pay an employee with a~~

~~disability less than the minimum wage otherwise required for the employee under this subtitle.~~

~~(e) The plan developed and implemented under subsection (b) of this section shall include:~~

~~(1) benchmarks and desired outcomes for each year of the phase out;~~

~~(2) a list of the resources necessary to ensure that individuals with disabilities receive support according to their needs and preferences in an integrated setting, regardless of the nature or severity of the individuals' disabilities;~~

~~(3) application to and use of all federal and State funding programs, including Medicaid waiver amendments and resources under the Workforce Innovation and Opportunity Act, to assist individuals with disabilities to obtain competitive, integrated employment; and~~

~~(4) the tracking of outcomes of individuals with disabilities on the basis of:~~

~~(i) wages;~~

~~(ii) unemployment rates;~~

~~(iii) the number of individuals who move from subminimum wage positions to competitive, integrated employment; and~~

~~(iv) the number of individuals who move from subminimum wage positions to nonpaying activities.~~

~~(d) The Department shall engage statewide organizations representing those impacted by the phase out, including the Maryland Developmental Disabilities Council and advocacy, provider, family, and other statewide organizations, in implementing the plan developed under subsection (b) of this section.~~

~~(e) On or before October 1 each year, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the benchmarks and results of outcomes described in paragraph (c) of this section and recommendations for funding levels or other resources necessary to implement the plan developed under subsection (b) of this section.]~~

#### SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Developmental Disabilities Administration and the Department of Disabilities shall:

(1) conduct a study of employees who earn at least the federal minimum wage but less than the federal prevailing wage of pay for a nondisabled employee under a

federal certificate that authorizes the payment of a wage that is less than the wage otherwise required for the employees under federal law;

(2) determine:

(i) the number and demographics of employees employed between the federal minimum wage and federal prevailing wage of pay for nondisabled employees;

(ii) whether the employment of the employees complies with the integration requirements under 42 C.F.R. § 441.71;

(iii) the type of employment of the employees, including whether employees are employed under federal Ability One contracts;

(iv) whether any changes in federal law or policy regarding the payment of lower wages to the employees occurred after October 1, 2016, or are likely to occur and, if changes have occurred or are likely to occur, what the changes were or are likely to be; and

(v) whether there are prospects for the employees to obtain employment at similar rates of pay without federal certificates; and

(3) make any recommendations for State legislative or policy changes regarding the employment of individuals with disabilities.

(b) In carrying out the duties described in subsection (a) of this section, the Developmental Disabilities Administration and the Department of Disabilities shall consult:

(1) the State agencies specified in § 7-1012(a) of the Health – General Article, as enacted by Section 1 of this Act;

(2) Maryland Works;

(3) People on the Go;

(4) the Maryland Association of Community Services;

(5) the National Federation of the Blind;

(6) the Association of People Supporting Employment;

(7) the ARC Maryland; and

(8) any other relevant stakeholders.

(c) On or before October 1, 2017, the Developmental Disabilities Administration and the Department of Disabilities shall report their findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee, the House Economic Matters Committee, and the House Health and Government Operations Committee.

SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, ~~2019~~ 2021.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 2020.

SECTION ~~4~~ 7. AND BE IT FURTHER ENACTED, That, except as provided in ~~Section 3~~ Sections 5 and 6 of this Act, this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 523

(Senate Bill 818)

AN ACT concerning

### State Personnel – Individuals With Disabilities – Hiring Preferences

FOR the purpose of requiring an appointing authority to apply a certain credit on a selection test for certain positions in the State Personnel Management System for an individual with a certain disability; requiring a certain appointing ~~authorities for certain positions in the Judicial, Legislative, and Executive branches~~ authority for a certain position in the Executive Branch of State government to develop a hiring preference for an individual with a certain disability that is equivalent to a certain credit applied on a certain selection test; repealing a requirement that a certain appointing authority apply a certain credit on a selection test for an eligible veteran with a service connected disability; and generally relating to hiring preferences for individuals with disabilities.

BY adding to

Article – State Personnel and Pensions  
Section ~~2-310~~ 2-204 and 7-207(g)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions  
Section 7-207(a)

Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 7–207(c)(2)(ii)  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – State Personnel and Pensions**

~~2–310.~~ 2–204.

(A) ~~THIS SECTION APPLIES TO APPOINTING AUTHORITIES FOR POSITIONS IN THE JUDICIAL, LEGISLATIVE, AND EXECUTIVE BRANCHES~~ AN APPOINTING AUTHORITY FOR A POSITION IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, EXCEPT A POSITION IN THE STATE PERSONNEL MANAGEMENT SYSTEM.

(B) AN APPOINTING AUTHORITY SUBJECT TO THIS SECTION SHALL DEVELOP A HIRING PREFERENCE FOR ~~INDIVIDUALS WITH DISABILITIES, AS DEFINED BY THE FEDERAL AMERICANS WITH DISABILITIES ACT~~ INDIVIDUALS WHO HAVE INTELLECTUAL OR DEVELOPMENTAL DISABILITIES, SEVERE PHYSICAL DISABILITIES, OR PSYCHIATRIC DISABILITIES THAT SUBSTANTIALLY LIMIT ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES WITH DISABILITIES, AS DEFINED BY THE FEDERAL AMERICANS WITH DISABILITIES ACT, THAT IS EQUIVALENT TO THE CREDIT APPLIED ON A SELECTION TEST UNDER § 7–207(G) OF THIS ARTICLE.

7–207.

(a) A credit under this section shall be applied to an applicant's score on any selection test administered to establish placement on a list of eligible candidates for which the applicant otherwise is qualified and has at least the minimum passing score on a selection test.

(c) (2) (ii) An appointing authority shall apply a credit of two additional points on any selection test for[

1. an eligible veteran who has a service connected disability;

or

2.] a former prisoner of war.

(G) AN APPOINTING AUTHORITY SHALL APPLY A CREDIT OF FIVE POINTS ON A SELECTION TEST FOR AN INDIVIDUAL ~~WITH A DISABILITY, AS DEFINED BY THE FEDERAL AMERICANS WITH DISABILITIES ACT WHO HAS AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY, A SEVERE PHYSICAL DISABILITY, OR A PSYCHIATRIC DISABILITY THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES WITH A DISABILITY, AS DEFINED BY THE FEDERAL AMERICANS WITH DISABILITIES ACT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 524

(House Bill 928)

AN ACT concerning

### State Personnel – Individuals With Disabilities – Hiring Preferences

FOR the purpose of requiring an appointing authority to apply a certain credit on a selection test for certain positions in the State Personnel Management System for an individual with a certain disability; requiring a certain appointing authority for certain positions in the Judicial, Legislative, and Executive branches ~~authority for a certain position in the Executive Branch~~ of State government to develop a hiring preference for an individual with a certain disability that is equivalent to a certain credit applied on a certain selection test; repealing a requirement that a certain appointing authority apply a certain credit on a selection test for an eligible veteran with a service connected disability; and generally relating to hiring preferences for individuals with disabilities.

BY adding to

Article – State Personnel and Pensions  
 Section ~~2-310~~ 2-204 and 7-207(g)  
 Annotated Code of Maryland  
 (2015 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions  
 Section 7-207(a)  
 Annotated Code of Maryland  
 (2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 7–207(c)(2)(ii)  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – State Personnel and Pensions**

~~2–310.~~ 2–204.

**(A) THIS SECTION APPLIES TO ~~APPOINTING AUTHORITIES FOR POSITIONS IN THE JUDICIAL, LEGISLATIVE, AND EXECUTIVE BRANCHES~~ AN APPOINTING AUTHORITY FOR A POSITION IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, EXCEPT A POSITION IN THE STATE PERSONNEL MANAGEMENT SYSTEM.**

**(B) AN APPOINTING AUTHORITY SUBJECT TO THIS SECTION SHALL DEVELOP A HIRING PREFERENCE FOR INDIVIDUALS WITH DISABILITIES, AS DEFINED BY THE FEDERAL AMERICANS WITH DISABILITIES ACT, THAT IS EQUIVALENT TO THE CREDIT APPLIED ON A SELECTION TEST UNDER § 7–207(G) OF THIS ARTICLE.**

7–207.

(a) A credit under this section shall be applied to an applicant's score on any selection test administered to establish placement on a list of eligible candidates for which the applicant otherwise is qualified and has at least the minimum passing score on a selection test.

(c) (2) (ii) An appointing authority shall apply a credit of two additional points on any selection test for[

1. an eligible veteran who has a service connected disability;

or

2.] a former prisoner of war.

**(G) AN APPOINTING AUTHORITY SHALL APPLY A CREDIT OF FIVE POINTS ON A SELECTION TEST FOR AN INDIVIDUAL WITH A DISABILITY, AS DEFINED BY THE FEDERAL AMERICANS WITH DISABILITIES ACT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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**Chapter 525**

**(Senate Bill 1104)**

AN ACT concerning

**Transportation – Highways – Heroes Highway**

FOR the purpose of requiring the State Highway Administration to dedicate a certain portion of Maryland Route 924 as Heroes Highway; making this Act an emergency measure; and generally relating to Heroes Highway.

BY adding to

Article – Transportation

Section 8–657

Annotated Code of Maryland

(2015 Replacement Volume and 2015 Supplement)

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

**Article – Transportation**

**8–657.**

**THE ADMINISTRATION SHALL DEDICATE THE PORTION OF MARYLAND ROUTE 924 (EMMORTON ROAD) BETWEEN THE INTERSECTION OF MARYLAND ROUTE 24 AND MARYLAND ROUTE 924 AND THE INTERSECTION OF SINGER ROAD AND MARYLAND ROUTE 924 AS HEROES HIGHWAY.**

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, May 19, 2016.

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**Chapter 526****(House Bill 1624)**

AN ACT concerning

**Transportation – Highways – Heroes Highway**

FOR the purpose of requiring the State Highway Administration to dedicate a certain portion of Maryland Route 924 as Heroes Highway; making this Act an emergency measure; and generally relating to Heroes Highway.

BY adding to

Article – Transportation

Section 8–657

Annotated Code of Maryland

(2015 Replacement Volume and 2015 Supplement)

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

**Article – Transportation****8–657.**

**THE ADMINISTRATION SHALL DEDICATE THE PORTION OF MARYLAND ROUTE 924 (EMMORTON ROAD) BETWEEN THE INTERSECTION OF MARYLAND ROUTE 24 AND MARYLAND ROUTE 924 AND THE INTERSECTION OF SINGER ROAD AND MARYLAND ROUTE 924 AS HEROES HIGHWAY.**

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, May 19, 2016.**

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**Chapter 527****(Senate Bill 10)**

AN ACT concerning

**Business Regulation – Charitable Organizations – Audit and Review**

FOR the purpose of increasing the minimum gross income amount at which the registration statement of a charitable organization must include a certain audit; altering the range of gross income amounts for which the registration statement of a charitable organization must include a certain review; making a conforming change; and generally relating to the auditing and review requirements for charitable organizations.

BY repealing and reenacting, without amendments,  
 Article – Business Regulation  
 Section 6–402(a) and (c)  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Business Regulation  
 Section 6–402(b)(7) and (d)  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2015 Supplement)

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

**Article – Business Regulation**

6–402.

(a) A registration statement shall be on the form that the Secretary of State provides.

(b) Except as provided in subsection (c) of this section, the registration statement shall contain or be accompanied by:

(7) (i) an audit by an independent certified public accountant if the gross income from charitable contributions in the most recently completed fiscal year is at least ~~[\$500,000]~~ **\$750,000**; or

(ii) a review by an independent certified public accountant if the gross income from charitable contributions in the most recently completed fiscal year is at least ~~\$200,000~~ **\$300,000** but less than ~~[\$500,000]~~ **\$750,000**;

(c) The Secretary of State may accept other documentation in place of any item required under subsection (b) of this section.

(d) The Secretary of State may require an audit or review if the amount of gross income is less than ~~[\$500,000]~~ **\$750,000**.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 528**

### **(Senate Bill 42)**

AN ACT concerning

#### **State Board of Dental Examiners – Appointment of Dentist and Dental Hygienist Members – Advice and Consent of the Senate**

FOR the purpose of requiring the dentist and dental hygienist members of the State Board of Dental Examiners to be appointed with the advice and consent of the Senate, ~~subject to a certain condition; requiring a certain balloting process to be verified by the Department of Health and Mental Hygiene;~~ and generally relating to the appointment of the dentist and dental hygienist members of the State Board of Dental Examiners.

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 4–201 and 4–202(b)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 4–202(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

#### **Article – Health Occupations**

4–201.

There is a State Board of Dental Examiners in the Department.

4–202.

(a) (1) The Board consists of 16 members.

(2) Of the 16 Board members:

(i) 9 shall be licensed dentists;

(ii) 4 shall be licensed dental hygienists; and

(iii) 3 shall be consumer members.

(3) (i) Subject to subsection (b)(1) of this section, the Governor shall appoint the dentist Board members, with the advice of the Secretary **AND THE ADVICE AND CONSENT OF THE SENATE**, from a list of names submitted to the Governor by the Board ~~THAT REFLECTS THE RESULTS OF THE BALLOTING PROCESS CONDUCTED UNDER SUBSECTION (B)(1)(II) OF THIS SECTION.~~

(ii) The number of names on the list for one vacancy shall be at least four names, for two vacancies at least three names for each vacancy, and for three or more vacancies at least two names for each vacancy.

(4) (i) Subject to subsection (b)(2) of this section, the Governor shall appoint the dental hygienist Board members, with the advice of the Secretary **AND THE ADVICE AND CONSENT OF THE SENATE**, from a list of names submitted to the Governor by the Board ~~THAT REFLECTS THE RESULTS OF THE BALLOTING PROCESS CONDUCTED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.~~

(ii) The number of names on the list shall be four times the number of vacancies.

(5) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(6) To the extent practicable, the members appointed to the Board shall reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

(b) (1) For each licensed dentist vacancy, the Board shall:

(i) Send by electronic mail or regular mail a solicitation for nominations to fill the vacancy to:

1. Each dentist licensed by the Board; and

2. Each State dental organization affiliated with a national organization; and

(ii) Conduct a balloting process by which each dentist licensed by the State is eligible to vote to select the names of the licensed dentists to be submitted to the Governor.

(2) For each licensed dental hygienist vacancy, the Board shall:

(i) Send by electronic mail or regular mail a solicitation for nominations to fill the vacancy to:

1. Each dental hygienist licensed by the Board; and
2. Each State dental hygienist organization affiliated with a national organization; and

(ii) Conduct a balloting process by which each dental hygienist licensed by the State is eligible to vote to select the names of the licensed dental hygienists to be submitted to the Governor.

(3) The Board shall develop guidelines for the solicitation of nominations and balloting process that to the extent possible will result in the overall composition of the Board reasonably reflecting the geographic, racial, ethnic, and gender diversity of the State.

~~(4) THE BALLOTING PROCESS CONDUCTED UNDER THIS SUBSECTION SHALL BE VERIFIED BY THE DEPARTMENT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 529

(Senate Bill 83)

AN ACT concerning

### Public Safety – School Safety Enforcement Fund

FOR the purpose of renaming the School Bus Safety Enforcement Fund to be the School Safety Enforcement Fund; expanding the purposes of the Fund to include enhancing school safety; expanding eligibility to receive grants from the Fund to county boards of education; requiring the Executive Director of the Governor's Office of Crime Control and Prevention to consider the geographic distribution of grant recipients before making a grant from the Fund; repealing a provision of law restricting the Executive Director of the Governor's Office of Crime Control and Prevention from

making a grant from the Fund exceeding a certain amount of money in a fiscal year for use in a single county; prohibiting a law enforcement agency or board of education from using a grant from the Fund for a certain purpose; making conforming changes; and generally relating to the School Safety Enforcement Fund.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 4–201 through 4–204 to be under the amended subtitle “Subtitle 2. School Safety Enforcement Fund”

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 17–106(e)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

### **Article – Public Safety**

#### Subtitle 2. School [Bus] Safety Enforcement Fund.

4–201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Executive Director” means the Executive Director of the Governor’s Office of Crime Control and Prevention.
- (c) “Fund” means the School [Bus] Safety Enforcement Fund.
- (d) “Law enforcement agency” means the Department of State Police, the police department of a county or municipal corporation, or a sheriff’s office.
- (e) “School vehicle” has the meaning stated in § 11–154 of the Transportation Article.

4–202.

- (a) There is a School [Bus] Safety Enforcement Fund.
- (b) The [purpose] **PURPOSES** of the Fund [is] **ARE** to assist law enforcement agencies **AND COUNTY BOARDS OF EDUCATION** in:

(1) addressing the problem of drivers illegally failing to stop for school vehicles; AND

**(2) ENHANCING SCHOOL SAFETY.**

(c) (1) The Executive Director shall administer the Fund.

(2) The Executive Director shall receive from the Fund each fiscal year the amount, not exceeding \$50,000 in a fiscal year, necessary to offset its costs in administering this subtitle.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund in conjunction with the Executive Director.

(e) The Fund consists of:

(1) money credited to the Fund under § 17–106(e) of the Transportation Article;

(2) money from any other source accepted for the benefit of the Fund; and

(3) investment earnings of the Fund.

(f) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(g) Expenditures from the Fund may only be made:

(1) in accordance with the State budget; or

(2) by the budget amendment procedure as provided in § 7–209 of the State Finance and Procurement Article, if at least 45 days have passed since the budget amendment and supporting information were submitted to the budget committees for their review and comment.

4–203.

(a) The Executive Director may make grants to law enforcement agencies AND COUNTY BOARDS OF EDUCATION from the Fund.

(b) The Executive Director shall establish procedures for law enforcement agencies AND COUNTY BOARDS OF EDUCATION to apply for grants from the Fund and for

the evaluation of progress in [addressing the problem of drivers illegally failing to stop for school vehicles] **FULFILLING THE PURPOSES OF THE FUND.**

(c) When making grants from the Fund, the Executive Director shall consider, **AS APPLICABLE:**

(1) the extent of the problem of drivers illegally failing to stop for school vehicles in the area identified by the [law enforcement agency applying] **APPLICANT** for a grant;

(2) the [law enforcement agency's] **APPLICANT'S** goals and plans with respect to enhanced enforcement efforts that relate to § 21-706 of the Transportation Article **OR ENHANCING SCHOOL SAFETY; and**

(3) **THE GEOGRAPHIC DISTRIBUTION OF GRANT RECIPIENTS THROUGHOUT THE STATE; AND**

(4) other factors that the Executive Director considers appropriate [that relate to drivers illegally failing to stop for school vehicles] **AND RELEVANT.**

(d) [(1) Except as provided in paragraph (2) of this subsection, the Executive Director may not make a grant from the Fund exceeding \$35,000 in a fiscal year for use in a single county.

(2) If money remains available in the Fund after grants are initially awarded in a fiscal year, the Executive Director may make supplemental grants to law enforcement agencies in accordance with procedures established by the Executive Director.

(e)] A law enforcement agency **OR BOARD OF EDUCATION** that receives a grant under this subtitle:

(1) may use the grant only in accordance with the terms of the grant for efforts that relate to the enforcement of § 21-706 of the Transportation Article **OR FOR ENHANCEMENTS TO SCHOOL SAFETY; and**

(2) shall comply with reporting requirements established by the Executive Director to evaluate:

(i) the law enforcement agency's [enforcement] efforts under the grant; and

(ii) statewide [enforcement] efforts under this subtitle.

**(E) A LAW ENFORCEMENT AGENCY OR BOARD OF EDUCATION THAT RECEIVES A GRANT UNDER THIS SUBTITLE MAY NOT USE THE GRANT TO FUND THE**

**INSTALLATION OR MAINTENANCE OF A SPEED MONITORING SYSTEM IN OR AROUND A SCHOOL ZONE UNDER § 21-809 OF THE TRANSPORTATION ARTICLE.**

4–204.

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, to the General Assembly on:

- (1) the status of the Fund;
- (2) the grants made under this subtitle;
- (3) the costs of administering this subtitle; and
- (4) the effect of this subtitle in:
  - (I) reducing the problem of drivers illegally failing to stop for school vehicles; AND
  - (II) ENHANCING SCHOOL SAFETY.

**Article – Transportation**

17–106.

(e) (1) (i) In addition to any other penalty provided for in the Maryland Vehicle Law, if the required security for a vehicle terminates or otherwise lapses during its registration year, the Administration may assess the owner of the vehicle with a penalty of \$150 for each vehicle without the required security for a period of 1 to 30 days. If a fine is assessed, beginning on the 31st day the fine shall increase by a rate of \$7 for each day.

(ii) Each period during which the required security for a vehicle terminates or otherwise lapses shall constitute a separate violation.

(iii) The penalty imposed under this subsection may not exceed \$2,500 for each violation in a 12–month period.

- (2) (i) A penalty assessed under this subsection shall be paid as follows:
  1. 70% to be allocated as provided in subparagraphs (ii) through (vi) of this paragraph; and
  2. 30% to the Administration, which may be used by the Administration, subject to subsection (f) of this section, to provide funding for contracts

with independent agents to assist in the recovery of evidences of registration as authorized in subsection (d)(3) of this section.

(ii) For the fiscal year beginning July 1, 2001, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the Vehicle Theft Prevention Fund, the Motor Vehicle Registration Enforcement Fund, the School [Bus] Safety Enforcement Fund, the Transportation Trust Fund, and the General Fund as follows:

- Fund;
1. \$400,000 to the Motor Vehicle Registration Enforcement Fund;
  2. \$600,000 to the School [Bus] Safety Enforcement Fund;
  3. \$2,000,000 to the Vehicle Theft Prevention Fund;
  4. \$9,600,000 to the Transportation Trust Fund; and
  5. The balance to the General Fund.

(iii) For the fiscal year beginning July 1, 2002, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, the Motor Vehicle Registration Enforcement Fund, the School [Bus] Safety Enforcement Fund, and the General Fund as follows:

- Fund;
1. \$400,000 to the Motor Vehicle Registration Enforcement Fund;
  2. \$600,000 to the School [Bus] Safety Enforcement Fund;
  3. \$2,000,000 to the Vehicle Theft Prevention Fund;
  4. \$2,000,000 to the Maryland Automobile Insurance Fund;
- and
5. The balance to the General Fund.

(iv) For each fiscal year beginning on or after July 1, 2003, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School [Bus] Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. \$600,000 to the School [Bus] Safety Enforcement Fund;
2. \$2,000,000 to the Vehicle Theft Prevention Fund;

3. The amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer Price Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics to the Maryland Automobile Insurance Fund; and

4. The balance to the General Fund.

(v) For each fiscal year beginning on July 1, 2013, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School [Bus] Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. \$600,000 to the School [Bus] Safety Enforcement Fund;
2. \$2,000,000 to the Vehicle Theft Prevention Fund;
3. \$3,400,000 to the Maryland Automobile Insurance Fund;

and

4. The balance to the General Fund.

(vi) For each fiscal year beginning on or after July 1, 2014, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School [Bus] Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. \$600,000 to the School [Bus] Safety Enforcement Fund;
2. \$2,000,000 to the Vehicle Theft Prevention Fund;

3. To the Maryland Automobile Insurance Fund, the amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer Price Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics; and

4. The balance to the General Fund.

(3) If the Administration assesses a vehicle owner or co-owner with a penalty under this subsection, the Administration may not take any of the following actions until the penalty is paid:

- (i) Reinstate a registration suspended under this subsection;

(ii) Except for a temporary registration as provided under § 13–602(a)(2) of this article, issue a new registration for any vehicle that is owned or co-owned by that person and is titled after the violation date; or

(iii) Renew a registration for a vehicle that is owned or co-owned by that person.

(4) (i) In this paragraph, “family member” means any individual whose relationship to the vehicle owner is one of those listed under § 13–810(c)(1) of this article as being exempt from paying the excise tax imposed on the transfer of a vehicle.

(ii) The monetary penalties provided in this subsection may not be avoided by transferring title to the vehicle.

(iii) Regardless of whether money or other valuable consideration is involved in the transfer, if title to a vehicle is transferred by an individual who has violated this subtitle to a family member, any suspension of the vehicle’s registration that occurred before the transfer shall continue as if no transfer had occurred and a new registration may not be issued until the penalty fee is paid.

(5) An amount equal to the monetary penalties paid to the Administration under paragraph (2) of this subsection may be used by the Administration only for the enforcement of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 530

(Senate Bill 150)

AN ACT concerning

### Courts – Prohibition Against Testimony by Convicted Perjurer – Repeal

FOR the purpose of repealing a certain prohibition on a person convicted of perjury from testifying in a proceeding; providing that evidence that a witness has been convicted of perjury shall be admitted for the purpose of attacking the credibility of the witness, regardless of the date of the conviction, under certain circumstances; making stylistic changes; and generally relating to testimony by a convicted perjurer.

BY repealing

Article – Courts and Judicial Proceedings

Section 9–104  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 10–905  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 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**

[9–104.

A person convicted of perjury may not testify.]

10–905.

(a) **(1)** Evidence is admissible to prove the interest of a witness in any proceeding, or the fact of [his] THE WITNESS’S conviction of an infamous crime.

**(2)** Evidence of conviction is not admissible if an appeal is pending, or the time for an appeal has not expired, or the conviction has been reversed, and there has been no retrial or reconviction.

(b) The certificate, under the seal of the clerk of the court, of the court in which the conviction occurred is sufficient evidence of the conviction.

**(C) EVIDENCE THAT A WITNESS HAS BEEN CONVICTED OF PERJURY SHALL BE ADMITTED FOR THE PURPOSE OF ATTACKING THE CREDIBILITY OF THE WITNESS, REGARDLESS OF THE DATE OF THE CONVICTION, IF THE EVIDENCE IS ELICITED FROM THE WITNESS OR ESTABLISHED BY PUBLIC RECORD DURING EXAMINATION OF THE WITNESS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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**Chapter 531****(House Bill 237)**

AN ACT concerning

**Courts – Prohibition Against Testimony by Convicted Perjurer – Repeal**

FOR the purpose of repealing a certain prohibition on a person convicted of perjury from testifying in a proceeding; providing that evidence that a witness has been convicted of perjury shall be admitted for the purpose of attacking the credibility of the witness, regardless of the date of the conviction, under certain circumstances; making stylistic changes; and generally relating to testimony by a convicted perjurer.

BY repealing

Article – Courts and Judicial Proceedings

Section 9–104

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 10–905

Annotated Code of Maryland

(2013 Replacement Volume and 2015 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**

[9–104.

A person convicted of perjury may not testify.]

10–905.

(a) **(1)** Evidence is admissible to prove the interest of a witness in any proceeding, or the fact of [his] THE WITNESS’S conviction of an infamous crime.

**(2)** Evidence of conviction is not admissible if an appeal is pending, or the time for an appeal has not expired, or the conviction has been reversed, and there has been no retrial or reconviction.

(b) The certificate, under the seal of the clerk of the court, of the court in which the conviction occurred is sufficient evidence of the conviction.

**(C) EVIDENCE THAT A WITNESS HAS BEEN CONVICTED OF PERJURY SHALL BE ADMITTED FOR THE PURPOSE OF ATTACKING THE CREDIBILITY OF THE WITNESS, REGARDLESS OF THE DATE OF THE CONVICTION, IF THE EVIDENCE IS ELICITED FROM THE WITNESS OR ESTABLISHED BY PUBLIC RECORD DURING EXAMINATION OF THE WITNESS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 532

(Senate Bill 156)

AN ACT concerning

### Criminal Law – Participation in Court Proceedings – Retaliation

FOR the purpose of prohibiting a person from retaliating against a juror or an officer of the court for *any reason relating to* the performance of official duties in a *certain case in a* court of the State or the United States; prohibiting a person from soliciting another to retaliate against a juror or an officer of the court for *any reason relating to* the performance of official duties in a *certain case in a* court of the State or the United States; applying certain penalties for an offense under this Act; and generally relating to retaliation for participation in court proceedings.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 9–303  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

### Article – Criminal Law

9–303.

(a) A person may not intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against:

(1) a victim or witness for:

[(1)] (I) giving testimony in an official proceeding; or

[(2)] (II) reporting a crime or delinquent act;

(2) A JUROR FOR ANY REASON RELATING TO THE PERFORMANCE OF THE JUROR'S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE IN A COURT OF THE STATE OR THE UNITED STATES; OR

(3) AN OFFICER OF THE COURT OF THE STATE OR THE UNITED STATES FOR ANY REASON RELATING TO THE PERFORMANCE OF THE OFFICER'S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE.

(b) A person may not solicit another person to intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against:

(1) a victim or witness for:

[(1)] (I) giving testimony in an official proceeding; or

[(2)] (II) reporting a crime or delinquent act;

(2) A JUROR FOR ANY REASON RELATING TO THE PERFORMANCE OF THE JUROR'S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE IN A COURT OF THE STATE OR THE UNITED STATES; OR

(3) AN OFFICER OF THE COURT OF THE STATE OR THE UNITED STATES FOR ANY REASON RELATING TO THE PERFORMANCE OF THE OFFICER'S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE.

(c) (1) Except as provided in paragraph (2) of this subsection, 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 \$5,000 or both.

(2) If the official proceeding or report described in subsection (a) of this section relates to a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 533**

### **(House Bill 98)**

AN ACT concerning

#### **Criminal Law – Participation in Court Proceedings – Retaliation**

FOR the purpose of prohibiting a person from retaliating against a juror or an officer of the court for any reason relating to the performance of official duties in a certain case in a court of the State or the United States; prohibiting a person from soliciting another to retaliate against a juror or an officer of the court for any reason relating to the performance of official duties in a certain case in a court of the State or the United States; applying certain penalties for an offense under this Act; and generally relating to retaliation for participation in court proceedings.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 9–303  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

#### **Article – Criminal Law**

9–303.

(a) A person may not intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against:

(1) a victim or witness for:

[(1)] (I) giving testimony in an official proceeding; or

[(2)] (II) reporting a crime or delinquent act;

**(2) A JUROR FOR ANY REASON RELATING TO THE PERFORMANCE OF THE JUROR'S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE IN A COURT OF THE STATE OR THE UNITED STATES; OR**

**(3) AN OFFICER OF THE COURT OF THE STATE OR THE UNITED STATES FOR ANY REASON RELATING TO THE PERFORMANCE OF THE OFFICER'S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE.**

(b) A person may not solicit another person to intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against:

**(1)** a victim or witness for:

**[(1)] (I)** giving testimony in an official proceeding; or

**[(2)] (II)** reporting a crime or delinquent act;

**(2) A JUROR FOR ANY REASON RELATING TO THE PERFORMANCE OF THE JUROR'S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE IN A COURT OF THE STATE OR THE UNITED STATES; OR**

**(3) AN OFFICER OF THE COURT OF THE STATE OR THE UNITED STATES FOR ANY REASON RELATING TO THE PERFORMANCE OF THE OFFICER'S OFFICIAL DUTIES IN A PENDING OR COMPLETED CASE.**

(c) (1) Except as provided in paragraph (2) of this subsection, 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 \$5,000 or both.

(2) If the official proceeding or report described in subsection (a) of this section relates to a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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**Chapter 534****(Senate Bill 173)**

AN ACT concerning

**Local Government – Clean Energy Loan Programs – Commercial Property  
Owners – Renewable Energy Projects**

FOR the purpose of removing the limitation that renewable energy projects by commercial property owners financed through a certain clean energy loan program have an electric generating capacity of not more than a certain number of kilowatts; and generally relating to financing renewable energy projects on commercial property through clean energy loan programs.

BY repealing and reenacting, without amendments,  
Article – Local Government  
Section 1–1101 and 1–1102  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 1–1103  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)

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

**Article – Local Government**

1–1101.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Bond” means a bond, note, or other similar instrument that a county or municipality issues under this subtitle.
- (c) “Chief executive” means the president, chair, mayor, county executive, or any other chief executive officer of a county or municipality.
- (d) “Commercial property” means real property that is:
  - (1) not designed principally or intended for human habitation; or

(2) used for human habitation and is improved by more than four single family dwelling units.

(e) “Program” means a clean energy loan program established under this subtitle.

1–1102.

A county or municipality may enact an ordinance or a resolution to establish a clean energy loan program.

1–1103.

(a) The purpose of a program is to provide loans to:

(1) residential property owners, including low income residential property owners, to finance energy efficiency and renewable energy projects; and

(2) commercial property owners to finance:

(i) energy efficiency projects; and

(ii) renewable energy projects [with an electric generating capacity of not more than 100 kilowatts].

(b) A private lender may provide capital for a loan provided to a commercial property owner under the program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 535

**(House Bill 105)**

AN ACT concerning

### **Local Government – Clean Energy Loan Programs – Commercial Property Owners – Renewable Energy Projects**

FOR the purpose of removing the limitation that renewable energy projects by commercial property owners financed through a certain clean energy loan program have an electric generating capacity of not more than a certain number of kilowatts; and

generally relating to financing renewable energy projects on commercial property through clean energy loan programs.

BY repealing and reenacting, without amendments,

Article – Local Government  
Section 1–1101 and 1–1102  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Local Government  
Section 1–1103  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)

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

### **Article – Local Government**

1–1101.

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

(b) “Bond” means a bond, note, or other similar instrument that a county or municipality issues under this subtitle.

(c) “Chief executive” means the president, chair, mayor, county executive, or any other chief executive officer of a county or municipality.

(d) “Commercial property” means real property that is:

(1) not designed principally or intended for human habitation; or

(2) used for human habitation and is improved by more than four single family dwelling units.

(e) “Program” means a clean energy loan program established under this subtitle.

1–1102.

A county or municipality may enact an ordinance or a resolution to establish a clean energy loan program.

1–1103.

(a) The purpose of a program is to provide loans to:

(1) residential property owners, including low income residential property owners, to finance energy efficiency and renewable energy projects; and

(2) commercial property owners to finance:

(i) energy efficiency projects; and

(ii) renewable energy projects [with an electric generating capacity of not more than 100 kilowatts].

(b) A private lender may provide capital for a loan provided to a commercial property owner under the program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 536

(Senate Bill 178)

AN ACT concerning

### Criminal Law – Extortion – Immigration Status

FOR the purpose of prohibiting a person from committing a certain act of extortion by wrongful use of actual or threatened notification of law enforcement officials about another person’s undocumented or illegal immigration status; and generally relating to extortion.

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section 3–701  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

### Article – Criminal Law

3–701.

(a) This section does not apply to legitimate efforts by employees or their representatives to obtain certain wages, hours, or working conditions.

(b) A person may not obtain, attempt to obtain, or conspire to obtain money, property, labor, services, or anything of value from another person with the person's consent, if the consent is induced by wrongful use of actual or threatened:

(1) force or violence;

(2) economic injury; [or]

(3) destruction, concealment, removal, confiscation, or possession of any immigration or government identification document with intent to harm the immigration status of another person; OR

**(4) NOTIFICATION OF LAW ENFORCEMENT OFFICIALS ABOUT ANOTHER PERSON'S UNDOCUMENTED OR ILLEGAL IMMIGRATION STATUS.**

(c) (1) If the value of the property, labor, or services is at least \$1,000 but less than \$10,000, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(2) If the value of the property, labor, or services is at least \$10,000 but less than \$100,000, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$15,000 or both.

(3) If the value of the property, labor, or services is \$100,000 or more, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both.

(d) If the value of the property, labor, or services is less than \$1,000, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$1,000 or both.

(e) A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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**Chapter 537****(House Bill 493)**

AN ACT concerning

**Criminal Law – Extortion – Immigration Status**

FOR the purpose of prohibiting a person from committing a certain act of extortion by wrongful use of actual or threatened notification of law enforcement officials about another person's undocumented or illegal immigration status; and generally relating to extortion.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 3–701  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Law**

3–701.

(a) This section does not apply to legitimate efforts by employees or their representatives to obtain certain wages, hours, or working conditions.

(b) A person may not obtain, attempt to obtain, or conspire to obtain money, property, labor, services, or anything of value from another person with the person's consent, if the consent is induced by wrongful use of actual or threatened:

(1) force or violence;

(2) economic injury; [or]

(3) destruction, concealment, removal, confiscation, or possession of any immigration or government identification document with intent to harm the immigration status of another person; **OR**

**(4) NOTIFICATION OF LAW ENFORCEMENT OFFICIALS ABOUT ANOTHER PERSON'S UNDOCUMENTED OR ILLEGAL IMMIGRATION STATUS.**

(c) (1) If the value of the property, labor, or services is at least \$1,000 but less than \$10,000, a person who violates this section is guilty of the felony of extortion and on

conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(2) If the value of the property, labor, or services is at least \$10,000 but less than \$100,000, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$15,000 or both.

(3) If the value of the property, labor, or services is \$100,000 or more, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both.

(d) If the value of the property, labor, or services is less than \$1,000, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$1,000 or both.

(e) A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 538

(Senate Bill 185)

AN ACT concerning

### **Income Tax – Filing of Withholding Statements ~~and Payment of Refund Claims~~**

FOR the purpose of altering the date by which certain payors of amounts subject to income tax withholding are required to provide the Comptroller a copy of a certain statement; ~~prohibiting the Comptroller from paying a certain claim for refund of income tax before a certain date except under certain circumstances;~~ and generally relating to the filing of certain statements of withholding ~~and the payment of certain income tax refund claims.~~

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10-911(b) ~~and 13-905~~

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

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

**Article – Tax – General**

10-911.

(b) **[An] ON OR BEFORE JANUARY 31 OF EACH YEAR AN** employer or payor of a payment subject to withholding shall:

(1) provide 2 copies of the statement required under subsection (a) of this section to the employee or person who receives a payment subject to withholding **[on or before January 31 of each year]**; and

(2) submit 1 copy of the statement to the Comptroller **[on or before February 28 of each year]**.

~~13-905.~~

~~(a) Subject to the additional provisions under this section, a tax collector shall pay any claim for refund that has been allowed by the tax collector unless:~~

~~(1) the claimant has not paid all other taxes, fees, or charges payable to the State; or~~

~~(2) the amount of the refund due is less than \$1.~~

~~(b) **FOR A CLAIM FOR REFUND OF INCOME TAX, THE COMPTROLLER MAY NOT PAY THE CLAIM BEFORE MARCH 1 OF EACH YEAR UNLESS THE COMPTROLLER DETERMINES THAT:**~~

~~(1) **THE EMPLOYER OF THE INDIVIDUAL CLAIMING THE REFUND HAS FILED A COPY OF THE STATEMENT FOR THE PREVIOUS CALENDAR YEAR IN ACCORDANCE WITH § 10-911 OF THIS ARTICLE; AND**~~

~~(2) **THE INDIVIDUAL HAS FILED A RETURN IN ACCORDANCE WITH TITLE 10, SUBTITLE 8 OF THIS ARTICLE.**~~

~~(c) If a claim for refund of income tax is based on a return that is filed jointly by the personal representative and surviving spouse of a decedent, the Comptroller shall pay the claim to the estate of the decedent.~~

~~**[(c)] (D) The payment of income tax refunds is subject to tax refund interception under § 10-113 of the Family Law Article and §§ 13-912 through 13-919 of this subtitle.**~~

~~[(d)] (E)~~ The Comptroller may not pay a refund of excess motor carrier tax credit unless the motor carrier has complied with Title 9, Subtitle 2 of this article and regulations adopted under it for a full registration year and the Comptroller, in the Comptroller's discretion, allows the refund.

~~[(e)] (F)~~ For a claim of refund for sales and use tax, the Comptroller shall either:

- ~~(1)~~ pay the refund; or
- ~~(2)~~ allow a credit of the amount of the refund on subsequent sales and use tax payments due from the claimant.

~~[(f)] (G)~~ If requested by a claimant on a form provided by the Comptroller, the Comptroller shall directly deposit portions of an income tax refund into at least two accounts at one or more financial institutions.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 539

(House Bill 1333)

AN ACT concerning

### **Income Tax – Filing of Withholding Statements ~~and Payment of Refund Claims~~**

FOR the purpose of altering the date by which certain payors of amounts subject to income tax withholding are required to provide the Comptroller a copy of a certain statement; ~~prohibiting the Comptroller from paying a certain claim for refund of income tax before a certain date except under certain circumstances;~~ and generally relating to the filing of certain statements of withholding ~~and the payment of certain income tax refund claims.~~

BY repealing and reenacting, with amendments,  
 Article – Tax – General  
 Section 10–911(b) ~~and 13–905~~  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2015 Supplement)

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

## Article – Tax – General

10-911.

(b) ~~[An]~~ **ON OR BEFORE JANUARY 31 OF EACH YEAR** AN employer or payor of a payment subject to withholding shall:

(1) provide 2 copies of the statement required under subsection (a) of this section to the employee or person who receives a payment subject to withholding ~~[on or before January 31 of each year]~~; and

(2) submit 1 copy of the statement to the Comptroller ~~[on or before February 28 of each year]~~.

~~13-905.~~

~~(a) Subject to the additional provisions under this section, a tax collector shall pay any claim for refund that has been allowed by the tax collector unless:~~

~~(1) the claimant has not paid all other taxes, fees, or charges payable to the State; or~~

~~(2) the amount of the refund due is less than \$1.~~

~~(b) FOR A CLAIM FOR REFUND OF INCOME TAX, THE COMPTROLLER MAY NOT PAY THE CLAIM BEFORE MARCH 1 OF EACH YEAR UNLESS THE COMPTROLLER DETERMINES THAT:~~

~~(1) THE EMPLOYER OF THE INDIVIDUAL CLAIMING THE REFUND HAS FILED A COPY OF THE STATEMENT FOR THE PREVIOUS CALENDAR YEAR IN ACCORDANCE WITH § 10-911 OF THIS ARTICLE; AND~~

~~(2) THE INDIVIDUAL HAS FILED A RETURN IN ACCORDANCE WITH TITLE 10, SUBTITLE 8 OF THIS ARTICLE.~~

~~(c) If a claim for refund of income tax is based on a return that is filed jointly by the personal representative and surviving spouse of a decedent, the Comptroller shall pay the claim to the estate of the decedent.~~

~~[(c)] (D) The payment of income tax refunds is subject to tax refund interception under § 10-113 of the Family Law Article and §§ 13-912 through 13-919 of this subtitle.~~

~~[(d)] (E) The Comptroller may not pay a refund of excess motor carrier tax credit unless the motor carrier has complied with Title 9, Subtitle 2 of this article and regulations adopted under it for a full registration year and the Comptroller, in the Comptroller's discretion, allows the refund.~~

~~[(e)] (F) For a claim of refund for sales and use tax, the Comptroller shall either:~~

~~(1) pay the refund; or~~

~~(2) allow a credit of the amount of the refund on subsequent sales and use tax payments due from the claimant.~~

~~[(f)] (G) If requested by a claimant on a form provided by the Comptroller, the Comptroller shall directly deposit portions of an income tax refund into at least two accounts at one or more financial institutions.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 540

(Senate Bill 187)

AN ACT concerning

### **Criminal Procedure – Victim’s Right to Restitution – Appeal**

FOR the purpose of authorizing a certain victim to file an application for leave to appeal to the Court of Special Appeals from an interlocutory order or appeal to the Court of Special Appeals from a final order that denies or fails to consider the victim’s right to restitution after the filing of a certain motion requesting relief under a certain provision of law; and generally relating to victims’ rights.

BY repealing and reenacting, with amendments,  
 Article – Criminal Procedure  
 Section 11–103  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)

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

### **Article – Criminal Procedure**

11–103.

(a) (1) In this section, “crime” means:

(i) a crime;

(ii) a delinquent act that would be a crime if committed by an adult;

or

(iii) except as provided in paragraph (2) of this subsection, a crime or delinquent act involving, causing, or resulting in death or serious bodily injury.

(2) “Crime” does not include an offense under the Maryland Vehicle Law or under Title 8, Subtitle 7 of the Natural Resources Article unless the offense is punishable by imprisonment.

(b) Although not a party to a criminal or juvenile proceeding, a victim of a crime for which the defendant or child respondent is charged may file an application for leave to appeal to the Court of Special Appeals from an interlocutory order or appeal to the Court of Special Appeals from a final order that denies or fails to consider a right secured to the victim by **SUBSECTION (E)(4) OF THIS SECTION**, § 4–202 of this article, § 11–102, § 11–104, § 11–302, § 11–402, § 11–403, or § 11–603 of this title, § 3–8A–06, § 3–8A–13, or § 3–8A–19 of the Courts Article, or § 6–112 of the Correctional Services Article.

(c) The filing of an application for leave to appeal under this section does not stay other proceedings in a criminal or juvenile case unless all parties consent.

(d) (1) For purposes of this section, a victim’s representative, including the victim’s spouse or surviving spouse, parent or legal guardian, child, or sibling, may represent a victim of a crime who dies or is disabled.

(2) If there is a dispute over who shall be the victim’s representative, the court shall designate the victim’s representative.

(e) (1) In any court proceeding involving a crime against a victim, the court shall ensure that the victim is in fact afforded the rights provided to victims by law.

(2) If a court finds that a victim’s right was not considered or was denied, the court may grant the victim relief provided the remedy does not violate the constitutional right of a defendant or child respondent to be free from double jeopardy.

(3) A court may not provide a remedy that modifies a sentence of incarceration of a defendant or a commitment of a child respondent unless the victim requests relief from a violation of the victim’s right within 30 days of the alleged violation.

(4) (i) A victim who alleges that the victim’s right to restitution under § 11–603 of this title was not considered or was improperly denied may file a motion requesting relief within 30 days of the denial or alleged failure to consider.

(ii) If the court finds that the victim's right to restitution under § 11–603 of this title was not considered or was improperly denied, the court may enter a judgment of restitution.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 541**

### **(House Bill 659)**

AN ACT concerning

#### **Criminal Procedure – Victim's Right to Restitution – Appeal**

FOR the purpose of authorizing a certain victim to file an application for leave to appeal to the Court of Special Appeals from an interlocutory order or appeal to the Court of Special Appeals from a final order that denies or fails to consider the victim's right to restitution after the filing of a certain motion requesting relief under a certain provision of law; and generally relating to victims' rights.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 11–103  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

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

#### **Article – Criminal Procedure**

11–103.

(a) (1) In this section, “crime” means:

(i) a crime;

(ii) a delinquent act that would be a crime if committed by an adult;

or

(iii) except as provided in paragraph (2) of this subsection, a crime or delinquent act involving, causing, or resulting in death or serious bodily injury.

(2) “Crime” does not include an offense under the Maryland Vehicle Law or under Title 8, Subtitle 7 of the Natural Resources Article unless the offense is punishable by imprisonment.

(b) Although not a party to a criminal or juvenile proceeding, a victim of a crime for which the defendant or child respondent is charged may file an application for leave to appeal to the Court of Special Appeals from an interlocutory order or appeal to the Court of Special Appeals from a final order that denies or fails to consider a right secured to the victim by **SUBSECTION (E)(4) OF THIS SECTION**, § 4–202 of this article, § 11–102, § 11–104, § 11–302, § 11–402, § 11–403, or § 11–603 of this title, § 3–8A–06, § 3–8A–13, or § 3–8A–19 of the Courts Article, or § 6–112 of the Correctional Services Article.

(c) The filing of an application for leave to appeal under this section does not stay other proceedings in a criminal or juvenile case unless all parties consent.

(d) (1) For purposes of this section, a victim’s representative, including the victim’s spouse or surviving spouse, parent or legal guardian, child, or sibling, may represent a victim of a crime who dies or is disabled.

(2) If there is a dispute over who shall be the victim’s representative, the court shall designate the victim’s representative.

(e) (1) In any court proceeding involving a crime against a victim, the court shall ensure that the victim is in fact afforded the rights provided to victims by law.

(2) If a court finds that a victim’s right was not considered or was denied, the court may grant the victim relief provided the remedy does not violate the constitutional right of a defendant or child respondent to be free from double jeopardy.

(3) A court may not provide a remedy that modifies a sentence of incarceration of a defendant or a commitment of a child respondent unless the victim requests relief from a violation of the victim’s right within 30 days of the alleged violation.

(4) (i) A victim who alleges that the victim’s right to restitution under § 11–603 of this title was not considered or was improperly denied may file a motion requesting relief within 30 days of the denial or alleged failure to consider.

(ii) If the court finds that the victim’s right to restitution under § 11–603 of this title was not considered or was improperly denied, the court may enter a judgment of restitution.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

**Chapter 542****(Senate Bill 233)**

AN ACT concerning

**Public Safety – Motorcycle Profiling – Training**

FOR the purpose of requiring the Police Training Commission to require a certain statement condemning motorcycle profiling to be included in certain written policies; requiring the Commission to include in certain curriculum and courses of study training on motorcycle profiling; defining a certain term; and generally relating to requiring certain training on motorcycle profiling.

BY renumbering

Article – Public Safety

Section 3–201(e) and (f), respectively

to be Section 3–201(f) and (g), respectively

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 3–201(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY adding to

Article – Public Safety

Section 3–201(e) and 3–207(18)

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–207(17) and (18)

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 3–201(e) and (f), respectively, of Article – Public Safety of the Annotated Code of Maryland be renumbered to be Section(s) 3–201(f) and (g), respectively.

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

**Article – Public Safety**

3-201.

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

**(E) “MOTORCYCLE PROFILING” MEANS THE ARBITRARY USE OF THE FACT THAT AN INDIVIDUAL RIDES A MOTORCYCLE OR WEARS MOTORCYCLE-RELATED CLOTHING OR PARAPHERNALIA AS A FACTOR IN DECIDING TO STOP, QUESTION, TAKE ENFORCEMENT ACTION, ARREST, OR SEARCH THE INDIVIDUAL OR VEHICLE.**

3-207.

Subject to the authority of the Secretary, the Commission has the following powers and duties:

(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]

**(18) TO REQUIRE:**

**(I) A STATEMENT CONDEMNING MOTORCYCLE PROFILING TO BE INCLUDED IN EXISTING WRITTEN POLICIES REGARDING OTHER PROFILING; AND**

**(II) FOR ENTRANCE-LEVEL POLICE TRAINING AND 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, TRAINING RELATED TO MOTORCYCLE PROFILING IN CONJUNCTION WITH EXISTING TRAINING REGARDING OTHER PROFILING; AND**

[(18)] **(19)** to perform any other act that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

**Chapter 543**  
**(Senate Bill 241)**

AN ACT concerning

**Real Property – Senior Apartment Facilities – Conversion**

FOR the purpose of requiring a landlord to provide written notice to a certain tenant at least a certain number of days before converting a senior apartment facility into an apartment facility for the general population; specifying the contents of the written notice; requiring a landlord to allow a certain tenant to terminate the tenant's lease after giving at least 1 month's written notice to the landlord, notwithstanding the terms of the lease; prohibiting a landlord from withholding any portion of a certain tenant's security deposit for a certain purpose; ~~requiring a landlord to reimburse the moving expenses of a certain tenant, up to a certain amount and under certain circumstances; authorizing the Secretary of Housing and Community Development to adopt regulations necessary to carry out the provisions of this Act; authorizing the Secretary to impose a certain civil penalty for violations of this Act, beginning on a certain date;~~ providing for the enforcement of certain provisions of this Act by the Division of Consumer Protection of the Office of the Attorney General; ~~providing for the enforcement of this Act by each unit of the State;~~ defining certain terms; and generally relating to senior apartment facilities.

BY adding to

Article – Real Property  
Section 8-217  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Real Property**

**8-217.**

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

(2) “LANDLORD” MEANS THE OWNER OF A SENIOR APARTMENT FACILITY.

~~(3) “MOVING EXPENSES” MEANS COSTS INCURRED TO:~~

~~(4) PACK AND UNPACK PERSONAL PROPERTY;~~

~~(H) DISCONNECT AND INSTALL PERSONAL PROPERTY;~~

~~(HH) INSURE PERSONAL PROPERTY TO BE MOVED; OR~~

~~(IV) DISCONNECT AND RECONNECT UTILITIES, SUCH AS TELEPHONE SERVICE, GAS, WATER, AND ELECTRICITY.~~

~~(4) "SECRETARY" MEANS THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT.~~

~~(5)~~ (3) (I) "SENIOR APARTMENT FACILITY" MEANS AN APARTMENT BUILDING OR COMPLEX THAT:

- 1. CONTAINS FOUR OR MORE INDIVIDUAL DWELLING UNITS; AND
- 2. IS HOUSING FOR OLDER PERSONS AS DEFINED IN 42 U.S.C. § 3607.

(II) "SENIOR APARTMENT FACILITY" DOES NOT INCLUDE A NURSING HOME OR AN ASSISTED LIVING FACILITY.

(B) (1) AT LEAST 180 DAYS BEFORE CONVERTING A SENIOR APARTMENT FACILITY INTO AN APARTMENT FACILITY FOR THE GENERAL POPULATION, THE LANDLORD SHALL PROVIDE EACH TENANT OF THE SENIOR APARTMENT FACILITY WITH WRITTEN NOTICE OF THE CONVERSION.

(2) THE NOTICE SHALL INCLUDE:

(I) A STATEMENT THAT THE SENIOR APARTMENT FACILITY WILL BE CONVERTED INTO AN APARTMENT FACILITY FOR THE GENERAL POPULATION;

(II) THE DATE ON WHICH THE CONVERSION WILL TAKE PLACE; AND

(III) A STATEMENT THAT:

~~1. THE THE TENANT HAS THE RIGHT TO TERMINATE THE LEASE AT ANY TIME BEFORE THE CONVERSION DATE, PROVIDED THAT THE TENANT GIVES THE LANDLORD AT LEAST 1 MONTH'S WRITTEN NOTICE; AND~~

~~2. IF THE TENANT CHOOSES TO TERMINATE THE LEASE BEFORE THE CONVERSION DATE, THE LANDLORD IS REQUIRED TO REIMBURSE THE TENANT FOR MOVING EXPENSES UP TO \$1,000.~~

(C) NOTWITHSTANDING THE TERMS OF THE LEASE, THE LANDLORD:

(1) SHALL ALLOW ANY TENANT WHO REQUESTS TO MOVE BEFORE THE CONVERSION DATE TO TERMINATE THE TENANT'S LEASE AFTER GIVING AT LEAST 1 MONTH'S WRITTEN NOTICE TO THE LANDLORD; AND

(2) MAY NOT WITHHOLD ANY PORTION OF A TENANT'S SECURITY DEPOSIT FOR ~~UNPAID RENT ACCRUING AFTER TERMINATION OF THE TENANT'S LEASE~~ RENT THAT WOULD HAVE BECOME DUE UNDER ANY REMAINING TERM OF THE LEASE AFTER TERMINATION UNDER THIS SECTION.

~~(D) (1) THE LANDLORD SHALL REIMBURSE A TENANT WHO TERMINATES A LEASE IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION FOR MOVING EXPENSES UP TO \$1,000, ACTUALLY AND REASONABLY INCURRED.~~

~~(2) THE TENANT SHALL SUBMIT TO THE LANDLORD A WRITTEN REQUEST FOR REIMBURSEMENT, ACCOMPANIED BY REASONABLE EVIDENCE OF THE COSTS INCURRED, NO LATER THAN 30 DAYS AFTER MOVING.~~

~~(3) THE LANDLORD SHALL REIMBURSE THE TENANT NO LATER THAN 30 DAYS AFTER RECEIVING THE TENANT'S WRITTEN REQUEST.~~

(E) (1) THE SECRETARY MAY:

~~(I) ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION; AND~~

~~(II) BEGINNING OCTOBER 1, 2017, IMPOSE A CIVIL PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION OF THIS SECTION TO BE PAID TO THE GENERAL FUND OF THE STATE.~~

~~(2) IN SETTING THE AMOUNT OF A CIVIL PENALTY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:~~

~~(I) THE SEVERITY OF THE VIOLATION;~~

~~(II) THE GOOD FAITH OF THE VIOLATOR; AND~~

~~(III) ANY HISTORY OF PRIOR VIOLATIONS.~~

~~(F)~~ ~~(1)~~ (D) TO THE EXTENT THAT A VIOLATION OF ANY PROVISION OF THIS SECTION AFFECTS A TENANT OF A SENIOR APARTMENT FACILITY, THAT VIOLATION SHALL BE WITHIN THE SCOPE OF THE ENFORCEMENT DUTIES AND POWERS OF THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY GENERAL, AS DESCRIBED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

~~(2) THE PROVISIONS OF THIS SECTION OTHERWISE SHALL BE ENFORCED BY EACH UNIT OF THE STATE WITHIN THE SCOPE OF THE UNIT'S AUTHORITY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 544

(Senate Bill 278)

AN ACT concerning

### **Criminal Law – Stalking ~~and Harassment~~**

FOR the purpose of ~~repealing the requirement that certain conduct be malicious in order to be prohibited conduct applicable to crimes related to stalking, harassment, and misuse of electronic communications or interactive computer services;~~ prohibiting a person from engaging in a malicious course of conduct where the person intends to cause or knows or reasonably should have known that the conduct would cause serious emotional distress to another; and generally relating to stalking, ~~harassment, and misuse of electronic communications or interactive computer services.~~

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section ~~3-802, 3-803, and 3-805~~  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

### **Article – Criminal Law**

3–802.

(a) In this section, “stalking” means a ~~malicious~~ course of conduct that includes approaching or pursuing another where:

(1) the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:

[(1)] (i) 1. of serious bodily injury;

[(ii)] 2. of an assault in any degree;

[(iii)] 3. of rape or sexual offense as defined by §§ 3–303 through 3–308 of this title or attempted rape or sexual offense in any degree;

[(iv)] 4. of false imprisonment; or

[(v)] 5. of death; or

[(2)] (II) that a third person likely will suffer any of the acts listed in item [(1)] (I) of this [subsection] ITEM; OR

**(2) THE PERSON INTENDS TO CAUSE OR KNOWS OR REASONABLY SHOULD HAVE KNOWN THAT THE CONDUCT WOULD CAUSE SERIOUS EMOTIONAL DISTRESS TO ANOTHER.**

(b) The provisions of this section do not apply to conduct that is:

(1) performed to ensure compliance with a court order;

(2) performed to carry out a specific lawful commercial purpose; or

(3) authorized, required, or protected by local, State, or federal law.

(c) A person may not engage in stalking.

(d) 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 \$5,000 or both.

(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing a violation of this section.

~~(a) A person may not follow another in or about a public place or [maliciously] engage in a course of conduct that alarms or seriously annoys the other:~~

~~(1) with the intent to harass, alarm, or annoy the other;~~

~~(2) after receiving a reasonable warning or request to stop by or on behalf of the other; and~~

~~(3) without a legal purpose.~~

~~(b) This section does not apply to a peaceable activity intended to express a political view or provide information to others.~~

~~(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 \$500 or both; and~~

~~(2) for a second or subsequent offense, imprisonment not exceeding 180 days or a fine not exceeding \$1,000 or both.~~

~~§ 805.~~

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

~~(2) "Electronic communication" means the transmission of information, data, or a communication by the use of a computer or any other electronic means that is sent to a person and that is received by the person.~~

~~(3) "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.~~

~~(b) (1) A person may not [maliciously] engage in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another:~~

~~(i) with the intent to harass, alarm, or annoy the other;~~

~~(ii) after receiving a reasonable warning or request to stop by or on behalf of the other; and~~

~~(iii) without a legal purpose.~~

~~(2) A person may not use an interactive computer service to [maliciously] engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the intent:~~

~~(i) to kill, injure, harass, or cause serious emotional distress to the minor; or~~

~~(ii) to place the minor in reasonable fear of death or serious bodily injury.~~

~~(e) It is not a violation of this section for any of the following persons to provide information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication, if a court order directs the person to provide the information, facilities, or technical assistance:~~

~~(1) a provider of electronic communication;~~

~~(2) an officer, employee, agent, landlord, or custodian of a provider of electronic communication; or~~

~~(3) a person specified in a court order directing the provision of information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication.~~

~~(d) Subsection (b)(1) of this section does not apply to a peaceable activity intended to express a political view or provide information to others.~~

~~(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 545

(House Bill 155)

AN ACT concerning

**Criminal Law – Stalking and Harassment**

FOR the purpose of ~~repealing the requirement that certain conduct be malicious in order to be prohibited conduct applicable to crimes related to stalking, harassment, and misuse of electronic communications or interactive computer services;~~ prohibiting a person from engaging in a malicious course of conduct where the person intends to cause or knows or reasonably should have known that the conduct would cause serious emotional distress to another; and generally relating to stalking, ~~harassment, and misuse of electronic communications or interactive computer services.~~

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section ~~3–802, 3–803, and 3–805~~  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

### Article – Criminal Law

3–802.

(a) In this section, “stalking” means a ~~malicious~~ course of conduct that includes approaching or pursuing another where:

**(1)** the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:

[(1)] (i) **1.** of serious bodily injury;

[(ii)] **2.** of an assault in any degree;

[(iii)] **3.** of rape or sexual offense as defined by §§ 3–303 through 3–308 of this title or attempted rape or sexual offense in any degree;

[(iv)] **4.** of false imprisonment; or

[(v)] **5.** of death; or

[(2)] **(II)** that a third person likely will suffer any of the acts listed in item [(1)] **(I)** of this [subsection] **ITEM; OR**

**(2) THE PERSON INTENDS TO CAUSE OR KNOWS OR REASONABLY SHOULD HAVE KNOWN THAT THE CONDUCT WOULD CAUSE SERIOUS EMOTIONAL DISTRESS TO ANOTHER.**

- (b) The provisions of this section do not apply to conduct that is:
- (1) performed to ensure compliance with a court order;
  - (2) performed to carry out a specific lawful commercial purpose; or
  - (3) authorized, required, or protected by local, State, or federal law.
- (c) A person may not engage in stalking.

(d) 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 \$5,000 or both.

(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing a violation of this section.

~~§ 803.~~

~~(a) A person may not follow another in or about a public place or [maliciously] engage in a course of conduct that alarms or seriously annoys the other:~~

- ~~(1) with the intent to harass, alarm, or annoy the other;~~
- ~~(2) after receiving a reasonable warning or request to stop by or on behalf of the other; and~~
- ~~(3) without a legal purpose.~~

~~(b) This section does not apply to a peaceable activity intended to express a political view or provide information to others.~~

~~(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 \$500 or both; and~~
- ~~(2) for a second or subsequent offense, imprisonment not exceeding 180 days or a fine not exceeding \$1,000 or both.~~

~~§ 805.~~

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

~~(2) "Electronic communication" means the transmission of information, data, or a communication by the use of a computer or any other electronic means that is sent to a person and that is received by the person.~~

~~(3) "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.~~

~~(b) (1) A person may not [maliciously] engage in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another:~~

~~(i) with the intent to harass, alarm, or annoy the other;~~

~~(ii) after receiving a reasonable warning or request to stop by or on behalf of the other; and~~

~~(iii) without a legal purpose.~~

~~(2) A person may not use an interactive computer service to [maliciously] engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the intent:~~

~~(i) to kill, injure, harass, or cause serious emotional distress to the minor; or~~

~~(ii) to place the minor in reasonable fear of death or serious bodily injury.~~

~~(c) It is not a violation of this section for any of the following persons to provide information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication, if a court order directs the person to provide the information, facilities, or technical assistance:~~

~~(1) a provider of electronic communication;~~

~~(2) an officer, employee, agent, landlord, or custodian of a provider of electronic communication; or~~

~~(3) a person specified in a court order directing the provision of information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication.~~

~~(d) Subsection (b)(1) of this section does not apply to a peaceable activity intended to express a political view or provide information to others.~~

~~(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 546

(Senate Bill 283)

AN ACT concerning

### **Criminal Law – Cruelty to Animals – Implement of Dogfighting**

FOR the purpose of prohibiting a person from possessing, with the intent to unlawfully use, a certain implement of dogfighting; ~~establishing certain factors that a court may consider to determine whether an object is an implement of dogfighting;~~ establishing penalties for a violation of this Act; authorizing a court to order a certain defendant to participate in and pay for psychological counseling as a condition of sentencing; providing that each implement of dogfighting possessed in violation of this Act is a separate offense; defining a certain term; and generally relating to cruelty to animals.

BY adding to

Article – Criminal Law

Section 10–607.1

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

### **Article – Criminal Law**

#### **10–607.1.**

**(A) (1) IN THIS SECTION, “IMPLEMENT OF DOGFIGHTING” MEANS AN IMPLEMENT, AN OBJECT, A DEVICE, OR A DRUG INTENDED OR DESIGNED:**

**(I) TO ENHANCE THE FIGHTING ABILITY OF A DOG; OR**

(II) FOR USE IN A DELIBERATELY CONDUCTED EVENT THAT USES A DOG TO FIGHT WITH ANOTHER DOG.

(2) "IMPLEMENT OF DOGFIGHTING" INCLUDES:

(I) A BREAKING STICK DESIGNED FOR INSERTION BEHIND THE MOLARS OF A DOG TO BREAK THE DOG'S GRIP ON ANOTHER ANIMAL OR OBJECT;

(II) A CAT MILL THAT ROTATES AROUND A CENTRAL SUPPORT WITH ONE ARM DESIGNED TO SECURE A DOG AND ONE ARM DESIGNED TO SECURE A CAT, RABBIT, OR OTHER SMALL ANIMAL BEYOND THE GRASP OF THE DOG;

(III) A SPRINGPOLE THAT HAS A BITING SURFACE ATTACHED TO A STRETCHABLE DEVICE, SUSPENDED AT A HEIGHT SUFFICIENT TO PREVENT AN ANIMAL FROM REACHING THE BITING SURFACE WHILE TOUCHING THE GROUND;

(IV) A FIGHTING PIT OR OTHER CONFINED AREA DESIGNED TO CONTAIN A DOGFIGHT;

(V) A BREEDING STAND OR RAPE STAND USED TO IMMOBILIZE FEMALE DOGS FOR BREEDING PURPOSES; AND

(VI) ANY OTHER INSTRUMENT OR DEVICE THAT IS COMMONLY USED IN THE TRAINING FOR, IN THE PREPARATION FOR, IN THE CONDITIONING FOR, IN THE BREEDING FOR, IN THE CONDUCTING OF, OR OTHERWISE IN FURTHERANCE OF A DOGFIGHT.

(B) A PERSON MAY NOT POSSESS, WITH THE INTENT TO UNLAWFULLY USE, AN IMPLEMENT OF DOGFIGHTING.

~~(C) TO DETERMINE WHETHER AN OBJECT IS AN IMPLEMENT OF DOGFIGHTING, THE COURT MAY CONSIDER:~~

~~(1) A STATEMENT BY AN OWNER OR A PERSON IN CONTROL OF THE OBJECT CONCERNING ITS USE;~~

~~(2) A PRIOR CONVICTION OF AN OWNER OR A PERSON IN CONTROL OF THE OBJECT UNDER A LOCAL, STATE, OR FEDERAL LAW RELATING TO ANIMAL CRUELTY OR ANIMAL FIGHTING;~~

~~(3) THE PROXIMITY OF THE OBJECT, IN TIME AND SPACE, TO A DIRECT VIOLATION OF THIS SUBTITLE OR TO AN ANIMAL;~~

~~(4) DIRECT OR CIRCUMSTANTIAL EVIDENCE OF THE INTENT OF AN OWNER OR A PERSON IN CONTROL OF THE OBJECT TO DELIVER IT TO ANOTHER PERSON WHO THE OWNER OR THE PERSON IN CONTROL KNOWS OR SHOULD REASONABLY KNOW INTENDS TO USE THE OBJECT TO FACILITATE A VIOLATION OF THIS SUBTITLE;~~

~~(5) ORAL OR WRITTEN INSTRUCTIONS PROVIDED WITH THE OBJECT CONCERNING ITS USE;~~

~~(6) DESCRIPTIVE MATERIALS ACCOMPANYING THE OBJECT THAT EXPLAIN OR DEPICT ITS USE;~~

~~(7) THE MANNER IN WHICH THE OBJECT IS DISPLAYED FOR SALE;~~

~~(8) THE EXISTENCE AND SCOPE OF LEGITIMATE USES FOR THE OBJECT IN THE COMMUNITY;~~

~~(9) EXPERT TESTIMONY CONCERNING USE OF THE OBJECT; AND~~

~~(10) ANY OTHER VERIFIABLE INFORMATION THAT INDICATES THAT THE OBJECT IS INTENDED OR DESIGNED FOR USE IN VIOLATION OF THIS SUBTITLE.~~

~~(D)~~ (C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS 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) EACH IMPLEMENT OF DOGFIGHTING POSSESSED IN VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 547

(Senate Bill 288)

AN ACT concerning

**Income Tax – Corporation Returns – Filing Date**

FOR the purpose of altering the date by which certain corporations must complete and file with the Comptroller an income tax return; providing for the application of this Act; and generally relating to certain income tax returns filed by certain corporations.

BY repealing and reenacting, with amendments,  
 Article – Tax – General  
 Section 10–821(a)(1)  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2015 Supplement)

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

**Article – Tax – General**

10–821.

(a) (1) A corporation required under Part II of this subtitle to file a return for a taxable year shall complete and file with the Comptroller an income tax return:

(i) on or before the [March] **APRIL** 15 that follows that taxable year;  
 or

(ii) if income tax is computed for a fiscal year, on or before the 15th day of the [3rd] **4TH** month after the end of that year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016, and shall be applicable to all taxable years beginning after December 31, ~~2016~~ 2015.

**Approved by the Governor, May 19, 2016.**

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**Chapter 548**

**(House Bill 484)**

AN ACT concerning

**Income Tax – Corporation Returns – Filing Date**

FOR the purpose of altering the date by which certain corporations must complete and file with the Comptroller an income tax return; providing for the application of this Act; and generally relating to certain income tax returns filed by certain corporations.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–821(a)(1)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

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

**Article – Tax – General**

10–821.

(a) (1) A corporation required under Part II of this subtitle to file a return for a taxable year shall complete and file with the Comptroller an income tax return:

(i) on or before the [March] **APRIL** 15 that follows that taxable year;  
or

(ii) if income tax is computed for a fiscal year, on or before the 15th day of the [3rd] **4TH** month after the end of that year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016, and shall be applicable to all taxable years beginning after December 31, ~~2016~~ 2015.

**Approved by the Governor, May 19, 2016.**

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**Chapter 549**

**(Senate Bill 337)**

AN ACT concerning

**Libraries – Regional, State, and County – Funding**

FOR the purpose of altering the calculation of certain funding for each participating regional resource center, the State Library Resource Center, and each county public library system for certain fiscal years; and generally relating to funding for regional, State, and county libraries.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 23–205 and 23–503  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – Education**

23–205.

- (a) Each year, the Department may include in its budget operating funds for:
  - (1) The State Library Resource Center;
  - (2) Each regional resource center;
  - (3) The Maryland Library for the Blind and Physically Handicapped; and
  - (4) Each metropolitan cooperative service program.
- (b) (1) The State shall pay all capital expenses for:
  - (i) The State Library Resource Center; and
  - (ii) Each regional resource center.
  - (2) Before any money is spent under this subsection, the appropriate board of library trustees shall:
    - (i) Have the project approved by the Department;
    - (ii) Through the Department, submit the request to the Department of Budget and Management for consideration under Title 3, Subtitle 6 of the State Finance and Procurement Article; and
    - (iii) Agree to reimburse the Department an amount the Department determines if the facility ceases to be used for a resource center or cooperative service program.
- (c) (1) Each year each participating regional resource center shall receive a minimum amount of funding for each resident of the area served, to be used for operating and capital expenses.
  - (2) The allocation shall be calculated as follows:

- (i) For each of fiscal years 2011 through 2015.....\$6.75 per each resident of the area served;
- (ii) For fiscal year 2016..... \$6.95 per each resident of the area served;
- (iii) For fiscal year 2017..... \$7.15 per each resident of the area served;
- (iv) For fiscal year 2018..... [~~\$7.35~~] **\$7.55** per each resident of the area served;
- (v) For fiscal year 2019..... [~~\$7.55~~] **\$7.95** per each resident of the area served;
- (vi) For fiscal year 2020..... [~~\$7.75~~] **\$8.35** per each resident of the area served;
- (vii) For fiscal year 2021..... [~~\$7.95~~] **\$8.55** per each resident of the area served; AND
- (viii) For fiscal year 2022 AND EACH FISCAL YEAR THEREAFTER..... [~~\$8.15~~] **\$8.75** per each resident of the area served[;
- (ix) For fiscal year 2023..... \$8.35 per each resident of the area served;
- (x) For fiscal year 2024..... \$8.55 per each resident of the area served; and
- (xi) For fiscal year 2025 and each fiscal year thereafter..... \$8.75 per each resident of the area served].

(d) (1) Each year the State Library Resource Center shall receive a minimum amount of funding for each State resident in the previous fiscal year, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

- (i) For each of fiscal years 2010 through 2016.....\$1.67 per State resident;
- (ii) For fiscal year 2017 .....\$1.69 per State resident;
- (iii) For fiscal year 2018..... [~~\$1.71~~] **\$1.73** per State resident;

- (iv) For fiscal year 2019 ..... [~~\$1.73~~] **\$1.77** per State resident;
- (v) For fiscal year 2020 ..... [~~\$1.75~~] **\$1.81** per State resident; AND
- (vi) For fiscal year 2021 AND EACH FISCAL YEAR THEREAFTER..... [~~\$1.77~~] **\$1.85** per State resident[;
- (vii) For fiscal year 2022 ..... \$1.79 per State resident;
- (viii) For fiscal year 2023 ..... \$1.81 per State resident;
- (ix) For fiscal year 2024 ..... \$1.83 per State resident; and
- (x) For fiscal year 2025 and each fiscal year thereafter.....\$1.85 per State resident].

(e) Beginning in fiscal year 2016 and in each fiscal year thereafter, the Maryland Library for the Blind and Physically Handicapped shall receive an amount equivalent to at least 25% of the amount received by the State Library Resource Center for the same fiscal year under subsection (d) of this section.

(f) (1) The Department shall:

(i) Disburse funds to the State and regional resource centers, the Maryland Library for the Blind and Physically Handicapped, and metropolitan cooperative service programs; and

(ii) Require that these funds be used subject to any conditions specified by the appropriating agency or imposed under this subtitle.

(2) The Department may authorize the State Comptroller to withhold funds from any regional resource center or metropolitan cooperative service program that fails to meet the standards adopted by the Department.

23-503.

(a) (1) The entire capital and operating cost of the minimum library program for this State as a whole shall be shared as provided in this subsection.

(2) The State shall provide:

(i) Approximately 40 percent of the total cost of the minimum program; and

(ii) Not less than 20 percent of the cost of the minimum program in any county.

(3) The counties participating in the program together shall provide through local taxes approximately 60 percent of the total statewide cost of the minimum program.

(b) (1) Each county public library system that participates in the minimum library program shall be provided for each resident of the county, to be used for operating and capital expenses:

(i) For each of fiscal years 2011 through 2015 – \$14.00;

(ii) For fiscal year 2016 – \$14.27;

(iii) For fiscal year 2017 – \$14.54;

(iv) For fiscal year 2018 – [~~\$14.81~~] **\$15.00**;

(v) For fiscal year 2019 – [~~\$15.08~~] **\$15.50**;

(vi) For fiscal year 2020 – [~~\$15.35~~] **\$16.00**;

(vii) For fiscal year 2021 – [~~\$15.62~~] **\$16.43**;

(viii) For fiscal year 2022 **AND EACH FISCAL YEAR THEREAFTER** – [~~\$15.89~~] **\$16.70**;

(ix) For fiscal year 2023 – \$16.16;

(x) For fiscal year 2024 – \$16.43; and

(xi) For fiscal year 2025 and each fiscal year thereafter – \$16.70].

(2) (i) The State shall share in this amount.

(ii) Any county may provide an amount greater than its share under the cooperative program, but the State may not share in the excess.

(c) Any employer Social Security contributions required by federal law for any employee in a county public library system shall remain the obligation of the employer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

**Chapter 550****(Senate Bill 346)**

AN ACT concerning

**Peace Orders – Grounds for Relief**

FOR the purpose of adding certain offenses to the list of offenses alleged to have been committed by a certain respondent against a certain victim for which a peace order request or a peace order petition may be filed under certain circumstances; and generally relating to peace orders.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–8A–19.1 and 3–1503(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 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–19.1.

(a) In this section and in §§ 3–8A–19.2, 3–8A–19.3, and 3–8A–19.4 of this subtitle, “victim” means an individual against whom an act described in subsection (b) of this section is committed or alleged to have been committed.

(b) (1) Except as provided in paragraph (2) of this subsection, after an inquiry conducted in accordance with § 3–8A–10 of this subtitle, an intake officer may file with the court a peace order request that alleges the commission of any of the following acts against a victim by the respondent, if the act occurred within 30 days before the filing of the complaint under § 3–8A–10 of this subtitle:

- (i) An act that causes serious bodily harm;
- (ii) An act that places the victim in fear of imminent serious bodily harm;
- (iii) Assault in any degree;
- (iv) Rape or sexual offense under §§ 3–303 through 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

- (v) False imprisonment;
- (vi) Harassment under § 3–803 of the Criminal Law Article;
- (vii) Stalking under § 3–802 of the Criminal Law Article;
- (viii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;

[or]

(ix) Malicious destruction of property under § 6–301 of the Criminal Law Article;

**(X) MISUSE OF TELEPHONE FACILITIES AND EQUIPMENT UNDER § 3–804 OF THE CRIMINAL LAW ARTICLE;**

**(XI) MISUSE OF ELECTRONIC COMMUNICATION OR INTERACTIVE COMPUTER SERVICE UNDER § 3–805 OF THE CRIMINAL LAW ARTICLE;**

**(XII) REVENGE PORN UNDER § 3–809 OF THE CRIMINAL LAW ARTICLE; OR**

**(XIII) VISUAL SURVEILLANCE UNDER § 3–901, § 3–902, OR § 3–903 OF THE CRIMINAL LAW ARTICLE.**

(2) After a review conducted in accordance with § 3–8A–10(c)(4)(ii) of this subtitle, the State’s Attorney may file with the court a peace order request that meets the requirements of paragraph (1) of this subsection.

3–1503.

(a) (1) A petitioner may seek relief under this subtitle by filing with the court, or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle, a petition that alleges the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition:

- (i) An act that causes serious bodily harm;
- (ii) An act that places the petitioner in fear of imminent serious bodily harm;
- (iii) Assault in any degree;
- (iv) Rape or sexual offense under §§ 3–303 through 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;
- (v) False imprisonment;

- (vi) Harassment under § 3–803 of the Criminal Law Article;
- (vii) Stalking under § 3–802 of the Criminal Law Article;
- (viii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;

[or]

(ix) Malicious destruction of property under § 6–301 of the Criminal Law Article;

**(X) MISUSE OF TELEPHONE FACILITIES AND EQUIPMENT UNDER § 3–804 OF THE CRIMINAL LAW ARTICLE;**

**(XI) MISUSE OF ELECTRONIC COMMUNICATION OR INTERACTIVE COMPUTER SERVICE UNDER § 3–805 OF THE CRIMINAL LAW ARTICLE;**

**(XII) REVENGE PORN UNDER § 3–809 OF THE CRIMINAL LAW ARTICLE; OR**

**(XIII) VISUAL SURVEILLANCE UNDER § 3–901, § 3–902, OR § 3–903 OF THE CRIMINAL LAW ARTICLE.**

(2) A petition may be filed under this subtitle if:

(i) The act described in paragraph (1) of this subsection is alleged to have occurred in the State; or

(ii) The petitioner is a resident of the State, regardless of whether the act described in paragraph (1) of this subsection is alleged to have occurred in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 551

**(House Bill 314)**

AN ACT concerning

**Peace Orders – Grounds for Relief**

FOR the purpose of adding certain offenses to the list of offenses alleged to have been committed by a certain respondent against a certain victim for which a peace order request or a peace order petition may be filed under certain circumstances; and generally relating to peace orders.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–8A–19.1 and 3–1503(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 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–19.1.

(a) In this section and in §§ 3–8A–19.2, 3–8A–19.3, and 3–8A–19.4 of this subtitle, “victim” means an individual against whom an act described in subsection (b) of this section is committed or alleged to have been committed.

(b) (1) Except as provided in paragraph (2) of this subsection, after an inquiry conducted in accordance with § 3–8A–10 of this subtitle, an intake officer may file with the court a peace order request that alleges the commission of any of the following acts against a victim by the respondent, if the act occurred within 30 days before the filing of the complaint under § 3–8A–10 of this subtitle:

- (i) An act that causes serious bodily harm;
- (ii) An act that places the victim in fear of imminent serious bodily harm;
- (iii) Assault in any degree;
- (iv) Rape or sexual offense under §§ 3–303 through 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;
- (v) False imprisonment;
- (vi) Harassment under § 3–803 of the Criminal Law Article;
- (vii) Stalking under § 3–802 of the Criminal Law Article;
- (viii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;

[or]

(ix) Malicious destruction of property under § 6–301 of the Criminal Law Article;

**(X) MISUSE OF TELEPHONE FACILITIES AND EQUIPMENT UNDER § 3–804 OF THE CRIMINAL LAW ARTICLE;**

**(XI) MISUSE OF ELECTRONIC COMMUNICATION OR INTERACTIVE COMPUTER SERVICE UNDER § 3–805 OF THE CRIMINAL LAW ARTICLE;**

**(XII) REVENGE PORN UNDER § 3–809 OF THE CRIMINAL LAW ARTICLE; OR**

**(XIII) VISUAL SURVEILLANCE UNDER § 3–901, § 3–902, OR § 3–903 OF THE CRIMINAL LAW ARTICLE.**

(2) After a review conducted in accordance with § 3–8A–10(c)(4)(ii) of this subtitle, the State’s Attorney may file with the court a peace order request that meets the requirements of paragraph (1) of this subsection.

3–1503.

(a) (1) A petitioner may seek relief under this subtitle by filing with the court, or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle, a petition that alleges the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition:

- (i) An act that causes serious bodily harm;
- (ii) An act that places the petitioner in fear of imminent serious bodily harm;
- (iii) Assault in any degree;
- (iv) Rape or sexual offense under §§ 3–303 through 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;
- (v) False imprisonment;
- (vi) Harassment under § 3–803 of the Criminal Law Article;
- (vii) Stalking under § 3–802 of the Criminal Law Article;
- (viii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;

[or]

(ix) Malicious destruction of property under § 6–301 of the Criminal Law Article;

**(X) MISUSE OF TELEPHONE FACILITIES AND EQUIPMENT UNDER § 3–804 OF THE CRIMINAL LAW ARTICLE;**

**(XI) MISUSE OF ELECTRONIC COMMUNICATION OR INTERACTIVE COMPUTER SERVICE UNDER § 3–805 OF THE CRIMINAL LAW ARTICLE;**

**(XII) REVENGE PORN UNDER § 3–809 OF THE CRIMINAL LAW ARTICLE; OR**

**(XIII) VISUAL SURVEILLANCE UNDER § 3–901, § 3–902, OR § 3–903 OF THE CRIMINAL LAW ARTICLE.**

(2) A petition may be filed under this subtitle if:

(i) The act described in paragraph (1) of this subsection is alleged to have occurred in the State; or

(ii) The petitioner is a resident of the State, regardless of whether the act described in paragraph (1) of this subsection is alleged to have occurred in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 552

(Senate Bill 427)

AN ACT concerning

### **Higher Education – Institutions of Postsecondary Education – Consumer Protection Provisions**

FOR the purpose of prohibiting certain private career schools and certain for-profit institutions of higher education from enrolling certain students in certain programs under certain circumstances; requiring the Maryland Higher Education Commission to create certain guaranty funds; specifying the uses of certain guaranty funds; ~~including a certain occurrence as grounds for reimbursement of certain students from certain guaranty funds;~~ requiring certain students to follow certain complaint procedures of certain institutions before making a claim to certain guaranty funds;

authorizing certain students to make a certain claim to certain guaranty funds under certain circumstances; requiring a certain report to include certain information; requiring certain institutions of postsecondary education to ensure that a net price calculator is posted on its Web site in a certain location; requiring certain institutions to provide certain information to certain students under certain circumstances; providing for the application of a certain provision of this Act; and generally relating to consumer protection provisions that impact institutions of postsecondary education.

BY adding to

Article – Commercial Law  
Section 13–320  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Education  
Section 10–101(i) and (j)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Education  
Section 11–203(d) and (e) and 15–118  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

#### Article – Commercial Law

#### 13–320.

**A PRIVATE CAREER SCHOOL OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION, AS DEFINED UNDER § ~~10–101(j)~~ 10–101 OF THE EDUCATION ARTICLE, MAY NOT ENROLL A STUDENT IN A PROGRAM THAT IS INTENDED TO LEAD TO EMPLOYMENT IN A FIELD THAT REQUIRES LICENSURE OR CERTIFICATION IN THE STATE IF:**

**(1) SUCCESSFUL COMPLETION OF THE EDUCATIONAL COURSE OFFERINGS IN THE PROGRAM AT THE PRIVATE CAREER SCHOOL OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION WILL NOT MEET THE STATE EDUCATIONAL REQUIREMENTS FOR LICENSURE OR CERTIFICATION;**

~~(2) THE PRIVATE CAREER SCHOOL DOES NOT HOLD THE APPROPRIATE ACCREDITATION RECOGNIZED BY THE LICENSING ENTITY OF THE STATE; OR~~

(2) THE STATE ENTITY THAT LICENSES OR CERTIFIES INDIVIDUALS IN THE FIELD REQUIRES AS A CONDITION OF LICENSURE OR CERTIFICATION THAT THE PRIVATE CAREER SCHOOL OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION ATTENDED BY THE INDIVIDUAL SATISFIES A STATUTORY OR REGULATORY REQUIREMENT, AND THE SCHOOL DOES NOT SATISFY THE REQUIREMENT; OR

(3) THE PRIVATE CAREER SCHOOL OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION IS AWARE OR REASONABLY SHOULD HAVE BEEN AWARE OF ANY OTHER CHARACTERISTICS OF THE STUDENT OR OF THE PROGRAM FACTORS THAT WOULD MAY LEAD TO THE INELIGIBILITY OF THE STUDENT TO SEEK PURSUE OR OBTAIN LICENSURE OR CERTIFICATION IN THE STATE.

#### Article – Education

10–101.

(i) (1) “Institution of postsecondary education” means a school or other institution that offers an educational program in the State for individuals who are at least 16 years old and who have graduated from or left elementary or secondary school.

(2) “Institution of postsecondary education” does not include:

(i) Any adult education, evening high school, or high school equivalence program conducted by a public school system of the State; or

(ii) Any apprenticeship or on-the-job training program subject to approval by the Apprenticeship and Training Council.

(j) “Private career school” means a privately owned and privately operated institution of postsecondary education other than an institution of higher education that furnishes or offers to furnish programs, whether or not requiring a payment of tuition or fee, for the purpose of training, retraining, or upgrading individuals for gainful employment as skilled or semiskilled workers or technicians in recognized occupations or in new and emerging occupations.

11–203.

(d) (1) By [rule and] regulation, the Commission [may]:

(I) SHALL create and provide for the operation of [three] TWO separate guaranty funds for:

~~[(i)] 1. For-profit institutions of higher education; AND~~

~~[(ii)] 2. Private career schools; and~~

~~[(iii)] (II) [Institutions] MAY CREATE AND PROVIDE FOR THE OPERATION OF A GUARANTY FUND FOR INSTITUTIONS of higher education that are required to register under § 11-202.2 of this subtitle.~~

~~(2) (i) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE private career school fund shall be used:~~

~~1. To [reimburse] PROVIDE A FULL REIMBURSEMENT TO any student at a private career school who is entitled to a refund of tuition and fees because the institution has failed to perform faithfully any agreement or contract with the student, INCLUDING CLOSURE OF THE SCHOOL, or failed to comply with any provision of this article; or~~

~~2. For any other function directly related to the original purpose of the fund deemed appropriate by the Secretary.~~

~~(ii) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE for-profit institution of higher education fund shall be used to [reimburse] PROVIDE A FULL REIMBURSEMENT TO any student at a for-profit institution of higher education who is entitled to a refund of tuition and fees because the institution has failed to perform faithfully any agreement or contract with the student, INCLUDING CLOSURE OF THE SCHOOL, or failed to comply with any provision of this article.~~

**(2) (I) THE FOR-PROFIT INSTITUTIONS OF HIGHER EDUCATION FUND AND THE PRIVATE CAREER SCHOOL FUND SHALL BE USED:**

**1. IN THE EVENT OF A SCHOOL CLOSURE BY A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION OR A PRIVATE CAREER SCHOOL, TO PROVIDE A FULL REFUND OF TUITION AND FEES INCURRED BY A STUDENT THAT HAVE NOT BEEN REIMBURSED OR DISCHARGED;**

**2. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, TO PROVIDE A REFUND, AS DETERMINED BY THE SECRETARY, OF TUITION AND FEES INCURRED BY A STUDENT THAT HAVE NOT BEEN REIMBURSED OR DISCHARGED, IF A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION OR A PRIVATE CAREER SCHOOL FAILS TO:**

**A. PERFORM FAITHFULLY ANY ENROLLMENT AGREEMENT OR CONTRACT WITH THE STUDENT; OR**

**B. COMPLY WITH ANY PROVISIONS OF THIS ARTICLE; OR****3. FOR ANY OTHER REASON DIRECTLY RELATED TO THE ORIGINAL PURPOSE OF THE FUND DEEMED APPROPRIATE BY THE SECRETARY.**

~~(iii)~~ **(II)** 1. The fund for institutions of higher education that are required to register under § 11–202.2 of this subtitle shall be used to reimburse any student at any of these institutions who is entitled to a refund of tuition and fees because the institution has failed to perform faithfully any agreement or contract with the student or failed to comply with any provision of this article.

2. A. After 3 years of claims history during which no claim against the fund has been sustained on behalf of a Maryland student participating in a fully online distance education program offered in the State by an institution registered under § 11–202.2 of this subtitle, the Commission shall exempt that institution from the requirement to contribute to the fund.

B. Notwithstanding subsubsubparagraph A of this subsubparagraph, an institution shall be required to contribute to the fund following a claim against the fund being sustained on behalf of a Maryland student participating in a fully online distance education program offered in the State by the institution.

3. Notwithstanding subsubparagraph 2 of this subparagraph, a student who takes courses from an institution exempted from contribution to the fund under subsubparagraph 2 of this subparagraph may make a claim against the fund in accordance with subsubparagraph 1 of this subparagraph.

~~(iv)~~ **(III)** 1. The funds shall be continuing, nonlapsing funds, not subject to § 7–302 of the State Finance and Procurement Article.

2. Any unspent portions of the funds may not be transferred or revert to the General Fund of the State, but shall remain in the funds to be used for the purposes specified in this subsection.

3. No other State money may be used to support the funds.

~~(v)~~ **(IV)** The Commission shall be subrogated to and may enforce the claim of any student to the extent of any actual or authorized reimbursement from the funds.

**(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A STUDENT SHALL FOLLOW THE COMPLAINT PROCESS OF THE INSTITUTION BEFORE MAKING A CLAIM UNDER PARAGRAPH ~~(2)(H)2~~ PARAGRAPH (2)(I)2 OF THIS SUBSECTION TO A GUARANTY FUND ESTABLISHED UNDER THIS SECTION.**

**(II) IF AN INSTITUTION DOES NOT RESPOND WITHIN 30 DAYS AFTER THE RECEIPT OF A COMPLAINT FILED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STUDENT MAY MAKE A CLAIM TO A GUARANTY FUND ESTABLISHED UNDER THIS SECTION.**

~~[(3)]~~ **(4)** (i) Each for-profit institution of higher education or private career school that is required to obtain a certificate of approval and, subject to paragraph (2)(iii)2 of this subsection, each institution of higher education required to register under § 11-202.2 of this subtitle shall pay an annual fee into the appropriate fund.

(ii) The Commission shall determine the amount of the fee based on the probable amount of money needed for the funds for each fiscal year. If the moneys in the guaranty funds are insufficient to satisfy duly authorized claims, the participating institutions may be reassessed and shall pay the additional amounts required.

(iii) The Commission may not issue a certificate of approval or registration to, and shall revoke any certificate of approval or registration previously issued to, an institution that fails to pay any annual fee or reassessment.

(iv) The Commission shall deposit into the appropriate fund any penalty assessed against a for-profit institution of higher education, institution of higher education required to register under § 11-202.2 of this subtitle, or private career school, respectively, under the terms of § 11-204 of this subtitle.

~~[(4)]~~ **(5)** (i) The funds shall be maintained by the State Comptroller who may deposit the assets of the funds in any manner that is consistent with the purposes of the funds.

(ii) All interest or other return on fund investments shall be credited to the funds.

~~[(5)]~~ **(6)** The Commission, through the Attorney General, may enforce any claim to which the Commission has been subrogated under this subsection.

(e) 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, regarding:

(1) The number of claims made against each guaranty fund established under this section;

(2) The type, size, and program of the institutions against which the claims are made;

**(3) THE REASON FOR THE CLAIM, INCLUDING WHETHER THE PRIVATE CAREER SCHOOL OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION CLOSED**

AND, IF SO, WHETHER SOME STUDENTS WERE ABLE TO FINISH THEIR PROGRAM DESPITE THE CLOSURE AND, IF SO, HOW MANY;

[(3)] (4) The number of claims that are approved and the associated payouts from the funds; and

[(4)] (5) The number of claims that are denied.

[15–118.] 11–408.

[(a)] This section applies to a public senior higher education institution and a community college in the State.]

(A) EACH INSTITUTION OF POSTSECONDARY EDUCATION THAT OPERATES IN THE STATE AND THAT IS REQUIRED TO MAKE A NET PRICE CALCULATOR PUBLICLY AVAILABLE ON ITS WEB SITE UNDER THE FEDERAL HIGHER EDUCATION OPPORTUNITY ACT OF 2008, 20 U.S.C.A. § 1015A, SHALL ENSURE THAT THE NET PRICE CALCULATOR IS POSTED ON ITS WEB SITE IN A CONSPICUOUS LOCATION.

(b) (1) [Beginning in the 2014–2015 academic year, for] FOR all first–time, full–time undergraduate [freshmen, an institution of higher education] STUDENTS AT AN INSTITUTION OF POSTSECONDARY EDUCATION THAT OPERATES IN THE STATE, THE INSTITUTION 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 § 11–203(d)(2)(i)1 of the Education Article, as enacted by Section 1 of this Act, does not apply to a for–profit institution of higher education that underwent an orderly closure on or before October 1, 2016, that included a ~~teachout that was finalized on or before January 1, 2016~~ teach–out plan:

(1) to teach–out the students enrolled in the for–profit institution of higher education at the time of closure;

(2) that requires a teach–out to be conducted by the for–profit institution of higher education;

(3) that requires a teach-out to be provided to the students using the same method of instructional delivery that was provided to the students on or before October 1, 2016; and

(4) that requires completion on or before December 31, 2017.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 553

(House Bill 741)

AN ACT concerning

### Higher Education – Institutions of Postsecondary Education – Consumer Protection Provisions

FOR the purpose of prohibiting certain private career schools and certain for-profit institutions of higher education from enrolling certain students in certain programs under certain circumstances; requiring the Maryland Higher Education Commission to create certain guaranty funds; specifying the uses of certain guaranty funds; ~~including a certain occurrence as grounds for reimbursement of certain students from certain guaranty funds;~~ requiring certain students to follow certain complaint procedures of certain institutions before making a claim to certain guaranty funds; authorizing certain students to make a certain claim to certain guaranty funds under certain circumstances; requiring a certain report to include certain information; requiring certain institutions of postsecondary education to ensure that a net price calculator is posted on its Web site in a certain location; requiring certain institutions to provide certain information to certain students under certain circumstances; providing for the application of a certain provision of this Act; and generally relating to consumer protection provisions that impact institutions of postsecondary education.

BY adding to

Article – Commercial Law

Section 13–320

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 10–101(i) and (j)

Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 11–203(d) and (e) and 15–118  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – Commercial Law**

**13–320.**

**A PRIVATE CAREER SCHOOL OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION, AS DEFINED UNDER § 10–101(J) 10–101 OF THE EDUCATION ARTICLE, MAY NOT ENROLL A STUDENT IN A PROGRAM THAT IS INTENDED TO LEAD TO EMPLOYMENT IN A FIELD THAT REQUIRES LICENSURE OR CERTIFICATION IN THE STATE IF:**

**(1) SUCCESSFUL COMPLETION OF THE EDUCATIONAL COURSE OFFERINGS IN THE PROGRAM AT THE PRIVATE CAREER SCHOOL OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION WILL NOT MEET THE STATE EDUCATIONAL REQUIREMENTS FOR LICENSURE OR CERTIFICATION;**

**~~(2) THE PRIVATE CAREER SCHOOL DOES NOT HOLD THE APPROPRIATE ACCREDITATION RECOGNIZED BY THE LICENSING ENTITY OF THE STATE; OR~~**

**(2) THE STATE ENTITY THAT LICENSES OR CERTIFIES INDIVIDUALS IN THE FIELD REQUIRES AS A CONDITION OF LICENSURE OR CERTIFICATION THAT THE PRIVATE CAREER SCHOOL OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION ATTENDED BY THE INDIVIDUAL SATISFIES A STATUTORY OR REGULATORY REQUIREMENT, AND THE SCHOOL DOES NOT SATISFY THE REQUIREMENT; OR**

**(3) THE PRIVATE CAREER SCHOOL OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION IS AWARE OR REASONABLY SHOULD HAVE BEEN AWARE OF ANY OTHER CHARACTERISTICS OF THE STUDENT OR OF THE PROGRAM FACTORS THAT WOULD MAY LEAD TO THE INELIGIBILITY OF THE STUDENT TO SEEK PURSUE OR OBTAIN LICENSURE OR CERTIFICATION IN THE STATE.**

**Article – Education**

10–101.

(i) (1) “Institution of postsecondary education” means a school or other institution that offers an educational program in the State for individuals who are at least 16 years old and who have graduated from or left elementary or secondary school.

(2) “Institution of postsecondary education” does not include:

(i) Any adult education, evening high school, or high school equivalence program conducted by a public school system of the State; or

(ii) Any apprenticeship or on–the–job training program subject to approval by the Apprenticeship and Training Council.

(j) “Private career school” means a privately owned and privately operated institution of postsecondary education other than an institution of higher education that furnishes or offers to furnish programs, whether or not requiring a payment of tuition or fee, for the purpose of training, retraining, or upgrading individuals for gainful employment as skilled or semiskilled workers or technicians in recognized occupations or in new and emerging occupations.

11–203.

(d) (1) By [rule and] regulation, the Commission [may]:

(I) **SHALL** create and provide for the operation of [three] **TWO** separate guaranty funds for:

[(i)] **1.** For–profit institutions of higher education; **AND**

[(ii)] **2.** Private career schools; and

[(iii)] **(II)** [Institutions] **MAY CREATE AND PROVIDE FOR THE OPERATION OF A GUARANTY FUND FOR INSTITUTIONS** of higher education that are required to register under § 11–202.2 of this subtitle.

~~[(2)] [(i)] [The] **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,** THE private career school fund shall be used:~~

~~1. To [reimburse] **PROVIDE A FULL REIMBURSEMENT TO** any student at a private career school who is entitled to a refund of tuition and fees because the institution has failed to perform faithfully any agreement or contract with the student, **INCLUDING CLOSURE OF THE SCHOOL,** or failed to comply with any provision of this article; or~~

~~2. For any other function directly related to the original purpose of the fund deemed appropriate by the Secretary.~~

~~(ii) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE for-profit institution of higher education fund shall be used to [reimburse] PROVIDE A FULL REIMBURSEMENT TO any student at a for-profit institution of higher education who is entitled to a refund of tuition and fees because the institution has failed to perform faithfully any agreement or contract with the student, INCLUDING CLOSURE OF THE SCHOOL, or failed to comply with any provision of this article.~~

**(2) (I) THE FOR-PROFIT INSTITUTIONS OF HIGHER EDUCATION FUND AND THE PRIVATE CAREER SCHOOL FUND SHALL BE USED:**

**1. IN THE EVENT OF A SCHOOL CLOSURE BY A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION OR A PRIVATE CAREER SCHOOL, TO PROVIDE A FULL REFUND OF TUITION AND FEES INCURRED BY A STUDENT THAT HAVE NOT BEEN REIMBURSED OR DISCHARGED;**

**2. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, TO PROVIDE A REFUND, AS DETERMINED BY THE SECRETARY, OF TUITION AND FEES INCURRED BY A STUDENT THAT HAVE NOT BEEN REIMBURSED OR DISCHARGED, IF A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION OR A PRIVATE CAREER SCHOOL FAILS TO:**

**A. PERFORM FAITHFULLY ANY ENROLLMENT AGREEMENT OR CONTRACT WITH THE STUDENT; OR**

**B. COMPLY WITH ANY PROVISIONS OF THIS ARTICLE; OR**

**3. FOR ANY OTHER REASON DIRECTLY RELATED TO THE ORIGINAL PURPOSE OF THE FUND DEEMED APPROPRIATE BY THE SECRETARY.**

~~(iii)~~ **(II)** 1. The fund for institutions of higher education that are required to register under § 11-202.2 of this subtitle shall be used to reimburse any student at any of these institutions who is entitled to a refund of tuition and fees because the institution has failed to perform faithfully any agreement or contract with the student or failed to comply with any provision of this article.

2. A. After 3 years of claims history during which no claim against the fund has been sustained on behalf of a Maryland student participating in a fully online distance education program offered in the State by an institution registered under § 11-202.2 of this subtitle, the Commission shall exempt that institution from the requirement to contribute to the fund.

B. Notwithstanding subsubsubparagraph A of this subsubparagraph, an institution shall be required to contribute to the fund following a claim against the fund being sustained on behalf of a Maryland student participating in a fully online distance education program offered in the State by the institution.

3. Notwithstanding subsubparagraph 2 of this subparagraph, a student who takes courses from an institution exempted from contribution to the fund under subsubparagraph 2 of this subparagraph may make a claim against the fund in accordance with subsubparagraph 1 of this subparagraph.

~~(iv)~~ **(III)** 1. The funds shall be continuing, nonlapsing funds, not subject to § 7–302 of the State Finance and Procurement Article.

2. Any unspent portions of the funds may not be transferred or revert to the General Fund of the State, but shall remain in the funds to be used for the purposes specified in this subsection.

3. No other State money may be used to support the funds.

~~(v)~~ **(IV)** The Commission shall be subrogated to and may enforce the claim of any student to the extent of any actual or authorized reimbursement from the funds.

**(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A STUDENT SHALL FOLLOW THE COMPLAINT PROCESS OF THE INSTITUTION BEFORE MAKING A CLAIM UNDER PARAGRAPH (2)(I)2 OF THIS SUBSECTION TO A GUARANTY FUND ESTABLISHED UNDER THIS SECTION.**

**(II) IF AN INSTITUTION DOES NOT RESPOND WITHIN 30 DAYS AFTER THE RECEIPT OF A COMPLAINT FILED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STUDENT MAY MAKE A CLAIM TO A GUARANTY FUND ESTABLISHED UNDER THIS SECTION.**

**[(3)] (4)** (i) Each for–profit institution of higher education or private career school that is required to obtain a certificate of approval and, subject to paragraph (2)(iii)2 of this subsection, each institution of higher education required to register under § 11–202.2 of this subtitle shall pay an annual fee into the appropriate fund.

(ii) The Commission shall determine the amount of the fee based on the probable amount of money needed for the funds for each fiscal year. If the moneys in the guaranty funds are insufficient to satisfy duly authorized claims, the participating institutions may be reassessed and shall pay the additional amounts required.

(iii) The Commission may not issue a certificate of approval or registration to, and shall revoke any certificate of approval or registration previously issued to, an institution that fails to pay any annual fee or reassessment.

(iv) The Commission shall deposit into the appropriate fund any penalty assessed against a for-profit institution of higher education, institution of higher education required to register under § 11–202.2 of this subtitle, or private career school, respectively, under the terms of § 11–204 of this subtitle.

~~[(4)] (5)~~ (i) The funds shall be maintained by the State Comptroller who may deposit the assets of the funds in any manner that is consistent with the purposes of the funds.

(ii) All interest or other return on fund investments shall be credited to the funds.

~~[(5)] (6)~~ The Commission, through the Attorney General, may enforce any claim to which the Commission has been subrogated under this subsection.

(e) 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, regarding:

(1) The number of claims made against each guaranty fund established under this section;

(2) The type, size, and program of the institutions against which the claims are made;

**(3) THE REASON FOR THE CLAIM, INCLUDING WHETHER THE PRIVATE CAREER SCHOOL OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION CLOSED AND, IF SO, WHETHER SOME STUDENTS WERE ABLE TO FINISH THEIR PROGRAM DESPITE THE CLOSURE AND, IF SO, HOW MANY;**

~~[(3)] (4)~~ The number of claims that are approved and the associated payouts from the funds; and

~~[(4)] (5)~~ The number of claims that are denied.

**[15–118.] 11–408.**

**[(a) This section applies to a public senior higher education institution and a community college in the State.]**

**(A) EACH INSTITUTION OF POSTSECONDARY EDUCATION THAT OPERATES IN THE STATE AND THAT IS REQUIRED TO MAKE A NET PRICE CALCULATOR PUBLICLY AVAILABLE ON ITS WEB SITE UNDER THE FEDERAL HIGHER EDUCATION OPPORTUNITY ACT OF 2008, 20 U.S.C.A. § 1015A, SHALL ENSURE THAT THE NET PRICE CALCULATOR IS POSTED ON ITS WEB SITE IN A CONSPICUOUS LOCATION.**

(b) (1) [Beginning in the 2014–2015 academic year, for] **FOR** all first–time, full–time undergraduate [freshmen, an institution of higher education] **STUDENTS AT AN INSTITUTION OF POSTSECONDARY EDUCATION THAT OPERATES IN THE STATE, THE INSTITUTION** 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 § 11–203(d)(2)(i)1 of the Education Article, as enacted by Section 1 of this Act, does not apply to a for–profit institution of higher education that underwent an orderly closure on or before October 1, 2016, that included a teach–out plan:

(1) to teach–out the students enrolled in the for–profit institution of higher education at the time of closure;

(2) that requires a teach–out to be conducted by the for–profit institution of higher education;

(3) that requires a teach–out to be provided to the students using the same method of instructional delivery that was provided to the students on or before October 1, 2016; and

(4) that requires completion on or before December 31, 2017.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 554

(Senate Bill 439)

AN ACT concerning

**Correctional Training Commission – Department of Juvenile Services  
Employees – Revocation of Certification and Reinstatement**

FOR the purpose of authorizing the Correctional Training Commission to revoke the certification of a Department of Juvenile Services employee in conjunction with certain disciplinary actions; authorizing the court to reinstate the certification of a correctional officer under certain circumstances; authorizing the Office of Administrative Hearings to reinstate the certification of a Department of Juvenile Services employee with no further examination or condition under certain circumstances; and generally relating to the Correctional Training Commission and the revocation of certification and reinstatement of Department of Juvenile Services employees.

BY repealing and reenacting, with amendments,  
Article – Correctional Services  
Section 8–209.2  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

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

**Article – Correctional Services**

8–209.2.

(a) The Commission may revoke the certification of a correctional officer **OR DEPARTMENT OF JUVENILE SERVICES EMPLOYEE** in conjunction with disciplinary action taken under Title 11 of the State Personnel and Pensions Article.

(b) **(1)** If the Office of Administrative Hearings rescinds or modifies a disciplinary action against a correctional officer under Title 11 of the State Personnel and Pensions Article, the Office of Administrative Hearings may reinstate the correctional officer's certification with no further examination or condition.

**(2) IF THE COURT, ACTING UNDER § 10–911 OF THIS ARTICLE, RESCINDS OR MODIFIES A DISCIPLINARY ACTION AGAINST A CORRECTIONAL OFFICER, THE COURT MAY REINSTATE THE CORRECTIONAL OFFICER'S CERTIFICATION WITH NO FURTHER EXAMINATION OR CONDITION.**

**(C) IF THE OFFICE OF ADMINISTRATIVE HEARINGS RESCINDS OR MODIFIES A DISCIPLINARY ACTION AGAINST A DEPARTMENT OF JUVENILE SERVICES EMPLOYEE UNDER TITLE 11 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE OFFICE OF ADMINISTRATIVE HEARINGS MAY REINSTATE THE EMPLOYEE'S CERTIFICATION WITH NO FURTHER EXAMINATION OR CONDITION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 555

### (House Bill 855)

AN ACT concerning

#### **Correctional Training Commission – Department of Juvenile Services Employees – Revocation of Certification and Reinstatement**

FOR the purpose of authorizing the Correctional Training Commission to revoke the certification of a Department of Juvenile Services employee in conjunction with certain disciplinary actions; authorizing the court to reinstate the certification of a correctional officer under certain circumstances; authorizing the Office of Administrative Hearings to reinstate the certification of a Department of Juvenile Services employee with no further examination or condition under certain circumstances; and generally relating to the Correctional Training Commission and the revocation of certification and reinstatement of Department of Juvenile Services employees.

BY repealing and reenacting, with amendments,  
Article – Correctional Services  
Section 8–209.2  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

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

#### **Article – Correctional Services**

8–209.2.

(a) The Commission may revoke the certification of a correctional officer **OR DEPARTMENT OF JUVENILE SERVICES EMPLOYEE** in conjunction with disciplinary action taken under Title 11 of the State Personnel and Pensions Article.

(b) **(1)** If the Office of Administrative Hearings rescinds or modifies a disciplinary action against a correctional officer under Title 11 of the State Personnel and Pensions Article, the Office of Administrative Hearings may reinstate the correctional officer's certification with no further examination or condition.

(2) IF THE COURT, ACTING UNDER § 10–911 OF THIS ARTICLE, RESCINDS OR MODIFIES A DISCIPLINARY ACTION AGAINST A CORRECTIONAL OFFICER, THE COURT MAY REINSTATE THE CORRECTIONAL OFFICER’S CERTIFICATION WITH NO FURTHER EXAMINATION OR CONDITION.

(C) IF THE OFFICE OF ADMINISTRATIVE HEARINGS RESCINDS OR MODIFIES A DISCIPLINARY ACTION AGAINST A DEPARTMENT OF JUVENILE SERVICES EMPLOYEE UNDER TITLE 11 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE OFFICE OF ADMINISTRATIVE HEARINGS MAY REINSTATE THE EMPLOYEE’S CERTIFICATION WITH NO FURTHER EXAMINATION OR CONDITION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 556

(Senate Bill 481)

AN ACT concerning

### Labor and Employment – Equal Pay for Equal Work

FOR the purpose of altering a certain provision of law concerning equal pay for equal work to prohibit discrimination on the basis of gender identity; prohibiting an employer from discriminating between employees in any occupation by providing certain less favorable employment opportunities based on sex or gender identity; providing that, for purposes of certain provisions of law concerning equal pay for equal work, an employee shall be deemed to work in the same establishment as another employee if the employees work at workplaces in the same county of the State; providing that a certain provision of law does not prohibit a certain variation based on a certain system or bona fide factor; ~~providing that certain exceptions do not apply under certain circumstances;~~ providing that certain provisions of this Act do not preclude an employee from demonstrating that an employer’s reliance on a certain exception is a pretext for certain discrimination; prohibiting an employer from taking certain actions concerning the disclosure or discussion of an employee’s wages; authorizing an employer, in a certain policy, to establish certain limitations on certain inquiries about or discussions or disclosures of wages; providing that, under certain circumstances, the failure of an employee to adhere to certain limitations shall be an affirmative defense against certain claims; providing that a certain employer prohibition against the disclosure of certain wage information may not apply under certain circumstances; providing for the construction of certain provisions of this Act; requiring the Commissioner of Labor and Industry, in consultation with the

Maryland Commission on Civil Rights, to develop certain educational materials and make certain training available for certain purposes; altering a certain provision of law to allow a certain employee to bring a certain action for injunctive relief and to recover the difference paid between employees of one sex or gender identity and employees of another sex or gender identity who do ~~work of a comparable nature or~~ the same type of work against an employer who knowingly knew or reasonably should have known that the employer's action violates a certain provision of law; authorizing a certain employee to bring a civil action against an employer who knowingly knew or reasonably should have known that the employer's action violates a certain provision of law to recover certain damages for a violation of a certain provision of this Act; ~~authorizing the trier of fact to award certain liquidated damages under certain circumstances; authorizing the Attorney General, on a certain written request, to bring an action on behalf of an employee and consolidate certain claims against an employer;~~ altering a certain provision of law to require that a certain action be filed within a certain time period after the discovery of a certain act employee receives from the employer the wages paid on the termination of employment under a certain provision of law; authorizing a court to award certain prejudgment interest under certain circumstances; ~~authorizing the Attorney General to bring an action for injunctive relief and damages against a person who violates certain provisions of this Act;~~ defining a certain term certain terms; making conforming changes; providing for the application of this Act; and generally relating to equal pay for equal work and the disclosure of certain wage information by certain employees.

BY repealing and reenacting, with amendments,  
 Article – Labor and Employment  
 Section ~~3–301, 3–304, 3–306, 3–307, and 3–308~~ and 3–307  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)

BY adding to  
 Article – Labor and Employment  
 Section 3–304.1  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Labor and Employment  
Section 3–308  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

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

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

3-301.

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

(b) (1) “Employer” means:

(i) a person engaged in a business, industry, profession, trade, or other enterprise in the State;

(ii) the State and its units;

(iii) a county and its units; and

(iv) a municipal government in the State.

(2) “Employer” includes a person who acts directly or indirectly in the interest of another employer with an employee.

(c) “GENDER IDENTITY” HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.

(D) (1) “Wage” means all compensation for employment.

(2) “Wage” includes board, lodging, or other advantage provided to an employee for the convenience of the employer.

3-304.

(a) ~~(1)~~ **IN THIS SECTION, “PROVIDING LESS FAVORABLE EMPLOYMENT OPPORTUNITIES” MEANS:**

**(1) ASSIGNING OR DIRECTING THE EMPLOYEE INTO A LESS FAVORABLE CAREER TRACK, IF CAREER TRACKS ARE OFFERED, OR POSITION;**

~~(2) “PROVIDING LESS FAVORABLE EMPLOYMENT OPPORTUNITIES” INCLUDES;~~

~~(1) (2) FAILING TO PROVIDE INFORMATION ABOUT PROMOTIONS OR ADVANCEMENT IN THE FULL RANGE OF CAREER TRACKS OFFERED BY THE EMPLOYER; OR~~

~~(2) ASSIGNING WORK LESS LIKELY TO LEAD TO PROMOTION OR FUTURE OPPORTUNITIES.~~

**(3) LIMITING OR DEPRIVING AN EMPLOYEE OF EMPLOYMENT OPPORTUNITIES THAT WOULD OTHERWISE BE AVAILABLE TO THE EMPLOYEE BUT FOR THE EMPLOYEE'S SEX OR GENDER IDENTITY.**

**(B) (1)** An employer may not discriminate between employees in any occupation by:

**(I)** paying a wage to employees of one sex **OR GENDER IDENTITY** at a rate less than the rate paid to employees of [the opposite] **ANOTHER sex OR GENDER IDENTITY** if both employees work in the same establishment and perform work of comparable character or work on the same operation, in the same business, or of the same type; **OR**

**(II) PROVIDING LESS FAVORABLE EMPLOYMENT OPPORTUNITIES BASED ON SEX OR GENDER IDENTITY.**

**(2) FOR PURPOSES OF PARAGRAPH (1)(I) OF THIS SUBSECTION, AN EMPLOYEE SHALL BE DEEMED TO WORK AT THE SAME ESTABLISHMENT AS ANOTHER EMPLOYEE IF THE EMPLOYEES WORK FOR THE SAME EMPLOYER AT WORKPLACES LOCATED IN THE SAME COUNTY OF THE STATE.**

**[(b) (C) [Subsection (a)] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, SUBSECTION (B) of this section does not prohibit a variation in a wage that is based on:**

**(1) a seniority system that does not discriminate on the basis of sex OR GENDER IDENTITY;**

**(2) a merit increase system that does not discriminate on the basis of sex OR GENDER IDENTITY;**

**(3) jobs that require different abilities or skills;**

**(4) jobs that require the regular performance of different duties or services;**

**[or]**

**(5) work that is performed on different shifts or at different times of day;**

**(6) A SYSTEM THAT MEASURES PERFORMANCE BASED ON A QUALITY OR QUANTITY OF PRODUCTION; OR**

**(7) A BONA FIDE FACTOR OTHER THAN SEX OR GENDER IDENTITY, INCLUDING EDUCATION, TRAINING, OR EXPERIENCE, IN WHICH THE FACTOR:**

(I) IS NOT BASED ON OR DERIVED FROM A GENDER-BASED DIFFERENTIAL IN COMPENSATION;

(II) IS JOB-RELATED WITH RESPECT TO THE POSITION AND CONSISTENT WITH A BUSINESS NECESSITY; AND

(III) ACCOUNTS FOR THE ENTIRE DIFFERENTIAL.

~~(D) AN EXCEPTION LISTED IN SUBSECTION (C) OF THIS SECTION DOES NOT APPLY IF THE EMPLOYEE DEMONSTRATES THAT:~~

~~(1) THE EMPLOYER USES A PARTICULAR EMPLOYMENT PRACTICE THAT CAUSES A DISPARATE IMPACT ON THE BASIS OF SEX OR GENDER IDENTITY;~~

~~(2) ALTERNATIVE EMPLOYMENT PRACTICES EXIST THAT WOULD SERVE THE SAME BUSINESS AND NOT PRODUCE THE DISPARATE IMPACT; AND~~

~~(3) THE EMPLOYER HAS REFUSED TO ADOPT AN ALTERNATIVE PRACTICE~~ THIS SECTION DOES NOT PRECLUDE AN EMPLOYEE FROM DEMONSTRATING THAT AN EMPLOYER'S RELIANCE ON AN EXCEPTION LISTED IN SUBSECTION (C) OF THIS SECTION IS A PRETEXT FOR DISCRIMINATION ON THE BASIS OF SEX OR GENDER IDENTITY.

[(c)] (E) An employer who is paying a wage in violation of this subtitle may not reduce another wage to comply with this subtitle.

### 3-304.1.

(A) AN EMPLOYER MAY NOT:

(1) PROHIBIT AN EMPLOYEE FROM:

(I) INQUIRING ABOUT, DISCUSSING, OR DISCLOSING THE WAGES OF THE EMPLOYEE OR ANOTHER EMPLOYEE; OR

(II) REQUESTING THAT THE EMPLOYER PROVIDE A REASON FOR WHY THE EMPLOYEE'S WAGES ARE A CONDITION OF EMPLOYMENT;

(2) REQUIRE AN EMPLOYEE TO SIGN A WAIVER OR ANY OTHER DOCUMENT THAT PURPORTS TO DENY THE EMPLOYEE THE RIGHT TO DISCLOSE OR DISCUSS THE EMPLOYEE'S WAGES; OR

(3) TAKE ANY ADVERSE EMPLOYMENT ACTION AGAINST AN EMPLOYEE FOR:

- (I) INQUIRING ABOUT ANOTHER EMPLOYEE'S WAGES;
- (II) DISCLOSING THE EMPLOYEE'S OWN WAGES;
- (III) DISCUSSING ANOTHER EMPLOYEE'S WAGES IF THOSE WAGES HAVE BEEN DISCLOSED VOLUNTARILY;
- (IV) ASKING THE EMPLOYER TO PROVIDE A REASON FOR THE EMPLOYEE'S WAGES; OR
- (V) AIDING OR ENCOURAGING ANOTHER EMPLOYEE'S EXERCISE OF RIGHTS UNDER THIS SECTION.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN EMPLOYER MAY, IN A WRITTEN POLICY PROVIDED TO EACH EMPLOYEE, ESTABLISH REASONABLE WORKDAY LIMITATIONS ON THE TIME, PLACE, AND MANNER FOR INQUIRIES ABOUT OR THE DISCUSSION OR DISCLOSURE OF EMPLOYEE WAGES.

(2) A LIMITATION ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSISTENT WITH STANDARDS ADOPTED BY THE COMMISSIONER AND ALL OTHER STATE AND FEDERAL LAWS.

(3) SUBJECT TO SUBSECTION (D) OF THIS SECTION, LIMITATIONS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE PROHIBITING AN EMPLOYEE FROM DISCUSSING OR DISCLOSING THE WAGES OF ANOTHER EMPLOYEE WITHOUT THAT EMPLOYEE'S PRIOR PERMISSION.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE FAILURE OF AN EMPLOYEE TO ADHERE TO A REASONABLE LIMITATION INCLUDED IN A WRITTEN POLICY UNDER SUBSECTION (B) OF THIS SECTION SHALL BE AN AFFIRMATIVE DEFENSE TO A CLAIM MADE AGAINST AN EMPLOYER BY THE EMPLOYEE UNDER THIS SECTION IF THE ADVERSE EMPLOYMENT ACTION TAKEN BY THE EMPLOYER WAS FOR A FAILURE TO ADHERE TO THE REASONABLE LIMITATION AND NOT FOR AN INQUIRY, A DISCUSSION, OR A DISCLOSURE OF WAGES IN ACCORDANCE WITH THE LIMITATION.

(D) (1) A PROHIBITION ESTABLISHED IN ACCORDANCE WITH SUBSECTION (B)(3) OF THIS SECTION AGAINST THE DISCUSSION OR DISCLOSURE OF THE WAGES OF ANOTHER EMPLOYEE WITHOUT THAT EMPLOYEE'S PRIOR PERMISSION MAY NOT APPLY TO INSTANCES IN WHICH AN EMPLOYEE WHO HAS ACCESS TO THE WAGE INFORMATION OF OTHER EMPLOYEES AS A PART OF THE EMPLOYEE'S ESSENTIAL JOB FUNCTIONS IF THE DISCUSSION OR DISCLOSURE IS IN RESPONSE TO A COMPLAINT OR CHARGE OR IN FURTHERANCE OF AN

INVESTIGATION, A PROCEEDING, A HEARING, OR AN ACTION UNDER THIS SUBTITLE, INCLUDING AN INVESTIGATION CONDUCTED BY THE EMPLOYER.

(2) IF AN EMPLOYEE WHO HAS ACCESS TO WAGE INFORMATION AS PART OF THE ESSENTIAL FUNCTIONS OF THE EMPLOYEE'S JOB DISCLOSES THE EMPLOYEE'S OWN WAGES OR WAGE INFORMATION ABOUT ANOTHER EMPLOYEE OBTAINED OUTSIDE THE PERFORMANCE OF THE ESSENTIAL FUNCTIONS OF THE EMPLOYEE'S JOB, THE EMPLOYEE SHALL BE ENTITLED TO ALL THE PROTECTIONS AFFORDED UNDER THIS SUBTITLE.

(E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

(1) REQUIRE AN EMPLOYEE TO DISCLOSE THE EMPLOYEE'S WAGES;

(2) DIMINISH EMPLOYEES' RIGHTS TO NEGOTIATE THE TERMS AND CONDITIONS OF EMPLOYMENT UNDER FEDERAL, STATE, OR LOCAL LAW;

(3) LIMIT THE RIGHTS OF AN EMPLOYEE PROVIDED UNDER ANY OTHER PROVISION OF LAW OR COLLECTIVE BARGAINING AGREEMENT;

(4) CREATE AN OBLIGATION ON ANY EMPLOYER OR EMPLOYEE TO DISCLOSE WAGES;

(5) PERMIT AN EMPLOYEE, WITHOUT THE WRITTEN CONSENT OF AN EMPLOYER, TO DISCLOSE PROPRIETARY INFORMATION, TRADE SECRET INFORMATION, OR INFORMATION THAT IS OTHERWISE SUBJECT TO A LEGAL PRIVILEGE OR PROTECTED BY LAW; OR

(6) PERMIT AN EMPLOYEE TO DISCLOSE WAGE INFORMATION TO A COMPETITOR OF THE EMPLOYER.

3-306.

(a) On request of an employer, the Commissioner shall provide without charge a copy of this subtitle to the employer.

(b) Each employer shall keep posted conspicuously in each place of employment a copy of this subtitle.

(c) THE COMMISSIONER, IN CONSULTATION WITH THE MARYLAND COMMISSION ON CIVIL RIGHTS, SHALL DEVELOP EDUCATIONAL MATERIALS AND MAKE TRAINING AVAILABLE TO ASSIST EMPLOYERS IN ADOPTING TRAINING, POLICIES, AND PROCEDURES THAT COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE.

3-307.

(a) (1) If an employer ~~KNOWINGLY KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE EMPLOYER'S ACTION~~ violates § 3-304 OF this subtitle, an affected employee may bring an action against the employer FOR INJUNCTIVE RELIEF AND TO RECOVER THE DIFFERENCE BETWEEN THE WAGES PAID TO [male and female] EMPLOYEES OF ONE SEX OR GENDER IDENTITY AND THE WAGES PAID TO EMPLOYEES OF ANOTHER SEX OR GENDER IDENTITY who do ~~WORK OF COMPARABLE NATURE OR~~ the same type work and an additional equal amount as liquidated damages.

~~(2) IF AN EMPLOYER KNOWINGLY KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE EMPLOYER'S ACTION VIOLATES § 3-304.1 OF THIS SUBTITLE, AN AFFECTED EMPLOYEE MAY BRING AN ACTION AGAINST THE EMPLOYER FOR INJUNCTIVE RELIEF AND TO RECOVER BOTH ACTUAL DAMAGES AND AN ADDITIONAL EQUAL AMOUNT AS LIQUIDATED DAMAGES.~~

~~(3) IN AWARDING LIQUIDATED DAMAGES UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, A TRIER OF FACT MAY AWARD, IN THE CASE OF A WILLFUL VIOLATION OF THIS SUBTITLE, AN AMOUNT UP TO THREE TIMES THE TOTAL AMOUNT OF THE WAGES FOUND TO BE DUE.~~

~~(2)~~ (4) An employee ~~OR THE ATTORNEY GENERAL~~ may bring an action on behalf of the employee and other employees similarly affected.

(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) ON THE WRITTEN REQUEST OF AN EMPLOYEE WHO IS ENTITLED TO BRING AN ACTION UNDER THIS SECTION, THE ATTORNEY GENERAL MAY:~~

~~(1) BRING AN ACTION IN ACCORDANCE WITH THIS SECTION ON BEHALF OF THE EMPLOYEE; AND~~

~~(2) CONSOLIDATE 2 OR MORE CLAIMS AGAINST AN EMPLOYER.~~

~~(D)~~ An action under this section shall be filed within 3 years ~~of~~ AFTER the ~~DISCOVERY OF THE~~ act on which the action is based EMPLOYEE RECEIVES FROM THE

**EMPLOYER THE WAGES PAID ON THE TERMINATION OF EMPLOYMENT UNDER § 3-505(A) OF THIS TITLE.**

~~[(d)] (E)~~ 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.

~~[(e)] (F)~~ If a court determines that an employee is entitled to judgment in an action under this section, the court shall allow against the employer reasonable counsel fees and other costs of the action, **AS WELL AS PREJUDGMENT INTEREST IN ACCORDANCE WITH THE MARYLAND RULES.**

3-308.

(a) An employer may not:

(1) willfully violate any provision of this subtitle;

(2) hinder, delay, or otherwise interfere with the Commissioner or an authorized representative of the Commissioner in the enforcement of this subtitle;

(3) refuse entry to the Commissioner or an authorized representative of the Commissioner into a place of employment that the Commissioner is authorized under this subtitle to inspect; or

(4) discharge or otherwise discriminate against an employee because the employee:

(i) makes a complaint to the employer, the Commissioner, or another person;

(ii) brings an action under this subtitle or a proceeding that relates to the subject of this subtitle or causes the action or proceeding to be brought; or

(iii) has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

(b) An employee may not:

(1) make a groundless or malicious complaint to the Commissioner or an authorized representative of the Commissioner;

(2) in bad faith, bring an action under this subtitle;

(3) in bad faith, bring a proceeding that relates to the subject of this subtitle; or

(4) in bad faith, testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

(c) The Commissioner ~~OR THE ATTORNEY GENERAL~~ may bring an action for injunctive relief and damages against a person who violates subsection (a)(1) or (4) or subsection (b)(1), (3), or (4) of this section.

(d) An employer who violates any provision of subsection (a)(2) or (3) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$300.

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 October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 557

### (House Bill 1003)

AN ACT concerning

#### **Labor and Employment – Equal Pay for Equal Work**

FOR the purpose of altering a certain provision of law concerning equal pay for equal work to prohibit discrimination on the basis of gender identity; prohibiting an employer from discriminating between employees in any occupation by providing certain less favorable employment opportunities based on sex or gender identity; providing that, for purposes of certain provisions of law concerning equal pay for equal work, an employee shall be deemed to work in the same establishment as another employee if the employees work at workplaces in the same county of the State; providing that a certain provision of law does not prohibit a certain variation based on a certain system or bona fide factor; ~~providing that certain exceptions do not apply under certain circumstances;~~ providing that certain provisions of this Act do not preclude an employee from demonstrating that an employer's reliance on a certain exception is a pretext for certain discrimination; prohibiting an employer from taking certain actions concerning the disclosure or discussion of an employee's wages; authorizing an employer, in a certain policy, to establish certain limitations on certain inquiries about or discussions or disclosures of wages; providing that, under certain circumstances, the failure of an employee to adhere to certain limitations shall be an affirmative defense against certain claims; providing that a certain employer prohibition against the disclosure of certain wage information may not apply under

certain circumstances; providing for the construction of certain provisions of this Act; requiring the Commissioner of Labor and Industry, in consultation with the Maryland Commission on Civil Rights, to develop certain educational materials and make certain training available for certain purposes; altering a certain provision of law to allow a certain employee to bring a certain action for injunctive relief and to recover the difference paid between employees of one sex or gender identity and employees of another sex or gender identity who do ~~work of a comparable nature or the same type of work~~ against an employer who knew or reasonably should have known that the employer's action violates a certain provision of law; authorizing a certain employee to bring a civil action against an employer who knew or reasonably should have known that the employer's action violates a certain provision of law to recover certain damages for a violation of a certain provision of this Act; ~~authorizing the trier of fact to award certain liquidated damages under certain circumstances; authorizing the Attorney General, on a certain written request, to bring an action on behalf of an employee and consolidate certain claims against an employer; altering a certain provision of law to require that a certain action be filed within a certain time period after the discovery of a certain act~~ employee receives from the employer the wages paid on the termination of employment under a certain provision of law; authorizing a court to award certain prejudgment interest under certain circumstances; ~~authorizing the Attorney General to bring an action for injunctive relief and damages against a person who violates certain provisions of this Act; defining a certain term;~~ certain terms; making conforming changes; providing for the application of this Act; and generally relating to equal pay for equal work and the disclosure of certain wage information by certain employees.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section ~~3–301, 3–304, 3–306, 3–307, and 3–308~~ and 3–307

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY adding to

Article – Labor and Employment

Section 3–304.1

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 3–308

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

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

### Article – Labor and Employment

3-301.

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

(b) (1) “Employer” means:

(i) a person engaged in a business, industry, profession, trade, or other enterprise in the State;

(ii) the State and its units;

(iii) a county and its units; and

(iv) a municipal government in the State.

(2) “Employer” includes a person who acts directly or indirectly in the interest of another employer with an employee.

(c) “GENDER IDENTITY” HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.

(D) (1) “Wage” means all compensation for employment.

(2) “Wage” includes board, lodging, or other advantage provided to an employee for the convenience of the employer.

3-304.

(a) ~~(1)~~ **IN THIS SECTION, “PROVIDING LESS FAVORABLE EMPLOYMENT OPPORTUNITIES” MEANS:**

**(1) ASSIGNING OR DIRECTING THE EMPLOYEE INTO A LESS FAVORABLE CAREER TRACK, IF CAREER TRACKS ARE OFFERED, OR POSITION;**

~~(2) “PROVIDING LESS FAVORABLE EMPLOYMENT OPPORTUNITIES” INCLUDES:~~

~~(1)~~ **(2) FAILING TO PROVIDE INFORMATION ABOUT PROMOTIONS OR ADVANCEMENT IN THE FULL RANGE OF CAREER TRACKS OFFERED BY THE EMPLOYER; OR**

~~(2) ASSIGNING WORK LESS LIKELY TO LEAD TO PROMOTION OR FUTURE OPPORTUNITIES.~~

**(3) LIMITING OR DEPRIVING AN EMPLOYEE OF EMPLOYMENT OPPORTUNITIES THAT WOULD OTHERWISE BE AVAILABLE TO THE EMPLOYEE BUT FOR THE EMPLOYEE'S SEX OR GENDER IDENTITY.**

**(B) (1)** An employer may not discriminate between employees in any occupation by:

**(I)** paying a wage to employees of one sex **OR GENDER IDENTITY** at a rate less than the rate paid to employees of [the opposite] **ANOTHER sex OR GENDER IDENTITY** if both employees work in the same establishment and perform work of comparable character or work on the same operation, in the same business, or of the same type; **OR**

**(II) PROVIDING LESS FAVORABLE EMPLOYMENT OPPORTUNITIES BASED ON SEX OR GENDER IDENTITY.**

**(2) FOR PURPOSES OF PARAGRAPH (1)(I) OF THIS SUBSECTION, AN EMPLOYEE SHALL BE DEEMED TO WORK AT THE SAME ESTABLISHMENT AS ANOTHER EMPLOYEE IF THE EMPLOYEES WORK FOR THE SAME EMPLOYER AT WORKPLACES LOCATED IN THE SAME COUNTY OF THE STATE.**

**[(b) (C) [Subsection (a)] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, SUBSECTION (B) of this section does not prohibit a variation in a wage that is based on:**

**(1) a seniority system that does not discriminate on the basis of sex **OR GENDER IDENTITY**;**

**(2) a merit increase system that does not discriminate on the basis of sex **OR GENDER IDENTITY**;**

**(3) jobs that require different abilities or skills;**

**(4) jobs that require the regular performance of different duties or services;**

**[or]**

**(5) work that is performed on different shifts or at different times of day;**

**(6) A SYSTEM THAT MEASURES PERFORMANCE BASED ON A QUALITY OR QUANTITY OF PRODUCTION; OR**

**(7) A BONA FIDE FACTOR OTHER THAN SEX OR GENDER IDENTITY, INCLUDING EDUCATION, TRAINING, OR EXPERIENCE, IN WHICH THE FACTOR:**

(I) IS NOT BASED ON OR DERIVED FROM A GENDER-BASED DIFFERENTIAL IN COMPENSATION;

(II) IS JOB RELATED WITH RESPECT TO THE POSITION AND CONSISTENT WITH A BUSINESS NECESSITY; AND

(III) ACCOUNTS FOR THE ENTIRE DIFFERENTIAL.

~~(D) AN EXCEPTION LISTED IN SUBSECTION (C) OF THIS SECTION DOES NOT APPLY IF THE EMPLOYEE DEMONSTRATES THAT:~~

~~(1) THE EMPLOYER USES A PARTICULAR EMPLOYMENT PRACTICE THAT CAUSES A DISPARATE IMPACT ON THE BASIS OF SEX OR GENDER IDENTITY;~~

~~(2) ALTERNATIVE EMPLOYMENT PRACTICES EXIST THAT WOULD SERVE THE SAME BUSINESS AND NOT PRODUCE THE DISPARATE IMPACT; AND~~

~~(3) THE EMPLOYER HAS REFUSED TO ADOPT AN ALTERNATIVE PRACTICE~~ THIS SECTION DOES NOT PRECLUDE AN EMPLOYEE FROM DEMONSTRATING THAT AN EMPLOYER'S RELIANCE ON AN EXCEPTION LISTED IN SUBSECTION (C) OF THIS SECTION IS A PRETEXT FOR DISCRIMINATION ON THE BASIS OF SEX OR GENDER IDENTITY.

[(c)] (E) An employer who is paying a wage in violation of this subtitle may not reduce another wage to comply with this subtitle.

### 3-304.1.

(A) AN EMPLOYER MAY NOT:

(1) PROHIBIT AN EMPLOYEE FROM:

(I) INQUIRING ABOUT, DISCUSSING, OR DISCLOSING THE WAGES OF THE EMPLOYEE OR ANOTHER EMPLOYEE; OR

(II) REQUESTING THAT THE EMPLOYER PROVIDE A REASON FOR WHY THE EMPLOYEE'S WAGES ARE A CONDITION OF EMPLOYMENT;

(2) REQUIRE AN EMPLOYEE TO SIGN A WAIVER OR ANY OTHER DOCUMENT THAT PURPORTS TO DENY THE EMPLOYEE THE RIGHT TO DISCLOSE OR DISCUSS THE EMPLOYEE'S WAGES; OR

(3) TAKE ANY ADVERSE EMPLOYMENT ACTION AGAINST AN EMPLOYEE FOR:

(I) INQUIRING ABOUT ANOTHER EMPLOYEE'S WAGES;

(II) DISCLOSING THE EMPLOYEE'S OWN WAGES;

(III) DISCUSSING ANOTHER EMPLOYEE'S WAGES IF THOSE WAGES HAVE BEEN DISCLOSED VOLUNTARILY;

(IV) ASKING THE EMPLOYER TO PROVIDE A REASON FOR THE EMPLOYEE'S WAGES; OR

(V) AIDING OR ENCOURAGING ANOTHER EMPLOYEE'S EXERCISE OF RIGHTS UNDER THIS SECTION.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN EMPLOYER MAY, IN A WRITTEN POLICY PROVIDED TO EACH EMPLOYEE, ESTABLISH REASONABLE WORKDAY LIMITATIONS ON THE TIME, PLACE, AND MANNER FOR INQUIRIES ABOUT OR THE DISCUSSION OR DISCLOSURE OF EMPLOYEE WAGES.

(2) A LIMITATION ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSISTENT WITH STANDARDS ADOPTED BY THE COMMISSIONER AND ALL OTHER STATE AND FEDERAL LAWS.

(3) SUBJECT TO SUBSECTION (D) OF THIS SECTION, LIMITATIONS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE PROHIBITING AN EMPLOYEE FROM DISCUSSING OR DISCLOSING THE WAGES OF ANOTHER EMPLOYEE WITHOUT THAT EMPLOYEE'S PRIOR PERMISSION.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE FAILURE OF AN EMPLOYEE TO ADHERE TO A REASONABLE LIMITATION INCLUDED IN A WRITTEN POLICY UNDER SUBSECTION (B) OF THIS SECTION SHALL BE AN AFFIRMATIVE DEFENSE TO A CLAIM MADE AGAINST AN EMPLOYER BY THE EMPLOYEE UNDER THIS SECTION IF THE ADVERSE EMPLOYMENT ACTION TAKEN BY THE EMPLOYER WAS FOR A FAILURE TO ADHERE TO THE REASONABLE LIMITATION AND NOT FOR AN INQUIRY, A DISCUSSION, OR A DISCLOSURE OF WAGES IN ACCORDANCE WITH THE LIMITATION.

(D) (1) A PROHIBITION ESTABLISHED IN ACCORDANCE WITH SUBSECTION (B)(3) OF THIS SECTION AGAINST THE DISCUSSION OR DISCLOSURE OF THE WAGES OF ANOTHER EMPLOYEE WITHOUT THAT EMPLOYEE'S PRIOR PERMISSION MAY NOT APPLY TO INSTANCES IN WHICH AN EMPLOYEE WHO HAS ACCESS TO THE WAGE INFORMATION OF OTHER EMPLOYEES AS A PART OF THE EMPLOYEE'S ESSENTIAL JOB FUNCTIONS IF THE DISCUSSION OR DISCLOSURE IS IN RESPONSE TO A COMPLAINT OR CHARGE OR IN FURTHERANCE OF AN

INVESTIGATION, A PROCEEDING, A HEARING, OR AN ACTION UNDER THIS SUBTITLE, INCLUDING AN INVESTIGATION CONDUCTED BY THE EMPLOYER.

(2) IF AN EMPLOYEE WHO HAS ACCESS TO WAGE INFORMATION AS PART OF THE ESSENTIAL FUNCTIONS OF THE EMPLOYEE'S JOB DISCLOSES THE EMPLOYEE'S OWN WAGES OR WAGE INFORMATION ABOUT ANOTHER EMPLOYEE OBTAINED OUTSIDE THE PERFORMANCE OF THE ESSENTIAL FUNCTIONS OF THE EMPLOYEE'S JOB, THE EMPLOYEE SHALL BE ENTITLED TO ALL THE PROTECTIONS AFFORDED UNDER THIS SUBTITLE.

(E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

(1) REQUIRE AN EMPLOYEE TO DISCLOSE THE EMPLOYEE'S WAGES;

(2) DIMINISH EMPLOYEES' RIGHTS TO NEGOTIATE THE TERMS AND CONDITIONS OF EMPLOYMENT UNDER FEDERAL, STATE, OR LOCAL LAW;

(3) LIMIT THE RIGHTS OF AN EMPLOYEE PROVIDED UNDER ANY OTHER PROVISION OF LAW OR COLLECTIVE BARGAINING AGREEMENT;

(4) CREATE AN OBLIGATION ON ANY EMPLOYER OR EMPLOYEE TO DISCLOSE WAGES;

(5) PERMIT AN EMPLOYEE, WITHOUT THE WRITTEN CONSENT OF AN EMPLOYER, TO DISCLOSE PROPRIETARY INFORMATION, TRADE SECRET INFORMATION, OR INFORMATION THAT IS OTHERWISE SUBJECT TO A LEGAL PRIVILEGE OR PROTECTED BY LAW; OR

(6) PERMIT AN EMPLOYEE TO DISCLOSE WAGE INFORMATION TO A COMPETITOR OF THE EMPLOYER.

3-306.

(a) On request of an employer, the Commissioner shall provide without charge a copy of this subtitle to the employer.

(b) Each employer shall keep posted conspicuously in each place of employment a copy of this subtitle.

(c) THE COMMISSIONER, IN CONSULTATION WITH THE MARYLAND COMMISSION ON CIVIL RIGHTS, SHALL DEVELOP EDUCATIONAL MATERIALS AND MAKE TRAINING AVAILABLE TO ASSIST EMPLOYERS IN ADOPTING TRAINING, POLICIES, AND PROCEDURES THAT COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE.

3-307.

(a) (1) If an employer *KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE EMPLOYER'S ACTION* violates **§ 3-304** OF this subtitle, an affected employee may bring an action against the employer **FOR INJUNCTIVE RELIEF AND** to recover the difference between the wages paid to [male and female] employees **OF ONE SEX OR GENDER IDENTITY AND THE WAGES PAID TO EMPLOYEES OF ANOTHER SEX OR GENDER IDENTITY** who do ~~WORK OF COMPARABLE NATURE OR~~ the same type work and an additional equal amount as liquidated damages.

**(2) IF AN EMPLOYER *KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE EMPLOYER'S ACTION* VIOLATES § 3-304.1 OF THIS SUBTITLE, AN AFFECTED EMPLOYEE MAY BRING AN ACTION AGAINST THE EMPLOYER FOR INJUNCTIVE RELIEF AND TO RECOVER BOTH ACTUAL DAMAGES AND AN ADDITIONAL EQUAL AMOUNT AS LIQUIDATED DAMAGES.**

~~(3) IN AWARDING LIQUIDATED DAMAGES UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, A TRIER OF FACT MAY AWARD, IN THE CASE OF A WILLFUL VIOLATION OF THIS SUBTITLE, AN AMOUNT UP TO THREE TIMES THE TOTAL AMOUNT OF THE WAGES FOUND TO BE DUE.~~

~~(2)~~ (4) An employee ~~OR THE ATTORNEY GENERAL~~ may bring an action on behalf of the employee and other employees similarly affected.

(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) ON THE WRITTEN REQUEST OF AN EMPLOYEE WHO IS ENTITLED TO BRING AN ACTION UNDER THIS SECTION, THE ATTORNEY GENERAL MAY:~~

~~(1) BRING AN ACTION IN ACCORDANCE WITH THIS SECTION ON BEHALF OF THE EMPLOYEE; AND~~

~~(2) CONSOLIDATE 2 OR MORE CLAIMS AGAINST AN EMPLOYER.~~

~~(d)~~ An action under this section shall be filed within 3 years ~~of~~ *AFTER* the ~~DISCOVERY OF THE~~ act on which the action is based *EMPLOYEE RECEIVES FROM THE*

**EMPLOYER THE WAGES PAID ON THE TERMINATION OF EMPLOYMENT UNDER § 3-505(A) OF THIS TITLE.**

~~[(d)] (E)~~ 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.

~~[(e)] (F)~~ If a court determines that an employee is entitled to judgment in an action under this section, the court shall allow against the employer reasonable counsel fees and other costs of the action, **AS WELL AS PREJUDGMENT INTEREST IN ACCORDANCE WITH THE MARYLAND RULES.**

3-308.

(a) An employer may not:

- (1) willfully violate any provision of this subtitle;
- (2) hinder, delay, or otherwise interfere with the Commissioner or an authorized representative of the Commissioner in the enforcement of this subtitle;
- (3) refuse entry to the Commissioner or an authorized representative of the Commissioner into a place of employment that the Commissioner is authorized under this subtitle to inspect; or
- (4) discharge or otherwise discriminate against an employee because the employee:
  - (i) makes a complaint to the employer, the Commissioner, or another person;
  - (ii) brings an action under this subtitle or a proceeding that relates to the subject of this subtitle or causes the action or proceeding to be brought; or
  - (iii) has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

(b) An employee may not:

- (1) make a groundless or malicious complaint to the Commissioner or an authorized representative of the Commissioner;
- (2) in bad faith, bring an action under this subtitle;
- (3) in bad faith, bring a proceeding that relates to the subject of this subtitle; or

(4) in bad faith, testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

(c) The Commissioner ~~OR THE ATTORNEY GENERAL~~ may bring an action for injunctive relief and damages against a person who violates subsection (a)(1) or (4) or subsection (b)(1), (3), or (4) of this section.

(d) An employer who violates any provision of subsection (a)(2) or (3) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$300.

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 October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 558

(Senate Bill 552)

AN ACT concerning

~~Baltimore City~~ **Property Tax Credit – *Disabled or Fallen Law Enforcement Officers and Rescue Workers and Public Safety Officers***

FOR the purpose of authorizing a certain property tax credit for certain residential real property in Harford County owned by certain surviving spouses or certain cohabitants; authorizing the Mayor and City Council of Baltimore City to grant, by law, a certain property tax credit against the county property tax imposed on a certain dwelling in Baltimore City that is owned by a certain public safety officer under certain circumstances; providing that the credit may not exceed a certain amount ~~and may not be granted to more than one public safety officer~~ per dwelling; prohibiting a certain recipient of the property tax credit from receiving certain other property tax credits; authorizing the receipt of certain additional property tax credits subject to a certain limitation; authorizing the Mayor and City Council of Baltimore City to provide, by law, for certain matters relating to the tax credit; defining certain terms; providing for the application of certain provisions of this Act; ~~and generally relating to a property tax credit for certain public safety officers in Baltimore City~~ making this Act an emergency measure; and generally relating to a property tax credit for certain residential property in the State.

BY repealing and reenacting, with amendments,

Article – Tax – PropertySection 9–210Annotated Code of Maryland(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Tax – Property

Section 9–304(i)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

Article – Tax – Property9–210.

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

(2) “COHABITANT” MEANS AN INDIVIDUAL WHO FOR A PERIOD OF AT LEAST 180 DAYS IN THE YEAR BEFORE THE DEATH OF A FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER:

(I) HAD A RELATIONSHIP OF MUTUAL INTERDEPENDENCE WITH THE FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER; AND

(II) RESIDED WITH THE FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER IN THE DWELLING.

(3) “Disabled law enforcement officer or rescue worker” means an individual who:

(i) has been found to be permanently and totally disabled by an administrative body or court of competent jurisdiction authorized to make such a determination; and

(ii) became disabled:

1. as a result of or in the course of employment as a law enforcement officer or a correctional officer; or

2. while in the active service of a fire, rescue, or emergency medical service, unless the disability was the result of the individual’s own willful misconduct or abuse of alcohol or drugs.

~~[(3)] (4)~~ (i) “Dwelling” means real property that:

1. is the legal residence of a disabled law enforcement officer or rescue worker, [or] a surviving spouse, OR A COHABITANT; and

2. is occupied by not more than two families.

(ii) “Dwelling” includes the lot or curtilage and structures necessary to use the real property as a residence.

~~[(4)] (5)~~ “Fallen law enforcement officer or rescue worker” means an individual who dies:

(i) as a result of or in the course of employment as a law enforcement officer or a correctional officer; or

(ii) while in the active service of a fire, rescue, or emergency medical service, unless the death was the result of the individual’s own willful misconduct or abuse of alcohol or drugs.

~~[(5)] (6)~~ “Surviving spouse” means a surviving spouse, who has not remarried, of a fallen law enforcement officer or rescue worker.

(b) The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on a dwelling that is owned by a disabled law enforcement officer or rescue worker, [or] a surviving spouse of a fallen law enforcement officer or rescue worker, OR A COHABITANT:

(1) if the dwelling was owned by the disabled law enforcement officer or rescue worker at the time the law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or by the fallen law enforcement officer or rescue worker at the time of the fallen law enforcement officer’s or rescue worker’s death;

(2) (I) if the disabled law enforcement officer or rescue worker was domiciled in the State as of the date the disabled law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or the fallen law enforcement officer or rescue worker, or the surviving spouse was domiciled in the State as of the date of the fallen law enforcement officer’s or rescue worker’s death and the dwelling was acquired by the disabled law enforcement officer or rescue worker within 2 years of the date the disabled law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or by the surviving spouse within 2 years of the fallen law enforcement officer’s or rescue worker’s death; or

(II) IN HARFORD COUNTY, IF THE DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER WAS DOMICILED IN THE STATE AS OF

THE DATE THE DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER WAS ADJUDGED TO BE PERMANENTLY AND TOTALLY DISABLED OR THE FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER, THE SURVIVING SPOUSE, OR COHABITANT WAS DOMICILED IN THE STATE AS OF THE DATE OF THE FALLEN LAW ENFORCEMENT OFFICER'S OR RESCUE WORKER'S DEATH AND THE DWELLING WAS ACQUIRED BY THE DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER WITHIN 2 YEARS OF THE DATE THE DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER WAS ADJUDGED TO BE PERMANENTLY AND TOTALLY DISABLED OR BY THE SURVIVING SPOUSE OR COHABITANT WITHIN 2 YEARS OF THE FALLEN LAW ENFORCEMENT OFFICER'S OR RESCUE WORKER'S DEATH;

(3) IN HARFORD COUNTY, IF THE DWELLING WAS OWNED BY THE SURVIVING SPOUSE OR COHABITANT AT THE TIME OF THE FALLEN LAW ENFORCEMENT OFFICER'S OR RESCUE WORKER'S DEATH; OR

(4) if the dwelling was acquired after the disabled law enforcement officer or rescue worker, [or] the surviving spouse, OR THE COHABITANT qualified for a credit for a former dwelling under item [(1) or (2)] (1), (2), OR (3) of this subsection, to the extent of the previous credit.

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

(1) the amount and duration of a property tax credit allowed under this section; and

(2) any other provision necessary to carry out the provisions of this section.

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

### Article – Tax – Property

9–304.

**(I) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(II) “DWELLING” HAS THE MEANING STATED IN § 9–105 OF THIS TITLE.**

**(III) “PUBLIC SAFETY OFFICER” MEANS A FIREFIGHTER, AN EMERGENCY MEDICAL TECHNICIAN, OR A LAW ENFORCEMENT OFFICER WHO IS A SWORN MEMBER OF AND EMPLOYED FULL TIME BY:**

**1. THE BALTIMORE CITY FIRE DEPARTMENT;**

2. THE BALTIMORE CITY POLICE DEPARTMENT; OR
3. THE BALTIMORE CITY SHERIFF'S OFFICE.

(2) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SUBSECTION AGAINST THE COUNTY PROPERTY TAX IMPOSED ON A DWELLING LOCATED IN BALTIMORE CITY THAT IS OWNED BY A PUBLIC SAFETY OFFICER IF THE PUBLIC SAFETY OFFICER IS OTHERWISE ELIGIBLE FOR THE CREDIT AUTHORIZED UNDER § 9-105 OF THIS TITLE.

(3) IN ANY TAXABLE YEAR, THE CREDIT UNDER THIS SUBSECTION:

(I) MAY NOT EXCEED \$2,500 PER DWELLING; AND

~~(II) MAY NOT BE GRANTED TO MORE THAN ONE PUBLIC SAFETY OFFICER PER DWELLING~~ MAY NOT EXCEED THE AMOUNT OF PROPERTY TAX IMPOSED ON THE DWELLING.

(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN ANY TAXABLE YEAR IN WHICH A PUBLIC SAFETY OFFICER RECEIVES A CREDIT UNDER THIS SUBSECTION, THE PUBLIC SAFETY OFFICER MAY NOT RECEIVE ANY OTHER PROPERTY TAX CREDIT PROVIDED BY BALTIMORE CITY.

(II) IN ADDITION TO THE CREDIT UNDER THIS SUBSECTION, A PUBLIC SAFETY OFFICER MAY RECEIVE:

1. THE LOCAL PORTION OF THE CREDIT AUTHORIZED UNDER § 9-105 OF THIS TITLE; AND

2. THE CREDIT AUTHORIZED UNDER § 9-221 OF THIS TITLE.

~~(III) THE TOTAL AMOUNT OF CREDITS GRANTED FOR A DWELLING UNDER THIS PARAGRAPH MAY NOT EXCEED THE AMOUNT OF PROPERTY TAX IMPOSED ON THE DWELLING.~~

(5) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY ESTABLISH, BY LAW:

(I) SUBJECT TO PARAGRAPH ~~(3)(i)~~ (3) OF THIS SUBSECTION, THE AMOUNT AND APPLICATION OF THE CREDIT UNDER THIS SUBSECTION;

(II) THE DURATION OF THE CREDIT;

(III) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR PUBLIC SAFETY OFFICERS TO QUALIFY FOR THE CREDIT;

(IV) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE CREDIT UNDER THIS SUBSECTION; AND

(V) ANY OTHER PROVISIONS NECESSARY TO CARRY OUT THIS SUBSECTION.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That *Section 2 of this Act shall take effect June 1, 2016, and* shall be applicable to all taxable years beginning after June 30, 2017.

*SECTION 4. 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, May 19, 2016.

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## Chapter 559

(House Bill 146)

AN ACT concerning

~~Baltimore City~~ **Property Tax Credit – *Disabled or Fallen Law Enforcement Officers and Rescue Workers and Public Safety Officers***

FOR the purpose of *authorizing a certain property tax credit for certain residential real property in Harford County owned by certain surviving spouses or certain cohabitants*; authorizing the Mayor and City Council of Baltimore City to grant, by law, a certain property tax credit against the county property tax imposed on a certain dwelling in Baltimore City that is owned by a certain public safety officer under certain circumstances; providing that the credit may not exceed a certain amount ~~and may not be granted to more than one public safety officer~~ per dwelling; prohibiting a certain recipient of the property tax credit from receiving certain other property tax credits; authorizing the receipt of certain additional property tax credits subject to a certain limitation; authorizing the Mayor and City Council of Baltimore City to provide, by law, for certain matters relating to the tax credit; defining certain terms; providing for the application of *certain provisions of this Act*; ~~and generally relating to a property tax credit for certain public safety officers in Baltimore City~~

making this Act an emergency measure; and generally relating to a property tax credit for certain residential property in the State.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9-210

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Tax – Property

Section 9-304(i)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

9-210.

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

(2) **“COHABITANT” MEANS AN INDIVIDUAL WHO FOR A PERIOD OF AT LEAST 180 DAYS IN THE YEAR BEFORE THE DEATH OF A FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER:**

**(I) HAD A RELATIONSHIP OF MUTUAL INTERDEPENDENCE WITH THE FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER; AND**

**(II) RESIDED WITH THE FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER IN THE DWELLING.**

**(3) “Disabled law enforcement officer or rescue worker” means an individual who:**

**(i) has been found to be permanently and totally disabled by an administrative body or court of competent jurisdiction authorized to make such a determination; and**

**(ii) became disabled:**

**1. as a result of or in the course of employment as a law enforcement officer or a correctional officer; or**

2. while in the active service of a fire, rescue, or emergency medical service, unless the disability was the result of the individual's own willful misconduct or abuse of alcohol or drugs.

~~[(3)] (4)~~ (i) "Dwelling" means real property that:

1. is the legal residence of a disabled law enforcement officer or rescue worker, [or] a surviving spouse, OR A COHABITANT; and

2. is occupied by not more than two families.

(ii) "Dwelling" includes the lot or curtilage and structures necessary to use the real property as a residence.

~~[(4)] (5)~~ "Fallen law enforcement officer or rescue worker" means an individual who dies:

(i) as a result of or in the course of employment as a law enforcement officer or a correctional officer; or

(ii) while in the active service of a fire, rescue, or emergency medical service, unless the death was the result of the individual's own willful misconduct or abuse of alcohol or drugs.

~~[(5)] (6)~~ "Surviving spouse" means a surviving spouse, who has not remarried, of a fallen law enforcement officer or rescue worker.

(b) The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on a dwelling that is owned by a disabled law enforcement officer or rescue worker, [or] a surviving spouse of a fallen law enforcement officer or rescue worker, OR A COHABITANT:

(1) if the dwelling was owned by the disabled law enforcement officer or rescue worker at the time the law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or by the fallen law enforcement officer or rescue worker at the time of the fallen law enforcement officer's or rescue worker's death;

(2) (I) if the disabled law enforcement officer or rescue worker was domiciled in the State as of the date the disabled law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or the fallen law enforcement officer or rescue worker, or the surviving spouse was domiciled in the State as of the date of the fallen law enforcement officer's or rescue worker's death and the dwelling was acquired by the disabled law enforcement officer or rescue worker within 2 years of the date the disabled law enforcement officer or rescue worker was adjudged to be permanently and totally

disabled or by the surviving spouse within 2 years of the fallen law enforcement officer's or rescue worker's death; or

(II) IN HARFORD COUNTY, IF THE DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER WAS DOMICILED IN THE STATE AS OF THE DATE THE DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER WAS ADJUDGED TO BE PERMANENTLY AND TOTALLY DISABLED OR THE FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER, THE SURVIVING SPOUSE, OR COHABITANT WAS DOMICILED IN THE STATE AS OF THE DATE OF THE FALLEN LAW ENFORCEMENT OFFICER'S OR RESCUE WORKER'S DEATH AND THE DWELLING WAS ACQUIRED BY THE DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER WITHIN 2 YEARS OF THE DATE THE DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER WAS ADJUDGED TO BE PERMANENTLY AND TOTALLY DISABLED OR BY THE SURVIVING SPOUSE OR COHABITANT WITHIN 2 YEARS OF THE FALLEN LAW ENFORCEMENT OFFICER'S OR RESCUE WORKER'S DEATH;

(3) IN HARFORD COUNTY, IF THE DWELLING WAS OWNED BY THE SURVIVING SPOUSE OR COHABITANT AT THE TIME OF THE FALLEN LAW ENFORCEMENT OFFICER'S OR RESCUE WORKER'S DEATH; OR

(4) if the dwelling was acquired after the disabled law enforcement officer or rescue worker, [or] the surviving spouse, OR THE COHABITANT qualified for a credit for a former dwelling under item [(1) or (2)] (1), (2), OR (3) of this subsection, to the extent of the previous credit.

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

(1) the amount and duration of a property tax credit allowed under this section; and

(2) any other provision necessary to carry out the provisions of this section.

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

#### Article – Tax – Property

9–304.

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

(II) “DWELLING” HAS THE MEANING STATED IN § 9–105 OF THIS TITLE.

(III) “PUBLIC SAFETY OFFICER” MEANS A FIREFIGHTER, AN EMERGENCY MEDICAL TECHNICIAN, OR A LAW ENFORCEMENT OFFICER WHO IS A SWORN MEMBER OF AND EMPLOYED FULL TIME BY:

1. THE BALTIMORE CITY FIRE DEPARTMENT;
2. THE BALTIMORE CITY POLICE DEPARTMENT; OR
3. THE BALTIMORE CITY SHERIFF’S OFFICE.

(2) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SUBSECTION AGAINST THE COUNTY PROPERTY TAX IMPOSED ON A DWELLING LOCATED IN BALTIMORE CITY THAT IS OWNED BY A PUBLIC SAFETY OFFICER IF THE PUBLIC SAFETY OFFICER IS OTHERWISE ELIGIBLE FOR THE CREDIT AUTHORIZED UNDER § 9–105 OF THIS TITLE.

(3) IN ANY TAXABLE YEAR, THE CREDIT UNDER THIS SUBSECTION:

(I) MAY NOT EXCEED \$2,500 PER DWELLING; AND

(II) ~~MAY NOT BE GRANTED TO MORE THAN ONE PUBLIC SAFETY OFFICER PER DWELLING~~ MAY NOT EXCEED THE AMOUNT OF PROPERTY TAX IMPOSED ON THE DWELLING.

(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN ANY TAXABLE YEAR IN WHICH A PUBLIC SAFETY OFFICER RECEIVES A CREDIT UNDER THIS SUBSECTION, THE PUBLIC SAFETY OFFICER MAY NOT RECEIVE ANY OTHER PROPERTY TAX CREDIT PROVIDED BY BALTIMORE CITY.

(II) IN ADDITION TO THE CREDIT UNDER THIS SUBSECTION, A PUBLIC SAFETY OFFICER MAY RECEIVE:

1. THE LOCAL PORTION OF THE CREDIT AUTHORIZED UNDER § 9–105 OF THIS TITLE; AND

2. THE CREDIT AUTHORIZED UNDER § 9–221 OF THIS TITLE.

~~(III) THE TOTAL AMOUNT OF CREDITS GRANTED FOR A DWELLING UNDER THIS PARAGRAPH MAY NOT EXCEED THE AMOUNT OF PROPERTY TAX IMPOSED ON THE DWELLING.~~

(5) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY ESTABLISH, BY LAW:

- (I) SUBJECT TO PARAGRAPH ~~(3)(1)~~ (3) OF THIS SUBSECTION, THE AMOUNT AND APPLICATION OF THE CREDIT UNDER THIS SUBSECTION;
- (II) THE DURATION OF THE CREDIT;
- (III) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR PUBLIC SAFETY OFFICERS TO QUALIFY FOR THE CREDIT;
- (IV) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE CREDIT UNDER THIS SUBSECTION; AND
- (V) ANY OTHER PROVISIONS NECESSARY TO CARRY OUT THIS SUBSECTION.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That *Section 2* of this Act ~~shall take effect June 1, 2016, and~~ shall be applicable to all taxable years beginning after June 30, 2017.

*SECTION 4. 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, May 19, 2016.

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## Chapter 560

(Senate Bill 557)

AN ACT concerning

### Members of the National Guard ~~and Maryland Defense Force~~ – Employment and Reemployment Rights – Enforcement

FOR the purpose of authorizing members of the National Guard ~~and Maryland Defense Force~~ whose employment and reemployment rights under a certain provision of law have been violated to bring a civil action for certain economic damages; authorizing a court to award certain damages, fees, costs, and other relief to members of the National Guard ~~and Maryland Defense Force~~ under certain circumstances; and generally relating to the enforcement of the employment and reemployment rights of members of the National Guard ~~and Maryland Defense Force~~.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 13–704  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

**Article – Public Safety**

13–704.

(a) The rights granted to members of the National Guard and Maryland Defense Force by this section shall be in addition to the rights granted to them by federal law, including the Servicemembers Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act.

(b) The following provisions of federal law shall be adopted as State law and applied to members of the National Guard and Maryland Defense Force:

(1) the Servicemembers Civil Relief Act applies only when members of the National Guard or Maryland Defense Force are ordered to military duty under this title or Title 10 or Title 32 of the United States Code for a period of 14 consecutive days or longer; and

(2) the Uniformed Services Employment and Reemployment Rights Act applies when members of the National Guard or Maryland Defense Force are ordered to military duty under this title or Title 10 or Title 32 of the United States Code for any period of time.

**(C) (1) A MEMBER OF THE NATIONAL GUARD ~~OR MARYLAND DEFENSE FORCE~~ WHOSE EMPLOYMENT AND REEMPLOYMENT RIGHTS UNDER THIS SECTION HAVE BEEN VIOLATED MAY BRING A CIVIL ACTION FOR ECONOMIC DAMAGES, INCLUDING LOST WAGES AND BENEFITS.**

**(2) IF THE COURT DETERMINES THAT A MEMBER OF THE NATIONAL GUARD ~~OR MARYLAND DEFENSE FORCE~~ IS ENTITLED TO JUDGMENT IN AN ACTION FILED UNDER THIS SUBSECTION, THE COURT MAY AWARD THE MEMBER:**

**(I) ANY DAMAGES TO WHICH THE MEMBER MAY BE ENTITLED UNDER SUBSECTION (A) OF THIS SECTION;**

**(II) REASONABLE COUNSEL FEES AND OTHER COSTS; AND**

**(III) ANY OTHER APPROPRIATE RELIEF.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 561

(House Bill 249)

AN ACT concerning

### **Members of the National Guard ~~and Maryland Defense Force~~ – Employment and Reemployment Rights – Enforcement**

FOR the purpose of authorizing members of the National Guard ~~and Maryland Defense Force~~ whose employment and reemployment rights under a certain provision of law have been violated to bring a civil action for certain economic damages; authorizing a court to award certain damages, fees, costs, and other relief to members of the National Guard ~~and Maryland Defense Force~~ under certain circumstances; and generally relating to the enforcement of the employment and reemployment rights of members of the National Guard ~~and Maryland Defense Force~~.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 13–704  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

#### **Article – Public Safety**

13–704.

(a) The rights granted to members of the National Guard and Maryland Defense Force by this section shall be in addition to the rights granted to them by federal law, including the Servicemembers Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act.

(b) The following provisions of federal law shall be adopted as State law and applied to members of the National Guard and Maryland Defense Force:

(1) the Servicemembers Civil Relief Act applies only when members of the National Guard or Maryland Defense Force are ordered to military duty under this title or Title 10 or Title 32 of the United States Code for a period of 14 consecutive days or longer; and

(2) the Uniformed Services Employment and Reemployment Rights Act applies when members of the National Guard or Maryland Defense Force are ordered to military duty under this title or Title 10 or Title 32 of the United States Code for any period of time.

**(C) (1) A MEMBER OF THE NATIONAL GUARD ~~OR MARYLAND DEFENSE FORCE~~ WHOSE EMPLOYMENT AND REEMPLOYMENT RIGHTS UNDER THIS SECTION HAVE BEEN VIOLATED MAY BRING A CIVIL ACTION FOR ECONOMIC DAMAGES, INCLUDING LOST WAGES AND BENEFITS.**

**(2) IF THE COURT DETERMINES THAT A MEMBER OF THE NATIONAL GUARD ~~OR MARYLAND DEFENSE FORCE~~ IS ENTITLED TO JUDGMENT IN AN ACTION FILED UNDER THIS SUBSECTION, THE COURT MAY AWARD THE MEMBER:**

**(I) ANY DAMAGES TO WHICH THE MEMBER MAY BE ENTITLED UNDER SUBSECTION (A) OF THIS SECTION;**

**(II) REASONABLE COUNSEL FEES AND OTHER COSTS; AND**

**(III) ANY OTHER APPROPRIATE RELIEF.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 562

(Senate Bill 570)

AN ACT concerning

### Maryland Trust Act – Representation

FOR the purpose of providing that, if a minor, an incapacitated, unborn, or unknown individual, or an individual whose location is unknown and not reasonably ascertainable is not otherwise represented under a certain provision of law relating to certain trusts, a grandparent or more remote ancestor may represent and bind that individual in certain circumstances; authorizing a minor, an incapacitated or

unborn individual, or an individual whose identity or location is unknown and not reasonably ascertainable to be represented by and bound by another having a substantially identical interest with respect to a particular question or dispute that arises under a certain provision of law relating to certain trusts in certain circumstances; and generally relating to trusts.

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 14.5–303  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Estates and Trusts  
Section 14.5–304  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

#### **Article – Estates and Trusts**

14.5–303.

To the extent there is no conflict of interest between the representative and the person represented or among those being represented with respect to a particular question or dispute:

(1) A guardian of the property may represent and bind the minor or disabled person;

(2) A guardian of the person may represent and bind the minor or disabled person if a guardian of the property has not been appointed;

(3) An agent having specific authority to act with respect to trust matters may represent and bind the principal;

(4) A trustee of a trust that is a beneficiary of another trust may represent and bind the beneficiaries of the trust that is the beneficiary of the other trust;

(5) A personal representative of the estate of a decedent that is a beneficiary of a trust may represent and bind interested persons in the estate; [and]

(6) A parent may represent and bind the minor, incapacitated, unborn, or unknown child of the parent or child of the parent whose location is unknown and not

reasonably ascertainable if a guardian of the property or guardian of the person for the child has not been appointed; AND

**(7) IF A MINOR, AN INCAPACITATED, UNBORN, OR UNKNOWN INDIVIDUAL OR AN INDIVIDUAL WHOSE LOCATION IS UNKNOWN AND NOT REASONABLY ASCERTAINABLE IS NOT OTHERWISE REPRESENTED UNDER THIS SECTION, A GRANDPARENT OR MORE REMOTE ANCESTOR MAY REPRESENT AND BIND THE INDIVIDUAL.**

**14.5-304.**

**UNLESS OTHERWISE REPRESENTED, A MINOR, AN INCAPACITATED OR UNBORN INDIVIDUAL, OR AN INDIVIDUAL WHOSE IDENTITY OR LOCATION IS UNKNOWN AND NOT REASONABLY ASCERTAINABLE, MAY BE REPRESENTED BY AND BOUND BY A REPRESENTATIVE HAVING A SUBSTANTIALLY IDENTICAL INTEREST WITH RESPECT TO A PARTICULAR QUESTION OR DISPUTE, BUT ONLY TO THE EXTENT THAT THERE IS NO CONFLICT OF INTEREST BETWEEN THE REPRESENTATIVE AND THE INDIVIDUAL REPRESENTED WITH RESPECT TO THE QUESTION OR DISPUTE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 563**

**(House Bill 887)**

AN ACT concerning

### **Maryland Trust Act – Representation**

FOR the purpose of providing that, if a minor, an incapacitated, unborn, or unknown individual, or an individual whose location is unknown and not reasonably ascertainable is not otherwise represented under a certain provision of law relating to certain trusts, a grandparent or more remote ancestor may represent and bind that individual in certain circumstances; authorizing a minor, an incapacitated or unborn individual, or an individual whose identity or location is unknown and not reasonably ascertainable to be represented by and bound by another having a substantially identical interest with respect to a particular question or dispute that arises under a certain provision of law relating to certain trusts in certain circumstances; and generally relating to trusts.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts  
Section 14.5–303  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Estates and Trusts  
Section 14.5–304  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

**Article – Estates and Trusts**

14.5–303.

To the extent there is no conflict of interest between the representative and the person represented or among those being represented with respect to a particular question or dispute:

(1) A guardian of the property may represent and bind the minor or disabled person;

(2) A guardian of the person may represent and bind the minor or disabled person if a guardian of the property has not been appointed;

(3) An agent having specific authority to act with respect to trust matters may represent and bind the principal;

(4) A trustee of a trust that is a beneficiary of another trust may represent and bind the beneficiaries of the trust that is the beneficiary of the other trust;

(5) A personal representative of the estate of a decedent that is a beneficiary of a trust may represent and bind interested persons in the estate; [and]

(6) A parent may represent and bind the minor, incapacitated, unborn, or unknown child of the parent or child of the parent whose location is unknown and not reasonably ascertainable if a guardian of the property or guardian of the person for the child has not been appointed; **AND**

**(7) IF A MINOR, AN INCAPACITATED, UNBORN, OR UNKNOWN INDIVIDUAL OR AN INDIVIDUAL WHOSE LOCATION IS UNKNOWN AND NOT REASONABLY ASCERTAINABLE IS NOT OTHERWISE REPRESENTED UNDER THIS**

SECTION, A GRANDPARENT OR MORE REMOTE ANCESTOR MAY REPRESENT AND BIND THE INDIVIDUAL.

14.5–304.

UNLESS OTHERWISE REPRESENTED, A MINOR, AN INCAPACITATED OR UNBORN INDIVIDUAL, OR AN INDIVIDUAL WHOSE IDENTITY OR LOCATION IS UNKNOWN AND NOT REASONABLY ASCERTAINABLE, MAY BE REPRESENTED BY AND BOUND BY A REPRESENTATIVE HAVING A SUBSTANTIALLY IDENTICAL INTEREST WITH RESPECT TO A PARTICULAR QUESTION OR DISPUTE, BUT ONLY TO THE EXTENT THAT THERE IS NO CONFLICT OF INTEREST BETWEEN THE REPRESENTATIVE AND THE INDIVIDUAL REPRESENTED WITH RESPECT TO THE QUESTION OR DISPUTE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 564

(Senate Bill 587)

AN ACT concerning

### Alcoholic Beverages – Sale of Powdered Alcohol – Prohibition

FOR the purpose of prohibiting a person from selling or offering to sell alcoholic beverages that are sold in a powder or crystalline form for direct use or use in combination with water or any other substance; providing a certain penalty; *providing for the termination of this Act*; and generally relating to a prohibition on the sale of powdered alcohol.

BY renumbering

Article – Alcoholic Beverages

Section 6–326, 6–327, 6–328, and 6–329, respectively

to be Section 6–327, 6–328, 6–329, and 6–330, respectively

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 6–326

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 6–326, 6–327, 6–328, and 6–329, respectively, of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 6–327, 6–328, 6–329, and 6–330, respectively.

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

**Article – Alcoholic Beverages**

**6–326.**

**(A) A PERSON MAY NOT SELL OR OFFER FOR SALE ALCOHOLIC BEVERAGES THAT ARE SOLD IN POWDER OR CRYSTALLINE FORM FOR DIRECT USE OR USE IN COMBINATION WITH WATER OR ANY OTHER SUBSTANCE.**

**(B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

**(2) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016. *It shall remain effective for a period of 2 years and, at the end of June 30, 2018, 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 19, 2016.**

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**Chapter 565**

**(Senate Bill 591)**

AN ACT concerning

**Tax Sales – Condominium Assessments and Homeowners Association Fees**

FOR the purpose of requiring a certain notice of an action to foreclose the right of redemption to be sent to a homeowners association or a condominium association under certain circumstances; requiring a plaintiff in a certain action to foreclose the right of redemption on property to be liable for the payment of certain assessments or fees incurred after the date of judgment foreclosing the right of redemption; authorizing a certain action to be filed to collect certain assessments or fees;

prohibiting a certain defense from being raised in a certain action to collect certain assessments or fees; and generally relating to tax sales of property.

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 14–836(b)(1), (2), and (3)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 14–836(b)(4)(i) and 14–844

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

### **Article – Tax – Property**

14–836.

(b) (1) Except as otherwise provided in this subsection, the defendants in any action to foreclose the right of redemption shall be:

(i) the record title holder of the property as disclosed by a search performed in accordance with generally accepted standards of title examination of the land records of the county, of the records of the register of wills of the county, and of the records of the circuit court for the county;

(ii) if the property is subject to a ground rent, the record title holder of the fee–simple title and the owner of the leasehold title as disclosed by a search performed in accordance with generally accepted standards of title examination of the land records of the county, of the records of the register of wills of the county and of the records of the circuit court for the county;

(iii) any mortgagee of the property or any assignee of the mortgagee of record, named as such in any unreleased mortgage recorded in the land records of the county;

(iv) the trustee under any deed of trust recorded against the property or any holder of a beneficial interest in a deed of trust who files notice of the interest, which notice shall include identification of the deed of trust, the book and page where the deed of trust is recorded, and the address at which the holder may be served with a summons;

(v) the county where the property is located; and

(vi) if appropriate, the State.

(2) The plaintiff may choose not to include as a defendant any of the persons enumerated in paragraph (1) of this subsection. However, the rights of any person not included as a defendant are not affected by the proceedings.

(3) Subject to the provisions of paragraph (4) of this subsection, it is not necessary to name as defendant any other person that has or claims to have any right, title, interest, claim, lien or equity of redemption in the property sold by the collector. Any of these persons are included as defendants by the designation “all persons that have or claim to have any interest in property ..... (giving a description of the property in substantially the same form as the description that appears on the Collector’s certificate of tax sale).” Any of these persons may be designated throughout the proceeding by the above designation and the cause may proceed against them by publication under order of court as provided in this subtitle.

(4) (i) Notwithstanding the provisions of paragraph (3) of this subsection, the plaintiff shall send written notice of the proceeding to:

1. all persons having a recorded interest, claim, or lien, including a judgment, who have not been made a defendant in the proceeding, and, if the subject property is [the common areas owned by or legally dedicated to] **PART OF** a homeowners association **OR CONDOMINIUM ASSOCIATION**, to the homeowners association **OR CONDOMINIUM ASSOCIATION** governing the property, at the last reasonably ascertainable address; and

2. each tenant of the subject property whose identity is known to the plaintiff, at the tenant’s last reasonably ascertainable address.

14–844.

(a) After the time limit set in the order of publication and in the summons expires, the court shall enter judgment foreclosing the right of redemption. An interlocutory order is not necessary. The judgment is final and conclusive on the defendants, their heirs, devisees, and personal representatives and they or any of their heirs, devisees, executors, administrators, assigns, or successors in right, title, or interest, and all defendants are bound by the judgment as if they had been named in the proceedings and personally served with process.

(b) If the court finds for the plaintiff, the judgment vests in the plaintiff an absolute and indefeasible title in fee simple in the property, free and clear of all alienations and descents of the property occurring before the date of the judgment and encumbrances on the property, except taxes that accrue after the date of sale and easements of record and any other easement that may be observed by an inspection of the property to which the property is subject.

(c) If the collector sold the property subject to a ground rent or the plaintiff elected not to include the ground rent holder as a party, the judgment vests a leasehold interest in the plaintiff.

(d) **(1)** Once a judgment is granted, the plaintiff immediately becomes liable for the payment of all taxes due and payable after the judgment. The plaintiff may be sued in an action under § 14–864 of this subtitle to collect all taxes due and payable after the judgment and it is not a defense that a deed to the property has not been recorded. On the entry of judgment, the plaintiff shall pay the collector any surplus bid and all taxes together with interest and penalties on the taxes due on the property.

**(2) (I) ONCE A JUDGMENT IS GRANTED, THE PLAINTIFF IMMEDIATELY BECOMES LIABLE FROM THE DATE OF JUDGMENT FOR THE PAYMENT OF ASSESSMENTS OR FEES CHARGED BY A HOMEOWNERS ASSOCIATION OR A CONDOMINIUM ASSOCIATION DUE AND PAYABLE FROM THE DATE OF THE JUDGMENT.**

**(II) THE PLAINTIFF MAY BE SUED IN AN ACTION TO COLLECT ALL ASSESSMENTS OR FEES CHARGED BY A HOMEOWNERS ASSOCIATION OR A CONDOMINIUM ASSOCIATION DUE AND PAYABLE FROM THE DATE OF THE JUDGMENT, AND IT IS NOT A DEFENSE THAT A DEED TO THE PROPERTY HAS NOT BEEN RECORDED.**

(e) In Baltimore City where abandoned property has been sold for a sum less than the amount due under § 14–817 of this subtitle, in a foreclosure proceeding brought by the Mayor and City Council, the final order may include a judgment in favor of the city and against the person liable for taxes prior to the sale, in the amount of the unpaid taxes, interest, penalties, and expenses otherwise due in a tax sale.

(f) In Baltimore City, for a proceeding concerning an owner–occupied residential property, if the court finds for the plaintiff, the final judgment shall state whether there is a bid balance as a result of the tax sale and that the former owner’s portion of the bid balance may be obtained by contacting the Baltimore City Bureau of Revenue Collections.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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**Chapter 566**

**(House Bill 970)**

AN ACT concerning

**Tax Sales – Condominium Assessments and Homeowners Association Fees**

FOR the purpose of requiring a certain notice of an action to foreclose the right of redemption to be sent to a homeowners association or a condominium association under certain circumstances; requiring a plaintiff in a certain action to foreclose the right of redemption on property to be liable for the payment of certain assessments or fees incurred after the date of judgment foreclosing the right of redemption; authorizing a certain action to be filed to collect certain assessments or fees; prohibiting a certain defense from being raised in a certain action to collect certain assessments or fees; and generally relating to tax sales of property.

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 14–836(b)(1), (2), and (3)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 14–836(b)(4)(i) and 14–844

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

14–836.

(b) (1) Except as otherwise provided in this subsection, the defendants in any action to foreclose the right of redemption shall be:

(i) the record title holder of the property as disclosed by a search performed in accordance with generally accepted standards of title examination of the land records of the county, of the records of the register of wills of the county, and of the records of the circuit court for the county;

(ii) if the property is subject to a ground rent, the record title holder of the fee–simple title and the owner of the leasehold title as disclosed by a search performed in accordance with generally accepted standards of title examination of the land records of the county, of the records of the register of wills of the county and of the records of the circuit court for the county;

(iii) any mortgagee of the property or any assignee of the mortgagee of record, named as such in any unreleased mortgage recorded in the land records of the county;

(iv) the trustee under any deed of trust recorded against the property or any holder of a beneficial interest in a deed of trust who files notice of the interest, which notice shall include identification of the deed of trust, the book and page where the deed of trust is recorded, and the address at which the holder may be served with a summons;

(v) the county where the property is located; and

(vi) if appropriate, the State.

(2) The plaintiff may choose not to include as a defendant any of the persons enumerated in paragraph (1) of this subsection. However, the rights of any person not included as a defendant are not affected by the proceedings.

(3) Subject to the provisions of paragraph (4) of this subsection, it is not necessary to name as defendant any other person that has or claims to have any right, title, interest, claim, lien or equity of redemption in the property sold by the collector. Any of these persons are included as defendants by the designation “all persons that have or claim to have any interest in property ..... (giving a description of the property in substantially the same form as the description that appears on the Collector’s certificate of tax sale).” Any of these persons may be designated throughout the proceeding by the above designation and the cause may proceed against them by publication under order of court as provided in this subtitle.

(4) (i) Notwithstanding the provisions of paragraph (3) of this subsection, the plaintiff shall send written notice of the proceeding to:

1. all persons having a recorded interest, claim, or lien, including a judgment, who have not been made a defendant in the proceeding, and, if the subject property is [the common areas owned by or legally dedicated to] **PART OF a homeowners association OR CONDOMINIUM ASSOCIATION**, to the homeowners association **OR CONDOMINIUM ASSOCIATION** governing the property, at the last reasonably ascertainable address; and

2. each tenant of the subject property whose identity is known to the plaintiff, at the tenant’s last reasonably ascertainable address.

14–844.

(a) After the time limit set in the order of publication and in the summons expires, the court shall enter judgment foreclosing the right of redemption. An interlocutory order is not necessary. The judgment is final and conclusive on the defendants, their heirs, devisees, and personal representatives and they or any of their heirs, devisees, executors, administrators, assigns, or successors in right, title, or interest, and all defendants are

bound by the judgment as if they had been named in the proceedings and personally served with process.

(b) If the court finds for the plaintiff, the judgment vests in the plaintiff an absolute and indefeasible title in fee simple in the property, free and clear of all alienations and descents of the property occurring before the date of the judgment and encumbrances on the property, except taxes that accrue after the date of sale and easements of record and any other easement that may be observed by an inspection of the property to which the property is subject.

(c) If the collector sold the property subject to a ground rent or the plaintiff elected not to include the ground rent holder as a party, the judgment vests a leasehold interest in the plaintiff.

(d) **(1)** Once a judgment is granted, the plaintiff immediately becomes liable for the payment of all taxes due and payable after the judgment. The plaintiff may be sued in an action under § 14–864 of this subtitle to collect all taxes due and payable after the judgment and it is not a defense that a deed to the property has not been recorded. On the entry of judgment, the plaintiff shall pay the collector any surplus bid and all taxes together with interest and penalties on the taxes due on the property.

**(2) (I) ONCE A JUDGMENT IS GRANTED, THE PLAINTIFF IMMEDIATELY BECOMES LIABLE FROM THE DATE OF JUDGMENT FOR THE PAYMENT OF ASSESSMENTS OR FEES CHARGED BY A HOMEOWNERS ASSOCIATION OR A CONDOMINIUM ASSOCIATION DUE AND PAYABLE FROM THE DATE OF THE JUDGMENT.**

**(II) THE PLAINTIFF MAY BE SUED IN AN ACTION TO COLLECT ALL ASSESSMENTS OR FEES CHARGED BY A HOMEOWNERS ASSOCIATION OR A CONDOMINIUM ASSOCIATION DUE AND PAYABLE FROM THE DATE OF THE JUDGMENT, AND IT IS NOT A DEFENSE THAT A DEED TO THE PROPERTY HAS NOT BEEN RECORDED.**

(e) In Baltimore City where abandoned property has been sold for a sum less than the amount due under § 14–817 of this subtitle, in a foreclosure proceeding brought by the Mayor and City Council, the final order may include a judgment in favor of the city and against the person liable for taxes prior to the sale, in the amount of the unpaid taxes, interest, penalties, and expenses otherwise due in a tax sale.

(f) In Baltimore City, for a proceeding concerning an owner–occupied residential property, if the court finds for the plaintiff, the final judgment shall state whether there is a bid balance as a result of the tax sale and that the former owner’s portion of the bid balance may be obtained by contacting the Baltimore City Bureau of Revenue Collections.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 19, 2016.

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**Chapter 567**

**(Senate Bill 603)**

AN ACT concerning

**Criminal Law – Pretrial Release – Prior ~~Crime of Violence~~ Crimes**

FOR the purpose of prohibiting a District Court commissioner from authorizing the pretrial release of a defendant charged with a crime of violence if the defendant has previously been convicted of a certain crime; prohibiting a District Court commissioner from authorizing release of a defendant charged with a certain crime if the defendant has previously been convicted of a crime of violence; and generally relating to pretrial release.

BY repealing and reenacting, without amendments,  
 Article – Criminal Law  
 Section 14–101(a)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Criminal Procedure  
 Section 1–101(a) and (e)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Criminal Procedure  
 Section ~~5–202(f)~~ 5–202(c) and (f)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Law**

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) assault with intent to commit a sexual offense in the first degree; and

(24) assault with intent to commit a sexual offense in the second degree.

### Article – Criminal Procedure

1–101.

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

(e) “Crime of violence” has the meaning stated in § 14–101 of the Criminal Law Article.

5–202.

(c) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with a crime of violence if the defendant has been previously convicted:

(i) in this State of a crime of violence; [or]

(ii) in any other jurisdiction of a crime that would be a crime of violence if committed in this State; OR

(III) OF AN OFFENSE LISTED IN SUBSECTION (F)(1) OF THIS SECTION.

(2) (i) A judge may authorize the pretrial release of a defendant described in paragraph (1) of this subsection on:

1. suitable bail;

2. any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or

3. both bail and other conditions described under item 2 of this subparagraph.

(ii) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.

(3) There is a rebuttable presumption that a defendant described in paragraph (1) of this subsection will flee and pose a danger to another person or the community.

(f) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with one of the following crimes if the defendant has previously been convicted of **A CRIME OF VIOLENCE OR** one of the following crimes:

(i) wearing, carrying, or transporting a handgun under § 4–203 of the Criminal Law Article;

(ii) use of a handgun or an antique firearm in commission of a crime under § 4–204 of the Criminal Law Article;

(iii) violating prohibitions relating to assault weapons under § 4–303 of the Criminal Law Article;

(iv) use of a machine gun in a crime of violence under § 4–404 of the Criminal Law Article;

(v) use of a machine gun for an aggressive purpose under § 4–405 of the Criminal Law Article;

(vi) use of a weapon as a separate crime under § 5–621 of the Criminal Law Article;

(vii) possession of a regulated firearm under § 5–133 of the Public Safety Article;

(viii) transporting a regulated firearm for unlawful sale or trafficking under § 5–140 of the Public Safety Article; or

(ix) possession of a rifle or shotgun by a person with a mental disorder under § 5–205 of the Public Safety Article.

(2) (i) A judge may authorize the pretrial release of a defendant described in paragraph (1) of this subsection on:

1. suitable bail;
2. any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or
3. both bail and other conditions described under item 2 of this subparagraph.

(ii) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.

(3) There is a rebuttable presumption that a defendant described in paragraph (1) of this subsection will flee and pose a danger to another person or the community.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 568

### (Senate Bill 631)

AN ACT concerning

#### Local Facility Closure Reserve Funds – Investments and Reinvestments

FOR the purpose of authorizing the trustees or other officers in charge of certain facility closure reserve funds to invest and reinvest certain money in a certain manner and sell, redeem, or exchange certain investments or reinvestments; requiring the trustees or other officers in charge of certain facility closure reserve funds to comply with certain fiduciary standards; authorizing a political subdivision of the State or a unit of a political subdivision of the State to enter into certain agreements for the management or investment of money in a facility closure reserve fund; altering the definition of “public money” as it relates to certain local government investment guidelines so as to exclude money held as part of certain facility closure reserve funds; and generally relating to local facility closure reserve funds.

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 17–102 and 17–201  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)

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

### Article – Local Government

17–102.

(a) In this section, “other postemployment benefits” means:

- (1) postemployment health care benefits; and
- (2) postemployment benefits provided separately from a pension plan.

(b) Notwithstanding § 17–101 of this subtitle, the trustees or other officers in charge of a pension or retirement system or fund, other postemployment benefits fund, trust fund account, [or] fund for self–insurance purposes, **OR FACILITY CLOSURE RESERVE FUND** of a political subdivision of the State or a unit of a political subdivision of the State:

(1) may:

(i) invest and reinvest money in their custody or control as provided by a law enacted by the governing body of the political subdivision; and

(ii) sell, redeem, or exchange an investment or reinvestment made under this item; and

(2) shall comply with fiduciary standards that at least meet the standards in Title 21, Subtitle 2 of the State Personnel and Pensions Article in connection with money in their custody or control.

(c) (1) Notwithstanding any other law, a political subdivision of the State or a unit of a political subdivision of the State may enter into an agreement with a third party contractor or vendor for the management or investment of money intended for other postemployment benefits.

(2) An agreement entered into under this subsection includes the authority to:

- (i) create pooled investments under the stewardship of:

1. a political subdivision of the State or a unit of a political subdivision of the State; or
2. a separate body under an agreement with a political subdivision of the State;
  - (ii) create one or more accounts to be managed in coordination with other funds or investments by a third party under an agreement with a political subdivision of the State; and
  - (iii) create distinct funding accounts for payment on behalf of employees of a unit of a political subdivision of the State under an agreement with the political subdivision.

**(D) (1) NOTWITHSTANDING ANY OTHER LAW, A POLITICAL SUBDIVISION OF THE STATE OR A UNIT OF A POLITICAL SUBDIVISION OF THE STATE MAY ENTER INTO AN AGREEMENT WITH A THIRD PARTY CONTRACTOR OR VENDOR FOR THE MANAGEMENT OR INVESTMENT OF MONEY IN A FACILITY CLOSURE RESERVE FUND.**

**(2) AN AGREEMENT ENTERED INTO UNDER THIS SUBSECTION INCLUDES THE AUTHORITY TO:**

**(I) CREATE POOLED INVESTMENTS UNDER THE STEWARDSHIP OF:**

1. A POLITICAL SUBDIVISION OF THE STATE OR A UNIT OF A POLITICAL SUBDIVISION OF THE STATE; OR
2. A SEPARATE BODY UNDER AN AGREEMENT WITH A POLITICAL SUBDIVISION OF THE STATE; AND

**(II) CREATE ONE OR MORE ACCOUNTS TO BE MANAGED IN COORDINATION WITH OTHER FUNDS OR INVESTMENTS BY A THIRD PARTY UNDER AN AGREEMENT WITH A POLITICAL SUBDIVISION OF THE STATE.**

17-201.

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

(b) “Financial officer” means the treasurer or other financial officer of a governmental entity who is responsible for the investment of public funds or the issuance and management of debt of the governmental entity.

(c) “Governing authority” means:

- (1) for Baltimore City, the Baltimore City Board of Estimates;
- (2) for a commission county, the county commissioners;
- (3) for a charter county, as provided by local law, the county council or the county executive and the county council;
- (4) for a code county, the county commissioners;
- (5) for a community college, the board of trustees;
- (6) for a municipality, the body provided by the municipal charter;
- (7) for the Washington Suburban Sanitary Commission, the Commission;
- (8) for a public corporation, the board of directors; and
- (9) for an authority, the board of the authority.

(d) (1) Except as provided in paragraph (2) of this subsection, “public money” means any money held by a governmental entity.

(2) “Public money” does not include money held as part of a pension fund, a fund for other postemployment benefits, as defined in § 17–102(a) of this title, [or] a trust fund account, **OR A FACILITY CLOSURE RESERVE FUND** or for self–insurance purposes.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 569

### (House Bill 835)

AN ACT concerning

#### **Local Facility Closure Reserve Funds – Investments and Reinvestments**

FOR the purpose of authorizing the trustees or other officers in charge of certain facility closure reserve funds to invest and reinvest certain money in a certain manner and sell, redeem, or exchange certain investments or reinvestments; requiring the trustees or other officers in charge of certain facility closure reserve funds to comply with certain fiduciary standards; authorizing a political subdivision of the State or a

unit of a political subdivision of the State to enter into certain agreements for the management or investment of money in a facility closure reserve fund; altering the definition of “public money” as it relates to certain local government investment guidelines so as to exclude money held as part of certain facility closure reserve funds; and generally relating to local facility closure reserve funds.

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 17–102 and 17–201  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)

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

### Article – Local Government

17–102.

(a) In this section, “other postemployment benefits” means:

- (1) postemployment health care benefits; and
- (2) postemployment benefits provided separately from a pension plan.

(b) Notwithstanding § 17–101 of this subtitle, the trustees or other officers in charge of a pension or retirement system or fund, other postemployment benefits fund, trust fund account, [or] fund for self–insurance purposes, **OR FACILITY CLOSURE RESERVE FUND** of a political subdivision of the State or a unit of a political subdivision of the State:

(1) may:

(i) invest and reinvest money in their custody or control as provided by a law enacted by the governing body of the political subdivision; and

(ii) sell, redeem, or exchange an investment or reinvestment made under this item; and

(2) shall comply with fiduciary standards that at least meet the standards in Title 21, Subtitle 2 of the State Personnel and Pensions Article in connection with money in their custody or control.

(c) (1) Notwithstanding any other law, a political subdivision of the State or a unit of a political subdivision of the State may enter into an agreement with a third party contractor or vendor for the management or investment of money intended for other postemployment benefits.

(2) An agreement entered into under this subsection includes the authority to:

(i) create pooled investments under the stewardship of:

1. a political subdivision of the State or a unit of a political subdivision of the State; or

2. a separate body under an agreement with a political subdivision of the State;

(ii) create one or more accounts to be managed in coordination with other funds or investments by a third party under an agreement with a political subdivision of the State; and

(iii) create distinct funding accounts for payment on behalf of employees of a unit of a political subdivision of the State under an agreement with the political subdivision.

**(D) (1) NOTWITHSTANDING ANY OTHER LAW, A POLITICAL SUBDIVISION OF THE STATE OR A UNIT OF A POLITICAL SUBDIVISION OF THE STATE MAY ENTER INTO AN AGREEMENT WITH A THIRD PARTY CONTRACTOR OR VENDOR FOR THE MANAGEMENT OR INVESTMENT OF MONEY IN A FACILITY CLOSURE RESERVE FUND.**

**(2) AN AGREEMENT ENTERED INTO UNDER THIS SUBSECTION INCLUDES THE AUTHORITY TO:**

**(I) CREATE POOLED INVESTMENTS UNDER THE STEWARDSHIP OF:**

**1. A POLITICAL SUBDIVISION OF THE STATE OR A UNIT OF A POLITICAL SUBDIVISION OF THE STATE; OR**

**2. A SEPARATE BODY UNDER AN AGREEMENT WITH A POLITICAL SUBDIVISION OF THE STATE; AND**

**(II) CREATE ONE OR MORE ACCOUNTS TO BE MANAGED IN COORDINATION WITH OTHER FUNDS OR INVESTMENTS BY A THIRD PARTY UNDER AN AGREEMENT WITH A POLITICAL SUBDIVISION OF THE STATE.**

17-201.

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

(b) “Financial officer” means the treasurer or other financial officer of a governmental entity who is responsible for the investment of public funds or the issuance and management of debt of the governmental entity.

(c) “Governing authority” means:

- (1) for Baltimore City, the Baltimore City Board of Estimates;
- (2) for a commission county, the county commissioners;
- (3) for a charter county, as provided by local law, the county council or the county executive and the county council;
- (4) for a code county, the county commissioners;
- (5) for a community college, the board of trustees;
- (6) for a municipality, the body provided by the municipal charter;
- (7) for the Washington Suburban Sanitary Commission, the Commission;
- (8) for a public corporation, the board of directors; and
- (9) for an authority, the board of the authority.

(d) (1) Except as provided in paragraph (2) of this subsection, “public money” means any money held by a governmental entity.

(2) “Public money” does not include money held as part of a pension fund, a fund for other postemployment benefits, as defined in § 17–102(a) of this title, [or] a trust fund account, **OR A FACILITY CLOSURE RESERVE FUND** or for self–insurance purposes.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 570

(Senate Bill 637)

AN ACT concerning

**Evidence – Admissibility of DNA Profile – Definition and Validation of DNA Profile**

FOR the purpose of altering the definition of “DNA profile” for purposes of certain provisions of law concerning the admissibility of a DNA profile in a criminal proceeding; providing that a DNA profile is admissible for certain purposes if accompanied by a certain statement that the analysis of genetic loci has been validated according to certain quality assurance standards of the Federal Bureau of Investigation, ~~rather than the standards established by the Technical Working Group on DNA Analysis Methods or the DNA Advisory Board of the Federal Bureau of Investigation, is sufficient to admit a DNA profile into evidence under certain provisions of law~~; providing for the application of this Act; and generally relating to criminal procedure and DNA profiles.

BY repealing and reenacting, with amendments,  
 Article – Courts and Judicial Proceedings  
 Section 10–915  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2015 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

10–915.

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

(2) “Deoxyribonucleic acid (DNA)” means the molecules in all cellular forms that contain genetic information in a chemical structure of each individual.

(3) “DNA profile” means an analysis of genetic loci that have been validated according to ~~the~~ standards established by:

(i) The Technical Working Group on DNA Analysis Methods (TWGDAM); ~~or~~

(ii) The DNA Advisory Board of ~~the~~ Federal Bureau of ~~Investigation~~; ~~INVESTIGATION’S QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES; OR;~~

~~(iii)~~ **(iii) THE FEDERAL BUREAU OF INVESTIGATION’S QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES; OR**

~~(iv)~~ **(iv) THE FEDERAL BUREAU OF INVESTIGATION’S QUALITY ASSURANCE STANDARDS FOR DNA DATABASING LABORATORIES.**

(b) A DNA PROFILE IS ADMISSIBLE UNDER THIS SECTION IF IT IS ACCOMPANIED BY A statement from the testing laboratory setting forth that the analysis of genetic loci has been validated ~~by standards;~~

(I) STANDARDS established by TWGDAM ~~or the;~~

(II) ~~THE STANDARDS ESTABLISHED BY THE~~ DNA Advisory Board ~~;~~  
~~ACCORDING TO OF THE FEDERAL BUREAU OF INVESTIGATION'S QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES INVESTIGATION; OR~~

(III) THE FEDERAL BUREAU OF INVESTIGATION'S QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES; OR

~~(III)~~ (IV) THE FEDERAL BUREAU OF INVESTIGATION'S QUALITY ASSURANCE STANDARDS FOR DNA DATABASING LABORATORIES ~~is sufficient to admit a DNA profile under this section.~~

(c) In any criminal proceeding, the evidence of a DNA profile is admissible to prove or disprove the identity of any person, if the party seeking to introduce the evidence of a DNA profile:

(1) Notifies in writing the other party or parties by mail at least 45 days before any criminal proceeding; and

(2) Provides, if applicable and requested in writing, the other party or parties at least 30 days before any criminal proceeding with:

(i) First generation film copy or suitable reproductions of autoradiographs, dot blots, slot blots, silver stained gels, test strips, control strips, and any other results generated in the course of the analysis;

(ii) Copies of laboratory notes generated in connection with the analysis, including chain of custody documents, sizing and hybridization information, statistical calculations, and worksheets;

(iii) Laboratory protocols and procedures utilized in the analysis;

(iv) The identification of each genetic locus analyzed; and

(v) A statement setting forth the genotype data and the profile frequencies for the databases utilized.

(d) If a party is unable to provide the information required under subsection (c) of this section at least 30 days prior to the criminal proceedings, the court may grant a continuance to permit such timely disclosures.

(e) Except as to the issue of admissibility under this section, subsection (c) of this section does not preclude discovery under the Maryland Rules relating to discovery, upon a showing of scientific relevance to a material issue regarding the DNA profile.

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 cases involving offenses that were committed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 571

### (House Bill 641)

AN ACT concerning

#### **Evidence – Admissibility of DNA Profile – Definition and Validation of DNA Profile**

FOR the purpose of altering the definition of “DNA profile” for purposes of certain provisions of law concerning the admissibility of a DNA profile in a criminal proceeding; providing that *a DNA profile is admissible for certain purposes if accompanied by* a certain statement that the analysis of genetic loci has been validated according to certain quality assurance standards of the Federal Bureau of Investigation, ~~rather than the standards established by the Technical Working Group on DNA Analysis Methods or the DNA Advisory Board of the Federal Bureau of Investigation, is sufficient to admit a DNA profile into evidence under certain provisions of law~~; providing for the application of this Act; and generally relating to criminal procedure and DNA profiles.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 10–915  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 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**

10-915.

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

(2) “Deoxyribonucleic acid (DNA)” means the molecules in all cellular forms that contain genetic information in a chemical structure of each individual.

(3) “DNA profile” means an analysis of genetic loci that have been validated according to ~~the~~ standards established by:

(i) The Technical Working Group on DNA Analysis Methods (TWGDAM); ~~or~~

(ii) The DNA Advisory Board of ~~the~~ the Federal Bureau of ~~Investigation~~;

**(III) THE FEDERAL BUREAU OF INVESTIGATION’S QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES; OR**

**(IV) THE FEDERAL BUREAU OF INVESTIGATION’S QUALITY ASSURANCE STANDARDS FOR DNA DATABASING LABORATORIES.**

(b) A **DNA PROFILE IS ADMISSIBLE UNDER THIS SECTION IF IT IS ACCOMPANIED BY A** statement from the testing laboratory setting forth that the analysis of genetic loci has been validated ~~by standards~~:

**(1) STANDARDS** established by TWGDAM ~~or the~~;

**(2) STANDARDS ESTABLISHED BY THE** DNA Advisory Board ~~of the~~ **OF THE FEDERAL BUREAU OF INVESTIGATION;**

**(3) THE** FEDERAL BUREAU OF INVESTIGATION’S QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES; ~~OR~~

**(4) THE FEDERAL BUREAU OF INVESTIGATION’S QUALITY ASSURANCE STANDARDS FOR DNA DATABASING LABORATORIES** ~~is sufficient to admit a DNA profile under this section.~~

(c) In any criminal proceeding, the evidence of a DNA profile is admissible to prove or disprove the identity of any person, if the party seeking to introduce the evidence of a DNA profile:

(1) Notifies in writing the other party or parties by mail at least 45 days before any criminal proceeding; and

(2) Provides, if applicable and requested in writing, the other party or parties at least 30 days before any criminal proceeding with:

(i) First generation film copy or suitable reproductions of autoradiographs, dot blots, slot blots, silver stained gels, test strips, control strips, and any other results generated in the course of the analysis;

(ii) Copies of laboratory notes generated in connection with the analysis, including chain of custody documents, sizing and hybridization information, statistical calculations, and worksheets;

(iii) Laboratory protocols and procedures utilized in the analysis;

(iv) The identification of each genetic locus analyzed; and

(v) A statement setting forth the genotype data and the profile frequencies for the databases utilized.

(d) If a party is unable to provide the information required under subsection (c) of this section at least 30 days prior to the criminal proceedings, the court may grant a continuance to permit such timely disclosures.

(e) Except as to the issue of admissibility under this section, subsection (c) of this section does not preclude discovery under the Maryland Rules relating to discovery, upon a showing of scientific relevance to a material issue regarding the DNA profile.

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 cases involving offenses that were committed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 572**

**(Senate Bill 663)**

AN ACT concerning

**Commercial Sale of Dogs and Cats – Prohibited Acts  
(Companion Animal Welfare Act)**

FOR the purpose of prohibiting the sale, transfer, offer to sell or transfer, barter, trade, or auction of dogs and cats at certain locations; authorizing certain animal control officers and certain officers of certain societies or associations to enforce certain provisions of this Act; providing that a retail pet store may only offer for sale a dog or cat obtained from certain persons; requiring a retail pet store to ensure that certain persons meet certain requirements; altering the number of years that a retail pet store is required to maintain certain records; requiring a retail pet store that sells dogs to post on each dog's cage certain information and maintain a certain record that includes certain information about a dealer, if applicable; requiring a retail pet store to make certain records available to an animal control unit; making certain violations of certain provisions of this Act an unfair and deceptive trade practice subject to certain enforcement and civil penalty provisions; providing for the application ~~and construction~~ of certain provisions of this Act; defining certain terms; and generally relating to prohibited acts relating to the commercial sale of dogs and cats.

BY adding to

Article – Business Regulation  
Section 19–104 and 19–702.1  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation  
Section 19–701, 19–702, 19–703, and 19–706, ~~and 19–707~~  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

#### Preamble

WHEREAS, There are countless unwanted dogs and cats that do not have permanent homes, leading to the significant overpopulation of these animals; and

WHEREAS, Many of the unwanted dogs and cats are eventually euthanized by shelters; and

WHEREAS, Euthanizing dogs and cats is not an economical, humane, or ethical solution to the problem of their overpopulation; and

WHEREAS, The major source of the mass breeding of dogs and cats occurs at puppy mills and kitten factories that supply commercial retail stores; and

WHEREAS, One of the most effective, economical, humane, and ethical solutions to the problem of dog and cat overpopulation is to substantially reduce mass breeding for commercial retail sale; and

WHEREAS, The factory–like production and commercial retail sale of dogs and cats is immoral and inhumane; and

WHEREAS, The treatment of dogs and cats in mass breeding facilities and commercial retail stores is a matter of national concern; and

WHEREAS, Similar to humans, dogs and cats experience fear, hunger, and pain and suffering; and

WHEREAS, Puppy mills, kitten factories, and many commercial retail stores treat dogs and cats as commodities without consideration to the resulting physical and mental suffering endured by these loving animals; and

WHEREAS, The mass commercial production and commercial retail sale of dogs and cats is inconsistent with the State’s goal of ensuring the humane care and welfare of dogs and cats; and

WHEREAS, The public interest would be best served by minimizing the sourcing of companion animals sold in the State from puppy mills and kitten factories; now, therefore,

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

### **Article – Business Regulation**

**19–104.**

**(A) THIS SECTION DOES NOT APPLY TO:**

**(1) AN ANIMAL WELFARE ORGANIZATION OR ANIMAL CONTROL UNIT DISPLAYING DOGS OR CATS FOR ADOPTION OR THE ADOPTION OF DOGS OR CATS FROM AN ANIMAL WELFARE ORGANIZATION OR ANIMAL CONTROL UNIT; OR**

**(2) A DOG BREEDER AND A SPECIFIC INDIVIDUAL PURCHASER CONDUCTING A PREARRANGED SALE OF A DOG IF THE LOCATION OF THE PREARRANGED SALE IS NOT AT A REGULARLY SCHEDULED OR RECURRING EVENT.**

**(B) A PERSON MAY NOT OFFER FOR SALE, SELL, OFFER TO TRANSFER, TRANSFER, BARTER, TRADE, OR AUCTION A DOG OR CAT AT ANY PUBLIC PLACE, INCLUDING:**

**(1) A STREET;**

**(2) A HIGHWAY;**

**(3) A PUBLIC RIGHT–OF–WAY;**

- (4) A PUBLIC PARKING LOT;
- (5) A CARNIVAL;
- (6) A BOARDWALK;
- (7) A SWAP MEET;
- (8) A FAIR; OR
- (9) A FLEA MARKET.

(C) AN ANIMAL CONTROL OFFICER UNDER THE JURISDICTION OF THE STATE OR A LOCAL GOVERNING BODY AND AN OFFICER OF A SOCIETY OR ASSOCIATION, INCORPORATED UNDER THE LAWS OF THE STATE FOR THE PREVENTION OF CRUELTY TO ANIMALS, AUTHORIZED TO MAKE ARRESTS UNDER § 10-609 OF THE CRIMINAL LAW ARTICLE MAY ENFORCE SUBSECTION (B) OF THIS SECTION.

(D) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO:

- (1) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$500;
- (2) FOR A SECOND VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$1,000; AND
- (3) FOR A THIRD OR SUBSEQUENT VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$1,500.

19-701.

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

(B) “ANIMAL CONTROL UNIT” HAS THE MEANING STATED IN § 10-617 OF THE CRIMINAL LAW ARTICLE.

(C) “ANIMAL WELFARE ORGANIZATION” MEANS A NOT-FOR-PROFIT ORGANIZATION ESTABLISHED TO PROMOTE ANIMAL WELFARE THAT HAS TAX EXEMPT STATUS UNDER § 501(C)(3) OF THE U.S. INTERNAL REVENUE CODE.

[(b)] (D) “Breeder” means a person who breeds or raises dogs to sell, exchange, or otherwise transfer to the public.

[(c)] (E) “Clinically ill” means an illness that is apparent to a licensed veterinarian based on observation, examination, or testing of the dog.

[(d)] (F) (1) “Dealer” means a person who, for compensation:

(i) buys, sells, or negotiates the purchase of a dog; or

(ii) delivers for transport or transports a dog.

(2) “Dealer” does not include a person who transports a dog as a carrier only.

[(e)] (G) “Nonelective surgical procedure” means a surgical procedure that is necessary to preserve or restore the health of an animal or to correct a condition that would:

(1) interfere with the animal’s ability to walk, run, jump, or otherwise function in a normal manner; or

(2) cause pain and suffering to the animal.

**(H) “OFFER FOR SALE” INCLUDES TO SELL, OFFER TO TRANSFER, OFFER FOR ADOPTION, ADVERTISE FOR THE SALE, BARTER, AUCTION, GIVEAWAY, OR OTHERWISE DISPOSE OF A DOMESTIC ANIMAL.**

[(f)] (I) “Purchaser” means any person who purchases a dog from a retail pet store.

[(g)] (J) “Retail pet store” means a for-profit establishment open to the public that sells or offers for sale domestic animals to be kept as household pets.

19–702.

This subtitle does not apply to [a bona fide nonprofit] AN ANIMAL WELFARE organization OR ANIMAL CONTROL UNIT operating within a retail pet store.

**19–702.1.**

**(A) A RETAIL PET STORE MAY OFFER A DOG OR CAT FOR SALE ONLY IF THE DOG OR CAT IS OBTAINED FROM:**

**(1) AN ANIMAL WELFARE ORGANIZATION;**

**(2) AN ANIMAL CONTROL UNIT; ~~OR~~**

**(3) ~~A PERSON THAT~~ THE ORIGINAL BREEDER OF THE DOG OR CAT IF THE BREEDER MEETS THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION; OR**

**(4) A DEALER THAT OBTAINED THE DOG OR CAT FROM THE ORIGINAL BREEDER IF THE DEALER AND ORIGINAL BREEDER MEET THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.**

**(B) A RETAIL PET STORE SHALL ENSURE THAT A PERSON UNDER SUBSECTION (A)(3) OR (4) OF THIS SECTION FROM WHICH THE RETAIL PET STORE OBTAINS A DOG OR CAT, AS OF THE DAY THE RETAIL PET STORE ~~RECEIVED~~ RECEIVES THE DOG OR CAT:**

**~~(1)~~ (1) HOLDS A CURRENT ~~CLASS A~~ LICENSE UNDER THE ANIMAL WELFARE ACT FROM THE U.S. DEPARTMENT OF AGRICULTURE; AND**

**~~(2)~~ (2) HAS NOT RECEIVED FROM THE U.S. DEPARTMENT OF AGRICULTURE, IN ACCORDANCE WITH AN ENFORCEMENT ACTION OF THE LAWS AND REGULATIONS UNDER THE FEDERAL ANIMAL WELFARE ACT:**

**~~1.~~ (I) A CITATION ON A FINAL INSPECTION REPORT FOR A DIRECT VIOLATION WITHIN THE ~~3-YEAR~~ 2-YEAR PERIOD BEFORE THE DAY THE DOG OR CAT IS RECEIVED BY THE RETAIL PET STORE;**

**~~2.~~ (II) CITATIONS ON TWO OR MORE CONSECUTIVE FINAL INSPECTION REPORTS FOR ONE OR MORE REPEAT NONCOMPLIANT ITEMS WITHIN THE ~~3-YEAR~~ 2-YEAR PERIOD BEFORE THE DAY THE DOG OR CAT IS RECEIVED BY THE RETAIL PET STORE;**

**~~3.~~ (III) A CITATION ON ~~THE~~ BOTH OF THE TWO MOST RECENT FINAL INSPECTION ~~REPORT~~ REPORTS FOR A NO-ACCESS VIOLATION; OR**

**~~4.~~ (IV) THREE OR MORE CITATIONS ON THE MOST RECENT FINAL INSPECTION REPORT FOR SEPARATE NONCOMPLIANT ITEMS OTHER THAN NO-ACCESS VIOLATIONS.**

19-703.

(a) A retail pet store that sells dogs shall:

(1) post conspicuously on each dog's cage:

(i) the breed, age, and date of birth of the dog, if known;

(ii) the state in which the breeder ~~or~~ AND, IF APPLICABLE, THE dealer of the dog is located; and

(iii) the United States Department of Agriculture license number of the breeder ~~or~~ AND, IF APPLICABLE, THE dealer, ~~if required~~;

(2) maintain a written record that includes the following information about each dog in the possession of the retail pet store:

(i) the breed, age, and date of birth of the dog, if known;

(ii) the sex, color, and any identifying markings of the dog;

(iii) documentation of all inoculations, worming treatments, and other medical treatments, if known, including the date of the medical treatment, the diagnoses, and the name and title of the treatment provider;

(iv) the name and address of:

1. the breeder ~~or~~ AND, IF APPLICABLE, THE dealer who supplied the dog;

2. the facility where the dog was born; and

3. the transporter or carrier of the dog, if any;

(v) the United States Department of Agriculture license number of the breeder ~~or~~ AND, IF APPLICABLE, THE dealer, ~~if required~~;

(vi) any identifier information, including a tag, tattoo, collar number, or microchip; and

(vii) if the dog is being sold as registered or registrable:

1. the names and registration numbers of the sire and dam;

and

2. the litter number; and

(3) for each dog acquired by the retail pet store, maintain a written record of the health, status, and disposition of the dog, including any documents that are required at the time of sale.

(b) A retail pet store shall maintain a copy of the records required under subsection (a)(2) of this section for at least [1 year] **2 YEARS** after the date of sale of the dog.

(c) A retail pet store shall make the records required under subsection (a)(2) of this section available to:

- (1) the Division of Consumer Protection of the Office of the Attorney General on reasonable notice;
- (2) any bona fide prospective purchaser on request; [and]
- (3) the purchaser at the time of a sale; AND
- (4) AN ANIMAL CONTROL UNIT.

19-706.

**(A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A violation of this subtitle:**

- (1) is an unfair or deceptive trade practice within the meaning of Title 13 of the Commercial Law Article; and
- (2) is subject to the enforcement and penalty provisions contained in Title 13 of the Commercial Law Article.

**(B) (1) A VIOLATION OF § 19-702.1 OF THIS SUBTITLE:**

- (I) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND**
- (II) EXCEPT FOR THE PROVISIONS OF § 13-411 OF THE COMMERCIAL LAW ARTICLE, IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.**

**(2) EACH OFFER OF AN ANIMAL FOR SALE IN VIOLATION OF § 19-702.1 OF THIS SUBTITLE IS A SEPARATE VIOLATION.**

~~19-707.~~

~~Nothing in this subtitle limits:~~

- ~~(1) the rights or remedies otherwise available to a purchaser;~~
- ~~(2) the ability of the owner or operator of a retail pet store and purchaser to agree to additional terms and conditions that do not impair the rights granted to a purchaser under this subtitle; [or]~~

~~(3) the ability of the State or a local government to prosecute the owner or operator of a retail pet store for any other violation of law; OR~~

~~(4) THE ABILITY OF A LOCAL GOVERNMENT TO FURTHER RESTRICT THE SALE OF DOGS OR CATS BY A RETAIL PET STORE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 573

(House Bill 1113)

AN ACT concerning

### Commercial Sale of Dogs and Cats – Prohibited Acts (Companion Animal Welfare Act)

FOR the purpose of prohibiting the sale, transfer, offer to sell or transfer, barter, trade, or auction of dogs and cats at certain locations; authorizing certain animal control officers and certain officers of certain societies or associations to enforce certain provisions of this Act; providing that a retail pet store may only offer for sale a dog or cat obtained from certain persons; requiring a retail pet store to ensure that certain persons meet certain requirements; altering the number of years that a retail pet store is required to maintain certain records; requiring a retail pet store that sells dogs to post on each dog's cage certain information and maintain a certain record that includes certain information about a dealer, if applicable; requiring a retail pet store to make certain records available to an animal control unit; making certain violations of certain provisions of this Act an unfair and deceptive trade practice subject to certain enforcement and civil penalty provisions; providing for the application ~~and construction~~ of certain provisions of this Act; defining certain terms; and generally relating to prohibited acts relating to the commercial sale of dogs and cats.

BY adding to

Article – Business Regulation  
Section 19–104 and 19–702.1  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation  
Section 19–701, 19–702, 19–703, and 19–706, ~~and 19–707~~

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

Preamble

WHEREAS, There are countless unwanted dogs and cats that do not have permanent homes, leading to the significant overpopulation of these animals; and

WHEREAS, Many of the unwanted dogs and cats are eventually euthanized by shelters; and

WHEREAS, Euthanizing dogs and cats is not an economical, humane, or ethical solution to the problem of their overpopulation; and

WHEREAS, The major source of the mass breeding of dogs and cats occurs at puppy mills and kitten factories that supply commercial retail stores; and

WHEREAS, One of the most effective, economical, humane, and ethical solutions to the problem of dog and cat overpopulation is to substantially reduce mass breeding for commercial retail sale; and

WHEREAS, The factory–like production and commercial retail sale of dogs and cats is immoral and inhumane; and

WHEREAS, The treatment of dogs and cats in mass breeding facilities and commercial retail stores is a matter of national concern; and

WHEREAS, Similar to humans, dogs and cats experience fear, hunger, and pain and suffering; and

WHEREAS, Puppy mills, kitten factories, and many commercial retail stores treat dogs and cats as commodities without consideration to the resulting physical and mental suffering endured by these loving animals; and

WHEREAS, The mass commercial production and commercial retail sale of dogs and cats is inconsistent with the State’s goal of ensuring the humane care and welfare of dogs and cats; and

WHEREAS, The public interest would be best served by minimizing the sourcing of companion animals sold in the State from puppy mills and kitten factories; now, therefore,

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

**Article – Business Regulation**

**THIS SECTION DOES NOT APPLY TO:**

**(1) AN ANIMAL WELFARE ORGANIZATION OR ANIMAL CONTROL UNIT DISPLAYING DOGS OR CATS FOR ADOPTION OR THE ADOPTION OF DOGS OR CATS FROM AN ANIMAL WELFARE ORGANIZATION OR ANIMAL CONTROL UNIT; OR**

**(2) A DOG BREEDER AND A SPECIFIC INDIVIDUAL PURCHASER CONDUCTING A PREARRANGED SALE OF A DOG IF THE LOCATION OF THE PREARRANGED SALE IS NOT AT A REGULARLY SCHEDULED OR RECURRING EVENT.**

**(B) A PERSON MAY NOT OFFER FOR SALE, SELL, OFFER TO TRANSFER, TRANSFER, BARTER, TRADE, OR AUCTION A DOG OR CAT AT ANY PUBLIC PLACE, INCLUDING:**

- (1) A STREET;**
- (2) A HIGHWAY;**
- (3) A PUBLIC RIGHT-OF-WAY;**
- (4) A PUBLIC PARKING LOT;**
- (5) A CARNIVAL;**
- (6) A BOARDWALK;**
- (7) A SWAP MEET;**
- (8) A FAIR; OR**
- (9) A FLEA MARKET.**

**(C) AN ANIMAL CONTROL OFFICER UNDER THE JURISDICTION OF THE STATE OR A LOCAL GOVERNING BODY AND AN OFFICER OF A SOCIETY OR ASSOCIATION, INCORPORATED UNDER THE LAWS OF THE STATE FOR THE PREVENTION OF CRUELTY TO ANIMALS, AUTHORIZED TO MAKE ARRESTS UNDER § 10-609 OF THE CRIMINAL LAW ARTICLE MAY ENFORCE SUBSECTION (B) OF THIS SECTION.**

**(D) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO:**

- (1) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$500;**

**(2) FOR A SECOND VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$1,000; AND**

**(3) FOR A THIRD OR SUBSEQUENT VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$1,500.**

19-701.

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

**(B) “ANIMAL CONTROL UNIT” HAS THE MEANING STATED IN § 10-617 OF THE CRIMINAL LAW ARTICLE.**

**(C) “ANIMAL WELFARE ORGANIZATION” MEANS A NOT-FOR-PROFIT ORGANIZATION ESTABLISHED TO PROMOTE ANIMAL WELFARE THAT HAS TAX EXEMPT STATUS UNDER § 501(C)(3) OF THE U.S. INTERNAL REVENUE CODE.**

**[(b)] (D) “Breeder” means a person who breeds or raises dogs to sell, exchange, or otherwise transfer to the public.**

**[(c)] (E) “Clinically ill” means an illness that is apparent to a licensed veterinarian based on observation, examination, or testing of the dog.**

**[(d)] (F) (1) “Dealer” means a person who, for compensation:**

(i) buys, sells, or negotiates the purchase of a dog; or

(ii) delivers for transport or transports a dog.

**(2) “Dealer” does not include a person who transports a dog as a carrier only.**

**[(e)] (G) “Nonelective surgical procedure” means a surgical procedure that is necessary to preserve or restore the health of an animal or to correct a condition that would:**

(1) interfere with the animal’s ability to walk, run, jump, or otherwise function in a normal manner; or

(2) cause pain and suffering to the animal.

**(H) “OFFER FOR SALE” INCLUDES TO SELL, OFFER TO TRANSFER, OFFER FOR ADOPTION, ADVERTISE FOR THE SALE, BARTER, AUCTION, GIVEAWAY, OR OTHERWISE DISPOSE OF A DOMESTIC ANIMAL.**

**[(f)] (I)** “Purchaser” means any person who purchases a dog from a retail pet store.

**[(g)] (J)** “Retail pet store” means a for-profit establishment open to the public that sells or offers for sale domestic animals to be kept as household pets.

19-702.

This subtitle does not apply to [a bona fide nonprofit] AN ANIMAL WELFARE organization OR ANIMAL CONTROL UNIT operating within a retail pet store.

**19-702.1.**

**(A) A RETAIL PET STORE MAY OFFER A DOG OR CAT FOR SALE ONLY IF THE DOG OR CAT IS OBTAINED FROM:**

**(1) AN ANIMAL WELFARE ORGANIZATION;**

**(2) AN ANIMAL CONTROL UNIT; ~~OR~~**

**(3) ~~A PERSON THAT~~ THE ORIGINAL BREEDER OF THE DOG OR CAT IF THE BREEDER MEETS THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION; OR**

**(4) A DEALER THAT OBTAINED THE DOG OR CAT FROM THE ORIGINAL BREEDER IF THE DEALER AND ORIGINAL BREEDER MEET THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.**

**(B) A RETAIL PET STORE SHALL ENSURE THAT A PERSON UNDER SUBSECTION (A)(3) OR (4) OF THIS SECTION FROM WHICH THE RETAIL PET STORE OBTAINS A DOG OR CAT, AS OF THE DAY THE RETAIL PET STORE ~~RECEIVED~~ RECEIVES THE DOG OR CAT:**

**~~(I)~~ (1) HOLDS A CURRENT ~~CLASS A~~ LICENSE UNDER THE ANIMAL WELFARE ACT FROM THE U.S. DEPARTMENT OF AGRICULTURE; AND**

**~~(II)~~ (2) HAS NOT RECEIVED FROM THE U.S. DEPARTMENT OF AGRICULTURE, IN ACCORDANCE WITH AN ENFORCEMENT ACTION OF THE LAWS AND REGULATIONS UNDER THE FEDERAL ANIMAL WELFARE ACT:**

**~~I.~~ (1) A CITATION ON A FINAL INSPECTION REPORT FOR A DIRECT VIOLATION WITHIN THE ~~3-YEAR~~ 2-YEAR PERIOD BEFORE THE DAY THE DOG OR CAT IS RECEIVED BY THE RETAIL PET STORE;**

~~2.~~ **(II)** CITATIONS ON TWO OR MORE CONSECUTIVE FINAL INSPECTION REPORTS FOR ONE OR MORE REPEAT NONCOMPLIANT ITEMS WITHIN THE ~~3-YEAR~~ 2-YEAR PERIOD BEFORE THE DAY THE DOG OR CAT IS RECEIVED BY THE RETAIL PET STORE;

~~3.~~ **(III)** A CITATION ON ~~THE~~ BOTH OF THE TWO MOST RECENT FINAL INSPECTION REPORT REPORTS FOR A NO-ACCESS VIOLATION; OR

~~4.~~ **(IV)** THREE OR MORE CITATIONS ON THE MOST RECENT FINAL INSPECTION REPORT FOR SEPARATE NONCOMPLIANT ITEMS OTHER THAN NO-ACCESS VIOLATIONS.

19-703.

(a) A retail pet store that sells dogs shall:

(1) post conspicuously on each dog's cage:

(i) the breed, age, and date of birth of the dog, if known;

(ii) the state in which the breeder ~~or~~ AND, IF APPLICABLE, THE dealer of the dog is located; and

(iii) the United States Department of Agriculture license number of the breeder ~~or~~ AND, IF APPLICABLE, THE dealer, ~~if required~~;

(2) maintain a written record that includes the following information about each dog in the possession of the retail pet store:

(i) the breed, age, and date of birth of the dog, if known;

(ii) the sex, color, and any identifying markings of the dog;

(iii) documentation of all inoculations, worming treatments, and other medical treatments, if known, including the date of the medical treatment, the diagnoses, and the name and title of the treatment provider;

(iv) the name and address of:

1. the breeder ~~or~~ AND, IF APPLICABLE, THE dealer who supplied the dog;

2. the facility where the dog was born; and

3. the transporter or carrier of the dog, if any;

(v) the United States Department of Agriculture license number of the breeder ~~or~~ **AND, IF APPLICABLE, THE** dealer, ~~if required~~;

(vi) any identifier information, including a tag, tattoo, collar number, or microchip; and

(vii) if the dog is being sold as registered or registrable:

1. the names and registration numbers of the sire and dam;

and

2. the litter number; and

(3) for each dog acquired by the retail pet store, maintain a written record of the health, status, and disposition of the dog, including any documents that are required at the time of sale.

(b) A retail pet store shall maintain a copy of the records required under subsection (a)(2) of this section for at least [1 year] **2 YEARS** after the date of sale of the dog.

(c) A retail pet store shall make the records required under subsection (a)(2) of this section available to:

(1) the Division of Consumer Protection of the Office of the Attorney General on reasonable notice;

(2) any bona fide prospective purchaser on request; [and]

(3) the purchaser at the time of a sale; **AND**

(4) **AN ANIMAL CONTROL UNIT.**

19–706.

**(A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A violation of this subtitle:**

(1) is an unfair or deceptive trade practice within the meaning of Title 13 of the Commercial Law Article; and

(2) is subject to the enforcement and penalty provisions contained in Title 13 of the Commercial Law Article.

**(B) (1) A VIOLATION OF § 19–702.1 OF THIS SUBTITLE:**

(I) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(II) EXCEPT FOR THE PROVISIONS OF § 13-411 OF THE COMMERCIAL LAW ARTICLE, IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

(2) EACH OFFER OF AN ANIMAL FOR SALE IN VIOLATION OF § 19-702.1 OF THIS SUBTITLE IS A SEPARATE VIOLATION.

~~19-707.~~

~~Nothing in this subtitle limits:~~

- ~~(1) the rights or remedies otherwise available to a purchaser;~~
- ~~(2) the ability of the owner or operator of a retail pet store and purchaser to agree to additional terms and conditions that do not impair the rights granted to a purchaser under this subtitle; [or]~~
- ~~(3) the ability of the State or a local government to prosecute the owner or operator of a retail pet store for any other violation of law; OR~~
- ~~(4) THE ABILITY OF A LOCAL GOVERNMENT TO FURTHER RESTRICT THE SALE OF DOGS OR CATS BY A RETAIL PET STORE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 574

(Senate Bill 679)

AN ACT concerning

### Unemployment Insurance – Exemption From Covered Employment – Nail Technicians

FOR the purpose of providing that, under certain circumstances, work is not covered employment under the unemployment insurance law when performed by certain individuals who hold a limited license to provide nail technician services; and

generally relating to an exemption from covered employment under the unemployment insurance law.

BY adding to

Article – Labor and Employment

Section 8–206(a–1)

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

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

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

8–206.

**(A–1) WORK IS NOT COVERED EMPLOYMENT WHEN PERFORMED BY A HOLDER OF A LIMITED LICENSE TO PROVIDE NAIL TECHNICIAN SERVICES WHO LEASES OR OTHERWISE AGREES TO THE USE OF A CHAIR, BOOTH, OR SPACE FROM A HOLDER OF A BARBERSHOP PERMIT, A BEAUTY SALON PERMIT, OR AN OWNER–MANAGER PERMIT WHO OPERATES A BARBERSHOP OR BEAUTY SALON IF THE SECRETARY IS SATISFIED THAT:**

**(1) THE HOLDER OF A LIMITED LICENSE TO PROVIDE NAIL TECHNICIAN SERVICES AND THE PERMIT HOLDER HAVE ENTERED INTO A WRITTEN LEASE OR OTHER WRITTEN AGREEMENT THAT IS IN EFFECT;**

**(2) THE HOLDER OF A LIMITED LICENSE TO PROVIDE NAIL TECHNICIAN SERVICES:**

**(I) PAYS A STIPULATED AMOUNT OR COMMISSION FOR USE OF THE CHAIR, BOOTH, OR SPACE;**

**(II) IS NOT REQUIRED TO MAKE ANY FURTHER ACCOUNTING OF INCOME TO THE PERMIT HOLDER; AND**

**(III) HAS ACCESS TO THE PREMISES AT ALL HOURS AND MAY SET PERSONAL WORK HOURS AND PRICES; AND**

**(3) THE LEASE OR OTHER WRITTEN AGREEMENT EXPRESSLY STATES THAT THE HOLDER OF A LIMITED LICENSE TO PROVIDE NAIL TECHNICIAN SERVICES KNOWS:**

(I) OF THE RESPONSIBILITY TO PAY STATE AND FEDERAL INCOME TAXES AND MAKE CONTRIBUTIONS TO SOCIAL SECURITY FOR SELF-EMPLOYMENT; AND

(II) THAT THE WORK IS NOT COVERED EMPLOYMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 575

(Senate Bill 716)

AN ACT concerning

### Public Safety – Fire Police – Cecil County

FOR the purpose of authorizing a certain commanding officer to designate to the Sheriff of Cecil County a certain number of members of fire or ambulance companies to serve as fire police in Cecil County; requiring a certain designation to be read in a certain manner; authorizing the Sheriff of Cecil County to appoint certain individuals to serve as fire police in Cecil County; providing that certain powers are granted to individuals appointed to serve as fire police in Cecil County; authorizing certain powers to be exercised in a certain location; providing for the termination of a certain appointment; repealing the authority of the Sheriff of Cecil County and a certain commanding officer relating to designating and appointing certain individuals as deputy sheriffs for a certain purpose; and generally relating to fire police in Cecil County.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 7–302(a), 7–303(a) and (b), and 7–304  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 7–302(b)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

**Article – Public Safety**

7–302.

(a) This section applies only to Baltimore County, [Cecil County,] Dorchester County, and Queen Anne’s County.

(b) The sheriff of a county subject to this section may appoint as deputy sheriffs members of fire companies, whether volunteer, career, incorporated, or unincorporated, to exercise the powers of deputy sheriffs at fires and while going to and from fires.

7–303.

(a) (1) This section applies only to Allegany County, Caroline County, Carroll County, [Cecil County,] Dorchester County, Frederick County, Harford County, Kent County, Somerset County, Talbot County, Wicomico County, and Worcester County.

(2) Except as modified by this section, the provisions of § 7–302 of this subtitle apply to this section.

(b) (1) Except as provided in paragraph (2) of this subsection, the commanding officer may designate 12 members of a fire company to be appointed as deputy sheriffs.

(2) In [Cecil County and] Harford County, the commanding officer may designate 20 members of a fire company to be appointed as deputy sheriffs.

7–304.

(a) In this section, “fire and ambulance company” means a volunteer, career, incorporated, or unincorporated fire or ambulance company.

(b) This section applies only to **CECIL COUNTY AND** Washington County.

(c) (1) (i) The commanding officer may designate to the [Sheriff] **SHERIFF** of [Washington County] **A COUNTY** up to 20 individuals who are members of the commanding officer’s fire or ambulance company to be appointed as fire police [in Washington County].

(ii) A written certificate of designation signed by the commanding officer shall accompany each request for appointment under subparagraph (i) of this paragraph.

(2) (I) The Sheriff of Washington County shall appoint individuals to serve as fire police in Washington County from those members designated by the commanding officer under paragraph (1) of this subsection.

**(II) THE SHERIFF OF CECIL COUNTY MAY APPOINT INDIVIDUALS TO SERVE AS FIRE POLICE IN CECIL COUNTY FROM THOSE MEMBERS DESIGNATED BY THE COMMANDING OFFICER UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

(d) (1) The powers of individuals serving as fire police [in Washington County] are limited to traffic control and scene safety while functioning at:

(i) parades;

(ii) accidents;

(iii) fires;

(iv) floods;

(v) other emergencies; or

(vi) public events conducted by a fire or ambulance company or the Sheriff's department.

(2) The powers authorized under this subsection may be exercised:

(i) in a municipal corporation in [Washington County] **THE COUNTY**, subject to the discretion, and control of the chief of the police force of the municipal corporation; or

(ii) in other areas of [Washington County] **THE COUNTY**.

(3) An individual appointed to serve as fire police in Washington County may not use a weapon in the performance of duties authorized under this subsection.

(e) (1) The appointment of a member of a fire or ambulance company as fire police [in Washington County] terminates if the member ceases to be a member of the fire or ambulance company.

(2) The [Sheriff] **SHERIFF** of [Washington County] **A COUNTY** may remove a member appointed as fire police at any time.

(3) If a member appointed to serve as fire police [in Washington County] dies, resigns, is dismissed, refuses to serve, or is unable to serve, the commanding officer

may designate another member of the fire or ambulance company to be appointed as fire police.

(f) An individual appointed to serve as fire police in Washington County under this section is deemed an appointed official and shall be treated as an appointed official for purposes of Title 22 and Title 23 of the State Personnel and Pensions Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 576**

### **(House Bill 246)**

AN ACT concerning

#### **Public Safety – Fire Police – Cecil County**

FOR the purpose of authorizing a certain commanding officer to designate to the Sheriff of Cecil County a certain number of members of fire or ambulance companies to serve as fire police in Cecil County; requiring a certain designation to be read in a certain manner; authorizing the Sheriff of Cecil County to appoint certain individuals to serve as fire police in Cecil County; providing that certain powers are granted to individuals appointed to serve as fire police in Cecil County; authorizing certain powers to be exercised in a certain location; providing for the termination of a certain appointment; repealing the authority of the Sheriff of Cecil County and a certain commanding officer relating to designating and appointing certain individuals as deputy sheriffs for a certain purpose; and generally relating to fire police in Cecil County.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 7–302(a), 7–303(a) and (b), and 7–304  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 7–302(b)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

**Article – Public Safety**

7–302.

(a) This section applies only to Baltimore County, [Cecil County,] Dorchester County, and Queen Anne’s County.

(b) The sheriff of a county subject to this section may appoint as deputy sheriffs members of fire companies, whether volunteer, career, incorporated, or unincorporated, to exercise the powers of deputy sheriffs at fires and while going to and from fires.

7–303.

(a) (1) This section applies only to Allegany County, Caroline County, Carroll County, [Cecil County,] Dorchester County, Frederick County, Harford County, Kent County, Somerset County, Talbot County, Wicomico County, and Worcester County.

(2) Except as modified by this section, the provisions of § 7–302 of this subtitle apply to this section.

(b) (1) Except as provided in paragraph (2) of this subsection, the commanding officer may designate 12 members of a fire company to be appointed as deputy sheriffs.

(2) In [Cecil County and] Harford County, the commanding officer may designate 20 members of a fire company to be appointed as deputy sheriffs.

7–304.

(a) In this section, “fire and ambulance company” means a volunteer, career, incorporated, or unincorporated fire or ambulance company.

(b) This section applies only to **CECIL COUNTY AND** Washington County.

(c) (1) (i) The commanding officer may designate to the [Sheriff] **SHERIFF** of [Washington County] **A COUNTY** up to 20 individuals who are members of the commanding officer’s fire or ambulance company to be appointed as fire police [in Washington County].

(ii) A written certificate of designation signed by the commanding officer shall accompany each request for appointment under subparagraph (i) of this paragraph.

(2) (I) The Sheriff of Washington County shall appoint individuals to serve as fire police in Washington County from those members designated by the commanding officer under paragraph (1) of this subsection.

**(II) THE SHERIFF OF CECIL COUNTY MAY APPOINT INDIVIDUALS TO SERVE AS FIRE POLICE IN CECIL COUNTY FROM THOSE MEMBERS DESIGNATED BY THE COMMANDING OFFICER UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

(d) (1) The powers of individuals serving as fire police [in Washington County] are limited to traffic control and scene safety while functioning at:

(i) parades;

(ii) accidents;

(iii) fires;

(iv) floods;

(v) other emergencies; or

(vi) public events conducted by a fire or ambulance company or the Sheriff's department.

(2) The powers authorized under this subsection may be exercised:

(i) in a municipal corporation in [Washington County] **THE COUNTY**, subject to the discretion, and control of the chief of the police force of the municipal corporation; or

(ii) in other areas of [Washington County] **THE COUNTY**.

(3) An individual appointed to serve as fire police in Washington County may not use a weapon in the performance of duties authorized under this subsection.

(e) (1) The appointment of a member of a fire or ambulance company as fire police [in Washington County] terminates if the member ceases to be a member of the fire or ambulance company.

(2) The [Sheriff] **SHERIFF** of [Washington County] **A COUNTY** may remove a member appointed as fire police at any time.

(3) If a member appointed to serve as fire police [in Washington County] dies, resigns, is dismissed, refuses to serve, or is unable to serve, the commanding officer

may designate another member of the fire or ambulance company to be appointed as fire police.

(f) An individual appointed to serve as fire police in Washington County under this section is deemed an appointed official and shall be treated as an appointed official for purposes of Title 22 and Title 23 of the State Personnel and Pensions Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 577

(Senate Bill 726)

AN ACT concerning

### Maryland Clean Energy Center – ~~Clean Energy Technology Funding~~ Task Force

FOR the purpose of ~~expanding certain findings of the General Assembly concerning the Maryland Clean Energy Center; expanding the purposes of the Center; altering the membership of the Board of Directors of the Center; requiring the Center to establish a Credit Investment Advisory Committee for certain purposes; providing that Committee members are subject to the Public Ethics Law for certain purposes; altering the authority of the Center to provide certain financing for clean energy technology-based businesses; establishing a Clean Energy Technology Financing Fund in the Center for certain purposes; providing for the sources and administration of the Fund; providing for the purposes of the Fund; clarifying the application of certain provisions under the Maryland Clean Energy Technology Incubator Program; defining a certain term; altering certain definitions; providing for the application of this Act; providing for the transfer of certain funds from the Maryland Strategic Energy Investment Fund to the Center in certain fiscal years for certain purposes; providing for the transfer of certain funds from the Maryland Strategic Energy Investment Fund to the Clean Energy Technology Financing Fund by a certain date for certain purposes; stating the intent of the General Assembly concerning certain funding; making this Act an emergency measure~~ establishing the Task Force on the Maryland Clean Energy Center; 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; specifying the charge of the Task Force; requiring the Task Force to assess certain programs, review certain State financing instrumentalities, identify certain resources, review certain cost-effective opportunities, and make certain determinations; requiring the Task Force to report its findings and recommendations to the General Assembly on or before a certain date; ~~requiring the Office of~~

~~Legislative Audits to conduct a certain performance audit; providing for the termination of this Act; and generally relating to the Maryland Clean Energy Center and project funding.~~

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

~~Article – Economic Development~~

~~Section 10-801, 10-802, 10-806, 10-807, 10-810, 10-814, 10-820, 10-833,  
10-834(a), 10-835, and 10-837~~

~~Annotated Code of Maryland~~

~~(2008 Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Economic Development~~

~~Section 10-816, 10-817, 10-821, 10-822, 10-825, and 10-826~~

~~Annotated Code of Maryland~~

~~(2008 Volume and 2015 Supplement)~~

~~BY adding to~~

~~Article – Economic Development~~

~~Section 10-817.1~~

~~Annotated Code of Maryland~~

~~(2008 Volume and 2015 Supplement)~~

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

~~Article – State Government~~

~~Section 9-20B-05~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

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

(a) There is a Task Force on the Maryland Clean Energy Center.

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

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of the Department of Economic Competitiveness and Commerce, or the Secretary's designee;

(4) the Director of the Maryland Energy Administration, or the Director's designee;

(5) the Executive Director of the Maryland Economic Development Corporation, or the Executive Director's designee;

(6) the Executive Director of the Maryland Technology Development Corporation, or the Executive Director's designee;

(7) the Executive Director of the Maryland Clean Energy Center, or the Executive Director's designee;

(8) the Executive Director of the Maryland Industrial Development Finance Authority, or the Executive Director's designee; and

(9) the Executive Director of the Maryland Environmental Service, or the Executive Director's designee.

(c) The presiding officers shall designate the cochairs of the Task Force from the members of the General Assembly appointed by the presiding officers.

(d) The Department of Legislative Services, in consultation with the Department of Economic Competitiveness and Commerce, 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 is charged with determining how best to make the Center self-sustaining without deviating from the Center's mission and charge to:

(1) encourage the development of the clean energy industry and deployment of clean energy technologies in the State;

(2) help retain and attract business activity and commerce in the clean energy technology industry sectors in the State; and

(3) promote economic development and the health, safety, and welfare of residents of the State.

(g) The Task Force shall:

(1) assess the programs currently provided by the Center and the programs that, within its mission, charge, and structure, may be provided by the Center, including the establishment of a green bank;

(2) review existing State financing instrumentalities that may have similar financing capabilities for purposes of determining whether there are advantages to the Center to coordinate or partner with those State financing instrumentalities on financing programs;

(3) identify the availability of resource capacity in State financing instrumentalities for purposes of determining whether there are cost-effective opportunities for the Center to share resources with those State financing instrumentalities on financing programs;

(4) review other cost-effective opportunities, including having the Center co-locate with another State financing instrumentality or State agency, that may assist the Center during the time when the Center is working toward becoming self-sustaining;

(5) determine whether the outstanding balance of loans initiated in fiscal year 2009 from the Maryland Energy Administration should be converted to a grant and considered as start-up funds as a way in assisting the Center to become self-sustaining;

(6) determine an appropriate amount of State annual grant funding that the Center should receive for operating and program assistance as the Center works toward becoming self-sustaining and in no further need of operating and program support from the Maryland Strategic Energy Investment Fund or any other State money; and

(7) consider any other related matter that the Task Force determines appropriate.

(h) On or before December 1, 2016, 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.

### ~~Article – Economic Development~~

~~10-801.~~

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

~~(b) “Administration” means the Maryland Energy Administration.~~

~~(c) “Board” means the Board of Directors of the Center.~~

~~(d) (1) “Bond” means a bond issued by the Center under this subtitle.~~

~~(2) “Bond” includes a revenue bond, a revenue refunding bond, a note, and any other obligation, whether a general or limited obligation of the Center.~~

~~(e) “Center” means the Maryland Clean Energy Center.~~

~~(f) "Clean energy" includes:~~

- ~~(1) solar photovoltaic technology;~~
- ~~(2) solar heating;~~
- ~~(3) geothermal;~~
- ~~(4) wind;~~
- ~~(5) biofuels;~~
- ~~(6) ethanol;~~
- ~~(7) other qualifying biomass as defined in § 7-701 of the Public Utilities Article;~~
- ~~(8) ocean, including energy from waves, tides, currents, and thermal differences;~~
- ~~(9) a fuel cell that produces energy from biofuels, ethanol, or other qualifying biomass;~~
- ~~(10) energy efficiency and conservation;~~
- ~~(11) any other technology or service that the Center determines will contribute directly or indirectly to the production of energy from renewable or sustainable sources, or to the improvement of efficiency in the use of energy; and~~
- ~~(12) deployment of any of the technologies or services listed in items (1) through (11) of this subsection.~~

~~(g) "Cost", with respect to a project financed under this subtitle, includes:~~

- ~~(1) the purchase price of a project;~~
- ~~(2) the cost to acquire any right, title, or interest in a project;~~
- ~~(3) the cost of any improvement;~~
- ~~(4) the cost of any property, right, easement, and franchise;~~
- ~~(5) the cost of demolition, removal, or relocation of structures;~~
- ~~(6) the cost of acquiring land to which the structures may be moved;~~
- ~~(7) the cost of equipment;~~

- ~~(8) financing charges;~~
- ~~(9) interest before and during construction and, if the Center determines, for a limited period after the completion of construction;~~
- ~~(10) reserves for principal and interest and for improvements;~~
- ~~(11) the cost of revenue and cost estimates, architectural, engineering, financial, and legal services, plans, specifications, studies, surveys, and other expenses necessary or incident to determining the feasibility of improving a project; and~~
- ~~(12) other expenses as necessary or incident to:~~
  - ~~(i) financing a project;~~
  - ~~(ii) acquiring and improving a project; and~~
  - ~~(iii) placing a project in operation.~~
- ~~(h) “Director” means the Director of the Administration.~~
- ~~(i) “Executive Director” means the Executive Director of the Maryland Clean Energy Center.~~
- ~~(j) (1) “FINANCE” MEANS TO PROVIDE FOR A PROJECT:~~
  - ~~(I) A LOAN;~~
  - ~~(II) A GRANT;~~
  - ~~(III) AN INVESTMENT;~~
  - ~~(IV) A LOAN GUARANTEE;~~
  - ~~(V) DEBT SECURITIZATION; OR~~
  - ~~(VI) ANY OTHER FORM OF FINANCIAL SUPPORT OR RISK MANAGEMENT.~~
- ~~(2) “Finance” includes refinance.~~
- ~~(k) “FUND” MEANS THE CLEAN ENERGY TECHNOLOGY FINANCING FUND ESTABLISHED UNDER § 10-817.1 OF THIS SUBTITLE.~~
- ~~[(k)] (l) “Governmental unit” means:~~

- ~~(1) a county;~~
- ~~(2) a municipal corporation;~~
- ~~(3) a State unit;~~
- ~~(4) a local unit; or~~
- ~~(5) any other public body or unit established in accordance with a State or local law, ordinance, or resolution.~~

~~[(1)] (M) "Improve" means to add, alter, construct, equip, expand, extend, improve, install, reconstruct, rehabilitate, remodel, or repair.~~

~~[(m)] (N) "Improvement" means addition, alteration, construction, equipping, expansion, extension, improvement, installation, reconstruction, rehabilitation, remodeling, or repair.~~

~~[(n)] (O) (1) "Project" means any property, the acquisition or improvement of which the Board, in its sole discretion, determines by resolution will accomplish at least one of the purposes listed in § 10-802(b) of this subtitle, whether or not the property:~~

- ~~(i) is or will be used or operated for profit or not for profit;~~
- ~~(ii) is or will be located on a single site or multiple sites; or~~
- ~~(iii) may be financed by bonds, the interest on which is exempt from income taxation under federal law.~~

~~(2) "Project" includes:~~

- ~~(i) land or an interest in land;~~
- ~~(ii) structures, equipment, furnishings, rail or motor vehicles, barges, and boats;~~
- ~~(iii) property and rights related to property, appurtenances, rights of way, franchises, and easements;~~

~~(iv) property that is functionally related and subordinate to a project;~~  
~~[and]~~

~~(v) patents, licenses, and other rights necessary or useful in the improvement or operation of a project; AND~~

~~(VI) INVESTMENT IN A CLEAN ENERGY TECHNOLOGY OR A CLEAN ENERGY BUSINESS.~~

~~[(e)] (P) (1) “Revenues” means the income, revenue, and other money the Center receives from or in connection with a project, and all other income of the Center.~~

~~(2) “Revenues” includes grants, rentals, rates, fees, and charges for the use of the services furnished or available.~~

~~[(p)] (Q) (1) “Trust agreement” means an agreement entered into by the Center to secure a bond.~~

~~(2) “Trust agreement” may include a bond contract, bond resolution, or other contract with or for the benefit of a bondholder.~~

~~10-802.~~

~~(a) The General Assembly finds that:~~

~~(1) the United States as a whole, and the State in particular, are facing increased energy costs based on many factors, including rising fuel costs, limited investment in generation and transmission facilities, and a complex combination of market-based and other regulatory mechanisms that balance environmental, economic, health, and welfare interests;~~

~~(2) continued exclusive reliance on traditional forms of electricity supply entrenches the State’s dependence on fossil fuels, working against the State’s policy of decreasing greenhouse gas production, as evidenced by the State’s accession to the Regional Greenhouse Gas Initiative;~~

~~(3) “clean energy”, a broad term that includes a wide and varied mixture of strategies and techniques to produce useful energy from renewable and sustainable sources in a manner that minimizes fossil fuel use and harmful emissions, and to increase the efficient use of energy derived from all sources, offers many different opportunities for residents of the State to succeed in entrepreneurial and other commercial activity, to the overall economic and environmental benefit of the entire State, as measured in improved air and water quality, moderated energy expenditures, and increased State and local tax receipts;~~

~~(4) many individuals and businesses in the State possess talents and interest in the clean energy technology sector, which may form the basis for encouraging development and deployment of sustainable and renewable energy technologies in the State, the nation, and the world;~~

~~(5) the State will benefit from a targeted effort to establish and incubate clean energy industries in the State, including financial assistance, information sharing,~~

and technical support for entrepreneurs in the manufacture and installation of clean energy technology; ~~[and]~~

~~(6) THE STATE BENEFITS FROM A STATEWIDE FINANCING ENTITY THAT IS FOCUSED ON:~~

~~(I) PROVIDING EFFICIENT, LOW-COST CAPITAL FINANCING AT SCALE AND WITH SUBSTANTIAL PRIVATE-SECTOR PARTICIPATION FOR QUALIFYING PROJECTS;~~

~~(II) FACILITATING PRIVATE INVESTMENT IN CLEAN ENERGY PROJECTS AND TECHNOLOGIES TO PROVIDE SIGNIFICANT LEVERAGING OF PRIVATE CAPITAL; AND~~

~~(III) INCREASING PRIVATE INVESTMENT IN CLEAN ENERGY PROJECTS THAT ARE NOT CURRENTLY ABLE TO OBTAIN FINANCING IN TRADITIONAL CAPITAL MARKETS AT A REASONABLE COST BY PROVIDING A VARIETY OF FINANCIAL TOOLS TO STIMULATE PRIVATE INVESTMENT; AND~~

~~[(6)](7) it is in the public interest to establish a public corporation to undertake the tasks of promoting clean energy industries in the State, developing incubators for those industries, providing financial assistance, and also providing information sharing and technical assistance.~~

~~(b) The purposes of this subtitle are to:~~

~~(1) encourage the development of clean energy industries in the State;~~

~~(2) encourage the deployment of clean energy technologies in the State;~~

~~(3) help retain and attract business activity and commerce in the clean energy technology industry sector in the State;~~

~~(4) promote economic development; ~~[and]~~~~

~~(5) PROMOTE PRIVATE CAPITAL INVESTMENT IN PROJECTS; AND~~

~~[(5)](6) promote the health, safety, and welfare of residents of the State.~~

~~(c) The General Assembly intends that:~~

~~(1) the Center operate and exercise its corporate powers in all areas of the State;~~

~~(2) without limiting its authority to otherwise exercise its corporate powers, the Center exercise its corporate powers to assist governmental units and State and local economic development agencies to contribute to the expansion, modernization, and retention of existing enterprises in the State as well as the attraction of new business to the State;~~

~~(3) the Center cooperate with private industries and local governments in maximizing new economic opportunities for residents of the State; and~~

~~(4) the Center accomplish at least one of the purposes listed in subsection (b) of this section and complement existing State marketing and financial assistance programs by:~~

~~(i) owning projects;~~

~~(ii) leasing projects to other persons; or~~

~~(iii) lending the proceeds of bonds to other persons to finance the costs of acquiring or improving projects that the persons own or will own.~~

~~10-806.~~

~~(a) There is a Maryland Clean Energy Center.~~

~~(b) The Center is a body politic and corporate and is an instrumentality of the State.~~

~~(c) The exercise by the Center of the powers conferred by this subtitle is the performance of an essential governmental function.~~

~~(d) The purposes of the Center are to:~~

~~(1) promote economic development and jobs in the clean energy industry sector in the State;~~

~~(2) promote the deployment of clean energy technology in the State;~~

~~(3) serve as an incubator for the development of clean energy industry in the State;~~

~~(4) collect, analyze, and disseminate industry data; [and]~~

~~(5) provide outreach and technical support to further the clean energy industry in the State; AND~~

~~(6) LEVERAGE PRIVATE CAPITAL INVESTMENTS WITH PUBLIC FUNDS TO FINANCE THE COSTS OF ACQUIRING OR IMPROVING PROJECTS.~~

~~(e) The Center shall coordinate with the Maryland Energy Administration and may not duplicate the programs or activities of the Administration without consent of the Administration.~~

~~10-807.~~

~~(a) A Board of Directors shall manage the Center and exercise its corporate powers.~~

~~(b) The Board consists of the following ~~[nine]~~ 11 members:~~

~~(1) the Director, or the Director's designee; [and]~~

~~(2) THE STATE TREASURER, OR THE TREASURER'S DESIGNEE;~~

~~(3) THE SECRETARY, OR THE SECRETARY'S DESIGNEE; AND~~

~~[(2)] (4) eight members appointed by the Governor with the advice and consent of the Senate:~~

~~(i) two representing the not for profit clean energy research sector of the State;~~

~~(ii) two with expertise in venture capital financing;~~

~~(iii) two representing clean energy industries in the State; and~~

~~(iv) two members of the general public.~~

~~(c) A member of the Board shall reside in the State.~~

~~(d) In making appointments to the Board, the Governor shall consider:~~

~~(1) diversity; and~~

~~(2) all geographic regions of the State.~~

~~(e) 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.~~

~~(f) (1) The term of an appointed member is 4 years and begins on July 1.~~

~~(2) The terms of the appointed members are staggered as required by the terms provided for members on October 1, 2008.~~

~~(3) At the end of a term, an appointed 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.~~

~~(g) The Governor may remove an appointed member for incompetence, misconduct, or failure to perform the duties of the position.~~

~~10-810.~~

~~(a) (1) The Board shall establish an Advisory Committee.~~

~~(2) The Advisory Committee consists of individuals that the Board considers will assist the Center in studying and developing policies to further the purposes of this subtitle.~~

~~(b) (1) THE CENTER SHALL ESTABLISH A CREDIT INVESTMENT ADVISORY COMMITTEE.~~

~~(2) THE CREDIT INVESTMENT ADVISORY COMMITTEE CONSISTS OF INDIVIDUALS WITH KNOWLEDGE AND EXPERTISE IN FINANCING MATTERS RELEVANT TO BORROWER ELIGIBILITY, TERMS AND CONDITIONS OF SUPPORT, AND OTHER FINANCING EVALUATION CRITERIA OF THE CENTER.~~

~~(3) BEFORE THE CENTER PROVIDES FINANCING FOR A PROJECT FROM THE FUND, THE CREDIT INVESTMENT ADVISORY COMMITTEE SHALL REVIEW AND MAKE RECOMMENDATIONS TO THE BOARD FOR QUALIFYING PROJECT APPLICANTS.~~

~~(c) The Board may establish other committees as appropriate.~~

~~[(c)] (d) (1) The membership of a committee may include individuals who are not Board members.~~

~~(2) The Board may establish the term and manner of selection of the membership of a committee.~~

~~10-814.~~

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

~~(1) Title 10 and Division II of the State Finance and Procurement Article;~~  
and

~~(2) §§ 3-301 and 3-303 of the General Provisions Article.~~

~~(b) The Center is subject to the Public Information Act.~~

~~(e) (1) The Board and the officers and employees of the Center are subject to the Public Ethics Law.~~

~~(2) THE MEMBERS OF THE CREDIT INVESTMENT ADVISORY COMMITTEE ARE SUBJECT TO THE PUBLIC ETHICS LAW ONLY WITH RESPECT TO ACTIVITIES AS MEMBERS OF THE COMMITTEE.~~

~~(d) The officers and employees of the Center are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.~~

~~(e) The Center, its Board, and employees are subject to Title 12, Subtitle 4 and Title 14, Subtitle 3 of the State Finance and Procurement Article.~~

~~(f) The Center is a public body under Title 5, Subtitle 4 of this article, the Maryland Industrial Development Financing Authority Act, for purposes of applying for, receiving, and making agreements in connection with:~~

~~(1) a loan;~~

~~(2) a grant;~~

~~(3) insurance; or~~

~~(4) any other form of financial assistance.~~

~~10-816.~~

~~(a) The Center shall establish a system of financial accounting, controls, audits, and reports.~~

~~(b) The fiscal year of the Center begins on July 1 and ends on the following June 30.~~

~~10-817.~~

~~(a) The Center may create and administer the accounts that it requires.~~

~~(b) The Center shall deposit its money into a State or national bank or a federally insured savings and loan association that has a total paid-in capital of at least \$1,000,000.~~

~~(c) The Center may designate the trust department of a State bank, national bank, or savings and loan association as a depository to receive securities that the Center owns or acquires.~~

~~(d) Unless an agreement or covenant between the Center and the holders of its obligations limits classes of investments, the Center may invest its money in bonds or other obligations of, or guaranteed as to principal and interest by, the United States, the State, or a governmental unit.~~

### ~~10-817.1.~~

~~(A) THERE IS A CLEAN ENERGY TECHNOLOGY FINANCING FUND IN THE CENTER.~~

~~(B) THE PURPOSES OF THE FUND ARE TO:~~

~~(1) EVALUATE AND COORDINATE FINANCING FOR QUALIFIED PROJECTS AND CLEAN ENERGY TECHNOLOGIES;~~

~~(2) PROVIDE FINANCING FOR QUALIFIED PROJECTS;~~

~~(3) FACILITATE:~~

~~(I) EFFICIENT TAX EQUITY MARKETS FOR QUALIFIED ENERGY PROJECTS; AND~~

~~(II) FINANCING OF LONG-TERM CLEAN ENERGY PURCHASING BY GOVERNMENTAL AND NONGOVERNMENTAL NOT-FOR-PROFIT ENTITIES; AND~~

~~(4) SECURE PRIVATE INVESTMENT CAPITAL FOR PROJECT FINANCING.~~

~~(C) THE CENTER SHALL ADMINISTER THE FUND.~~

~~(D) THE FUND CONSISTS OF:~~

~~(1) MONEY TRANSFERRED FROM THE MARYLAND STRATEGIC ENERGY INVESTMENT FUND UNDER § 9-20B-05 OF THE STATE GOVERNMENT ARTICLE;~~

~~(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~

~~(3) MONEY MADE AVAILABLE TO THE FUND THROUGH FEDERAL PROGRAMS, GRANTS, OR PRIVATE CONTRIBUTIONS;~~

~~(4) PROCEEDS FROM THE SALE, DISPOSITION, LEASE, OR RENTAL OF COLLATERAL RELATED TO A FINANCING MADE FROM THE FUND;~~

~~(5) REPAYMENT OF FINANCING MADE FROM THE FUND;~~

~~(6) RETURNS FROM OR RECOVERY OF ANY FINANCING MADE FROM THE FUND;~~

~~(7) PROCEEDS FROM THE SALE OF ANY FINANCING MADE, OR ASSET ACQUIRED WITH PROCEEDS, FROM THE FUND;~~

~~(8) INTEREST EARNINGS ON MONEY IN THE FUND; AND~~

~~(9) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.~~

~~(E) THE FUND MAY BE USED ONLY TO:~~

~~(1) EVALUATE AND COORDINATE FINANCING FOR QUALIFIED PROJECTS AND CLEAN ENERGY TECHNOLOGIES;~~

~~(2) PROVIDE FINANCING FOR QUALIFIED PROJECTS;~~

~~(3) FACILITATE:~~

~~(I) EFFICIENT TAX EQUITY MARKETS FOR QUALIFIED ENERGY PROJECTS; AND~~

~~(II) FINANCING OF LONG TERM CLEAN ENERGY PURCHASING BY GOVERNMENTAL AND NONGOVERNMENTAL NOT FOR PROFIT ENTITIES;~~

~~(4) SECURE PRIVATE INVESTMENT CAPITAL FOR PROJECT FINANCING; AND~~

~~(5) ADMINISTER THE FUND AND ACTIVITIES OF THE CENTER IN CARRYING OUT THIS SUBTITLE.~~

~~(F) EXPENDITURES FROM THE FUND MAY BE MADE ONLY WITH THE APPROVAL OF THE BOARD.~~

~~The Center may [make grants to or provide equity investment] PROVIDE financing for clean energy technology-based businesses.~~

~~10-821.~~

~~The Center may:~~

~~(1) acquire, develop, improve, manage, market, license, sublicense, maintain, lease as lessor or lessee, or operate a project in the State to carry out its purposes;~~

~~(2) acquire, directly or indirectly, from a person or governmental unit, by purchase, gift, or devise any property, rights of way, franchises, easements, or other interests in land, including submerged land and riparian rights:~~

~~(i) as necessary or convenient to improve or operate a project to carry out its purposes; and~~

~~(ii) on the terms and at the prices that it considers reasonable; and~~

~~(3) enter into a project with a manufacturer to carry out its purposes.~~

~~10-822.~~

~~The Center may:~~

~~(1) borrow money and issue bonds to finance any part of the cost of a project or for any other corporate purpose of the Center;~~

~~(2) secure the payment of any portion of the borrowing by pledge of or mortgage or deed of trust on property or revenues of the Center;~~

~~(3) combine projects for financing, make agreements with or for the benefit of the bondholders or with others in connection with the issuance or future issuance of bonds, as the Center considers advisable; and~~

~~(4) otherwise provide for the security of bonds and the rights of bondholders.~~

~~10-825.~~

~~The books and records of the Center are subject to audit:~~

~~(1) at any time by the State; and~~

~~(2) each year by an independent auditor that the Office of Legislative Audits approves.~~

~~10-826.~~

~~(a) On or before October 1 of each year, the Center shall report to the Governor, the Administration, and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

~~(b) The report shall include a complete operating and financial statement covering the Center's operations and a summary of the Center's activities during the preceding fiscal year.~~

~~10-833.~~

~~The Center may award financial assistance UNDER THIS PART using money provided by the federal government, the State, a governmental unit, or any person.~~

~~10-834.~~

~~(a) After consulting with the Director, the Center shall adopt standards to award financial assistance UNDER THIS PART.~~

~~10-835.~~

~~The Center may award financial assistance UNDER THIS PART to:~~

- ~~(1) a local government;~~
- ~~(2) an agency, instrumentality, or not-for-profit corporation that the local government designates;~~
- ~~(3) a public or private college or university;~~
- ~~(4) the Maryland Economic Development Corporation; or~~
- ~~(5) a not-for-profit entity operating an incubator in the State.~~

~~10-837.~~

~~Unless two-thirds of the membership of the Board approve, the Center may not award financial assistance UNDER THIS PART within a single county under § 10-834(b)(3) of this subtitle that exceeds a total of \$1,000,000 in a single fiscal year.~~

#### ~~Article State Government~~

~~9-20B-05.~~

~~(a) There is a Maryland Strategic Energy Investment Fund.~~

~~(b) The purpose of the Fund is to implement the Strategic Energy Investment Program.~~

~~(c) The Administration shall administer the Fund.~~

~~(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.~~

~~(2) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.~~

~~(e) The Fund consists of:~~

~~(1) all of the proceeds from the sale of allowances under § 2-1002(g) of the Environment Article;~~

~~(2) money appropriated in the State budget to the Program;~~

~~(3) repayments and prepayments of principal and interest on loans made from the Fund;~~

~~(4) interest and investment earnings on the Fund;~~

~~(5) compliance fees paid under § 7-705 of the Public Utilities Article;~~

~~(6) money received from any public or private source for the benefit of the Fund; and~~

~~(7) money transferred from the Public Service Commission under § 7-207.2(e)(3) of the Public Utilities Article.~~

~~(f) The Administration shall use the Fund:~~

~~(1) to invest in the promotion, development, and implementation of:~~

~~(i) cost effective energy efficiency and conservation programs, projects, or activities, including measurement and verification of energy savings;~~

~~(ii) renewable and clean energy resources;~~

~~(iii) climate change programs directly related to reducing or mitigating the effects of climate change; and~~

~~(iv) demand response programs that are designed to promote changes in electric usage by customers in response to:~~

~~1. changes in the price of electricity over time; or~~

~~2. incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized;~~

~~(2) to provide targeted programs, projects, activities, and investments to reduce electricity consumption by customers in the low income and moderate income residential sectors;~~

~~(3) to provide supplemental funds for low income energy assistance through the Electric Universal Service Program established under § 7-512.1 of the Public Utilities Article and other electric assistance programs in the Department of Human Resources;~~

~~(4) to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under § 7-211 of the Public Utilities Article;~~

~~(5) to provide grants, loans, and other assistance and investment as necessary and appropriate to implement the purposes of the Program as set forth in § 9-20B-03 of this subtitle;~~

~~(6) TO PROVIDE GRANTS TO THE MARYLAND CLEAN ENERGY CENTER UNDER TITLE 10, SUBTITLE 8 OF THE ECONOMIC DEVELOPMENT ARTICLE, FOR THE ANNUAL OPERATING SUPPORT AND ASSISTANCE OF THE CENTER, AS FOLLOWS:~~

~~(I) FOR FISCAL YEAR 2016, \$3,400,000;~~

~~(II) FOR FISCAL YEAR 2017, \$2,300,000;~~

~~(III) FOR FISCAL YEAR 2018, \$2,000,000;~~

~~(IV) FOR FISCAL YEAR 2019, \$1,300,000; AND~~

~~(V) FOR FISCAL YEAR 2020, \$1,000,000;~~

~~[(6)](7) to implement energy related public education and outreach initiatives regarding reducing energy consumption and greenhouse gas emissions;~~

~~[(7)](8) to provide rebates under the Electric Vehicle Recharging Equipment Rebate Program established under § 9-2009 of this title;~~

~~[(8)](9) to provide grants to encourage combined heat and power projects at industrial facilities; and~~

~~[(9)](10) to pay the expenses of the Program.~~

~~(g) Proceeds received by the Fund from the sale of allowances under § 2-1002(g) of the Environment Article shall be allocated as follows:~~

~~(1) at least 50% shall be credited to an energy assistance account to be used for the Electric Universal Service Program and other electricity assistance programs in the Department of Human Resources;~~

~~(2) at least 20% shall be credited to a low and moderate income efficiency and conservation programs account and to a general efficiency and conservation programs account for energy efficiency and conservation programs, projects, or activities and demand response programs, of which at least one half shall be targeted to the low and moderate income efficiency and conservation programs account for:~~

~~(i) the low income residential sector at no cost to the participants of the programs, projects, or activities; and~~

~~(ii) the moderate income residential sector;~~

~~(3) at least 20% shall be credited to a renewable and clean energy programs account for:~~

~~(i) renewable and clean energy programs and initiatives;~~

~~(ii) energy related public education and outreach; and~~

~~(iii) climate change and resiliency programs; and~~

~~(4) up to 10%, but not more than \$5,000,000, shall be credited to an administrative expense account for costs related to the administration of the Fund, including the review of electric company plans for achieving electricity savings and demand reductions that the electric companies are required under law to submit to the Administration.~~

~~(h) (1) Energy efficiency and conservation programs under subsection (g)(2) of this section include:~~

~~(i) low income energy efficiency programs;~~

~~(ii) residential and small business energy efficiency programs;~~

~~(iii) commercial and industrial energy efficiency programs;~~

~~(iv) State and local energy efficiency programs;~~

~~(v) demand response programs;~~

~~(vi) loan programs and alternative financing mechanisms; and~~

~~(vii) grants to training funds and other organizations supporting job training for deployment of energy efficiency and energy conservation technology and equipment.~~

~~(2) Energy-related public education and outreach and renewable and clean energy programs and initiatives under subsection (g)(3)(i) and (ii) of this section include:~~

~~(i) production incentives for specified renewable energy sources;~~

~~(ii) expansion of existing grant programs for solar, geothermal, and wind programs;~~

~~(iii) loan programs and alternative financing mechanisms; and~~

~~(iv) consumer education and outreach programs that are designed to reach low-income communities.~~

~~(i) (1) Except as provided in paragraph (2) of this subsection, compliance fees paid under § 7-705(b) of the Public Utilities Article may be used only to make loans and grants to support the creation of new Tier 1 renewable energy sources in the State.~~

~~(2) Compliance fees paid under § 7-705(b)(2)(i)2 of the Public Utilities Article shall be accounted for separately within the Fund and may be used only to make loans and grants to support the creation of new solar energy sources in the State.~~

~~(j) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.~~

~~(2) Any investment earnings of the Fund shall be paid into an administrative expense account within the Fund.~~

~~(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.~~

~~(4) Balances in the Fund shall be held for the benefit of the Program, shall be expended solely for the purposes of the Program, and may not be used for the general obligations of government.~~

~~(k) Expenditures from the Fund shall be made by:~~

~~(1) an appropriation in the annual State budget; or~~

~~(2) a budget amendment in accordance with § 7-209 of the State Finance and Procurement Article.~~

~~(l) An expenditure by budget amendment may be made under subsection (k) of this section only after:~~

~~(1) the Administration has submitted the proposed budget amendment and supporting documentation to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Economic Matters Committee; and~~

~~(2) the committees have had 45 days for review and comment.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before July 1, 2016, the State Treasurer shall transfer \$30,000,000 from the unappropriated fund balance within the Maryland Strategic Energy Investment Fund under § 9-20B-05 of the State Government Article, as enacted by Section 1 of this Act, to the Maryland Clean Energy Center for deposit in and credit to the Clean Energy Technology Financing Fund established under § 10-817.1 of the Economic Development Article, as enacted by Section 1 of this Act.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:~~

~~(1) State annual grant funding for operating assistance for the Maryland Clean Energy Center, in accordance with § 9-20B-05(f)(6) of the State Government Article, as enacted by Section 1 of this Act, should be provided from the unappropriated balance of the Maryland Strategic Energy Investment Fund; and~~

~~(2) the Maryland Clean Energy Center shall conduct its financial affairs so that, by fiscal year 2020, it is self-sufficient and in no further need of operating support from the Maryland Strategic Energy Investment Fund or any other State money.~~

~~SECTION 4. 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.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Office of Legislative Audits shall conduct a performance audit of the Maryland Clean Energy Center.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2017, 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 19, 2016.

## Chapter 578

(Senate Bill 759)

AN ACT concerning

### ~~Sustainable Communities~~ Heritage Structure Rehabilitation Tax Credit – Alteration and Extension

FOR the purpose of ~~altering the definition of “qualified rehabilitation expenditure”, for purposes of the sustainable communities tax credit, to exclude certain amounts funded, financed, or reimbursed by federal grants; repealing a requirement, for purposes of a certain tax credit, that certain projects must be located in a sustainable community; repealing a requirement that the competitive process for the award of initial credit certificates favor certain jurisdictions; requiring the Director of the Maryland Historical Trust to issue certain tax credit certificates within a certain time period~~ adopt regulations that establish certain procedures to announce to the public, within a certain time period, the selection of a commercial rehabilitation project to receive an initial credit certificate; altering the time when a certain fee is assessed; repealing a requirement that a certain certificate expires if a certain fee is not received in a certain time period; prohibiting the Trust from issuing a certain certificate if a certain fee is not received; altering the name of the sustainable communities tax credit; extending the termination date of the tax credit; making nonsubstantive changes to a certain definition; making conforming changes; and generally relating to the sustainable communities a certain tax credit for certain heritage structures.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 5A–303  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

#### Article – State Finance and Procurement

5A–303.

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

(2) “Business entity” means:

(i) a person conducting or operating a trade or business in the State;

or

(ii) an organization operating in Maryland that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(3) “Certified heritage area” has the meaning stated in § 13–1101 of the Financial Institutions Article.

(4) (i) “Certified historic structure” means a structure that is located in the State and is:

1. listed in the National Register of Historic Places;

2. designated as a historic property under local law and determined by the Director to be eligible for listing on the National Register of Historic Places;

3. A. located in a historic district listed on the National Register of Historic Places or in a local historic district that the Director determines is eligible for listing on the National Register of Historic Places; and

B. certified by the Director as contributing to the significance of the district; or

4. located in a certified heritage area and certified by the Maryland Heritage Areas Authority as contributing to the significance of the certified heritage area.

(ii) “Certified historic structure” does not include a structure that is owned by the State, a political subdivision of the State, or the federal government.

(5) “Certified rehabilitation” means a completed rehabilitation of a certified historic structure that the Director certifies is a substantial rehabilitation in conformance with the rehabilitation standards of the United States Secretary of the Interior.

(6) (i) “Commercial rehabilitation” means a rehabilitation of a structure other than a single-family, owner-occupied residence.

(ii) “Commercial rehabilitation” does not include a small commercial project.

(7) “Director” means the Director of the Maryland Historical Trust.

(8) “Financial assistance” means action by the State or a State unit to award grants, loans, loan guarantees, or insurance to a public or private entity to finance, wholly or partly, a project that involves or may result in building construction, building alteration, or land disturbance.

(9) “High performance building” means a building that:

(i) meets or exceeds the current version of the U.S. Green Building Council’s LEED (Leadership in Energy and Environmental Design) green building rating system gold rating; or

(ii) achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretaries of Budget and Management and General Services under § 3–602.1 of this article.

(10) (i) “Historic property” means a district, site, building, structure, monument, or object significant to:

1. the prehistory or history of the State; or

2. the upland or underwater archeology, architecture, engineering, or culture of the State.

(ii) “Historic property” includes related artifacts, records, and remains.

(11) “Local historic district” means a district that the governing body of a county or municipal corporation, or the Mayor and City Council of Baltimore, has designated under local law as historic.

(12) “National register structure” means a structure that is:

(i) listed on the National Register of Historic Places; or

(ii) located in a historic district listed on the National Register of Historic Places and certified by the Director as contributing to the significance of the district.

(13) “Political subdivision” means a county or municipal corporation of the State.

(14) “Qualified rehabilitation expenditure” means any amount that:

(i) is properly chargeable to a capital account;

(ii) is expended in the rehabilitation of a structure that by the end of the calendar year in which the certified rehabilitation is completed is a certified historic structure;

(iii) is expended in compliance with a plan of proposed rehabilitation that has been approved by the Director; and

(iv) is not funded, financed, or otherwise reimbursed by any:

1. ~~FEDERAL, State, State~~ or local grant;

2. grant made from the proceeds of tax-exempt bonds issued by the State, a political subdivision of the State, or an instrumentality of the State or of a political subdivision of the State;

3. State tax credit other than the tax credit under this section; or

4. other financial assistance from the State or a political subdivision of the State, other than a loan that must be repaid at an interest rate that is greater than the interest rate on general obligation bonds issued by the State at the most recent bond sale prior to the time the loan is made.

(15) (i) “Single-family, owner-occupied residence” means a structure or a portion of a structure[:

1.] occupied by the owner and the owner’s immediate family as their primary or secondary residence[; or

2. a small commercial project].

(ii) “Single-family, owner-occupied residence” includes:

1. a residential unit in a cooperative project owned by or leased to a cooperative housing corporation, as defined in § 5-6B-01 of the Corporations and Associations Article, and leased for exclusive occupancy to, and occupied by, a member of the corporation and the member’s immediate family under a proprietary lease; **OR**

**2. A SMALL COMMERCIAL PROJECT.**

(16) (i) “Small commercial project” means a rehabilitation of a structure primarily used for commercial, income-producing purposes if:

~~1.~~ the qualified rehabilitation expenditures do not exceed \$500,000; ~~and~~

~~2. the structure is located in a sustainable community.~~

(ii) “Small commercial project” includes a structure that is used for both commercial and residential rental purposes.

(iii) “Small commercial project” does not include a structure that is used solely for residential purposes.

(17) “Smart Growth Subcabinet” means the Smart Growth Subcabinet established under Title 9, Subtitle 14 of the State Government Article.

(18) “State unit” has the meaning stated in § 11–101 of the State Government Article.

(19) “Substantial rehabilitation” means rehabilitation of a structure for which the qualified rehabilitation expenditures, during the 24-month period selected by the individual or business entity ending with or within the taxable year, exceed:

(i) for single-family, owner-occupied residential property, \$5,000;  
or

(ii) for all other property, the greater of:

1. the adjusted basis of the structure; or

2. \$25,000.

~~(20) “Sustainable community” has the meaning stated in § 6–201 of the Housing and Community Development Article.~~

(b) (1) The Director, in consultation with the Smart Growth Subcabinet, shall adopt regulations to:

(i) establish procedures and standards for certifying historic structures and rehabilitations under this section;

(ii) for commercial rehabilitations, establish an application process for the award of initial credit certificates for ~~Maryland sustainable communities~~ **HERITAGE STRUCTURE REHABILITATION** tax credits consistent with the requirements of this subsection;

(iii) for commercial rehabilitations, establish criteria, consistent with the requirements of this subsection, for evaluating, comparing, and rating plans of proposed rehabilitation that have been determined by the Director to conform with the rehabilitation standards of the United States Secretary of the Interior;

(iv) for commercial rehabilitations, establish a competitive award process for the award of initial credit certificates for ~~Maryland sustainable communities~~ **HERITAGE STRUCTURE REHABILITATION** tax credits that favors the award of tax credits for rehabilitation projects that:

1. [are located in jurisdictions that have been historically underrepresented in the award of tax credits for commercial rehabilitations, based on the number of national register structures in each jurisdiction;

2.] are consistent with and promote current growth and development policies and programs of the State;

[3.] 2. are located in areas targeted by the State for additional revitalization and economic development opportunities due to the focusing of State resources and incentives;

[4.] 3. are located in areas where the political subdivision has implemented regulatory streamlining or other development incentives that foster redevelopment and revitalization in priority funding areas, as defined in Title 5, Subtitle 7B of this article, and the appropriate local governing body or the planning board or commission, if designated by the local governing body, has certified to the Smart Growth Subcabinet those regulatory streamlining or other development incentives; and

[5.] 4. include affordable and workforce housing options;

**(V) FOR COMMERCIAL REHABILITATIONS, ESTABLISH PROCEDURES TO ANNOUNCE TO THE PUBLIC THE SELECTION OF A REHABILITATION PROJECT FOR AN AWARD OF AN INITIAL CREDIT CERTIFICATE NOT LATER THAN 60 DAYS AFTER THE SELECTION IS MADE;**

~~(v)~~ **(VI)** for commercial rehabilitations, determine whether the certified rehabilitation is a high performance building;

~~(vi)~~ **(VII)** for commercial rehabilitations, establish a required external marker or, at a minimum, an internal marker for the rehabilitation project that identifies that the rehabilitation was funded by ~~Maryland sustainable communities~~ **HERITAGE STRUCTURE REHABILITATION** tax credits;

~~(vii)~~ **(VIII)** as provided in paragraph (7) of this subsection, charge reasonable fees to certify historic structures and rehabilitations under this subtitle;

~~(viii)~~ **(IX)** for commercial rehabilitations, require documentation that the applicant has ownership or site control of the structure in order to demonstrate the ability to meet the requirement to begin work as required under subsection (c)(3)(i)1 of this section;

~~(ix)~~ **(X)** for commercial rehabilitations, provide a time limit for approval of the additional tax credit for high performance buildings provided for in subsection (c)(1)(ii) of this section; and

~~(x)~~ **(XI)** for small commercial projects:

1. establish conditions regarding the percentage of the structure that may be used for residential rental purposes if the structure is used for both commercial and residential rental purposes; and

2. specify criteria and procedures for the issuance of initial credit certificates under subsection (e) of this section.

(2) The Director may not certify that a rehabilitation is a certified rehabilitation eligible for a tax credit provided under this section unless the individual or business entity seeking certification states under oath the amount of the individual's or business entity's qualified rehabilitation expenditures.

(3) Each year, the Director may accept applications for approval of plans of proposed commercial rehabilitations and for the award of initial credit certificates for the fiscal year that begins July 1 of that year.

(4) (i) Except as provided in subsection (e) of this section, a small commercial project shall be treated as a single-family, owner-occupied residential property, including the limitation on the amount of the tax credit provided in subsection (c)(2)(ii) of this section.

(ii) A small commercial project is subject to the credit recapture provision in subsection (f) of this section.

(5) (i) For commercial rehabilitations, the Director may not accept an application for approval of plans of proposed rehabilitation if:

1. any substantial part of the proposed rehabilitation work has begun; or

2. the applicant for a commercial rehabilitation has previously submitted three or more applications for commercial rehabilitations with total proposed rehabilitations exceeding \$500,000 in that year.

(ii) For commercial rehabilitations, the Director may accept an application for approval of plans of a proposed rehabilitation for which a substantial part of the proposed rehabilitation work has begun if the rehabilitation work has been approved under the federal historic tax credit.

(6) Except as provided in subsection (d)(3)(iii) of this section, not more than 60% of the total credit amounts under initial credit certificates issued for any fiscal year may be issued for projects in a single county or Baltimore City.

(7) (i) The Director shall adopt regulations to charge reasonable fees to certify historic structures and rehabilitations under this section which shall include:

1. a minimum fee for the second phase of the application process;

2. for a commercial rehabilitation project, a final fee that may not exceed 3% of the amount of the ~~issued~~ AWARD OF AN initial credit certificate; and

3. for any other rehabilitation project, a final fee that may not exceed 3% of the amount of the credit for which the rehabilitation would be eligible based on the greater of the estimated or final qualified rehabilitation expenditures for the rehabilitation.

(ii) The Director shall set the level of the fees so that the projected proceeds from the fees will cover the costs to the Trust of administering the credit under this section and the federal historic tax credit.

(iii) If a fee charged for a commercial rehabilitation is not received by the Trust within 90 days after the Trust sends notice TO THE APPLICANT that the fee is due, ~~the initial credit certificate for the rehabilitation shall expire~~ THE TRUST MAY NOT:

1. ISSUE AN INITIAL CREDIT CERTIFICATE FOR THE COMMERCIAL REHABILITATION; OR

2. ACCEPT AN APPLICATION FOR A COMMERCIAL REHABILITATION FROM THE APPLICANT DURING THE 3 FISCAL YEARS FOLLOWING THE FISCAL YEAR IN WHICH THE FEE WAS NOT RECEIVED.

~~(iv) For commercial rehabilitations, if an applicant's initial credit certificate expired for failure to pay a fee as required in this paragraph, the Trust may not accept an application from the applicant for a commercial rehabilitation during the 3 fiscal years following the fiscal year in which the certificate expired.~~

~~(iv)~~ (IV) The proceeds from the fees shall be deposited in a special fund, to be used only for the purposes of paying the costs of administering the credit under this section and the federal historic tax credit.

~~(v)~~ (V) Any unused balance of the fund at the end of each fiscal year shall be transferred to the Reserve Fund established under subsection (d) of this section and shall increase the amount of the initial credit certificates that the Trust may issue for the following fiscal year.

(c) (1) (i) Except as otherwise provided in this section, for the taxable year in which a certified rehabilitation is completed, an individual or business entity may claim a tax credit in an amount equal to 20% of the individual's or business entity's qualified rehabilitation expenditures for the rehabilitation.

(ii) For a commercial rehabilitation, an individual or business entity may claim an additional tax credit in an amount equal to 5% of the individual's or business entity's qualified rehabilitation expenditures if the certified rehabilitation is a certified historic structure and a high performance building.

(2) (i) For any commercial rehabilitation, the State tax credit allowed under this section may not exceed the lesser of:

1. \$3,000,000; or
2. the maximum amount specified under the initial credit certificate issued for the rehabilitation.

(ii) For a rehabilitation other than a commercial rehabilitation, the State tax credit allowed under this section may not exceed \$50,000.

(iii) For the purposes of the limitation under subparagraph (i) of this paragraph, the following shall be treated as a single commercial rehabilitation:

1. the phased rehabilitation of the same structure or property;
2. the separate rehabilitation of different components of the same structure or property; or
3. the rehabilitation of multiple structures that are functionally related to serve an overall purpose.

(3) (i) Subject to subparagraph (ii) of this paragraph, the initial credit certificate for a proposed commercial rehabilitation shall expire and the credit under this section may not be claimed if:

1. within 18 months after the initial credit certificate was issued, the applicant has not notified the Trust, in writing, that the commercial rehabilitation has begun;
2. the commercial rehabilitation is not completed within 30 months after the initial credit certificate was issued; or
3. the applicant does not submit to the Trust a request for final certification of the commercial rehabilitation within 12 months after:
  - A. the 30-month expiration date under subparagraph (i)2 of this paragraph; or
  - B. the date to which the Director postponed the expiration date under subparagraph (ii) of this paragraph.

(ii) For reasonable cause, the Director may postpone:

1. the 30-month expiration date under subparagraph (i)2 of this paragraph for an initial credit certificate for a commercial rehabilitation; or

2. if the commercial rehabilitation was completed prior to the expiration of the initial credit certificate, the deadline under subparagraph (i)3 of this paragraph for submission of a request for final certification.

(4) If the tax credit allowed under this section in any taxable year exceeds the total tax otherwise payable by the business entity or the individual for that taxable year, the individual or business entity may claim a refund in the amount of the excess.

(5) The State credit allowed under this section may be allocated among the partners, members, or shareholders of an entity in any manner agreed to by those persons in writing.

(d) (1) In this subsection, “Reserve Fund” means the ~~Sustainable Communities~~ HERITAGE STRUCTURE REHABILITATION Tax Credit Reserve Fund established under paragraph (2) of this subsection.

(2) (i) There is a ~~Sustainable Communities~~ HERITAGE STRUCTURE REHABILITATION Tax Credit Reserve Fund that is a continuing, nonlapsing special fund that is not subject to § 7-302 of this article.

(ii) The money in the Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall be credited to the General Fund.

(iii) If the fees paid in any fiscal year are less than the directly related administrative costs of operating the ~~Sustainable Communities~~ HERITAGE STRUCTURE REHABILITATION Tax Credit Program, funds in the Reserve Fund shall be used for the directly related administrative costs of the Program.

(3) (i) Subject to the provisions of this subsection, the Director shall issue an initial credit certificate for each commercial rehabilitation for which a plan of proposed rehabilitation is approved ~~NO LATER THAN 60 DAYS AFTER THE DEADLINE TO APPLY FOR AN INITIAL CREDIT CERTIFICATE AND THE FEES CHARGED UNDER SUBSECTION (B)(7)(I) OF THIS SECTION ARE PAID.~~

(ii) An initial credit certificate issued under this subsection shall state the maximum amount of credit under this section for which the commercial rehabilitation may qualify.

(iii) 1. Except as otherwise provided in this subparagraph and in subsection ~~(b)(7)(vi)~~ (B)(7)(V) of this section, for any fiscal year, the Director may not issue

initial credit certificates for credit amounts in the aggregate totaling more than the amount appropriated to the Reserve Fund for that fiscal year in the State budget as approved by the General Assembly.

2. If the aggregate credit amounts under initial credit certificates issued in a fiscal year total less than the amount appropriated to the Reserve Fund for that fiscal year as a result of the limitation under subsection (b)(6) of this section, any excess amount may be issued under initial credit certificates for projects in a county or Baltimore City in the same fiscal year, without regard to the limitation under subsection (b)(6) of this section.

3. Subject to subsubparagraph 2 of this subparagraph, if the aggregate credit amounts under initial credit certificates issued in a fiscal year total less than the amount appropriated to the Reserve Fund for that fiscal year, any excess amount shall remain in the Reserve Fund and may be issued under initial credit certificates for the next fiscal year.

4. For any fiscal year, if funds are transferred from the Reserve Fund under the authority of any provision of law other than paragraph (4) of this subsection, the maximum credit amounts in the aggregate for which the Director may issue initial credit certificates shall be reduced by the amount transferred.

5. In each fiscal year, the Director shall estimate the amount of fees to be collected based on the amount appropriated to the Reserve Fund and reserve the difference between the estimated fees and estimated directly related administrative costs of the Program to be used to administer the Program.

6. If the reservation of funds to administer the Program under subsubparagraph 5 of this subparagraph is not necessary to cover the directly related administrative costs of the Program, any excess amount shall remain in the Reserve Fund and may be issued under initial credit certificates for the next fiscal year.

(iv) For each of fiscal years [2015, 2016, and 2017] **2018 THROUGH 2022**, the Governor shall include in the budget bill an appropriation to the Reserve Fund.

(v) Notwithstanding the provisions of § 7-213 of this article, the Governor may not reduce an appropriation to the Reserve Fund in the State budget as approved by the General Assembly.

(vi) The Director may not issue an initial credit certificate for any fiscal year after fiscal year [2017] **2022**.

(4) (i) Except as provided in this paragraph, money appropriated to the Reserve Fund shall remain in the Fund.

(ii) 1. Within 15 days after the end of each calendar quarter, the Trust shall notify the Comptroller as to each commercial rehabilitation completed and certified during the quarter:

A. the maximum credit amount stated in the initial credit certificate for the project; and

B. the final certified credit amount for the project.

2. On notification that a project has been certified, the Comptroller shall transfer an amount equal to the maximum credit amount stated in the initial credit certificate for the project from the Reserve Fund to the General Fund.

(iii) 1. On or before October 1 of each year, the Trust shall notify the Comptroller as to the maximum credit amount stated in the initial credit certificate for each commercial rehabilitation for which the initial credit certificate has expired under subsection (c)(3) of this section as of the end of the prior fiscal year.

2. On notification that the initial credit certificate for a project has expired under subsection (c)(3) of this section, the Comptroller shall transfer an amount equal to the maximum credit amount stated in the initial credit certificate for the project from the Reserve Fund to the General Fund.

(e) (1) Subject to the provisions of this subsection, the Director shall issue an initial credit certificate for each approved small commercial project on a first-come, first-served basis.

(2) An initial credit certificate issued under this subsection shall state the maximum amount of tax credit for which the applicant is eligible.

(3) The Director may not issue an initial credit certificate under this subsection:

(i) prior to January 1, 2015; or

(ii) after the aggregate amount of initial credit certificates issued for small commercial projects totals \$4,000,000.

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

(ii) 1. “Dispose of” means to transfer legal title or, in the case of a leasehold, the leasehold interest.

2. “Dispose of” includes to sell in a sale-and-leaseback transaction, to transfer on the foreclosure of a security interest, or to transfer by gift.

3. “Dispose of” does not include to transfer title or the leasehold interest to a creditor on creation of a security interest.

(iii) “Disqualifying work” means work that:

1. is performed on a certified rehabilitation; and
2. if performed as part of the rehabilitation certified under this section, would have made the rehabilitation ineligible for certification.

(2) The credit allowed under this section shall be recaptured as provided in paragraph (3) of this subsection if, during the taxable year in which a certified rehabilitation is completed or any of the 4 taxable years succeeding the taxable year in which the certified rehabilitation is completed:

(i) any disqualifying work is performed on the certified rehabilitation; or

(ii) for a commercial rehabilitation, the certified rehabilitation is complete and has been disposed of.

(3) (i) 1. If the disqualifying work is performed or the certified rehabilitation is disposed of during the taxable year in which the certified rehabilitation was completed, 100% of the credit shall be recaptured.

2. If the disqualifying work is performed or the certified rehabilitation is disposed of during the first full year succeeding the taxable year in which the certified rehabilitation was completed, 80% of the credit shall be recaptured.

3. If the disqualifying work is performed or the certified rehabilitation is disposed of during the second full year succeeding the taxable year in which the certified rehabilitation was completed, 60% of the credit shall be recaptured.

4. If the disqualifying work is performed or the certified rehabilitation is disposed of during the third full year succeeding the taxable year in which the certified rehabilitation was completed, 40% of the credit shall be recaptured.

5. If the disqualifying work is performed or the certified rehabilitation is disposed of during the fourth full year succeeding the taxable year in which the certified rehabilitation was completed, 20% of the credit shall be recaptured.

(ii) The individual or business entity that claimed the tax credit shall pay the amount to be recaptured as determined under subparagraph (i) of this paragraph as taxes payable to the State for the taxable year in which the disqualifying work is performed or the certified rehabilitation is disposed of.

(g) (1) The Comptroller may determine, under the process for return examination and audit under §§ 13–301 and 13–302 of the Tax – General Article:

(i) the amount of rehabilitation expenditures used in calculating the credit;

(ii) whether such expenditures are qualified rehabilitation expenditures under this section; and

(iii) whether the credit is allowable as claimed.

(2) The authority of the Comptroller to examine and audit a tax return does not limit the authority of the Director to determine whether a rehabilitation qualifies as a certified rehabilitation or whether a certificate of certified rehabilitation has been properly issued.

(3) The Comptroller may adopt regulations to require that an entity other than a corporation claim the tax credit on the tax return filed by that entity.

(4) (i) Except as otherwise provided in this paragraph, the credit under this section may be claimed for the year a certified rehabilitation is completed, only if the Director has, by the time the return is filed, issued a certificate of completion for the certified rehabilitation.

(ii) A taxpayer claiming the credit may amend a return for the year the certified rehabilitation was completed to account for a certificate issued subsequent to the filing of the original return.

(iii) An amended return shall be filed within the period allowed under the Tax – General Article for filing refund claims.

(iv) The provisions of this paragraph do not extend the period in which a certified rehabilitation must be completed to be eligible for a tax credit under this section.

(v) An amended return may account for an amended certification issued by the Director for a certified rehabilitation.

(h) A refund payable under subsection (c) of this section:

(1) operates to reduce the income tax revenue from corporations if the person entitled to the refund is a corporation subject to the income tax under Title 10 of the Tax – General Article;

(2) operates to reduce insurance premium tax revenues if the person entitled to the refund is subject to taxation under Title 6 of the Insurance Article; and

(3) operates to reduce the income tax revenue from individuals if the person entitled to the refund is:

(i) an individual subject to the income tax under Title 10 of the Tax – General Article; or

(ii) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(i) (1) On or before December 15 of each fiscal year, the Director shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, on:

(i) the initial credit certificates awarded for commercial rehabilitations and small commercial projects under this section for that fiscal year;

(ii) the tax credits awarded for certified rehabilitations completed in the preceding fiscal year;

(iii) whether the tax credits awarded for certified rehabilitations completed in the preceding fiscal year were located in:

1. a local historic district; or

2. a national register district; and

(iv) the estimated amount of directly related administrative costs reserved in the Reserve Fund, the estimated amount of fees to be collected, the actual directly related administrative costs, and the actual amount of fees collected.

(2) The report required under paragraph (1) of this subsection shall include for each initial credit certificate awarded for the fiscal year for a commercial rehabilitation:

(i) the name of the owner or developer of the commercial rehabilitation;

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

(iii) the dates of receipt and approval by the Director of all applications regarding the project, including applications:

1. for certification that a structure or property will qualify as a certified historic structure; and

2. for approval of the proposed rehabilitation; and

(iv) the maximum amount of the credit stated in the initial credit certificate for the project and the estimated rehabilitation expenditures stated in the application for approval of the plan of proposed rehabilitation.

(3) The report required under paragraph (1) of this subsection shall include for each certified commercial rehabilitation completed during the preceding fiscal year:

(i) the name of the owner or developer of the commercial rehabilitation;

(ii) the name and address of the certified rehabilitation and the county where the project is located;

(iii) the dates of receipt and approval by the Director of all applications regarding the project; and

(iv) 1. the maximum amount of the credit stated in the initial credit certificate for the project and the estimated rehabilitation expenditures stated in the application for approval of the plan of proposed rehabilitation; and

2. the actual qualified rehabilitation expenditures and the final amount of the credit for which the project qualified.

(4) The report required under paragraph (1) of this subsection shall summarize for each category of certified rehabilitations:

(i) the total number of applicants for:

1. certification that a structure or property will qualify as a certified historic structure;

2. approval of plans of proposed rehabilitations; or

3. certification of the completed rehabilitations;

(ii) the number of proposed projects for which plans of proposed rehabilitation were approved; and

(iii) the total estimated rehabilitation expenditures stated in approved applications for approval of plans of proposed rehabilitation and the total qualified rehabilitation expenditures for completed rehabilitations certified.

(5) The information required under paragraph (4) of this subsection shall be provided in the aggregate and separately for each of the following categories of certified rehabilitations:

(i) owner-occupied single family residential structures;

- (ii) small commercial projects; and
- (iii) commercial rehabilitations.

(j) (1) Subject to the provisions of this subsection, the provisions of this section and the tax credit authorized under this section shall terminate as of July 1, [2017] **2022**.

(2) On and after July 1, [2017] **2022**:

(i) the tax credit authorized under this section may be claimed for:

1. a rehabilitation project, other than a commercial rehabilitation, for which an application for approval of a plan of proposed rehabilitation was received by the Director on or before June 30, [2017] **2022**; or

2. a commercial rehabilitation for which an initial credit certificate has been awarded under subsection (d) of this section; and

(ii) the Director shall continue to report to the Governor and the General Assembly as required under subsection (i) of this section for as long as any rehabilitation project for which the tax credit may be claimed remains incomplete.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 579

(Senate Bill 771)

AN ACT concerning

### Courts and Judicial Proceedings – Consumer Debt Collection Actions – Restrictions

FOR the purpose of prohibiting a creditor or a debt collector from initiating or filing a certain consumer debt collection action under certain circumstances; specifying that ~~a certain debt buyer or a certain collector has a certain burden in a certain consumer debt collection action~~ certain actions may not revive or extend a certain statute of limitations; prohibiting a debt buyer or a certain collector from initiating a certain consumer debt collection action unless the debt buyer or the collector possesses certain documents; prohibiting a court from entering a judgment in favor of a debt buyer or a certain collector under certain circumstances; defining certain terms;

providing for the application of this Act; and generally relating to consumer debt collection and consumer debt collection actions.

BY adding to

Article – Courts and Judicial Proceedings

Section ~~5–1201~~ through ~~5–1203~~ 5–1204 to be under the new subtitle “Subtitle 12. Consumer Debt Collection Actions”

Annotated Code of Maryland

(2013 Replacement Volume and 2015 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**

**SUBTITLE 12. CONSUMER DEBT COLLECTION ACTIONS.**

**5–1201.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “CHARGE-OFF” MEANS THE ACT OF A CREDITOR THAT TREATS AN ACCOUNT RECEIVABLE OR ANY OTHER DEBT AS A LOSS OR AN EXPENSE BECAUSE PAYMENT IS UNLIKELY.

(C) “CHARGE-OFF BALANCE” MEANS THE AMOUNT DUE ON THE ACCOUNT OR DEBT AT THE TIME OF CHARGE-OFF.

~~(B)~~ (D) “COLLECTOR” MEANS A PERSON COLLECTING OR ATTEMPTING TO COLLECT AN ALLEGED DEBT ARISING OUT OF A CONSUMER TRANSACTION.

~~(C)~~ (E) “CONSUMER DEBT” MEANS A SECURED OR AN UNSECURED DEBT THAT:

(1) IS FOR MONEY OWED OR ALLEGED TO BE OWED; AND

(2) ARISES FROM A CONSUMER TRANSACTION.

~~(D)~~ (F) (1) “CONSUMER DEBT COLLECTION ACTION” MEANS ANY JUDICIAL ACTION OR ARBITRATION PROCEEDING IN WHICH A CLAIM IS ASSERTED TO COLLECT A CONSUMER DEBT.

(2) “CONSUMER DEBT COLLECTION ACTION” DOES NOT INCLUDE AN ACTION BROUGHT UNDER § 8–401 OF THE REAL PROPERTY ARTICLE BY A

LANDLORD OR AN ATTORNEY, A PROPERTY MANAGER, OR AN AGENT ON BEHALF OF A LANDLORD.

~~(F)~~ (G) “CONSUMER TRANSACTION” MEANS ANY TRANSACTION INVOLVING A PERSON SEEKING OR ACQUIRING REAL OR PERSONAL PROPERTY, SERVICES, MONEY, OR CREDIT FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES.

~~(F)~~ (H) “CREDITOR” MEANS A PERSON TO WHOM A CONSUMER DEBT IS OWED OR ALLEGED TO BE OWED.

~~(G)~~ (I) (1) “DEBT BUYER” MEANS A PERSON THAT PURCHASES OR OTHERWISE ACQUIRES CONSUMER DEBT FROM AN ORIGINAL CREDITOR OR FROM A SUBSEQUENT OWNER OF THE DEBT.

(2) “DEBT BUYER” DOES NOT INCLUDE ~~A~~:

(I) A CHECK SERVICES COMPANY THAT ACQUIRES THE RIGHT TO COLLECT ON A PAPER OR AN ELECTRONIC CHECK INSTRUMENT, INCLUDING AN AUTOMATED CLEARING HOUSE ITEM THAT HAS BEEN RETURNED UNPAID TO A MERCHANT;

(II) A BUSINESS ENTITY THAT, IN THE BUSINESS ENTITY’S ORDINARY COURSE OF BUSINESS, DOES NOT PURCHASE OR OTHERWISE ACQUIRE CONSUMER DEBT FROM AN ORIGINAL CREDITOR OR FROM A SUBSEQUENT OWNER OF THE DEBT AND ACQUIRED THE CONSUMER DEBT:

1. AS A DIRECT RESULT OF THE BUSINESS ENTITY BEING THE SUCCESSOR IN A MERGER WITH THE ORIGINAL CREDITOR OF THE DEBT; OR

2. BECAUSE THE BUSINESS ENTITY PURCHASED OR OTHERWISE ACQUIRED THE ORIGINAL CREDITOR IN WHOLE;

(III) A BANK, CREDIT UNION, OR SAVINGS AND LOAN ASSOCIATION THAT ACQUIRED THE CONSUMER DEBT AS A DIRECT RESULT OF BEING THE SUCCESSOR IN A MERGER WITH ANOTHER BANK, CREDIT UNION, OR SAVINGS AND LOAN ASSOCIATION THAT HAD OWNED THE CONSUMER DEBT;

(IV) A MORTGAGE SERVICER THAT IS LICENSED UNDER TITLE 11, SUBTITLE 5 OF THE FINANCIAL INSTITUTIONS ARTICLE, UNLESS THE MORTGAGE SERVICER OR A COLLECTOR ACTING ON THE MORTGAGE SERVICER’S BEHALF COLLECTS OR ATTEMPTS TO COLLECT A DEFICIENCY BALANCE OR DEFICIENCY JUDGMENT IN ANY WAY RELATED TO OR ARISING FROM A FORECLOSURE OR SHORT SALE OF REAL PROPERTY THAT SECURED THE MORTGAGE LOAN;

(V) A SALES FINANCE COMPANY OR ANY OTHER PERSON THAT ACQUIRES CONSUMER DEBT ARISING FROM A RETAIL INSTALLMENT SALE AGREEMENT IF:

1. THE SALES FINANCE COMPANY OR OTHER PERSON ACQUIRED THE DEBT BEFORE THE FIRST INSTALLMENT PAYMENT WAS DUE FROM THE CONSUMER; AND

2. THE RETAIL INSTALLMENT SALE AGREEMENT EXPRESSLY STATED THAT THE CONSUMER WOULD BE REQUIRED TO MAKE THE CONSUMER'S PAYMENTS TO THAT SALES FINANCE COMPANY OR PERSON;

(VI) A BANK, CREDIT UNION, OR SAVINGS AND LOAN ASSOCIATION THAT ACQUIRED FROM ANOTHER BANK, CREDIT UNION, OR SAVINGS AND LOAN ASSOCIATION, IN THE ORDINARY COURSE OF BUSINESS, ALL OF A SPECIFIC TYPE OF CONSUMER DEBT OWNED BY THE OTHER BANK, CREDIT UNION, OR SAVINGS AND LOAN ASSOCIATION EXCEPT FOR CONSUMER DEBT THAT HAD BEEN CHARGED OFF; OR

(VII) AN ATTORNEY, A LICENSED DEBT COLLECTION AGENCY, A PROPERTY MANAGER, OR ANY OTHER PERSON THAT COLLECTS OR ATTEMPTS TO COLLECT CONSUMER DEBT IN AN ACTION UNDER § 8-401 OF THE REAL PROPERTY ARTICLE ON BEHALF OF AN ORIGINAL CREDITOR THAT IS A RESIDENTIAL RENTAL PROPERTY OWNER.

~~(H)~~ (J) “DEBTOR” MEANS AN INDIVIDUAL WHO OWES OR IS ALLEGED TO OWE A CONSUMER DEBT.

~~(I)~~ (K) (1) “PRINCIPAL” MEANS THE UNPAID BALANCE OF A DEBT OR AN OBLIGATION ARISING FROM A CONSUMER TRANSACTION THAT IS OWED OR ALLEGED TO BE OWED TO THE ORIGINAL CREDITOR.

(2) “PRINCIPAL” DOES NOT INCLUDE INTEREST, FEES, OR CHARGES ADDED TO THE DEBT OR OBLIGATION BY THE ORIGINAL CREDITOR OR ANY SUBSEQUENT OWNERS OF A CONSUMER DEBT.

5-1202.

(A) A CREDITOR OR A COLLECTOR MAY NOT INITIATE A CONSUMER DEBT COLLECTION ACTION AFTER THE EXPIRATION OF THE STATUTE OF LIMITATIONS APPLICABLE TO THE CONSUMER DEBT COLLECTION ACTION.

~~(B) IN ANY CONSUMER DEBT COLLECTION ACTION MAINTAINED BY A DEBT BUYER OR A COLLECTOR ACTING ON BEHALF OF A DEBT BUYER, THE DEBT BUYER OR COLLECTOR SHALL HAVE THE BURDEN OF SHOWING THAT THE STATUTE OF LIMITATIONS HAS NOT EXPIRED.~~

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON THE EXPIRATION OF THE STATUTE OF LIMITATIONS APPLICABLE TO THE CONSUMER DEBT COLLECTION ACTION, ANY SUBSEQUENT PAYMENT TOWARD, WRITTEN OR ORAL AFFIRMATION OF, OR ANY OTHER ACTIVITY ON THE DEBT MAY NOT REVIVE OR EXTEND THE LIMITATIONS PERIOD.

5-1203.

(A) A DEBT BUYER OR A COLLECTOR ACTING ON BEHALF OF A DEBT BUYER MAY NOT INITIATE A CONSUMER DEBT COLLECTION ACTION UNLESS THE DEBT BUYER OR COLLECTOR POSSESSES ALL OF THE DOCUMENTS LISTED IN SUBSECTION ~~(B)(3)(i) THROUGH (v)~~ (B)(3) OF THIS SECTION.

(B) (1) THIS SUBSECTION APPLIES TO A CONSUMER DEBT COLLECTION ACTION, INCLUDING A SMALL CLAIM ACTION UNDER § 4-405 OF THIS ARTICLE, THAT IS MAINTAINED BY A DEBT BUYER OR A COLLECTOR ACTING ON BEHALF OF A DEBT BUYER.

(2) IN ADDITION TO ANY OTHER REQUIREMENT OF LAW OR RULE, UNLESS THE ACTION IS RESOLVED BY JUDGMENT ON AFFIDAVIT, A COURT MAY NOT ENTER A JUDGMENT IN FAVOR OF A DEBT BUYER OR A COLLECTOR UNLESS THE DEBT BUYER OR COLLECTOR:

~~(i) INTRODUCES~~ INTRODUCES INTO EVIDENCE THE DOCUMENTS SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION IN ACCORDANCE WITH THE RULES OF EVIDENCE APPLICABLE TO ACTIONS THAT ARE NOT SMALL CLAIMS ACTIONS BROUGHT UNDER § 4-405 OF THIS ARTICLE; ~~AND~~

~~(ii) MAKES AVAILABLE FOR EXAMINATION AT A TRIAL AN INDIVIDUAL WITH KNOWLEDGE OF THE FACTS PERTINENT TO THE CLAIMS ASSERTED.~~

(3) A DEBT BUYER OR A COLLECTOR ON BEHALF OF A DEBT BUYER SHALL INTRODUCE THE FOLLOWING EVIDENCE IN A CONSUMER DEBT COLLECTION ACTION:

~~(i) THE AGREEMENT BETWEEN THE DEBTOR AND THE ORIGINAL CREDITOR OR OTHER DOCUMENTS THAT:~~

- ~~1. ESTABLISH THE DEBT;~~
  - ~~2. INCLUDE ALL TERMS AND CONDITIONS OF THE DEBT;~~
- ~~AND~~
- ~~3. REFLECT THE DEBTOR'S ASSENT;~~
- (H) ~~1. THE CHARGE OFF ACCOUNT STATEMENT FROM THE ORIGINAL CREDITOR; OR~~
- ~~2. IF THE CHARGE OFF ACCOUNT STATEMENT NEVER EXISTED, THE LAST BILL FROM THE ORIGINAL CREDITOR TO THE DEBTOR;~~
- (HH) ~~DOCUMENTS SHOWING ALL CHARGES AND CREDITS TO THE ACCOUNT AFTER CHARGE OFF BY THE ORIGINAL CREDITOR;~~
- (IV) ~~DOCUMENTS ESTABLISHING THE DEBT BUYER'S OWNERSHIP OF THE ACCOUNT; AND~~
- (V) ~~ALL OTHER DOCUMENTS THAT WOULD BE NECESSARY TO SUPPORT A JUDGMENT ON AFFIDAVIT.~~
- (I) PROOF OF THE EXISTENCE OF THE DEBT OR ACCOUNT MADE BY A CERTIFIED OR OTHERWISE PROPERLY AUTHENTICATED PHOTOCOPY OR ORIGINAL OF AT LEAST ONE OF THE FOLLOWING:
1. A DOCUMENT SIGNED BY THE DEBTOR EVIDENCING THE DEBT OR THE OPENING OF THE ACCOUNT;
  2. A BILL OR OTHER RECORD REFLECTING PURCHASES, PAYMENTS, OR OTHER ACTUAL USE OF A CREDIT CARD OR AN ACCOUNT BY THE DEBTOR; OR
  3. AN ELECTRONIC PRINTOUT OR OTHER DOCUMENTATION FROM THE ORIGINAL CREDITOR ESTABLISHING THE EXISTENCE OF THE ACCOUNT AND SHOWING PURCHASES, PAYMENTS, OR OTHER ACTUAL USE OF A CREDIT CARD OR AN ACCOUNT BY THE DEBTOR;
- (II) IF THERE WAS A DOCUMENT EVIDENCING THE TERMS AND CONDITIONS TO WHICH THE CONSUMER DEBT WAS SUBJECT, A CERTIFIED OR OTHERWISE PROPERLY AUTHENTICATED PHOTOCOPY OF THE ORIGINAL DOCUMENT APPLICABLE TO THE CONSUMER DEBT UNLESS:

1. THE CONSUMER DEBT IS AN UNPAID BALANCE DUE ON A CREDIT CARD;

2. THE ORIGINAL CREDITOR IS OR WAS A FINANCIAL INSTITUTION SUBJECT TO REGULATION BY THE FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL OR A CONSTITUENT FEDERAL AGENCY OF THE COUNCIL; AND

3. THE CLAIM DOES NOT INCLUDE A DEMAND OR REQUEST FOR ATTORNEY'S FEES OR INTEREST ON THE CHARGE-OFF BALANCE;

(iii) DOCUMENTATION INDICATING THAT THE DEBT BUYER OR COLLECTOR ACTING ON BEHALF OF THE DEBT BUYER OWNS THE CONSUMER DEBT, INCLUDING:

1. A CHRONOLOGICAL LISTING OF THE NAMES OF ALL PRIOR OWNERS OF THE DEBT AND THE DATE OF EACH TRANSFER OF OWNERSHIP OF THE DEBT, BEGINNING WITH THE NAME OF THE ORIGINAL CREDITOR; AND

2. A CERTIFIED OR OTHER PROPERLY AUTHENTICATED COPY OF THE BILL OF SALE OR OTHER DOCUMENT THAT TRANSFERRED OWNERSHIP OF THE DEBT TO EACH SUCCESSIVE OWNER, INCLUDING THE DEBT BUYER OR COLLECTOR, WITH EACH BILL OF SALE OR OTHER DOCUMENT THAT TRANSFERRED OWNERSHIP CONTAINING SPECIFIC REFERENCE TO THE DEBT;

(iv) DOCUMENTATION OF THE IDENTIFICATION AND NATURE OF THE DEBT OR ACCOUNT, INCLUDING:

1. THE NAME OF THE ORIGINAL CREDITOR;

2. THE FULL NAME OF THE DEBTOR AS IT APPEARS ON THE ORIGINAL ACCOUNT;

3. THE LAST FOUR DIGITS OF THE SOCIAL SECURITY NUMBER OF THE DEBTOR APPEARING ON THE ORIGINAL ACCOUNT, IF KNOWN;

4. THE LAST FOUR DIGITS OF THE ORIGINAL ACCOUNT NUMBER; AND

5. THE NATURE OF THE CONSUMER TRANSACTION, SUCH AS UTILITY EXPENSES, CREDIT CARD, CONSUMER LOAN, RETAIL INSTALLMENT SALES AGREEMENT, SERVICE, OR FUTURE SERVICES;

(V) IF THE CLAIM IS BASED ON A FUTURE SERVICES CONTRACT, EVIDENCE THAT THE DEBT BUYER OR COLLECTOR IS ENTITLED TO AN AWARD OF DAMAGES UNDER THAT CONTRACT;

(VI) IF THERE HAS BEEN A CHARGE-OFF OF THE DEBT OR ACCOUNT, DOCUMENTATION OF:

1. THE DATE OF THE CHARGE-OFF;
2. THE CHARGE-OFF BALANCE;
3. AN ITEMIZATION OF ANY FEES OR CHARGES CLAIMED BY THE DEBT BUYER OR COLLECTOR IN ADDITION TO THE CHARGE-OFF BALANCE;
4. AN ITEMIZATION OF ALL PAYMENTS RECEIVED AFTER THE CHARGE-OFF AND OTHER CREDITS TO WHICH THE DEBTOR IS ENTITLED; AND
5. THE DATE OF THE LAST PAYMENT ON THE CONSUMER DEBT OR THE LAST TRANSACTION GIVING RISE TO THE CONSUMER DEBT;

(VII) IF THERE HAS BEEN NO CHARGE-OFF OF THE DEBT OR ACCOUNT:

1. AN ITEMIZATION OF ALL MONEY CLAIMED BY THE DEBT BUYER OR COLLECTOR THAT:

A. INCLUDES PRINCIPAL, INTEREST, FINANCE CHARGES, SERVICE CHARGES, LATE FEES, AND OTHER FEES OR CHARGES ADDED TO THE PRINCIPAL BY THE ORIGINAL CREDITOR AND, IF APPLICABLE, BY SUBSEQUENT ASSIGNEES OF THE CONSUMER DEBT; AND

B. ACCOUNTS FOR ANY REDUCTION IN THE AMOUNT OF THE CLAIM BY VIRTUE OF ANY PAYMENT MADE OR OTHER CREDIT TO WHICH THE DEFENDANT IS ENTITLED;

2. A STATEMENT OF THE AMOUNT AND DATE OF THE CONSUMER TRANSACTION GIVING RISE TO THE CONSUMER DEBT OR, IN INSTANCES OF MULTIPLE TRANSACTIONS, THE AMOUNT AND DATE OF THE LAST TRANSACTION; AND

3. A STATEMENT OF THE AMOUNT AND DATE OF THE LAST PAYMENT ON THE CONSUMER DEBT; AND

**(VIII) A LIST OF ALL MARYLAND COLLECTION AGENCY LICENSES THAT THE DEBT BUYER OR COLLECTOR CURRENTLY HOLDS AND, AS TO EACH LICENSE:**

- 1. THE LICENSE NUMBER;**
- 2. THE NAME APPEARING ON THE LICENSE; AND**
- 3. THE DATE OF ISSUE OF THE LICENSE.**

**5-1204.**

**THIS SUBTITLE MAY NOT BE CONSTRUED TO ALTER ANY LICENSING REQUIREMENT UNDER FEDERAL OR MARYLAND LAW APPLICABLE TO DEBT BUYERS OR COLLECTORS.**

**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 debt collection action commenced before the effective date of this Act.**

**SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.**

**Approved by the Governor, May 19, 2016.**

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**Chapter 580**

**(Senate Bill 826)**

AN ACT concerning

**Construction Contracts – Change Orders  
(State Procurement Change Order Fairness Act)**

FOR the purpose of prohibiting a unit from requiring a prime contractor, and a prime contractor from requiring a subcontractor, to begin work under a contract until the procurement officer for the unit issues a certain change order; providing that certain acceptance letters for certain procurement contracts for construction have the same force and effect as change orders for certain purposes until certain units issue written change orders; providing, under certain circumstances, that nothing in a certain provision of this Act prohibits a procurement officer from issuing a certain order, authorizes a ~~prime contractor to refuse~~ refusal to perform certain work or furnish certain labor and materials, or prejudices or impairs the right of a prime contractor to submit a certain claim or dispute to a procurement officer; prohibiting

a change order from being required, under certain circumstances, for work to continue and be completed beyond certain quantities; requiring a certain unit to make a certain determination and issue a certain change order after certain work is completed; requiring, under certain circumstances, a unit to pay an invoice for work performed and accepted under a change order within a certain time period and in accordance with a certain provision of law; requiring a prime contractor to provide, within a certain time period, a subcontractor with a copy of a certain change order and a certain amount to be paid to the subcontractor; requiring the Board of Public Works to propose certain regulations before a certain date; requiring each unit to issue certain guidelines on or before a certain date; requiring that certain guidelines be updated and reissued under certain circumstances; providing that certain provisions of this Act have effect only to the extent that the provisions do not conflict with federal law or regulation; applying certain provisions of this Act to certain procurements and units of State government that are generally excluded from State procurement law; providing for the application of certain provisions of this Act; requiring the Secretary of General Services to convene a certain workgroup to develop recommendations that address certain issues; requiring the workgroup to include representatives from certain entities and to coordinate its activities with a certain commission for a certain purpose; requiring the workgroup to report its recommendations to certain committees of the General Assembly on or before a certain date; providing that a certain catchline is not law and may not be considered to have been enacted as part of this Act; providing for the effective dates of this Act; and generally relating to change orders for State procurement contracts for construction.

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 11–203(a) and (e)(1), (2), and (5)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 11–203(b)(1) and (c)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY adding to  
Article – State Finance and Procurement  
Section 15–112  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – State Finance and Procurement**

11-203.

(a) Except as provided in subsection (b) of this section, this Division II does not apply to:

(1) procurement by:

(i) the Blind Industries and Services of Maryland;

(ii) the Maryland State Arts Council, for the support of the arts;

(iii) the Maryland Health and Higher Educational Facilities Authority, if no State money is to be spent on a procurement contract;

(iv) the Maryland Industrial Training Program or the Partnership for Workforce Quality Program in the Department of Economic Competitiveness and Commerce, for training services or programs for new or expanding businesses or industries or businesses or industries in transition;

(v) the Maryland Food Center Authority, to the extent the Authority is exempt under Title 10, Subtitle 2 of the Economic Development Article;

(vi) the Maryland Public Broadcasting Commission:

1. for services of artists for educational and cultural television productions;

2. when planning for or fulfilling the obligations of grants or cooperative agreements that support the educational and cultural activities of the Commission; or

3. for procurement contracts needed to implement the repacking requirements of the federal Spectrum Act;

(vii) public institutions of higher education, for cultural, entertainment, and intercollegiate athletic procurement contracts;

(viii) the Maryland State Planning Council on Developmental Disabilities, for services to support demonstration, pilot, and training programs;

(ix) the Maryland Historical Trust for:

1. surveying and evaluating architecturally, archeologically, historically, or culturally significant properties; and

2. other than as to architectural services, preparing historic preservation planning documents and educational material;

(x) the University of Maryland, for University College Overseas Programs, if the University adopts regulations that:

1. establish policies and procedures governing procurement for University College Overseas Programs; and

2. promote the purposes stated in § 11–201(a) of this subtitle;

(xi) the Department of Economic Competitiveness and Commerce, for negotiating and entering into private sector cooperative marketing projects that directly enhance promotion of Maryland and the tourism industry where there will be a private sector contribution to the project of not less than 50% of the total cost of the project, if the project is reviewed by the Attorney General and approved by the Secretary of Commerce or the Secretary's designee;

(xii) the Rural Maryland Council;

(xiii) the Maryland State Lottery and Gaming Control Agency, for negotiating and entering into private sector cooperative marketing projects that directly enhance promotion of the Maryland State Lottery and its products, if the cooperative marketing project:

1. provides a substantive promotional or marketing value that the lottery determines acceptable in exchange for advertising or other promotional activities provided by the lottery;

2. does not involve the advertising or other promotion of alcohol or tobacco products; and

3. is reviewed by the Attorney General and approved by the Maryland Lottery Director or the Director's designee;

(xiv) the Maryland Health Insurance Plan established under Title 14, Subtitle 5 of the Insurance Article;

(xv) the Maryland Energy Administration, when negotiating or entering into grants or cooperative agreements with private entities to meet federal specifications or solicitation requirements related to energy conservation, energy efficiency, or renewable energy projects that benefit the State;

(xvi) the Maryland Developmental Disabilities Administration of the Department of Health and Mental Hygiene for family and individual support services, and individual family care services, as those terms are defined by the Department of Health and Mental Hygiene in regulation;

(xvii) the Department of General Services for the renovation of a structure that:

1. was built during the 18th or 19th century; and
2. is listed in or eligible for listing in the National Register of Historic Places; and

(xviii) the Department of Natural Resources, for negotiating or entering into grants, agreements, or partnerships with nonprofit entities related to conservation service opportunities;

(2) procurement by a unit from:

- (i) another unit;
- (ii) a political subdivision of the State;
- (iii) an agency of a political subdivision of the State;
- (iv) a government, including the government of another state, of the United States, or of another country;
- (v) an agency or political subdivision of a government; or
- (vi) a bistate, multistate, bicounty, or multicounty governmental agency; or

(3) procurement in support of enterprise activities for the purpose of:

- (i) direct resale; or
- (ii) remanufacture and subsequent resale.

(b) (1) The following provisions of this Division II apply to each procurement enumerated in subsection (a) of this section:

- (i) § 11–205 of this subtitle (“Collusion”);
- (ii) § 10–204 of this article (“Approval for designated contracts”);
- (iii) Title 12, Subtitle 2 of this article (“Supervision of Capital Expenditures and Real Property Leases”);
- (iv) § 13–219 of this article (“Required clauses – Nondiscrimination clause”);

(v) § 13–221 of this article (“Disclosures to Secretary of State”);

(vi) Title 12, Subtitle 4 of this article (“Policies and Procedures for Exempt Units”);

**(VII) § 15–112 OF THIS ARTICLE (“CHANGE ORDERS”);**

~~[(vii)]~~ **(VIII)** Title 16 of this article (“Suspension and Debarment of Contractors”); and

~~[(viii)]~~ **(IX)** Title 17 of this article (“Special Provisions – State and Local Subdivisions”).

(c) Except as provided in Title 12, Subtitle 4 and Title 14, Subtitle 3 of this article **AND EXCEPT FOR § 15–112 OF THIS ARTICLE**, this Division II does not apply to the Maryland Stadium Authority.

(e) (1) In this subsection, “University” means the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

(2) Except as otherwise provided in this subsection, this Division II does not apply to the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

(5) (i) Except as provided in paragraph (7) of this subsection, the following provisions of Division II of this article apply to a University:

1. § 11–205 of this subtitle (“Collusion”);

2. § 11–205.1 of this subtitle (“Falsification, concealment, etc., of material facts”);

3. § 13–219 of this article (“Required clauses – Nondiscrimination clause”);

4. § 13–225 of this article (“Retainage”);

5. Title 14, Subtitle 3 of this article (“Minority Business Participation”);

6. Title 15, Subtitle 1 of this article (“Procurement Contract Administration”);

7. § 15–226 of this article (“Policy established; timing of payments; notice upon nonpayment; disputes; appeals”); and

8. Title 16 of this article (“Suspension and Debarment of Contractors”).

(ii) If a procurement violates the provisions of this subsection or policies adopted in accordance with this subsection, the procurement contract is void or voidable in accordance with the provisions of § 11–204 of this subtitle.

**15–112. CHANGE ORDERS.**

(A) (1) ~~(I)~~ EXCEPT AS PROVIDED IN ~~PARAGRAPH (2) OF THIS SUBSECTION~~ SUBPARAGRAPH (II) OF THIS PARAGRAPH, THIS SECTION APPLIES TO STATE PROCUREMENT CONTRACTS FOR CONSTRUCTION.

~~(2)~~ (II) THIS SECTION DOES NOT APPLY TO STATE PROCUREMENT CONTRACTS FOR PUBLIC SCHOOL CONSTRUCTION OR PUBLIC SCHOOL CAPITAL IMPROVEMENTS.

(2) FOR PURPOSES OF THIS SECTION, A WRITTEN ACCEPTANCE LETTER FOR A STATE HIGHWAY ADMINISTRATION OR MARYLAND AVIATION ADMINISTRATION PROCUREMENT CONTRACT FOR CONSTRUCTION SHALL HAVE THE SAME FORCE AND EFFECT AS A CHANGE ORDER UNTIL THE STATE HIGHWAY ADMINISTRATION OR MARYLAND AVIATION ADMINISTRATION ISSUES A WRITTEN CHANGE ORDER.

(B) (1) EXCEPT AS PROVIDED IN ~~PARAGRAPH (2)~~ PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A UNIT MAY NOT REQUIRE A PRIME CONTRACTOR AND A PRIME CONTRACTOR MAY NOT REQUIRE A SUBCONTRACTOR TO BEGIN CHANGE ORDER WORK UNDER A CONTRACT UNTIL THE PROCUREMENT OFFICER FOR THE UNIT ISSUES A WRITTEN CHANGE ORDER THAT SPECIFIES WHETHER THE WORK IS TO PROCEED ~~ON AN AGREED-TO PRICE, FORCE ACCOUNT, CONSTRUCTION CHANGE DIRECTIVE, OR TIME AND MATERIALS BASIS~~, IN COMPLIANCE WITH THE TERMS OF THE CONTRACT, ON:

(I) AN AGREED-TO PRICE WHICH MAY INCLUDE A PRE-ESTABLISHED CATALOG OR UNIT PRICES BASED ON LOCAL PREVAILING WAGE RATES AND EQUIPMENT AND MATERIAL COSTS FOR EACH TASK REQUIRED FOR THE CHANGE ORDER AS INCLUDED IN THE BID DOCUMENTS AT THE TIME OF BID;

(II) A FORCE ACCOUNT;

(III) A CONSTRUCTION CHANGE DIRECTIVE; OR

(IV) A TIME AND MATERIALS BASIS.

(2) IF A PROCUREMENT OFFICER AND A PRIME CONTRACTOR DO NOT AGREE THAT WORK IS INCLUDED WITHIN THE ORIGINAL SCOPE AND TERMS OF A CONTRACT, NOTHING IN THIS SECTION:

(I) PROHIBITS A PROCUREMENT OFFICER FROM ISSUING AN ORDER TO A PRIME CONTRACTOR TO PERFORM WORK OR TO FURNISH LABOR OR MATERIALS DETERMINED BY THE PROCUREMENT OFFICER TO BE REQUIRED BY A CONTRACT BETWEEN A UNIT AND THE PRIME CONTRACTOR;

(II) AUTHORIZES A ~~PRIME CONTRACTOR TO REFUSE~~ REFUSAL TO PERFORM WORK OR TO FURNISH LABOR OR MATERIALS THAT A PROCUREMENT OFFICER HAS ORDERED THE PRIME CONTRACTOR TO PERFORM OR TO FURNISH BECAUSE THE PROCUREMENT OFFICER HAS DETERMINED THAT THE WORK OR LABOR IS OR THE MATERIALS ARE REQUIRED BY A CONTRACT BETWEEN A UNIT AND THE PRIME CONTRACTOR; OR

(III) PREJUDICES OR IMPAIRS THE RIGHT OF A PRIME CONTRACTOR TO SUBMIT A CLAIM OR DISPUTE TO A PROCUREMENT OFFICER, IN ACCORDANCE WITH APPLICABLE LAW AND THE CONTRACT, SEEKING ADDITIONAL COMPENSATION FOR COMPLYING WITH AN ORDER OF THE PROCUREMENT OFFICER TO PERFORM WORK OR TO FURNISH LABOR OR MATERIALS DETERMINED BY THE PROCUREMENT OFFICER TO BE REQUIRED BY A CONTRACT BETWEEN THE PRIME CONTRACTOR AND A UNIT.

(3) (I) IF A UNIT IS TO PAY FOR A CONTRACT OR A PART OF A CONTRACT USING A UNIT PRICE METHODOLOGY, A CHANGE ORDER MAY NOT BE REQUIRED FOR WORK TO CONTINUE AND BE COMPLETED BEYOND THE ESTIMATED QUANTITIES IN THE CONTRACT.

(II) AFTER WORK IS COMPLETED, A UNIT SHALL:

1. DETERMINE THE ACTUAL QUANTITY USED TO COMPLETE THE CONTRACT; AND

2. IF NECESSARY, ISSUE A FINAL ADJUSTMENT CHANGE ORDER TO THE CONTRACTOR.

(C) IF THE AMOUNT TO BE PAID UNDER AN APPROVED CHANGE ORDER DOES NOT EXCEED \$50,000, A UNIT SHALL PAY AN INVOICE FOR WORK PERFORMED AND ACCEPTED UNDER THE CHANGE ORDER AS PROVIDED FOR IN THE CONTRACT WITHIN 30 DAYS AFTER THE UNIT RECEIVES THE INVOICE AND IN ACCORDANCE WITH § 15-103 OF THIS SUBTITLE.

**(D) WITHIN 5 DAYS AFTER RECEIPT OF A WRITTEN CHANGE ORDER, A PRIME CONTRACTOR SHALL PROVIDE A SUBCONTRACTOR WITH A COPY OF THE APPROVED CHANGE ORDER AND THE AMOUNT TO BE PAID TO THE SUBCONTRACTOR BASED ON THE PORTION OF THE CHANGE ORDER WORK TO BE COMPLETED BY THE SUBCONTRACTOR.**

**(E) BEFORE JANUARY 1, 2017, THE BOARD SHALL PROPOSE REGULATIONS THAT PROVIDE FOR AN EXPEDITED CHANGE ORDER PROCESS FOR CHANGE ORDERS VALUED AT MORE THAN \$50,000.**

**(F) (1) ON OR BEFORE DECEMBER 31, 2016, EACH UNIT SHALL ISSUE GUIDELINES FOR THE UNIT'S CHANGE ORDER PROCESS.**

**(2) THE GUIDELINES ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE UPDATED AND REISSUED WHEN ANY CHANGES ARE MADE TO THE UNIT'S CHANGE ORDER PROCESS.**

**(G) A PROVISION OF THIS SECTION HAS EFFECT ONLY TO THE EXTENT THAT THE PROVISION DOES NOT CONFLICT WITH FEDERAL LAW OR REGULATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Secretary of General Services shall convene a workgroup of stakeholders to develop recommendations that address the following issues related to State procurement for construction contracts:

- (1) scope review process;
- (2) termination for convenience;
- (3) uniformity of change order practices and authority;
- (4) prompt payment and interest;
- (5) force account practice and policies;
- (6) funding;
- (7) contractor capacity; and

(8) any other issues that the workgroup determines to be relevant and appropriate to address.

(b) The workgroup shall include representatives from:

- (1) the Maryland Chapter of the Associated General Contractors of America;
- (2) the Associated Builders and Contractors of Metro Washington;
- (3) the Alliance for Construction Excellence;
- (4) the Coalition for Contracting Fairness;
- (5) the Maryland Washington Minority Contractors Association; and
- (6) any units of the State the Secretary of General Services deems appropriate.

(c) The workgroup shall coordinate its activities with the One Maryland Blue Ribbon Commission on Procurement to ensure consistency and avoid unnecessary duplication in the recommendations reported under subsection (d) of this section.

(d) On or before December 31, 2016, the workgroup shall report its policy, regulatory, and legislative recommendations 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.

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

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2016.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect June 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 581**

**(House Bill 403)**

AN ACT concerning

**Construction Contracts – Change Orders  
(State Procurement Change Order Fairness Act)**

FOR the purpose of prohibiting a unit from requiring a prime contractor, and a prime contractor from requiring a subcontractor, to begin work under a contract until the

procurement officer for the unit issues a certain change order; providing that certain acceptance letters for certain procurement contracts for construction have the same force and effect as change orders for certain purposes until certain units issue written change orders; providing, under certain circumstances, that nothing in a certain provision of this Act prohibits a procurement officer from issuing a certain order, authorizes a ~~prime contractor to refuse~~ refusal to perform certain work or furnish certain labor and materials, or prejudices or impairs the right of a prime contractor to submit a certain claim or dispute to a procurement officer; prohibiting a change order from being required, under certain circumstances, for work to continue and be completed beyond certain quantities; requiring a certain unit to make a certain determination and issue a certain change order after certain work is completed; requiring, under certain circumstances, a unit to pay an invoice for work performed and accepted under a change order within a certain time period and in accordance with a certain provision of law; requiring a prime contractor to provide, within a certain time period, a subcontractor with a copy of a certain change order and a certain amount to be paid to the subcontractor; requiring the Board of Public Works to propose certain regulations before a certain date; requiring each unit to issue certain guidelines on or before a certain date; requiring that certain guidelines be updated and reissued under certain circumstances; providing that certain provisions of this Act have effect only to the extent that the provisions do not conflict with federal law or regulation; applying certain provisions of this Act to certain procurements and units of State government that are generally excluded from State procurement law; providing for the application of certain provisions of this Act; requiring the Secretary of General Services to convene a certain workgroup to develop recommendations that address certain issues; requiring the workgroup to include representatives from certain entities and to coordinate its activities with a certain commission for a certain purpose; requiring the workgroup to report its recommendations to certain committees of the General Assembly on or before a certain date; providing that a certain catchline is not law and may not be considered to have been enacted as part of this Act; providing for the effective dates of this Act; and generally relating to change orders for State procurement contracts for construction.

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 11–203(a) and (e)(1), (2), and (5)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 11–203(b)(1) and (c)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY adding to  
Article – State Finance and Procurement

Section 15–112  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – State Finance and Procurement**

11–203.

(a) Except as provided in subsection (b) of this section, this Division II does not apply to:

(1) procurement by:

(i) the Blind Industries and Services of Maryland;

(ii) the Maryland State Arts Council, for the support of the arts;

(iii) the Maryland Health and Higher Educational Facilities Authority, if no State money is to be spent on a procurement contract;

(iv) the Maryland Industrial Training Program or the Partnership for Workforce Quality Program in the Department of Economic Competitiveness and Commerce, for training services or programs for new or expanding businesses or industries or businesses or industries in transition;

(v) the Maryland Food Center Authority, to the extent the Authority is exempt under Title 10, Subtitle 2 of the Economic Development Article;

(vi) the Maryland Public Broadcasting Commission:

1. for services of artists for educational and cultural television productions;

2. when planning for or fulfilling the obligations of grants or cooperative agreements that support the educational and cultural activities of the Commission; or

3. for procurement contracts needed to implement the repacking requirements of the federal Spectrum Act;

(vii) public institutions of higher education, for cultural, entertainment, and intercollegiate athletic procurement contracts;

(viii) the Maryland State Planning Council on Developmental Disabilities, for services to support demonstration, pilot, and training programs;

(ix) the Maryland Historical Trust for:

1. surveying and evaluating architecturally, archeologically, historically, or culturally significant properties; and

2. other than as to architectural services, preparing historic preservation planning documents and educational material;

(x) the University of Maryland, for University College Overseas Programs, if the University adopts regulations that:

1. establish policies and procedures governing procurement for University College Overseas Programs; and

2. promote the purposes stated in § 11–201(a) of this subtitle;

(xi) the Department of Economic Competitiveness and Commerce, for negotiating and entering into private sector cooperative marketing projects that directly enhance promotion of Maryland and the tourism industry where there will be a private sector contribution to the project of not less than 50% of the total cost of the project, if the project is reviewed by the Attorney General and approved by the Secretary of Commerce or the Secretary's designee;

(xii) the Rural Maryland Council;

(xiii) the Maryland State Lottery and Gaming Control Agency, for negotiating and entering into private sector cooperative marketing projects that directly enhance promotion of the Maryland State Lottery and its products, if the cooperative marketing project:

1. provides a substantive promotional or marketing value that the lottery determines acceptable in exchange for advertising or other promotional activities provided by the lottery;

2. does not involve the advertising or other promotion of alcohol or tobacco products; and

3. is reviewed by the Attorney General and approved by the Maryland Lottery Director or the Director's designee;

(xiv) the Maryland Health Insurance Plan established under Title 14, Subtitle 5 of the Insurance Article;

(xv) the Maryland Energy Administration, when negotiating or entering into grants or cooperative agreements with private entities to meet federal specifications or solicitation requirements related to energy conservation, energy efficiency, or renewable energy projects that benefit the State;

(xvi) the Maryland Developmental Disabilities Administration of the Department of Health and Mental Hygiene for family and individual support services, and individual family care services, as those terms are defined by the Department of Health and Mental Hygiene in regulation;

(xvii) the Department of General Services for the renovation of a structure that:

1. was built during the 18th or 19th century; and
2. is listed in or eligible for listing in the National Register of Historic Places; and

(xviii) the Department of Natural Resources, for negotiating or entering into grants, agreements, or partnerships with nonprofit entities related to conservation service opportunities;

(2) procurement by a unit from:

- (i) another unit;
- (ii) a political subdivision of the State;
- (iii) an agency of a political subdivision of the State;
- (iv) a government, including the government of another state, of the United States, or of another country;
- (v) an agency or political subdivision of a government; or
- (vi) a bistate, multistate, bicounty, or multicounty governmental agency; or

(3) procurement in support of enterprise activities for the purpose of:

- (i) direct resale; or
- (ii) remanufacture and subsequent resale.

(b) (1) The following provisions of this Division II apply to each procurement enumerated in subsection (a) of this section:

- (i) § 11–205 of this subtitle (“Collusion”);
- (ii) § 10–204 of this article (“Approval for designated contracts”);
- (iii) Title 12, Subtitle 2 of this article (“Supervision of Capital Expenditures and Real Property Leases”);
- (iv) § 13–219 of this article (“Required clauses – Nondiscrimination clause”);
- (v) § 13–221 of this article (“Disclosures to Secretary of State”);
- (vi) Title 12, Subtitle 4 of this article (“Policies and Procedures for Exempt Units”);

**(VII) § 15–112 OF THIS ARTICLE (“CHANGE ORDERS”);**

[(vii)] **(VIII)** Title 16 of this article (“Suspension and Debarment of Contractors”); and

[(viii)] **(IX)** Title 17 of this article (“Special Provisions – State and Local Subdivisions”).

(c) Except as provided in Title 12, Subtitle 4 and Title 14, Subtitle 3 of this article **AND EXCEPT FOR § 15–112 OF THIS ARTICLE**, this Division II does not apply to the Maryland Stadium Authority.

(e) (1) In this subsection, “University” means the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

(2) Except as otherwise provided in this subsection, this Division II does not apply to the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

(5) (i) Except as provided in paragraph (7) of this subsection, the following provisions of Division II of this article apply to a University:

1. § 11–205 of this subtitle (“Collusion”);
2. § 11–205.1 of this subtitle (“Falsification, concealment, etc., of material facts”);
3. § 13–219 of this article (“Required clauses – Nondiscrimination clause”);
4. § 13–225 of this article (“Retainage”);

5. Title 14, Subtitle 3 of this article (“Minority Business Participation”);
6. Title 15, Subtitle 1 of this article (“Procurement Contract Administration”);
7. § 15–226 of this article (“Policy established; timing of payments; notice upon nonpayment; disputes; appeals”); and
8. Title 16 of this article (“Suspension and Debarment of Contractors”).

(ii) If a procurement violates the provisions of this subsection or policies adopted in accordance with this subsection, the procurement contract is void or voidable in accordance with the provisions of § 11–204 of this subtitle.

#### 15–112. CHANGE ORDERS.

**(A) (1) (I) EXCEPT AS PROVIDED IN ~~PARAGRAPH (2) OF THIS SUBSECTION~~ SUBPARAGRAPH (II) OF THIS PARAGRAPH, THIS SECTION APPLIES TO STATE PROCUREMENT CONTRACTS FOR CONSTRUCTION.**

**~~(2)~~ (II) THIS SECTION DOES NOT APPLY TO STATE PROCUREMENT CONTRACTS FOR PUBLIC SCHOOL CONSTRUCTION OR PUBLIC SCHOOL CAPITAL IMPROVEMENTS.**

**(2) FOR PURPOSES OF THIS SECTION, A WRITTEN ACCEPTANCE LETTER FOR A STATE HIGHWAY ADMINISTRATION OR MARYLAND AVIATION ADMINISTRATION PROCUREMENT CONTRACT FOR CONSTRUCTION SHALL HAVE THE SAME FORCE AND EFFECT AS A CHANGE ORDER UNTIL THE STATE HIGHWAY ADMINISTRATION OR MARYLAND AVIATION ADMINISTRATION ISSUES A WRITTEN CHANGE ORDER.**

**(B) (1) EXCEPT AS PROVIDED IN ~~PARAGRAPH (2)~~ PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A UNIT MAY NOT REQUIRE A PRIME CONTRACTOR AND A PRIME CONTRACTOR MAY NOT REQUIRE A SUBCONTRACTOR TO BEGIN CHANGE ORDER WORK UNDER A CONTRACT UNTIL THE PROCUREMENT OFFICER FOR THE UNIT ISSUES A WRITTEN CHANGE ORDER THAT SPECIFIES WHETHER THE WORK IS TO PROCEED ~~ON AN AGREED-TO PRICE, FORCE ACCOUNT, CONSTRUCTION CHANGE DIRECTIVE, OR TIME AND MATERIALS BASIS~~, IN COMPLIANCE WITH THE TERMS OF THE CONTRACT, ON:**

**(I) AN AGREED-TO PRICE WHICH MAY INCLUDE A PREESTABLISHED CATALOG OR UNIT PRICES BASED ON LOCAL PREVAILING WAGE**

RATES AND EQUIPMENT AND MATERIAL COSTS FOR EACH TASK REQUIRED FOR THE CHANGE ORDER AS INCLUDED IN THE BID DOCUMENTS AT THE TIME OF BID;

(II) A FORCE ACCOUNT;

(III) A CONSTRUCTION CHANGE DIRECTIVE; OR

(IV) A TIME AND MATERIALS BASIS.

(2) IF A PROCUREMENT OFFICER AND A PRIME CONTRACTOR DO NOT AGREE THAT WORK IS INCLUDED WITHIN THE ORIGINAL SCOPE AND TERMS OF A CONTRACT, NOTHING IN THIS SECTION:

(I) PROHIBITS A PROCUREMENT OFFICER FROM ISSUING AN ORDER TO A PRIME CONTRACTOR TO PERFORM WORK OR TO FURNISH LABOR OR MATERIALS DETERMINED BY THE PROCUREMENT OFFICER TO BE REQUIRED BY A CONTRACT BETWEEN A UNIT AND THE PRIME CONTRACTOR;

(II) AUTHORIZES A ~~PRIME CONTRACTOR TO REFUSE~~ REFUSAL TO PERFORM WORK OR TO FURNISH LABOR OR MATERIALS THAT A PROCUREMENT OFFICER HAS ORDERED THE PRIME CONTRACTOR TO PERFORM OR TO FURNISH BECAUSE THE PROCUREMENT OFFICER HAS DETERMINED THAT THE WORK OR LABOR IS OR THE MATERIALS ARE REQUIRED BY A CONTRACT BETWEEN A UNIT AND THE PRIME CONTRACTOR; OR

(III) PREJUDICES OR IMPAIRS THE RIGHT OF A PRIME CONTRACTOR TO SUBMIT A CLAIM OR DISPUTE TO A PROCUREMENT OFFICER, IN ACCORDANCE WITH APPLICABLE LAW AND THE CONTRACT, SEEKING ADDITIONAL COMPENSATION FOR COMPLYING WITH AN ORDER OF THE PROCUREMENT OFFICER TO PERFORM WORK OR TO FURNISH LABOR OR MATERIALS DETERMINED BY THE PROCUREMENT OFFICER TO BE REQUIRED BY A CONTRACT BETWEEN THE PRIME CONTRACTOR AND A UNIT.

(3) (I) IF A UNIT IS TO PAY FOR A CONTRACT OR A PART OF A CONTRACT USING A UNIT PRICE METHODOLOGY, A CHANGE ORDER MAY NOT BE REQUIRED FOR WORK TO CONTINUE AND BE COMPLETED BEYOND THE ESTIMATED QUANTITIES IN THE CONTRACT.

(II) AFTER WORK IS COMPLETED, A UNIT SHALL:

1. DETERMINE THE ACTUAL QUANTITY USED TO COMPLETE THE CONTRACT; AND

**2. IF NECESSARY, ISSUE A FINAL ADJUSTMENT CHANGE ORDER TO THE CONTRACTOR.**

**(C) IF THE AMOUNT TO BE PAID UNDER AN APPROVED CHANGE ORDER DOES NOT EXCEED \$50,000, A UNIT SHALL PAY AN INVOICE FOR WORK PERFORMED AND ACCEPTED UNDER THE CHANGE ORDER AS PROVIDED FOR IN THE CONTRACT WITHIN 30 DAYS AFTER THE UNIT RECEIVES THE INVOICE AND IN ACCORDANCE WITH § 15–103 OF THIS SUBTITLE.**

**(D) WITHIN 5 DAYS AFTER RECEIPT OF A WRITTEN CHANGE ORDER, A PRIME CONTRACTOR SHALL PROVIDE A SUBCONTRACTOR WITH A COPY OF THE APPROVED CHANGE ORDER AND THE AMOUNT TO BE PAID TO THE SUBCONTRACTOR BASED ON THE PORTION OF THE CHANGE ORDER WORK TO BE COMPLETED BY THE SUBCONTRACTOR.**

**(E) BEFORE JANUARY 1, 2017, THE BOARD SHALL PROPOSE REGULATIONS THAT PROVIDE FOR AN EXPEDITED CHANGE ORDER PROCESS FOR CHANGE ORDERS VALUED AT MORE THAN \$50,000.**

**(F) (1) ON OR BEFORE DECEMBER 31, 2016, EACH UNIT SHALL ISSUE GUIDELINES FOR THE UNIT’S CHANGE ORDER PROCESS.**

**(2) THE GUIDELINES ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE UPDATED AND REISSUED WHEN ANY CHANGES ARE MADE TO THE UNIT’S CHANGE ORDER PROCESS.**

**(G) A PROVISION OF THIS SECTION HAS EFFECT ONLY TO THE EXTENT THAT THE PROVISION DOES NOT CONFLICT WITH FEDERAL LAW OR REGULATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Secretary of General Services shall convene a workgroup of stakeholders to develop recommendations that address the following issues related to State procurement for construction contracts:

- (1) scope review process;
- (2) termination for convenience;
- (3) uniformity of change order practices and authority;
- (4) prompt payment and interest;
- (5) force account practice and policies;

- (6) funding;
- (7) contractor capacity; and
- (8) any other issues that the workgroup determines to be relevant and appropriate to address.

(b) The workgroup shall include representatives from:

- (1) the Maryland Chapter of the Associated General Contractors of America;
- (2) the Associated Builders and Contractors of Metro Washington;
- (3) the Alliance for Construction Excellence;
- (4) the Coalition for Contracting Fairness;
- (5) the Maryland Washington Minority Contractors Association; and
- (6) any units of the State the Secretary of General Services deems appropriate.

(c) The workgroup shall coordinate its activities with the One Maryland Blue Ribbon Commission on Procurement to ensure consistency and avoid unnecessary duplication in the recommendations reported under subsection (d) of this section.

(d) On or before December 31, 2016, the workgroup shall report its policy, regulatory, and legislative recommendations 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.

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

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2016.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect June 1, 2016.

**Approved by the Governor, May 19, 2016.**

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**Chapter 582****(Senate Bill 843)**

AN ACT concerning

**Tax Credits – Evaluations ~~and Sunset Provisions~~**

FOR the purpose of ~~expanding~~ altering the State tax credits subject to legislative review and evaluation under the Tax Credit Evaluation Act; repealing a certain requirement that certain tax credits with termination dates be evaluated on or before a certain date; providing that certain departments that administer certain tax credits must promptly provide certain requested information; altering certain dates for certain tax credit evaluations, evaluation reports, and public hearings; altering the time period for the continuation and reevaluation of certain tax credits designated for evaluation; ~~terminating the biotechnology investment tax credit, new job creating businesses tax credit, and certain tax credits available under the Enterprise Zone Program, the Regional Institution Strategic Enterprise Zone Program, and the One Maryland Program;~~ making conforming changes; requiring the Comptroller to adopt certain procedures and protocols and make, under certain circumstances, a certain request; ~~providing for the delayed effective date of certain provisions of this Act; providing for the application of certain provisions of this Act;~~ and generally relating to the Tax Credit Evaluation Act ~~and the termination of certain tax credits.~~

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 1–303, 1–306 through 1–308, 1–310, 10–205(b), and 10–804(j) and 1–310

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

~~BY repealing and reenacting, with amendments,~~~~Article – Economic Development~~~~Section 5–702, 5–707, and 5–1406~~~~Annotated Code of Maryland~~~~(2008 Volume and 2015 Supplement)~~~~BY repealing and reenacting, without amendments,~~~~Article – Tax – General~~~~Section 10–205(a)~~~~Annotated Code of Maryland~~~~(2010 Replacement Volume and 2015 Supplement)~~~~BY repealing and reenacting, with amendments,~~~~Article – Tax – Property~~~~Section 9–317(f)~~~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2015 Supplement)~~

~~BY repealing~~

~~Article – Economic Development~~

~~Section 5–709 and 5–1407; and 6–401 through 6–407 and the subtitle “Subtitle 4–~~

~~One Maryland Economic Development Tax Credit”~~

~~Annotated Code of Maryland~~

~~(2008 Volume and 2015 Supplement)~~

~~BY repealing~~

~~Article – Insurance~~

~~Section 6–116 and 6–119~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2015 Supplement)~~

~~BY repealing~~

~~Article – Tax – General~~

~~Section 8–220, 10–702, 10–704.8, 10–714, and 10–725~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2015 Supplement)~~

~~BY repealing~~

~~Article – Tax – Property~~

~~Section 9–103, 9–103.1, and 9–230~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2015 Supplement)~~

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

### Article – Tax – General

1–303.

(a) ~~(1) If a tax credit has a termination date provided for by law, an evaluation shall be made of that credit on or before July 1 of the year preceding the calendar year of the termination date.~~

~~(2) Except as provided in paragraph (1) of this subsection, an AN~~ evaluation shall be made of the tax credits on or before the dates specified in subsections (b) through (e) of this section.

(b) On or before July 1, 2014, an evaluation shall be made of the tax credits under:

(1) § 10–702 of this article (wages paid in an enterprise zone) and § 9–103 of the Tax – Property Article (qualified property in an enterprise zone); and

(2) Title 6, Subtitle 4 of the Economic Development Article, § 6–119 of the Insurance Article, and § 10–714 of this article (One Maryland economic development).

(c) On or before July 1, 2015, an evaluation shall be made of the tax credits under:

(1) § 10–704 of this article (earned income); and

(2) § 10–730 of this article (film production activity).

(d) On or before July 1, 2016, an evaluation shall be made of the tax ~~credits~~ **CREDIT** under:

~~(1)~~ § 5A–303 of the State Finance and Procurement Article, § 6–105.2 of the Insurance Article, and § 10–704.5 of this article (sustainable communities); ~~and~~

~~(2)~~ ~~§ 10–721 of this article (qualified research and development expenses).~~

(e) On or before July 1, 2017, an evaluation shall be made of the tax credits under:

(1) § 9–230 of the Tax – Property Article, § 6–116 of the Insurance Article, and § 10–704.8 of this article (new job creating businesses); **AND**

(2) ~~§ 10–725~~ **§ 10–704.4** of this article (~~biotechnology investment incentive~~) **(JOB CREATION)**; ~~and~~

~~(3)~~ ~~§ 10–735 of this article (wineries and vineyards).~~

**(F) ON OR BEFORE JULY 1, 2018, AN EVALUATION SHALL BE MADE OF THE TAX ~~CREDIT~~ CREDITS UNDER:**

**(1) § 10–721 OF THIS ARTICLE (QUALIFIED RESEARCH AND DEVELOPMENT EXPENSES); AND**

**(2) ~~§ 10–733~~ § 10–725 OF THIS ARTICLE (~~CYBERSECURITY~~ (BIOTECHNOLOGY INVESTMENT INCENTIVE)).**

**(G) ON OR BEFORE JULY 1, 2019, AN EVALUATION SHALL BE MADE OF THE TAX CREDITS UNDER:**

**(1) § 10–702 OF THIS ARTICLE (WAGES PAID IN A REGIONAL INSTITUTION STRATEGIC ENTERPRISE ZONE) AND § 9–103.1 OF THE TAX – PROPERTY ARTICLE (QUALIFIED PROPERTY IN A REGIONAL INSTITUTION STRATEGIC ENTERPRISE ZONE); AND**

(2) ~~§ 10-704.4~~ § 10-733 OF THIS ARTICLE (~~JOB CREATION~~)  
(CYBERSECURITY INVESTMENT INCENTIVE).

1-306.

During an evaluation, the Comptroller [and], the Department of Budget and Management, AND THE DEPARTMENT THAT ADMINISTERS THE TAX CREDIT shall:

(1) provide promptly any information that the Department of Legislative Services or an evaluation committee requests; and

(2) otherwise cooperate with the Department of Legislative Services and the evaluation committee.

1-307.

(a) (1) Subject to § 2-1246 of the State Government Article, on or before [October 31] NOVEMBER 15 of the year before the evaluation date of a tax credit, the Department of Legislative Services shall submit to the General Assembly an evaluation report on the tax credit.

(2) The Department of Legislative Services shall make copies of the report available to the public.

(b) The report required under subsection (a) of this section shall discuss:

(1) the purpose for which the tax credit was established;

(2) whether the original intent of the tax credit is still appropriate;

(3) whether the tax credit is meeting its objectives;

(4) whether the purposes of the tax credit could be more efficiently and effectively carried out through alternative methods; and

(5) the costs of providing the tax credit, including the administrative cost to the State and lost revenues to the State and local governments.

1-308.

On or before December [14] 31 of the year before the evaluation date of a tax credit, the evaluation committee shall hold a public hearing to receive, from the Comptroller and the public, testimony regarding the evaluation report.

1-310.

The continuation of a tax credit designated for evaluation under this subtitle is for a ~~[5-year]~~ **7-YEAR** period and is subject to reevaluation ~~[5]~~ **7** years after the previous evaluation, unless another period is set by law.

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

~~Article – Economic Development~~

~~5-702.~~

~~[Subject to § 9-103 of the Tax – Property Article, a] A business entity that owns, operates, develops, constructs, or rehabilitates property intended for use primarily as single or multifamily residential property located in an enterprise zone may not benefit from an incentive or initiative under this subtitle.~~

~~5-707.~~

~~(a) To the extent provided for in this section, a business entity is entitled to:~~

~~(1) the special property tax credit in § 9-103 of the Tax – Property Article;~~

~~(2) the income tax credits in § 10-702 of the Tax – General Article; and~~

~~(3) consideration for financial assistance from programs in Subtitle 1 of this title.~~

~~(b) A business entity that moves into or locates in an enterprise zone on or after the date that the enterprise zone is designated under § 5-704 of this subtitle may benefit from the incentives and initiatives in this section if:~~

~~(1) the business entity meets the requirements and conditions of the Code section applicable to each incentive or initiative;~~

~~(2) the respective political subdivision certifies that the business entity has complied with the standards that the subdivision submitted under § 5-703(b)(5) of this subtitle; AND~~

~~(3) [the business entity creates new or additional jobs or makes a capital investment to qualify for the property tax credit under § 9-103 of the Tax – Property Article and the income tax credits under § 10-702 of the Tax – General Article; and~~

~~(4) in considering whether the business entity qualifies for financial assistance from the programs in Subtitle 1 of this title, the Secretary determines that the business entity will create new or additional jobs.~~

~~(e) The incentives and initiatives provided for in this section are not available to a business entity that:~~

~~(1) was in an enterprise zone before the date that the enterprise zone is designated, except for a capital investment or expansion of its labor force that occurs on or after the enterprise zone is designated; or~~

~~(2) is located in an enterprise zone that was designated under federal law unless the Secretary and the Board of Public Works consent to the designation.~~

~~(d) (1) [Except as provided in § 10-702 of the Tax — General Article and § 9-103 of the Tax — Property Article, the] THE incentives and initiatives set forth in this section are available for 10 years after the date that an area is designated an enterprise zone.~~

~~(2) A law enacted after the enactment of this section that eliminates or reduces the benefits available to a business entity under this section does not apply to a business entity that was in an enterprise zone before the effective date of the law.~~

~~[(e) (1) (i) Notwithstanding subsection (d) of this section, except for a business entity certified to receive a property tax credit under § 9-103 of the Tax — Property Article for a tax year beginning before July 1, 2008, a business entity located in an enterprise zone may not receive the incentives and initiatives set forth in subsection (a)(1) and (2) of this section if the entity is located on land or within improvements owned by the federal government, the State, a county, or a municipal corporation unless the business entity has first utilized all applicable property tax exemptions under Title 7 of the Tax — Property Article, including entering into any available payment in lieu of tax agreement.~~

~~(ii) Subparagraph (i) of this paragraph does not apply to a business entity leasing land or improvements owned by the Maryland Economic Development Corporation.~~

~~(2) Notwithstanding subsection (d) of this section, a business entity located in a BRAC Revitalization and Incentive Zone established under Subtitle 13 of this title may not receive the property tax credit under § 9-103 of the Tax — Property Article unless:~~

~~(i) the business entity qualified for the property tax credit before the date that the BRAC Revitalization and Incentive Zone is designated; or~~

~~(ii) the political subdivision where the business entity is located expressly grants the property tax credit to the business entity.]~~

~~5-1406.~~

~~(a) [(1)] To the extent provided for in this section, a business entity that locates in a RISE zone is entitled to[~~

~~Article;~~ (i) ~~the property tax credit under § 9-103.1 of the Tax – Property~~  
~~Article;~~ and (ii) ~~the income tax credit under § 10-702 of the Tax – General~~  
~~Article;~~ and (iii) ~~priority consideration for financial assistance from programs in~~  
~~Subtitle 1 of this title.~~

~~[(2) For purposes of the income tax credit authorized under paragraph (1)(ii) of this subsection, the business entity is treated as being located in an enterprise zone.]~~

~~(b) A business entity that moves into or locates in a RISE zone on or after the date that the zone is designated under this subtitle may qualify for the incentives under this section.~~

~~(e) A business entity may not qualify for the incentives under subsection (a) of this section unless the Department, in consultation with the county or municipal corporation in which a RISE zone is located, certifies the business entity and its location as consistent with the target strategy of the RISE zone.~~

~~(d) (1) Unless a business entity makes a significant capital investment or expansion of its labor force after a RISE zone is designated, the incentives under this section are not available to a business entity that was in a RISE zone before the date that the zone is designated.~~

~~(2) The Department shall adopt regulations establishing factors to determine if a business entity makes a significant capital investment or expansion of its labor force under paragraph (1) of this subsection.~~

### ~~Article – Tax – General~~

~~10-205.~~

~~(a) In addition to the modification under § 10-204 of this subtitle, the amounts under this section are added to the federal adjusted gross income of a resident to determine Maryland adjusted gross income.~~

~~(b) The addition under subsection (a) of this section includes the amount of a credit claimed under:~~

~~(1) [§ 10-702 of this title for wages paid to an employee in an enterprise zone;~~

~~(2) § 10-704.3 of this title or § 8-213 of this article for wages paid and qualified child care or transportation expenses incurred with respect to qualified employment opportunity employees; and~~

~~[(3)] (2) § 10-704.7 of this title or § 8-216 of this article for wages paid and qualified child care or transportation expenses incurred with respect to a qualified employee with a disability.~~

~~10-804.~~

~~(j) (1) A taxpayer claiming any of the following tax credits shall submit a claim for the credit by electronic means as required by the Comptroller by regulation:~~

~~(i) the Job Creation Tax Credit, as provided under Title 6, Subtitle 2 of the Economic Development Article;~~

~~(ii) the One Maryland Tax Credit, as provided under Title 6, Subtitle 4 of the Economic Development Article;~~

~~(iii) the Biotechnology Investment Incentive Tax Credit, as provided under § 10-725 of this title;~~

~~(iv) the Enterprise Zone Income Tax Credit, as provided under § 10-702 of this title]; and~~

~~[(v)] (H) any other tax credit specified by the Comptroller through regulation.~~

~~(2) Before adding any tax credit [not listed in paragraph (1)(i) through (iv) of this subsection] to the requirement of this subsection, the Comptroller shall determine whether the addition of the tax credit will have a material adverse impact or undue administrative burden on the Comptroller.~~

### ~~Article Tax Property~~

~~9-317.~~

~~(f) (1) (i) In this subsection the following words have the meanings indicated:~~

~~(ii) "Eligible business entity" means a person who operates or conducts a trade or business on qualified enterprise zone property but does not own the qualified enterprise zone property.~~

~~(iii) "Qualified enterprise zone property" means real property that:~~

~~1. A. is not used for residential purposes;~~  
~~B. is used in a trade or business by an eligible business entity; AND~~  
~~C. is located in an enterprise zone that is designated under Title 5, Subtitle 7 of the Economic Development Article; [and~~  
~~D. is eligible for the property tax credit under § 9-103 of this title;]~~

~~2. A. is located within the area encompassed by the Burtonsville Crossroads Neighborhood Plan developed by the Montgomery County Planning Department;~~  
~~B. is zoned for commercial or commercial/residential mixed use development; and~~  
~~C. has had improvements made on it on or before January 1, 2020; or~~

~~3. A. is located within the area encompassed by the Glenmont Shopping Center area, the Metro Station/Layhill Triangle Block, the Winexburg Manor Apartments area, the Glenmont Forest Apartments area, and the Privacy World area of the Glenmont Sector Plan developed by the Montgomery County Planning Department;~~  
~~B. is zoned for commercial or commercial/residential mixed use development; and~~  
~~C. has had improvements made on it on or before January 1, 2025.~~

~~(2) Subject to [paragraphs (4) and (5)] PARAGRAPH (4) of this subsection, the governing body of Montgomery County or of a municipal corporation in Montgomery County may grant, by law, a property tax credit against the county or municipal corporation property tax imposed on:~~

~~(i) improvements made by an eligible business entity to qualified enterprise zone property; and~~

~~(ii) personal property owned by an eligible business entity located on qualified enterprise zone property.~~

~~(3) (i) The governing body of Montgomery County or of a municipal corporation in Montgomery County may provide, by law, for:~~

~~1. the amount and duration of a credit under this subsection;~~  
~~2. additional eligibility criteria for a credit under this subsection; and~~  
~~3. any other provision necessary to carry out a credit under this subsection.~~

~~(ii) The governing body of Montgomery County or of a municipal corporation in Montgomery County shall define, by law, the improvements eligible for a credit under this subsection.~~

~~(4) The lessor of real property granted a credit under paragraph (2)(i) of this subsection shall reduce the amount of taxes for which an eligible business entity is contractually liable under the lease agreement by the amount of any credit granted under paragraph (2)(i) of this subsection for improvements made by the eligible business entity.~~

~~[(5) The lessor of real property that receives a credit under § 9-103 of this title may not be granted a credit under this subsection.]~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 5-709 and 5-1407; and 6-401 through 6-407 and the subtitle "Subtitle 4. One Maryland Economic Development Tax Credit" of Article Economic Development of the Annotated Code of Maryland be repealed.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 6-116 and 6-119 of Article Insurance of the Annotated Code of Maryland be repealed.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 8-220, 10-702, 10-704.8, 10-714, and 10-725 of Article Tax General of the Annotated Code of Maryland be repealed.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 9-103, 9-103.1, and 9-230 of Article Tax Property of the Annotated Code of Maryland be repealed.~~

SECTION ~~7.~~ 2. AND BE IT FURTHER ENACTED, That:

(a) The Comptroller shall adopt procedures and protocols related to the administration of Maryland's tax system to:

(1) improve the accuracy and collection of tax data necessary to allow for more effective evaluations of State tax incentive programs;

(2) notwithstanding any federal or State confidentiality requirements, share with the Department of Legislative Services and other appropriate State agencies data related to State tax incentive programs to better assess the effectiveness of those programs; and

(3) implement a private letter ruling process to provide additional tax guidance to taxpayers.

(b) If the Comptroller determines that the increased responsibilities under subsection (a) of this section will have more than an incidental impact on the Comptroller's annual budget, the Comptroller shall request additional resources in the Comptroller's fiscal year 2018 budget request to the Governor.

~~SECTION 8. AND BE IT FURTHER ENACTED, That Sections 2 through 6 of this Act shall take effect June 1, 2021, and shall be applicable to all taxable years beginning after December 31, 2020.~~

~~SECTION 9. AND BE IT FURTHER ENACTED, That, except as provided in Section 8 of this Act, this Act shall take effect June 1, 2016.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 583

(Senate Bill 852)

AN ACT concerning

### **Anne Arundel County – Alcoholic Beverages – Beer and Wine Festivals**

FOR the purpose of expanding the types of festivals that a holder of a beer and wine festival license may hold in Anne Arundel County; authorizing the Anne Arundel County Board of License Commissioners to issue a certain beer and wine festival license to certain nonprofit organizations under certain circumstances; providing that, notwithstanding certain other provisions of law, a certain license holder may display and sell beer and wine at a certain beer and wine festival without holding certain permits; and generally relating to beer and wine festivals in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 2–131 and 2–134

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 11–1304

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

2–131.

(a) There is a nonprofit beer festival permit.

(b) The Comptroller may issue the permit to a nonprofit organization, as defined by § 501(c)(3) of the Internal Revenue Code, that meets the requirements of this section.

(c) (1) The permit authorizes the permit holder to:

(i) conduct a nonprofit beer festival for at least 1 day and not more than 3 consecutive days; and

(ii) purchase beer at wholesale to:

1. provide to a consumer a sample that may not exceed 1 fluid ounce for each offering; and

2. sell to a consumer beer for on– and off–premises consumption.

(2) The permit holder shall provide space at a nonprofit beer festival for holders of brewing company off–site permits.

(3) A holder of a brewing company off–site permit that attends a nonprofit beer festival may provide beer to a consumer in the same manner as the holder of the nonprofit beer festival permit.

(4) The permit holder may provide or sell at the nonprofit beer festival only alcoholic beverages provided by the permit holder or a holder of a brewing company off–site permit that is in attendance.

(d) At all times during the nonprofit beer festival, the permit holder shall have present at least two agents, one of whom may be the permit holder, who are certified by an approved alcohol awareness program.

(e) (1) Not less than 30 days before the nonprofit beer festival, a person shall submit an application to the local licensing board.

- (2) The application shall:
- (i) be on a form that the Comptroller provides;
  - (ii) state that the primary purpose of the nonprofit beer festival is to promote Maryland beer;
  - (iii) provide details of the nonprofit beer festival, including the location, dates, and times of operation; and
  - (iv) include appropriate evidence that the applicant has been given permission by the owner of the property where the nonprofit beer festival is to be held.
- (f) Not less than 15 days before the nonprofit beer festival, the permit holder shall provide the local licensing board with a list of brewing company off-site permit holders that will attend.
- (g) The permit fee is \$100.

2–134.

- (a) There is a wine festival permit.
- (b) The Comptroller may issue the permit to a nonprofit organization, as defined by § 501(c) of the Internal Revenue Code, that meets the requirements of this section.
- (c) (1) The permit authorizes the permit holder to:
- (i) conduct a wine festival for at least 1 day but not more than 3 consecutive days; and
  - (ii) purchase wine at wholesale to:
    - 1. provide to a consumer a sample that does not exceed 1 fluid ounce for each offering; and
    - 2. sell to a consumer wine for on- and off-premises consumption.
- (2) The permit holder shall provide space at a wine festival for holders of winery off-site permits.
- (3) A holder of a winery off-site permit that attends a wine festival may provide wine to a consumer in the same manner as the holder of the wine festival permit.

(4) The permit holder may provide or sell at the wine festival only alcoholic beverages provided by the permit holder or a holder of a winery off-site permit that is in attendance.

(d) At all times during the wine festival, the permit holder shall have present at least two agents, one of whom may be the permit holder, who are certified by an approved alcohol awareness program.

(e) (1) Not less than 30 days before the wine festival, a person shall submit an application for the permit to the Comptroller.

(2) The application shall:

(i) be on a form that the Comptroller provides;

(ii) state that the primary purpose of the wine festival is to promote Maryland wine;

(iii) provide details of the wine festival, including the location, dates, and times of operation; and

(iv) include appropriate evidence that the applicant has been given permission by the owner of the property where the wine festival is to be held.

(f) Not less than 15 days before the wine festival, the permit holder shall provide the Comptroller with a list of winery off-site permit holders that will attend.

(g) The permit fee is \$100.

11-1304.

(a) In this section, ["Festival"] **"FESTIVAL"** means the Anne Arundel County Beer and Wine Festival [or], the Benson-Hammond House Strawberry Festival, **OR ANY OTHER FESTIVAL THAT THE BOARD APPROVES UNDER THIS SECTION.**

(b) There is a beer and wine festival (BWF) license.

(c) **(1)** The Board may issue the license to a holder of a retail license, a Class 3 winery license, or a Class 4 limited winery license.

**(2) THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION, AS DEFINED BY § 501(C) OF THE INTERNAL REVENUE CODE, THAT MEETS THE REQUIREMENTS OF:**

**(I) THIS SECTION; AND**

**(II) ANY REGULATIONS THAT THE BOARD ADOPTS.**

- (d) The license authorizes the holder to display and sell:
- (1) wine that is:
    - (i) manufactured and processed in any state; and
    - (ii) distributed in the State when the license application is filed; and
  - (2) beer that is brewed by a brewer:
    - (i) that brews less than 60,000 barrels of beer annually; and
    - (ii) whose product is distributed in the State when the license application is filed.
- (e) A license holder shall display and sell beer and wine:
- (1) at retail for on- and off-premises consumption; and
  - (2) during the hours and days designated for [the Festival] **A FESTIVAL**.
- (f) The Board:
- (1) each year may choose 1 weekend, Friday through Sunday inclusive, for [the Festival] **A FESTIVAL TO TAKE PLACE**;
  - (2) may not choose a weekend that occurs within 14 days before or after the Maryland Wine Festival in Carroll County;
  - (3) shall choose a location that is not already licensed; and
  - (4) shall ensure that the primary focus of [the Festival] **A FESTIVAL** is the promotion of Maryland beer and wine.
- (g) **(1)** The license holder may hold another license of a different class or nature.
- (2) THE LICENSE HOLDER MAY DISPLAY AND SELL BEER OR WINE AT A FESTIVAL WITHOUT HOLDING:**
- (I) A NONPROFIT BEER FESTIVAL PERMIT UNDER § 2-131 OF THIS ARTICLE; OR**
  - (II) A WINE FESTIVAL PERMIT UNDER § 2-134 OF THIS ARTICLE.**

(h) Beer and wine displayed and sold shall be:

(1) invoiced to the license holder by a wholesaler, a Class 3 winery, or a Class 4 limited winery; and

(2) delivered to [the Festival] A FESTIVAL from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:

(1) deliver beer and wine not earlier than 2 days before the effective date of the license; and

(2) accept returns not later than 2 days after the expiration date of the license.

(j) The Board may set the license fee.

(k) The Board shall adopt regulations to carry out this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 584

(Senate Bill 876)

AN ACT concerning

### Natural Resources – Black Fly Management and Control – Washington County

FOR the purpose of ~~requiring~~ *authorizing* the Department of Natural Resources, *in conjunction with the Department of Agriculture*, to establish a program to control the spread of black flies in the State *under certain circumstances*; requiring that the program be implemented initially on certain property in Washington County; authorizing the Department *of Natural Resources*, in conjunction with *the Department of Agriculture and* the University of Maryland's Department of Entomology, to conduct the program in a certain manner; authorizing the Department of Natural Resources *and the Department of Agriculture* to accept, use, or expend certain funding to implement this Act; ~~requiring~~ *authorizing* the Department *of Natural Resources, in conjunction with the Department of Agriculture*,

to adopt certain regulations; stating a certain finding and the intent of the General Assembly; and generally relating to the management and control of black flies in the State.

BY adding to

Article – Natural Resources

Section 8–2201 through 8–2205 to be under the new subtitle “Subtitle 22. Black Fly Management and Control”

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Natural Resources**

**SUBTITLE 22. BLACK FLY MANAGEMENT AND CONTROL.**

**8–2201.**

(A) THE GENERAL ASSEMBLY FINDS THAT THE PROLIFERATION OF CERTAIN SPECIES OF THE GROUP *SIMULIUM JENNINGSI*, COMMONLY KNOWN AS BLACK FLIES, ARE A PUBLIC AND COMMON NUISANCE ON LAND AND WATERS USED FOR RECREATION, EMPLOYMENT, AND TOURISM.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE AND THE UNIVERSITY OF MARYLAND’S DEPARTMENT OF ENTOMOLOGY, SIGNIFICANTLY REDUCE THE POPULATION OF BLACK FLIES IN THE STATE.

**8–2202.**

~~THE~~ SUBJECT TO FUNDING MADE AVAILABLE TO THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE, THE DEPARTMENT SHALL MAY, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE, IMPLEMENT A PROGRAM TO CONTROL THE SPREAD OF BLACK FLIES IN THE STATE.

**8–2203.**

(A) THE PROGRAM SHALL BE IMPLEMENTED INITIALLY IN WASHINGTON COUNTY ON:

- (1) STATE-OWNED PROPERTY;

(2) PROPERTY OWNED BY A LOCAL GOVERNMENT WITH CONSENT OF THE LOCAL GOVERNMENT; AND

(3) PRIVATE PROPERTY WITH CONSENT OF THE PROPERTY OWNER.

(B) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE AND THE UNIVERSITY OF MARYLAND'S DEPARTMENT OF ENTOMOLOGY, MAY:

(1) TREAT THE PROPERTY WITH AN AERIAL SPRAYING OR BACKPACK SPRAYING OF BACILLUS THURINGIENSIS ISRAELENESIS;

(2) CONDUCT FIELD STUDIES TO DETERMINE THE NEED FOR, LOCATION, AND TIMING OF SPRAYING;

(3) SCHEDULE SPRAYING WHEN THE CONDITIONS ARE OPTIMAL FOR INGESTION BY THE BLACK FLIES;

(4) NOTIFY APPROPRIATE PERSONS OF THE DATE AND LOCATION OF AN UPCOMING SPRAYING;

(5) REVIEW THE EFFECTIVENESS OF THE SPRAYING; AND

(6) CONDUCT BIOMONITORING OF AQUATIC MACROINVERTEBRATES AND FISH IN SELECTED STREAMS TO ENSURE THERE IS NO IMPACT ON THE ENVIRONMENT.

8-2204.

THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE MAY ACCEPT, USE, OR EXPEND ANY AID, GIFT, OR GRANT MADE AVAILABLE FROM ANY PRIVATE OR PUBLIC SOURCE TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

8-2205.

THE DEPARTMENT ~~SHALL~~ MAY, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE, ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

**Chapter 585****(House Bill 870)**

AN ACT concerning

**Natural Resources – Black Fly Management and Control – ~~Washington County~~  
Study Washington County**

FOR the purpose of ~~requiring the Department of Natural Resources to establish a program to control the spread of black flies in the State; requiring that the program be implemented initially on certain property in Washington County; authorizing the Department, in conjunction with the University of Maryland's Department of Entomology, to conduct the program in a certain manner; authorizing the Department of Natural Resources to accept, use, or expend certain funding to implement this Act; requiring the Department to adopt certain regulations; stating a certain finding and the intent of the General Assembly; requiring the Department of Natural Resources to conduct a study on the feasibility of establishing a program to control the spread of black flies in the State; requiring the study to include consideration of establishing a pilot program to control the spread of black flies in Washington County; requiring the Department of Natural Resources to consult with the Department of Agriculture and the Department of the Environment in conducting the study; requiring the Department of Natural Resources to report certain findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date; requiring~~ *authorizing the Department of Natural Resources, in conjunction with the Department of Agriculture, to establish a program to control the spread of black flies in the State under certain circumstances; requiring that the program be implemented initially on certain property in Washington County; authorizing the Department of Natural Resources, in conjunction with the Department of Agriculture and the University of Maryland's Department of Entomology, to conduct the program in a certain manner; authorizing the Department of Natural Resources and the Department of Agriculture to accept, use, or expend certain funding to implement this Act; requiring* *authorizing the Department of Natural Resources, in conjunction with the Department of Agriculture, to adopt certain regulations; stating a certain finding and the intent of the General Assembly;* and generally relating to the management and control of black flies in the State.

~~BY adding to~~~~Article – Natural Resources~~~~Section 8-2201 through 8-2205 to be under the new subtitle “Subtitle 22. Black Fly Management and Control”~~~~Annotated Code of Maryland~~~~(2012 Replacement Volume and 2015 Supplement)~~*BY adding to**Article – Natural Resources*

*Section 8-2201 through 8-2205 to be under the new subtitle "Subtitle 22. Black Fly Management and Control"*  
*Annotated Code of Maryland*  
*(2012 Replacement Volume and 2015 Supplement)*

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

~~Article Natural Resources~~

~~SUBTITLE 22. BLACK FLY MANAGEMENT AND CONTROL.~~

~~§ 2201.~~

~~(A) THE GENERAL ASSEMBLY FINDS THAT THE PROLIFERATION OF CERTAIN SPECIES OF THE GROUP SIMULIUM JENNINGSI, COMMONLY KNOWN AS BLACK FLIES, ARE A PUBLIC AND COMMON NUISANCE ON LAND AND WATERS USED FOR RECREATION, EMPLOYMENT, AND TOURISM.~~

~~(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT, IN CONJUNCTION WITH THE UNIVERSITY OF MARYLAND'S DEPARTMENT OF ENTOMOLOGY, SIGNIFICANTLY REDUCE THE POPULATION OF BLACK FLIES IN THE STATE.~~

~~§ 2202.~~

~~THE DEPARTMENT SHALL IMPLEMENT A PROGRAM TO CONTROL THE SPREAD OF BLACK FLIES IN THE STATE.~~

~~§ 2203.~~

~~(A) THE PROGRAM SHALL BE IMPLEMENTED INITIALLY IN WASHINGTON COUNTY ON:~~

~~(1) STATE OWNED PROPERTY;~~

~~(2) PROPERTY OWNED BY A LOCAL GOVERNMENT WITH CONSENT OF THE LOCAL GOVERNMENT; AND~~

~~(3) PRIVATE PROPERTY WITH CONSENT OF THE PROPERTY OWNER.~~

~~(B) THE DEPARTMENT, IN CONJUNCTION WITH THE UNIVERSITY OF MARYLAND'S DEPARTMENT OF ENTOMOLOGY, MAY:~~

- ~~(1) TREAT THE PROPERTY WITH AN AERIAL SPRAYING OR BACKPACK SPRAYING OF BACILLUS THURINGIENSIS ISRAELENIS;~~
- ~~(2) CONDUCT FIELD STUDIES TO DETERMINE THE NEED FOR, LOCATION, AND TIMING OF SPRAYING;~~
- ~~(3) SCHEDULE SPRAYING WHEN THE CONDITIONS ARE OPTIMAL FOR INGESTION BY THE BLACK FLIES;~~
- ~~(4) NOTIFY APPROPRIATE PERSONS OF THE DATE AND LOCATION OF AN UPCOMING SPRAYING;~~
- ~~(5) REVIEW THE EFFECTIVENESS OF THE SPRAYING; AND~~
- ~~(6) CONDUCT BIOMONITORING OF AQUATIC MACROINVERTEBRATES AND FISH IN SELECTED STREAMS TO ENSURE THERE IS NO IMPACT ON THE ENVIRONMENT.~~

~~§ 2204.~~

~~THE DEPARTMENT MAY ACCEPT, USE, OR EXPEND ANY AID, GIFT, OR GRANT MADE AVAILABLE FROM ANY PRIVATE OR PUBLIC SOURCE TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.~~

~~§ 2205.~~

~~THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.~~

~~(a) (1) The Department of Natural Resources shall study the feasibility of establishing a program to control the spread of black flies in the State.~~

~~(2) The study required under this section shall include consideration of establishing a pilot program to control the spread of black flies in Washington County.~~

~~(3) In conducting the study required under this subsection, the Department of Natural Resources shall consult with:~~

~~(i) the Department of Agriculture; and~~

~~(ii) the Department of the Environment.~~

~~(b) On or before December 31, 2016, the Department of Natural Resources shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee, in accordance with § 2-1246 of the~~

~~State Government Article, on the findings of the study required under subsection (a) of this section and any recommended policy actions to implement a program to control the spread of black flies in the State, including actions to implement a pilot program to control the spread of black flies in Washington County.~~

*Article – Natural Resources*

*SUBTITLE 22. BLACK FLY MANAGEMENT AND CONTROL.*

*8-2201.*

*(A) THE GENERAL ASSEMBLY FINDS THAT THE PROLIFERATION OF CERTAIN SPECIES OF THE GROUP SIMULIUM JENNINGSI, COMMONLY KNOWN AS BLACK FLIES, ARE A PUBLIC AND COMMON NUISANCE ON LAND AND WATERS USED FOR RECREATION, EMPLOYMENT, AND TOURISM.*

*(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE AND THE UNIVERSITY OF MARYLAND'S DEPARTMENT OF ENTOMOLOGY, SIGNIFICANTLY REDUCE THE POPULATION OF BLACK FLIES IN THE STATE.*

*8-2202.*

*~~THE~~ SUBJECT TO FUNDING MADE AVAILABLE TO THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE, THE DEPARTMENT ~~SHALL~~ MAY, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE, IMPLEMENT A PROGRAM TO CONTROL THE SPREAD OF BLACK FLIES IN THE STATE.*

*8-2203.*

*(A) THE PROGRAM SHALL BE IMPLEMENTED INITIALLY IN WASHINGTON COUNTY ON:*

*(1) STATE-OWNED PROPERTY;*

*(2) PROPERTY OWNED BY A LOCAL GOVERNMENT WITH CONSENT OF THE LOCAL GOVERNMENT; AND*

*(3) PRIVATE PROPERTY WITH CONSENT OF THE PROPERTY OWNER.*

*(B) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE AND THE UNIVERSITY OF MARYLAND'S DEPARTMENT OF ENTOMOLOGY, MAY:*

(1) TREAT THE PROPERTY WITH AN AERIAL SPRAYING OR BACKPACK SPRAYING OF BACILLUS THURINGIENSIS ISRAELENISIS;

(2) CONDUCT FIELD STUDIES TO DETERMINE THE NEED FOR, LOCATION, AND TIMING OF SPRAYING;

(3) SCHEDULE SPRAYING WHEN THE CONDITIONS ARE OPTIMAL FOR INGESTION BY THE BLACK FLIES;

(4) NOTIFY APPROPRIATE PERSONS OF THE DATE AND LOCATION OF AN UPCOMING SPRAYING;

(5) REVIEW THE EFFECTIVENESS OF THE SPRAYING; AND

(6) CONDUCT BIOMONITORING OF AQUATIC MACROINVERTEBRATES AND FISH IN SELECTED STREAMS TO ENSURE THERE IS NO IMPACT ON THE ENVIRONMENT.

8-2204.

THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE MAY ACCEPT, USE, OR EXPEND ANY AID, GIFT, OR GRANT MADE AVAILABLE FROM ANY PRIVATE OR PUBLIC SOURCE TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

8-2205.

THE DEPARTMENT ~~SHALL~~ MAY, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE, ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ ~~June~~ October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 586

(Senate Bill 877)

AN ACT concerning

Washington County – Alcoholic Beverages – Class CT (Cinema/Theater) License

FOR the purpose of establishing a Class CT (cinema/theater) (on-sale) beer, wine, and liquor license in Washington County; authorizing the Board of License Commissioners for Washington County to issue the license for use in a cinema or theater that meets certain requirements; authorizing the license holder to sell beer, wine, and liquor for on-premises consumption under certain circumstances; authorizing a license holder to serve beer, wine, and liquor without serving food; prohibiting a certain individual from mixing the contents of certain bottles; requiring a certain individual to dispose of or destroy empty bottles; requiring a license holder to obtain a certain crowd control training certificate and have a certain certified crowd control manager present at the licensed premises at certain times; requiring the license holder to have a certain individual who has received certification from a certain alcohol awareness program to be present at the licensed premises under certain circumstances; specifying the hours and days for sale of beer, wine, and liquor; specifying a certain annual license fee; providing for the termination of this Act; and generally relating to the sale of alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 4-505, 31-101(a) and (b), 31-102, 31-207, 31-1901, and 31-1903

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 31-1001.1

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

### **Article – Alcoholic Beverages**

4-505.

- (a) In this section, “alcohol awareness program” means a program that:
- (1) includes instruction on how alcohol affects an individual’s behavior and body;
  - (2) provides education on the dangers of drinking and driving; and
  - (3) defines effective methods to:
    - (i) determine whether a customer is under the legal drinking age;
    - (ii) serve customers to minimize the chance of intoxication; and

(iii) stop service before a customer becomes intoxicated.

(b) (1) This section applies to:

(i) a licensed premises that sells alcoholic beverages to a customer from a bar or service bar on the premises;

(ii) a premises licensed to sell alcoholic beverages for off-premises consumption; and

(iii) an unlicensed establishment in a jurisdiction that requires a worker, a supervisor, or an owner of an unlicensed establishment to receive alcohol awareness training.

(2) This section does not apply to:

(i) a temporary license;

(ii) a Class E (on-sale) water vessel license;

(iii) a Class F (on-sale) railroad license; or

(iv) a Class G (on-sale) airplane license.

(c) The Comptroller:

(1) shall approve, certify, and issue an alcohol awareness program permit to each alcohol awareness program that complies with this section; and

(2) may require recertification of the approved alcohol awareness program to ensure compliance with changes in the program.

(d) Before an individual may teach an alcohol awareness program, the individual shall obtain an alcohol awareness instructor's permit.

(e) A holder of any retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program.

(f) (1) (i) For each completion of a certified alcohol awareness program, the alcohol awareness program provider shall issue a certificate of completion that is valid for 4 years from the date of issuance.

(ii) The holder or employee shall complete retraining in an approved alcohol awareness program for each successive 4-year period.

(iii) On request, a valid certificate shall be presented to the proper authority.

(2) Within 5 days after a license holder, an owner of an unlicensed establishment, or an employee of a license holder or owner of an unlicensed establishment is sent a certificate of completion, the alcohol awareness program provider shall inform the appropriate local licensing board of:

(i) the individual's name, address, and certification date; and

(ii) the name and address of the licensed establishment or unlicensed establishment.

(g) The Comptroller may decertify the alcohol awareness program of an alcohol awareness program provider who violates subsection (c), (d), or (f) of this section.

(h) (1) Each local licensing board shall enforce this section.

(2) A license holder who violates subsection (e) of this section is subject to:

(i) for the first offense, a \$100 fine; and

(ii) for each subsequent offense, a fine not to exceed \$500 or a suspension or revocation of the license or both.

(i) (1) This section does not create or enlarge a civil cause of action or criminal proceeding against a license holder.

(2) Evidence of a violation of this section:

(i) may only be used as evidence before the local licensing board in an action brought before the local licensing board for a violation of this section; and

(ii) may not be introduced in a civil or criminal proceeding.

31-101.

(a) In this title:

(1) the definitions in § 1-101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) "Board" means the Board of License Commissioners for Washington County.

31-102.

This title applies only in Washington County.

31-207.

The Board may adopt regulations to carry out this article.

**31-1001.1.**

**(A) THERE IS A CLASS CT (CINEMA/THEATER) (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A CINEMA OR THEATER THAT:**

**(1) IS IN A BUILDING THAT IS DESIGNED OR USED PRIMARILY FOR THE EXHIBITION OF MOTION PICTURES TO THE PUBLIC;**

**(2) HAS A CAPACITY TO HOLD AT LEAST 100 PERMANENTLY INSTALLED SEATS; AND**

**(3) HAS A MINIMUM OF SIX MOVIE THEATER ROOMS.**

**(C) (1) ~~THE~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION:**

**(I) BY THE DRINK, BOTTLE, AND CAN;**

**(II) 1. IN A DESIGNATED AREA OF THE LOBBY, FOR 45 MINUTES BEFORE A MOVIE STARTS; AND**

**2. IN A VIP ROOM THAT HOLDS SPECIAL EVENTS, FOR THE 45 MINUTES BEFORE A MOVIE STARTS AND DURING THE SHOWING OF THE MOVIE; AND**

**(III) TO AN INDIVIDUAL WHO HAS A TICKET TO THE MOVIE AND PROPER IDENTIFICATION.**

**(2) A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE ONLY ON THURSDAYS.**

**~~(2)~~ (3) A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR WITHOUT SERVING FOOD.**

~~(3)~~ **(4) AN INDIVIDUAL SERVING BEER, WINE, AND LIQUOR:**

**(I) MAY NOT MIX THE CONTENTS OF ONE BOTTLE WITH THE CONTENTS OF ANOTHER BOTTLE; AND**

**(II) SHALL DISPOSE OF OR DESTROY ALL EMPTY BOTTLES AND CANS.**

**(D) (1) A LICENSE HOLDER SHALL:**

**(I) OBTAIN A CROWD CONTROL TRAINING CERTIFICATE FROM A PROGRAM THAT IS CERTIFIED BY THE BOARD; AND**

**(II) WHILE SELLING BEER, WINE, AND LIQUOR, HAVE ONE CERTIFIED CROWD CONTROL MANAGER ON THE LICENSED PREMISES FOR EVERY 250 INDIVIDUALS PRESENT.**

**(2) NOTWITHSTANDING § 31-1903(A) OF THIS TITLE, A LICENSE HOLDER SHALL REQUIRE ONE INDIVIDUAL WHO HAS COMPLETED A CERTIFIED ALCOHOL AWARENESS PROGRAM TO BE ON THE LICENSED PREMISES AT ALL TIMES WHEN ALCOHOL IS BEING SERVED.**

~~(3) THE LICENSE HOLDER MAY SERVE BEER, WINE, AND LIQUOR:~~

~~(I) MONDAY THROUGH SUNDAY; AND~~

~~(II) DURING THE TIMES SPECIFIED UNDER SUBSECTION (C)(1) OF THIS SECTION.~~

**(E) THE ANNUAL LICENSE FEE IS \$1,000.**

31-1901.

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the County without exception or variation:

(1) § 4-502 (“Storage of alcoholic beverages”);

(2) § 4-503 (“Solicitations and sales outside of licensed premises”);

(3) § 4-506 (“Evidence of purchaser’s age”);

(4) § 4-507 (“Retail delivery of alcoholic beverages”); and

(5) § 4-508 (“Display of license”).

(b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the County:

(1) § 4–504 (“Employment of underage individuals”), subject to § 31–1902 of this subtitle; and

(2) § 4–505 (“Alcohol awareness program”), subject to § 31–1903 of this subtitle.

31–1903.

(a) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(i) be certified by an approved alcohol awareness program; and

(ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

**SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July 1, 2016. It shall remain effective for a period of 15 months and, at the end of October 1, 2017, 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 19, 2016.**

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**Chapter 587**

**(House Bill 1320)**

AN ACT concerning

**Washington County – Alcoholic Beverages – Class CT (Cinema/Theater) License**

FOR the purpose of establishing a Class CT (cinema/theater) (on–sale) beer, wine, and liquor license in Washington County; authorizing the Board of License Commissioners for Washington County to issue the license for use in a cinema or theater that meets certain requirements; authorizing the license holder to sell ~~and serve~~ beer, wine, and liquor for on–premises consumption under certain circumstances; authorizing a license holder to serve beer, wine, and liquor without serving food; *prohibiting a certain individual from mixing the contents of certain bottles*; requiring a certain individual to dispose of or destroy empty bottles; requiring a license holder to obtain a certain crowd control training certificate and have a certain certified crowd control manager present at the licensed premises at certain times; requiring the license holder to have a certain individual who has received certification from a certain alcohol awareness program to be present at the licensed premises under certain circumstances; specifying the hours and days for sale of beer, wine, and liquor; specifying a certain annual license fee; *providing for the termination of this Act*; and generally relating to the sale of alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 4–505, 31–101(a) and (b), 31–102, 31–207, 31–1901, and 31–1903

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 31–1001.1

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

4–505.

(a) In this section, “alcohol awareness program” means a program that:

(1) includes instruction on how alcohol affects an individual’s behavior and body;

(2) provides education on the dangers of drinking and driving; and

(3) defines effective methods to:

- (i) determine whether a customer is under the legal drinking age;
- (ii) serve customers to minimize the chance of intoxication; and
- (iii) stop service before a customer becomes intoxicated.

(b) (1) This section applies to:

- (i) a licensed premises that sells alcoholic beverages to a customer from a bar or service bar on the premises;
- (ii) a premises licensed to sell alcoholic beverages for off-premises consumption; and
- (iii) an unlicensed establishment in a jurisdiction that requires a worker, a supervisor, or an owner of an unlicensed establishment to receive alcohol awareness training.

(2) This section does not apply to:

- (i) a temporary license;
- (ii) a Class E (on-sale) water vessel license;
- (iii) a Class F (on-sale) railroad license; or
- (iv) a Class G (on-sale) airplane license.

(c) The Comptroller:

(1) shall approve, certify, and issue an alcohol awareness program permit to each alcohol awareness program that complies with this section; and

(2) may require recertification of the approved alcohol awareness program to ensure compliance with changes in the program.

(d) Before an individual may teach an alcohol awareness program, the individual shall obtain an alcohol awareness instructor's permit.

(e) A holder of any retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program.

(f) (1) (i) For each completion of a certified alcohol awareness program, the alcohol awareness program provider shall issue a certificate of completion that is valid for 4 years from the date of issuance.

(ii) The holder or employee shall complete retraining in an approved alcohol awareness program for each successive 4-year period.

(iii) On request, a valid certificate shall be presented to the proper authority.

(2) Within 5 days after a license holder, an owner of an unlicensed establishment, or an employee of a license holder or owner of an unlicensed establishment is sent a certificate of completion, the alcohol awareness program provider shall inform the appropriate local licensing board of:

(i) the individual's name, address, and certification date; and

(ii) the name and address of the licensed establishment or unlicensed establishment.

(g) The Comptroller may decertify the alcohol awareness program of an alcohol awareness program provider who violates subsection (c), (d), or (f) of this section.

(h) (1) Each local licensing board shall enforce this section.

(2) A license holder who violates subsection (e) of this section is subject to:

(i) for the first offense, a \$100 fine; and

(ii) for each subsequent offense, a fine not to exceed \$500 or a suspension or revocation of the license or both.

(i) (1) This section does not create or enlarge a civil cause of action or criminal proceeding against a license holder.

(2) Evidence of a violation of this section:

(i) may only be used as evidence before the local licensing board in an action brought before the local licensing board for a violation of this section; and

(ii) may not be introduced in a civil or criminal proceeding.

31-101.

(a) In this title:

(1) the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Washington County.

31–102.

This title applies only in Washington County.

31–207.

The Board may adopt regulations to carry out this article.

**31–1001.1.**

**(A) THERE IS A CLASS CT (CINEMA/THEATER) (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A CINEMA OR THEATER THAT:**

**(1) IS IN A BUILDING THAT IS DESIGNED OR USED PRIMARILY FOR THE EXHIBITION OF MOTION PICTURES TO THE PUBLIC; ~~AND~~**

**(2) HAS A CAPACITY TO HOLD AT LEAST 100 PERMANENTLY INSTALLED SEATS; AND**

**(3) HAS A MINIMUM OF SIX MOVIE THEATER ROOMS.**

**(C) (1) ~~THE~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL ~~OR SERVE~~ BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION:**

**(I) BY THE DRINK, BOTTLE, AND CAN;**

**(II) 1. IN A DESIGNATED AREA OF THE LOBBY, FOR 45 MINUTES BEFORE A MOVIE STARTS; AND**

**2. IN A VIP ROOM THAT HOLDS SPECIAL EVENTS, FOR THE 45 MINUTES BEFORE A MOVIE STARTS AND DURING THE SHOWING OF THE MOVIE; AND**

(III) TO AN INDIVIDUAL WHO HAS A TICKET TO A MOVIE AND PROPER IDENTIFICATION.

(2) A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE ONLY ON THURSDAYS.

~~(2)~~ (3) A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR WITHOUT SERVING FOOD.

~~(3)~~ (4) AN INDIVIDUAL SERVING BEER, WINE, AND LIQUOR:

(I) MAY NOT MIX THE CONTENTS OF ONE BOTTLE WITH THE CONTENTS OF ANOTHER BOTTLE; AND

(II) SHALL DISPOSE OF OR DESTROY ALL EMPTY BOTTLES AND CANS.

(D) (1) A LICENSE HOLDER SHALL:

(I) OBTAIN A CROWD CONTROL TRAINING CERTIFICATE FROM A PROGRAM THAT IS CERTIFIED BY THE BOARD; AND

(II) WHILE SELLING BEER, WINE, AND LIQUOR, HAVE ONE CERTIFIED CROWD CONTROL MANAGER ON THE LICENSED PREMISES FOR EVERY 250 INDIVIDUALS PRESENT.

(2) NOTWITHSTANDING § 31-1903(A) OF THIS TITLE, A LICENSE HOLDER SHALL REQUIRE ONE INDIVIDUAL WHO HAS COMPLETED A CERTIFIED ALCOHOL AWARENESS PROGRAM TO BE ON THE LICENSED PREMISES AT ALL TIMES WHEN ALCOHOL IS BEING SERVED.

~~(3) THE LICENSE HOLDER MAY SERVE BEER, WINE, AND LIQUOR:~~

~~(I) MONDAY THROUGH SUNDAY; AND~~

~~(II) DURING THE TIMES SPECIFIED UNDER SUBSECTION (C)(1) OF THIS SECTION.~~

(E) THE ANNUAL LICENSE FEE IS \$1,000.

31-1901.

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the County without exception or variation:

- (1) § 4–502 (“Storage of alcoholic beverages”);
- (2) § 4–503 (“Solicitations and sales outside of licensed premises”);
- (3) § 4–506 (“Evidence of purchaser’s age”);
- (4) § 4–507 (“Retail delivery of alcoholic beverages”); and
- (5) § 4–508 (“Display of license”).

(b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the County:

(1) § 4–504 (“Employment of underage individuals”), subject to § 31–1902 of this subtitle; and

(2) § 4–505 (“Alcohol awareness program”), subject to § 31–1903 of this subtitle.

31–1903.

(a) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(i) be certified by an approved alcohol awareness program; and

(ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016. It shall remain effective for a period of 15 months and, at the end of October 1,

2017, 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 19, 2016.

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## Chapter 588

### (Senate Bill 878)

AN ACT concerning

#### Allegany County – Alcoholic Beverages – Sunday Sales

FOR the purpose of altering the hours for sale of certain alcoholic beverages on Sundays by a holder of a Class D beer license, a Class D beer and light wine license, a Class B beer, wine, and liquor license, and a Class D beer, wine, and liquor license in Allegany County under certain circumstances; and generally relating to the hours for sale of alcoholic beverages on Sundays in Allegany County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 9–101(a) and (b), 9–102, and 9–2005

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 9–2002(d), 9–2003(d), and 9–2004(b) and (d)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

#### Article – Alcoholic Beverages

9–101.

(a) In this title:

(1) except as provided in subsection (c) of this section, the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Allegany County.

9–102.

This title applies only in Allegany County.

9–2002.

(d) (1) Except as provided in § 9–2005 of this subtitle for December 31 and January 1, a holder of a Class D beer license may sell beer:

(i) on Monday through Saturday, for on–premises and off–premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on–premises consumption, from [1 p.m.] **11 A.M.** to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; and

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

(iii) in accordance with a 2–day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2–day Sunday sales permit to a holder of a Class D beer license.

(ii) An applicant for a 2–day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2–day Sunday sales permit authorizes the holder to sell beer for on–premises consumption on not more than two Sundays in a year from [1 p.m.] **11 A.M.** Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

9–2003.

(d) (1) Except as provided in § 9–2005 of this subtitle for December 31 and January 1, a holder of a Class D beer and light wine license may sell beer and light wine:

(i) on Monday through Saturday, for on–premises and off–premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on-premises consumption, from [1 p.m.] 11 A.M. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; and

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

(iii) in accordance with a 2-day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class D beer and light wine license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer and light wine for on-premises consumption on not more than two Sundays in a year from [1 p.m.] 11 A.M. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

9-2004.

(b) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on-premises consumption, from [1 p.m.] 11 A.M. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250;

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

3. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class B beer, wine, and liquor license, including a Class B beer, wine, and liquor license issued for use in a restaurant or banquet room in a hotel or motel.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on-premises consumption on not more than two Sundays in a year from [1 p.m.] 11 A.M. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

(d) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, from [1 p.m.] 11 A.M. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; and

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

(iii) in accordance with a 2-day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class D beer, wine, and liquor license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on-premises consumption on not more than two Sundays in a year from [1 p.m.] 11 A.M. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

The Board shall determine the hours of sale for December 31 and January 1, regardless of the days of the week on which those dates fall.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 589

### (House Bill 995)

AN ACT concerning

#### **Allegany County – Alcoholic Beverages – Sunday Sales**

FOR the purpose of altering the hours for sale of certain alcoholic beverages on Sundays by a holder of a Class D beer license, a Class D beer and light wine license, a Class B beer, wine, and liquor license, and a Class D beer, wine, and liquor license in Allegany County under certain circumstances; ~~submitting this Act to a referendum of the qualified voters of Allegany County;~~ and generally relating to the hours for sale of alcoholic beverages on Sundays in Allegany County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 9–101(a) and (b), 9–102, and 9–2005

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 9–2002(d), 9–2003(d), and 9–2004(b) and (d)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

#### **Article – Alcoholic Beverages**

9–101.

(a) In this title:

(1) except as provided in subsection (c) of this section, the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Allegany County.

9–102.

This title applies only in Allegany County.

9–2002.

(d) (1) Except as provided in § 9–2005 of this subtitle for December 31 and January 1, a holder of a Class D beer license may sell beer:

(i) on Monday through Saturday, for on–premises and off–premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on–premises consumption, from [1 p.m.] **11 A.M.** to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; and

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

(iii) in accordance with a 2–day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2–day Sunday sales permit to a holder of a Class D beer license.

(ii) An applicant for a 2–day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2–day Sunday sales permit authorizes the holder to sell beer for on–premises consumption on not more than two Sundays in a year from [1 p.m.] **11 A.M.** Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

9–2003.

(d) (1) Except as provided in § 9–2005 of this subtitle for December 31 and January 1, a holder of a Class D beer and light wine license may sell beer and light wine:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on-premises consumption, from [1 p.m.] 11 A.M. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; and

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

(iii) in accordance with a 2-day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class D beer and light wine license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer and light wine for on-premises consumption on not more than two Sundays in a year from [1 p.m.] 11 A.M. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

9-2004.

(b) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on-premises consumption, from [1 p.m.] 11 A.M. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250;

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

3. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class B beer, wine, and liquor license, including a Class B beer, wine, and liquor license issued for use in a restaurant or banquet room in a hotel or motel.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on-premises consumption on not more than two Sundays in a year from [1 p.m.] 11 A.M. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

(d) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, from [1 p.m.] 11 A.M. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; and

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

(iii) in accordance with a 2-day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class D beer, wine, and liquor license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on-premises consumption on not more than two Sundays in a year from [1 p.m.] 11 A.M. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

9–2005.

The Board shall determine the hours of sale for December 31 and January 1, regardless of the days of the week on which those dates fall.

~~SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes effective it shall first be submitted to a referendum of the qualified voters of Allegany County at the general election to be held in November of 2016. The County governing body and the Allegany County Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. If a majority of the votes cast on the question are “For the referred law” the provisions of this Act shall become effective on the 30th day following the official canvass of votes for the referendum, but if a majority of the votes cast on the question are “Against the referred law” the provisions of this Act are of no effect and null and void.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act and for the sole purpose of providing for the referendum required by Section 2 of this Act, this Act shall take effect July 1, 2016.~~

Approved by the Governor, May 19, 2016.

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## Chapter 590

(Senate Bill 879)

AN ACT concerning

### Garrett County – Alcoholic Beverages – Various Licenses

FOR the purpose of specifying certain annual fees for certain ~~7-day~~ alcoholic beverages licenses; altering the number of days after the expiration date of a wine festival license that a holder of a State wholesale, Class 3 winery, or Class 4 limited winery license may accept returns from a holder of a wine festival license; providing that the Garrett County Board of License Commissioners is not required to hold a hearing before issuing certain Class C temporary licenses; and generally relating to alcoholic beverages in Garrett County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 21–102, 21–601(a), 21–602(a), 21–604(a), 21–701(a), 21–801(a), 21–802(a), 21–803(a), 21–805(a), 21–902(a), 21–903(a), 21–904(b), 21–905(a)(1), 21–1001(a), 21–1002(a), and 21–1305(a)(1)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 21–601(c), 21–602(d), 21–604(c), 21–701(d), 21–801(c), 21–802(d), 21–803(e),  
21–805(e), 21–902(g), ~~21–903(f)~~, 21–904(g), 21–905(e), 21–1001(e),  
21–1002(e), 21–1305(i), 21–1309, and 21–1501

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 21–602(e), 21–802(e), 21–803(f), 21–805(f), 21–902(h), 21–903(f) and (g), and  
21–905(f)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing

Article – Alcoholic Beverages

Section 21–903(f)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

### Article – Alcoholic Beverages

21–102.

This title applies only in Garrett County.

21–601.

(a) There is a Class A beer license.

(c) (1) The annual license [fee is] **FEES ARE:**

**(I) \$150 FOR A 6–DAY LICENSE; AND**

**(II) \$175 FOR A 7–DAY LICENSE.**

(2) The ~~new license~~ **BOARD SHALL CHARGE A ONE–TIME** issuing fee ~~is~~  
~~\$150 and shall be paid in addition~~ **FOR A NEW LICENSE IN AN AMOUNT EQUAL** to the  
annual license fee.

21–602.

- (a) There is a Class B beer license.
- (d) The ANNUAL LICENSE fees are:
- (1) **\$150** for a **6-DAY** license without a catering option:
    - ~~(i) \$150 for a one-time issuing fee; and~~
    - ~~(ii) \$150 for the annual license fee; [and]~~
  - (2) **\$250** for a **6-DAY** license with a catering option:
    - ~~(i) \$250 for a one-time issuing fee; and~~
    - ~~(ii) \$250 for the annual license fee;~~
  - (3) **\$175 FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION:**
    - ~~(I) \$175 FOR A ONE-TIME ISSUING FEE; AND~~
    - ~~(II) \$150 FOR THE ANNUAL LICENSE FEE; AND~~
  - (4) **\$275 FOR A 7-DAY LICENSE WITH A CATERING OPTION:**
    - ~~(I) \$275 FOR A ONE-TIME ISSUING FEE; AND~~
    - ~~(II) \$250 FOR THE ANNUAL LICENSE FEE.~~

**(E) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-604.

- (a) There is a Class D beer license.
- (c) (1) The annual license [fee is] **FEES ARE:**
- (I) \$150 FOR A 6-DAY LICENSE; AND**
  - (II) \$175 FOR A 7-DAY LICENSE.**
- (2) The ~~new license issuing fee is \$150 and~~ **BOARD shall be paid in addition** **CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL** to the annual license fee.

21-701.

(a) There is a Class A wine license in the County.

(d) (1) ~~The one-time license issuing fee is \$50.~~

~~(2)~~ ~~The annual license [fee is]~~ **FEES ARE:**

**(I) \$50 FOR A 6-DAY LICENSE; AND**

**(II) \$60 FOR A 7-DAY LICENSE.**

**(2) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-801.

(a) There is a Class A beer and wine license.

(c) (1) The annual license [fee is] **FEES ARE:**

**(I) \$350 FOR A 6-DAY LICENSE; AND**

**(II) \$410 FOR A 7-DAY LICENSE.**

(2) ~~The issuing fee for a new license is \$350, in addition~~ **BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL** to the annual license fee.

21-802.

(a) There is a Class B beer and wine license.

(d) **THE ANNUAL LICENSE FEES ARE:**

(1) ~~For~~ **\$350 FOR** a 6-DAY license without a catering option:

~~(i) the issuing fee for a new license is \$350; and~~

~~(ii) the annual fee is \$350;~~

(2) ~~For~~ **\$475 FOR** a 6-DAY license with a catering option:

~~(i) the issuing fee for a new license is \$475; and~~

~~(ii) the annual fee is \$475;~~

- (3) ~~FOR \$410 FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION;~~
- (i) ~~THE ISSUING FEE FOR A NEW LICENSE IS \$410; AND~~
- (ii) ~~THE ANNUAL FEE IS \$350.; AND~~
- (4) ~~FOR \$535 FOR A 7-DAY LICENSE WITH A CATERING OPTION;~~
- (i) ~~THE ISSUING FEE FOR A NEW LICENSE IS \$475; AND~~
- (ii) ~~THE ANNUAL FEE IS \$535.~~

(E) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.

21-803.

(a) There is a Class BDR (deluxe restaurant) beer and wine license.

(e) THE ANNUAL LICENSE FEES ARE:

- (1) ~~For \$500 FOR a 6-DAY license without a catering option;~~
- (i) ~~the issuing fee for a new license is \$500; and~~
- (ii) ~~the annual fee is \$500.;~~
- (2) ~~For \$625 FOR a 6-DAY license with a catering option;~~
- (i) ~~the issuing fee for a new license is \$625; and~~
- (ii) ~~the annual fee is \$625.;~~
- (3) ~~FOR \$585 FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION;~~
- (i) ~~THE ISSUING FEE FOR A NEW LICENSE IS \$500; AND~~
- (ii) ~~THE ANNUAL FEE IS \$585.; AND~~
- (4) ~~FOR \$710 FOR A 7-DAY LICENSE WITH A CATERING OPTION;~~
- (i) ~~THE ISSUING FEE FOR A NEW LICENSE IS \$625; AND~~
- (ii) ~~THE ANNUAL FEE IS \$710.~~

**(F) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-805.

(a) There is a Class D beer and wine license.

(e) **THE ANNUAL LICENSE FEES ARE:**

(1) ~~For \$350 FOR~~ a 6-DAY license without a catering option;

~~(i) the issuing fee for a new license is \$350; and~~

~~(ii) the annual fee is \$350;~~

(2) ~~For \$475 FOR~~ a 6-DAY license with a catering option;

~~(i) the issuing fee for a new license is \$475; and~~

~~(ii) the annual fee is \$475;~~

(3) ~~FOR \$410 FOR~~ A 7-DAY LICENSE WITHOUT A CATERING OPTION;

~~(I) THE ISSUING FEE FOR A NEW LICENSE IS \$350; AND~~

~~(II) THE ANNUAL FEE IS \$410; AND~~

(4) ~~FOR \$535 FOR~~ A 7-DAY LICENSE WITH A CATERING OPTION;

~~(I) THE ISSUING FEE FOR A NEW LICENSE IS \$475; AND~~

~~(II) THE ANNUAL FEE IS \$535.~~

**(F) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-902.

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

(g) **THE ANNUAL LICENSE FEES ARE:**

(1) ~~For \$1,500 FOR~~ a 6-DAY license without the catering option, ~~the annual license fee is \$1,500, and the one-time issuing fee is \$1,500;~~

(2) ~~For \$2,000 FOR a 6-DAY license with the catering option, the annual license fee is \$2,000, and the one-time issuing fee is \$2,000;~~

(3) ~~FOR \$1,750 FOR A 7-DAY LICENSE WITHOUT THE CATERING OPTION, THE ANNUAL LICENSE FEE IS \$1,750, AND THE ONE-TIME ISSUING FEE IS \$1,500.; AND~~

(4) ~~FOR \$2,250 FOR A 7-DAY LICENSE WITH THE CATERING OPTION, THE ANNUAL LICENSE FEE IS \$2,250, AND THE ONE-TIME ISSUING FEE IS \$2,000.~~

(H) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.

21-903.

(a) There is a Class BDR (deluxe restaurant) beer, wine, and liquor license.

~~(1) (1) (1) The annual license fee FOR A 6-DAY LICENSE is \$2,250, with a one-time issuance fee of \$2,250.~~

~~[(2)] (H) The annual catering option fee is \$500.~~

~~(2) (1) THE ANNUAL LICENSE FEE FOR A 7-DAY LICENSE IS \$2,625, WITH A ONE-TIME ISSUANCE FEE OF \$2,250.~~

~~(H) THE ANNUAL CATERING OPTION FEE IS \$500.~~

(F) THE ANNUAL LICENSE FEES ARE:

(1) \$2,250 FOR A 6-DAY LICENSE WITHOUT A CATERING OPTION;

(2) \$2,750 FOR A 6-DAY LICENSE WITH A CATERING OPTION;

(3) \$2,625 FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION; AND

(4) \$3,125 FOR A 7-DAY LICENSE WITH A CATERING OPTION.

(G) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.

21-904.

(b) There is a Class C (club and organization) beer, wine, and liquor license.

(g) (1) The annual license [fee is] **FEES ARE:**

(I) \$1,500 FOR A 6-DAY LICENSE, AND

(II) **\$1,750 FOR A 7-DAY LICENSE.**

(2) The issuance **BOARD SHALL CHARGE A ONE-TIME ISSUING** fee for a new license ~~is \$1,500, in addition~~ **IN AN AMOUNT EQUAL** to the annual license fee.

21-905.

(a) (1) There is:

(i) a Class D (75% on-sale) beer, wine, and liquor license; and

(ii) a Class D (75% off-sale) beer, wine, and liquor license.

(e) **THE ANNUAL LICENSE FEES ARE:**

~~(1) For a 6 DAY Class D (on sale) beer, wine, and liquor license without a catering privilege, the annual fee is \$1,500, and the one time issuance fee for a new license is \$1,500.~~

~~(2) For a 6 DAY Class D (on sale) beer, wine, and liquor license with a catering privilege, the annual fee is \$2,000, and the issuance fee for a new license is \$2,000.~~

~~(3) For a 6 DAY Class D (off sale) beer, wine, and liquor license, the annual fee is \$3,000, and the one time issuance fee for a new license is \$3,000.~~

~~(4) FOR A 7 DAY CLASS D (ON SALE) BEER, WINE, AND LIQUOR LICENSE WITHOUT A CATERING PRIVILEGE, THE ANNUAL FEE IS \$1,750, AND THE ONE-TIME ISSUANCE FEE FOR A NEW LICENSE IS \$1,500.~~

~~(5) FOR A 7 DAY CLASS D (ON SALE) BEER, WINE, AND LIQUOR LICENSE WITH A CATERING PRIVILEGE, THE ANNUAL FEE IS \$2,250, AND THE ISSUANCE FEE FOR A NEW LICENSE IS \$2,000.~~

~~(6) FOR A 7 DAY CLASS D (OFF SALE) BEER, WINE, AND LIQUOR LICENSE, THE ANNUAL FEE IS \$3,500, AND THE ONE-TIME ISSUANCE FEE FOR A NEW LICENSE IS \$3,000.~~

~~[(4)] (7) The Board may grant the license holder the privilege to sell beer, wine, or liquor for off-premises consumption under subsection (d) of this section at no charge.~~

(1) \$1,500 FOR A 6-DAY (ON-SALE) LICENSE WITHOUT A CATERING OPTION;

(2) \$2,000 FOR A 6-DAY (ON-SALE) LICENSE WITH A CATERING OPTION;

(3) \$3,000 FOR A 6-DAY (OFF-SALE) LICENSE;

(4) \$1,750 FOR A 7-DAY (ON-SALE) LICENSE WITHOUT A CATERING OPTION;

(5) \$2,250 FOR A 7-DAY (ON-SALE) LICENSE WITH A CATERING OPTION; AND

(6) \$3,500 FOR A 7-DAY (OFF-SALE) LICENSE.

(F) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.

21-1001.

(a) There is a Class B-B&B (bed and breakfast) beer, wine, and liquor license.

(e) (1) The annual license fee ~~FOR A 6-DAY LICENSE IS~~ FEES ARE:

(i) \$25 for a 6-DAY bed and breakfast with 5 or fewer bedrooms;

(ii) \$50 for a 6-DAY bed and breakfast with at least 6 but not more than 10 bedrooms; ~~and~~

(iii) \$75 for a 6-DAY bed and breakfast with 11 or more bedrooms.

~~(2) THE ANNUAL LICENSE FEE FOR A 7-DAY LICENSE IS;~~

~~(IV)~~ (IV) \$30 FOR A 7-DAY BED AND BREAKFAST WITH 5 OR FEWER BEDROOMS;

~~(V)~~ (V) \$60 FOR A 7-DAY BED AND BREAKFAST WITH AT LEAST 6 BUT NOT MORE THAN 10 BEDROOMS; AND

~~(VI)~~ (VI) \$90 FOR A 7-DAY BED AND BREAKFAST WITH 11 OR MORE BEDROOMS.

~~(2) (F)~~ (F) The Board shall charge ~~an~~ A ONE-TIME issuing fee FOR A NEW LICENSE in an amount equal to the annual license fee.

21-1002.

(a) There is a Class B-resort beer, wine, and liquor license.

(e) (1) The annual license fees ~~FOR A 6-DAY LICENSE~~ are:

(i) \$3,000 FOR A 6-DAY LICENSE for two facilities, ~~\$3,000; and;~~

(ii) \$1,500 for each additional facility, ~~\$1,500.~~ FOR A 6-DAY LICENSE;

~~(2) THE ANNUAL LICENSE FEES FOR A 7-DAY LICENSE ARE:~~

~~(H) (III) \$3,500 FOR A 7-DAY LICENSE FOR TWO FACILITIES, \$3,500; AND~~

~~(H) (IV) \$1,750 FOR EACH ADDITIONAL FACILITY, \$1,750 FOR A 7-DAY LICENSE.~~

[(2)] ~~(3)~~(F) The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

21-1305.

(a) (1) There is a wine festival license.

(i) A holder of a State wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:

(1) deliver wine not earlier than 2 days before the effective date of the license; and

(2) accept returns not later than [2] 5 days after the expiration date of the license.

21-1309.

(A) The Board may issue a Class C multiple day beer license, beer and wine license, and beer, wine, and liquor license for the following fees and license types:

(1) \$50 for a 2-day license;

(2) \$150 for a 6-day license; and

(3) \$300 for a 12-day license.

**(B) THE BOARD IS NOT REQUIRED TO HOLD A HEARING BEFORE ISSUING A LICENSE UNDER THIS SECTION IF:**

**(1) A LICENSE HOLDER ANTICIPATES ATTENDANCE OF FEWER THAN 500 INDIVIDUALS AT AN EVENT; AND**

**(2) THE BOARD HAS APPROVED A LICENSE FOR THE LICENSE HOLDER IN THE PRIOR YEAR.**

21-1501.

(a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the County without exception or variation:

- (1) § 4-205 (“Chain store, supermarket, or discount house”);
- (2) § 4-206 (“Limitations on retail sales floor space”);
- (3) § 4-207 (“Licenses issued to minors”);
- (4) § 4-208 (“Notice of license application required”);
- (5) [§ 4-209 (“Hearing”);
- (6)] § 4-210 (“Approval or denial of license application”);
- [ (7) ] (6) § 4-211 (“License forms; effective date; expiration”);
- [ (8) ] (7) § 4-212 (“License not property”); and
- [ (9) ] (8) § 4-214 (“Waiting periods after denial of license applications”).

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the County:

- (1) § 4-202 (“Authority of local licensing boards”), subject to §§ 21-1502 through 21-1504 of this subtitle;
- (2) § 4-203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to § 21-1505 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;
- (3) § 4-204 (“Prohibition against issuing multiple licenses for same premises”), subject to § 21-1505 of this subtitle; *[and]*

- (4) **§ 4–209 (“HEARING”), SUBJECT TO § 21–1309 OF THIS SUBTITLE;**  
~~and~~ AND
- (5) § 4–213 (“Replacement licenses”), subject to § 21–1506 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 591

(House Bill 1072)

AN ACT concerning

### Garrett County – Alcoholic Beverages – Various Licenses

FOR the purpose of specifying certain annual fees for certain ~~7-day~~ alcoholic beverages licenses; altering the number of days after the expiration date of a wine festival license that a holder of a State wholesale, Class 3 winery, or Class 4 limited winery license may accept returns from a holder of a wine festival license; providing that the Garrett County Board of License Commissioners is not required to hold a hearing before issuing certain Class C temporary licenses; and generally relating to alcoholic beverages in Garrett County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 21–102, 21–601(a), 21–602(a), 21–604(a), 21–701(a), 21–801(a), 21–802(a), 21–803(a), 21–805(a), 21–902(a), 21–903(a), 21–904(b), 21–905(a)(1), 21–1001(a), 21–1002(a), and 21–1305(a)(1)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 21–601(c), 21–602(d), 21–604(c), 21–701(d), 21–801(c), 21–802(d), 21–803(e), 21–805(e), 21–902(g), ~~21–903(f)~~, 21–904(g), 21–905(e), 21–1001(e), 21–1002(e), 21–1305(i), 21–1309, and 21–1501

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 21-602(e), 21-802(e), 21-803(f), 21-805(f), 21-902(h), 21-903(f) and (g), and 21-905(f)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing

Article – Alcoholic Beverages

Section 21-903(f)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

### **Article – Alcoholic Beverages**

21-102.

This title applies only in Garrett County.

21-601.

(a) There is a Class A beer license.

(c) (1) The annual license [fee is] **FEES ARE:**

**(I) \$150 FOR A 6-DAY LICENSE; AND**

**(II) \$175 FOR A 7-DAY LICENSE.**

(2) The ~~new license~~ **BOARD SHALL CHARGE A ONE-TIME** issuing fee ~~is \$150 and shall be paid in addition~~ **FOR A NEW LICENSE IN AN AMOUNT EQUAL** to the annual license fee.

21-602.

(a) There is a Class B beer license.

(d) The ANNUAL LICENSE fees are:

(1) **\$150** for a **6-DAY** license without a catering option;

~~(i) \$150 for a one-time issuing fee; and~~

~~(ii) \$150 for the annual license fee; [and]~~

- (2) ~~\$250~~ for a 6-DAY license with a catering option~~;~~
- (i) ~~\$250 for a one-time issuing fee; and~~
- (ii) ~~\$250 for the annual license fee;~~
- (3) ~~\$175~~ FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION~~;~~
- (I) ~~\$175 FOR A ONE-TIME ISSUING FEE; AND~~
- (II) ~~\$150 FOR THE ANNUAL LICENSE FEE; AND~~
- (4) ~~\$275~~ FOR A 7-DAY LICENSE WITH A CATERING OPTION~~;~~
- (I) ~~\$275 FOR A ONE-TIME ISSUING FEE; AND~~
- (II) ~~\$250 FOR THE ANNUAL LICENSE FEE.~~

(E) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.

21-604.

- (a) There is a Class D beer license.
- (c) (1) The annual license [fee is] FEES ARE:
- (I) \$150 FOR A 6-DAY LICENSE; AND
- (II) \$175 FOR A 7-DAY LICENSE.

(2) The ~~new license issuing fee is \$150 and~~ BOARD shall ~~be paid in addition~~ CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL to the annual license fee.

21-701.

- (a) There is a Class A wine license in the County.
- (d) (1) The ~~one-time license issuing fee is \$50.~~
- (2) ~~The~~ annual license [fee is] FEES ARE:
- (I) \$50 FOR A 6-DAY LICENSE; AND

(II) \$60 FOR A 7-DAY LICENSE.

**(2) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-801.

- (a) There is a Class A beer and wine license.
- (c) (1) The annual license [fee is] **FEES ARE:**
- (I) \$350 FOR A 6-DAY LICENSE; AND
- (II) \$410 FOR A 7-DAY LICENSE.

(2) ~~The issuing fee for a new license is \$350, in addition~~ **BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL** to the annual license fee.

21-802.

- (a) There is a Class B beer and wine license.
- (d) **THE ANNUAL LICENSE FEES ARE:**
- (1) ~~For~~ **\$350 FOR** a 6-DAY license without a catering option:
- (i) ~~the issuing fee for a new license is \$350; and~~
- (ii) ~~the annual fee is \$350.;~~
- (2) ~~For~~ **\$475 FOR** a 6-DAY license with a catering option:
- (i) ~~the issuing fee for a new license is \$475; and~~
- (ii) ~~the annual fee is \$475.;~~
- (3) ~~FOR~~ **\$410 FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION.;**
- (i) ~~THE ISSUING FEE FOR A NEW LICENSE IS \$410; AND~~
- (ii) ~~THE ANNUAL FEE IS \$350.;~~ **AND**
- (4) ~~FOR~~ **\$535 FOR A 7-DAY LICENSE WITH A CATERING OPTION.;**
- (i) ~~THE ISSUING FEE FOR A NEW LICENSE IS \$475; AND~~

~~(H) THE ANNUAL FEE IS \$535.~~

**(E) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-803.

(a) There is a Class BDR (deluxe restaurant) beer and wine license.

(e) **THE ANNUAL LICENSE FEES ARE:**

(1) ~~For \$500 FOR~~ a 6-DAY license without a catering option;

~~(i) the issuing fee for a new license is \$500; and~~

~~(ii) the annual fee is \$500.~~

(2) ~~For \$625 FOR~~ a 6-DAY license with a catering option;

~~(i) the issuing fee for a new license is \$625; and~~

~~(ii) the annual fee is \$625.~~

(3) ~~FOR \$585 FOR~~ A 7-DAY LICENSE WITHOUT A CATERING OPTION;

~~(I) THE ISSUING FEE FOR A NEW LICENSE IS \$500; AND~~

~~(II) THE ANNUAL FEE IS \$585; AND~~

(4) ~~FOR \$710 FOR~~ A 7-DAY LICENSE WITH A CATERING OPTION;

~~(I) THE ISSUING FEE FOR A NEW LICENSE IS \$625; AND~~

~~(II) THE ANNUAL FEE IS \$710.~~

**(F) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-805.

(a) There is a Class D beer and wine license.

(e) **THE ANNUAL LICENSE FEES ARE:**

(1) ~~For \$350 FOR~~ a 6-DAY license without a catering option;

- (i) ~~the issuing fee for a new license is \$350; and~~
- (ii) ~~the annual fee is \$350.;~~
- (2) ~~For \$475 FOR a 6-DAY license with a catering option;~~
  - (i) ~~the issuing fee for a new license is \$475; and~~
  - (ii) ~~the annual fee is \$475.;~~
- (3) ~~FOR \$410 FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION;~~
  - (I) ~~THE ISSUING FEE FOR A NEW LICENSE IS \$350; AND~~
  - (II) ~~THE ANNUAL FEE IS \$410.; AND~~
- (4) ~~FOR \$535 FOR A 7-DAY LICENSE WITH A CATERING OPTION;~~
  - (I) ~~THE ISSUING FEE FOR A NEW LICENSE IS \$475; AND~~
  - (II) ~~THE ANNUAL FEE IS \$535.~~

**(F) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-902.

- (a) There is a Class B beer, wine, and liquor license.
- (g) **THE ANNUAL LICENSE FEES ARE:**
  - (1) ~~For \$1,500 FOR a 6-DAY license without the catering option, the annual license fee is \$1,500, and the one-time issuing fee is \$1,500.;~~
  - (2) ~~For \$2,000 FOR a 6-DAY license with the catering option, the annual license fee is \$2,000, and the one-time issuing fee is \$2,000.;~~
  - (3) ~~FOR \$1,750 FOR A 7-DAY LICENSE WITHOUT THE CATERING OPTION, THE ANNUAL LICENSE FEE IS \$1,750, AND THE ONE-TIME ISSUING FEE IS \$1,500.; AND~~
  - (4) ~~FOR \$2,250 FOR A 7-DAY LICENSE WITH THE CATERING OPTION, THE ANNUAL LICENSE FEE IS \$2,250, AND THE ONE-TIME ISSUING FEE IS \$2,000.~~

**(H) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-903.

(a) There is a Class BDR (deluxe restaurant) beer, wine, and liquor license.

~~(f) (1) (i) The annual license fee FOR A 6-DAY LICENSE is \$2,250, with a one-time issuance fee of \$2,250.~~

~~[(2)] (ii) The annual catering option fee is \$500.~~

~~(2) (i) THE ANNUAL LICENSE FEE FOR A 7-DAY LICENSE IS \$2,625, WITH A ONE-TIME ISSUANCE FEE OF \$2,250.~~

~~(ii) THE ANNUAL CATERING OPTION FEE IS \$500.~~

**(F) THE ANNUAL LICENSE FEES ARE:**

**(1) \$2,250 FOR A 6-DAY LICENSE WITHOUT A CATERING OPTION;**

**(2) \$2,750 FOR A 6-DAY LICENSE WITH A CATERING OPTION;**

**(3) \$2,625 FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION; AND**

**(4) \$3,125 FOR A 7-DAY LICENSE WITH A CATERING OPTION.**

**(G) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-904.

(b) There is a Class C (club and organization) beer, wine, and liquor license.

(g) (1) The annual license [fee is] **FEES ARE:**

**(i) \$1,500 FOR A 6-DAY LICENSE, AND**

**(ii) \$1,750 FOR A 7-DAY LICENSE.**

(2) The issuance **BOARD SHALL CHARGE A ONE-TIME ISSUING** fee for a new license is \$1,500, in addition **IN AN AMOUNT EQUAL** to the annual license fee.

21-905.

- (a) (1) There is:
- (i) a Class D (75% on-sale) beer, wine, and liquor license; and
  - (ii) a Class D (75% off-sale) beer, wine, and liquor license.

(e) **THE ANNUAL LICENSE FEES ARE:**

~~(1) For a 6 DAY Class D (on sale) beer, wine, and liquor license without a catering privilege, the annual fee is \$1,500, and the one-time issuance fee for a new license is \$1,500.~~

~~(2) For a 6 DAY Class D (on sale) beer, wine, and liquor license with a catering privilege, the annual fee is \$2,000, and the issuance fee for a new license is \$2,000.~~

~~(3) For a 6 DAY Class D (off sale) beer, wine, and liquor license, the annual fee is \$3,000, and the one-time issuance fee for a new license is \$3,000.~~

~~(4) FOR A 7 DAY CLASS D (ON SALE) BEER, WINE, AND LIQUOR LICENSE WITHOUT A CATERING PRIVILEGE, THE ANNUAL FEE IS \$1,750, AND THE ONE-TIME ISSUANCE FEE FOR A NEW LICENSE IS \$1,500.~~

~~(5) FOR A 7 DAY CLASS D (ON SALE) BEER, WINE, AND LIQUOR LICENSE WITH A CATERING PRIVILEGE, THE ANNUAL FEE IS \$2,250, AND THE ISSUANCE FEE FOR A NEW LICENSE IS \$2,000.~~

~~(6) FOR A 7 DAY CLASS D (OFF SALE) BEER, WINE, AND LIQUOR LICENSE, THE ANNUAL FEE IS \$3,500, AND THE ONE-TIME ISSUANCE FEE FOR A NEW LICENSE IS \$3,000.~~

~~[(4)] (7) The Board may grant the license holder the privilege to sell beer, wine, or liquor for off-premises consumption under subsection (d) of this section at no charge.~~

**(1) \$1,500 FOR A 6-DAY (ON-SALE) LICENSE WITHOUT A CATERING OPTION;**

**(2) \$2,000 FOR A 6-DAY (ON-SALE) LICENSE WITH A CATERING OPTION;**

**(3) \$3,000 FOR A 6-DAY (OFF-SALE) LICENSE;**

**(4) \$1,750 FOR A 7-DAY (ON-SALE) LICENSE WITHOUT A CATERING OPTION;**

**(5) \$2,250 FOR A 7-DAY (ON-SALE) LICENSE WITH A CATERING OPTION; AND**

**(6) \$3,500 FOR A 7-DAY (OFF-SALE) LICENSE.**

**(F) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-1001.

(a) There is a Class B-B&B (bed and breakfast) beer, wine, and liquor license.

(e) (1) The annual license fee ~~FOR A 6-DAY LICENSE~~ is **FEES ARE:**

(i) \$25 for a **6-DAY** bed and breakfast with 5 or fewer bedrooms;

(ii) \$50 for a **6-DAY** bed and breakfast with at least 6 but not more than 10 bedrooms; ~~and~~

(iii) \$75 for a **6-DAY** bed and breakfast with 11 or more bedrooms.

~~(2) THE ANNUAL LICENSE FEE FOR A 7-DAY LICENSE IS:~~

~~(IV)~~ **(IV) \$30 FOR A 7-DAY BED AND BREAKFAST WITH 5 OR FEWER BEDROOMS;**

~~(V)~~ **(V) \$60 FOR A 7-DAY BED AND BREAKFAST WITH AT LEAST 6 BUT NOT MORE THAN 10 BEDROOMS; AND**

~~(VI)~~ **(VI) \$90 FOR A 7-DAY BED AND BREAKFAST WITH 11 OR MORE BEDROOMS.**

~~(2) (F)~~ **(F)** The Board shall charge ~~an~~ **A ONE-TIME** issuing fee **FOR A NEW LICENSE** in an amount equal to the annual license fee.

21-1002.

(a) There is a Class B-resort beer, wine, and liquor license.

(e) (1) The annual license fees ~~FOR A 6-DAY LICENSE~~ are:

(i) **\$3,000 FOR A 6-DAY LICENSE** for two facilities, ~~\$3,000; and;~~

(ii) **\$1,500** for each additional facility, ~~\$1,500.~~ **FOR A 6-DAY LICENSE;**

~~(2) THE ANNUAL LICENSE FEES FOR A 7-DAY LICENSE ARE:~~

~~(H) (III) \$3,500 FOR A 7-DAY LICENSE FOR TWO FACILITIES,~~  
~~\$3,500; AND~~

~~(H) (IV) \$1,750 FOR EACH ADDITIONAL FACILITY, \$1,750 FOR~~  
~~A 7-DAY LICENSE.~~

[(2)] ~~(3)~~ **(F)** The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

21-1305.

(a) (1) There is a wine festival license.

(i) A holder of a State wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:

(1) deliver wine not earlier than 2 days before the effective date of the license; and

(2) accept returns not later than [2] 5 days after the expiration date of the license.

21-1309.

**(A)** The Board may issue a Class C multiple day beer license, beer and wine license, and beer, wine, and liquor license for the following fees and license types:

(1) \$50 for a 2-day license;

(2) \$150 for a 6-day license; and

(3) \$300 for a 12-day license.

**(B) THE BOARD IS NOT REQUIRED TO HOLD A HEARING BEFORE ISSUING A LICENSE UNDER THIS SECTION IF:**

**(1) A LICENSE HOLDER ANTICIPATES ATTENDANCE OF FEWER THAN 500 INDIVIDUALS AT AN EVENT; AND**

**(2) THE BOARD HAS APPROVED A LICENSE FOR THE LICENSE HOLDER IN THE PRIOR YEAR.**

21-1501.

(a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the County without exception or variation:

- (1) § 4–205 (“Chain store, supermarket, or discount house”);
- (2) § 4–206 (“Limitations on retail sales floor space”);
- (3) § 4–207 (“Licenses issued to minors”);
- (4) § 4–208 (“Notice of license application required”);
- (5) [§ 4–209 (“Hearing”);
- (6)] § 4–210 (“Approval or denial of license application”);
- [(7)] (6) § 4–211 (“License forms; effective date; expiration”);
- [(8)] (7) § 4–212 (“License not property”); and
- [(9)] (8) § 4–214 (“Waiting periods after denial of license applications”).

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the County:

- (1) § 4–202 (“Authority of local licensing boards”), subject to §§ 21–1502 through 21–1504 of this subtitle;
- (2) § 4–203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to § 21–1505 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;
- (3) § 4–204 (“Prohibition against issuing multiple licenses for same premises”), subject to § 21–1505 of this subtitle; *[and]*
- (4) **§ 4–209 (“HEARING”), SUBJECT TO § 21–1309 OF THIS SUBTITLE;**  
~~and~~ **AND**
- (5) § 4–213 (“Replacement licenses”), subject to § 21–1506 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 592

(Senate Bill 912)

AN ACT concerning

### Clean Energy Loan Program – Residential Property – ~~Repayment of Loans~~ Through ~~Surcharge Study~~

FOR the purpose of ~~authorizing a county or municipality to collect certain loan payments for a loan to certain owners of residential property under the Clean Energy Loan Program, and certain costs, through a surcharge on the property owner's property tax bill; authorizing a private lender to provide capital for a loan under the program; requiring that certain unpaid surcharges be a lien on the real property on which they are imposed; requiring that certain provisions relating to liens apply to the liens created under this Act; defining a certain term~~ requiring the Maryland Clean Energy Center to conduct a study to determine certain design and implementation strategies for a residential clean energy loan program; requiring the study to include consideration of certain matters; requiring the Center to consult with certain persons in conducting the study; requiring the Center to report certain findings and recommendations to the General Assembly on or before a certain date; and generally relating to the collection of loan payments for residential property improved through loans loans for improvements to residential property under the Clean Energy Loan Program.

~~BY repealing and reenacting, with amendments,~~  
~~Article — Local Government~~  
~~Section 1-1101, 1-1103, and 1-1105~~  
~~Annotated Code of Maryland~~  
~~(2013 Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,~~  
~~Article — Local Government~~  
~~Section 1-1102 and 1-1104~~  
~~Annotated Code of Maryland~~  
~~(2013 Volume and 2015 Supplement)~~

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

#### ~~Article — Local Government~~

~~1-1101.~~

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

~~(b) “Bond” means a bond, note, or other similar instrument that a county or municipality issues under this subtitle.~~

~~(c) “Chief executive” means the president, chair, mayor, county executive, or any other chief executive officer of a county or municipality.~~

~~(d) “Commercial property” means real property that is:~~

~~(1) not designed principally or intended for human habitation; or~~

~~(2) used for human habitation and is improved by more than four single family dwelling units.~~

~~(e) “Program” means a clean energy loan program established under this subtitle.~~

~~(F) “RESIDENTIAL PROPERTY” MEANS REAL PROPERTY THAT IS:~~

~~(1) DESIGNED PRINCIPALLY OR INTENDED FOR HUMAN HABITATION;~~

~~AND~~

~~(2) IMPROVED BY FOUR OR FEWER SINGLE FAMILY DWELLING UNITS.~~

~~1-1102.~~

~~A county or municipality may enact an ordinance or a resolution to establish a clean energy loan program.~~

~~1-1103.~~

~~(a) The purpose of a program is to provide loans to:~~

~~(1) residential property owners, including low income residential property owners, to finance energy efficiency and renewable energy projects; and~~

~~(2) commercial property owners to finance:~~

~~(i) energy efficiency projects; and~~

~~(ii) renewable energy projects with an electric generating capacity of not more than 100 kilowatts.~~

~~(b) A private lender may provide capital for a loan provided to a commercial OR RESIDENTIAL property owner under the program.~~

~~1-1104.~~

~~(a) An ordinance or resolution enacted under § 1-1102 of this subtitle shall provide for:~~

~~(1) eligibility requirements for participation in the program, including eligibility requirements for:~~

~~(i) energy efficiency improvements and renewable energy devices;~~  
and

~~(ii) property and property owners; and~~

~~(2) loan terms and conditions.~~

~~(b) Eligibility requirements under subsection (a) of this section shall include a requirement that the county or municipality give due regard to the property owner's ability to repay a loan provided under the program, in a manner substantially similar to that required for a mortgage loan under §§ 12-127, 12-311, 12-409.1, 12-925, and 12-1029 of the Commercial Law Article.~~

~~1-1105.~~

~~(a) Subject to [subsection (e)] SUBSECTIONS (C) AND (D) of this section, a program shall require a property owner to repay a loan provided under the program through a surcharge on the owner's property tax bill.~~

~~(b) Except for a surcharge authorized under subsection (e) OR (D) of this section, a county or municipality may not set a surcharge greater than an amount that allows the county or municipality to recover the costs associated with:~~

~~(1) issuing bonds to finance the loan; and~~

~~(2) administering the program.~~

~~(c) With the express consent of any holder of a mortgage or deed of trust on a commercial property that is to be improved through a loan to the commercial property owner under the program:~~

~~(1) a county or municipality may collect loan payments owed to a private lender or to the county or the municipality for a loan to a commercial property owner, and costs associated with administering the program, through a surcharge on the property owner's property tax bill;~~

~~(2) an unpaid surcharge under this subsection shall be, until paid, a lien on the real property on which it is imposed from the date it becomes payable; and~~

~~(3) the provisions of Title 14, Subtitle 8 of the Tax Property Article that apply to a tax lien shall also apply to a lien created under this subsection.~~

~~(D) FOR A RESIDENTIAL PROPERTY THAT IS TO BE IMPROVED THROUGH A LOAN TO AN OWNER OF THE RESIDENTIAL PROPERTY UNDER THE PROGRAM;~~

~~(1) A COUNTY OR MUNICIPALITY MAY COLLECT LOAN PAYMENTS OWED TO A PRIVATE LENDER OR TO THE COUNTY OR MUNICIPALITY FOR A LOAN TO A RESIDENTIAL PROPERTY OWNER, AND COSTS ASSOCIATED WITH ADMINISTERING THE PROGRAM, THROUGH A SURCHARGE ON THE PROPERTY OWNER'S PROPERTY TAX BILL;~~

~~(2) AN UNPAID SURCHARGE UNDER THIS SUBSECTION SHALL BE, UNTIL PAID, A LIEN ON THE REAL PROPERTY ON WHICH IT IS IMPOSED FROM THE DATE IT BECOMES PAYABLE; AND~~

~~(3) THE PROVISIONS OF TITLE 14, SUBTITLE 8 OF THE TAX PROPERTY ARTICLE THAT APPLY TO A TAX LIEN SHALL ALSO APPLY TO A LIEN CREATED UNDER THIS SUBSECTION.~~

~~[(d)](E) A person who acquires property subject to a surcharge under this section assumes the obligation to pay the surcharge.~~

(a) (1) The Maryland Clean Energy Center shall conduct a study to determine optimal design and implementation strategies for a residential clean energy loan program in the State.

(2) The study required under this subsection shall include consideration of whether the strategies will work advantageously with loans made by private lenders for residential energy efficiency and renewable energy projects.

(3) In conducting the study required under this subsection, the Center shall consult with:

- (i) the Maryland Energy Administration;
- (ii) the Maryland Association of Counties;
- (iii) the Maryland Bankers' Association;
- (iv) clean energy loan providers;
- (v) the Chesapeake Climate Action Network; and
- (vi) the Sierra Club.

(b) On or before October 1, 2016, the Maryland Clean Energy Center shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, the

findings of the study required under subsection (a) of this section and any recommended policy actions to implement a residential clean energy loan program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 593

(House Bill 387)

AN ACT concerning

### **Clean Energy Loan Program – Residential Property – ~~Repayment of Loans~~ Through Surcharge Study**

FOR the purpose of ~~authorizing a county or municipality to collect certain loan payments for a loan to certain owners of residential property under the Clean Energy Loan Program, and certain costs, through a surcharge on the property owner's property tax bill; authorizing a private lender to provide capital for a loan provided to a residential property owner under the program; requiring that certain unpaid surcharges be a lien on the real property on which they are imposed; requiring that certain provisions relating to liens apply to the liens created under this Act; defining a certain term~~ requiring the Maryland Clean Energy Center to conduct a study to determine certain design and implementation strategies for a residential clean energy loan program; requiring the study to include consideration of certain matters; requiring the Center to consult with certain persons in conducting the study; requiring the Center to report certain findings and recommendations to the General Assembly on or before a certain date; and generally relating to the collection of loan payments for residential property improved through loans ~~loans for improvements to residential property under the Clean Energy Loan Program.~~

~~BY repealing and reenacting, with amendments,  
Article — Local Government  
Section 1-1101, 1-1103, and 1-1105  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,  
Article — Local Government  
Section 1-1102 and 1-1104  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)~~

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

~~Article Local Government~~

~~1-1101.~~

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

~~(b) "Bond" means a bond, note, or other similar instrument that a county or municipality issues under this subtitle.~~

~~(c) "Chief executive" means the president, chair, mayor, county executive, or any other chief executive officer of a county or municipality.~~

~~(d) "Commercial property" means real property that is:~~

~~(1) not designed principally or intended for human habitation; or~~

~~(2) used for human habitation and is improved by more than four single family dwelling units.~~

~~(e) "Program" means a clean energy loan program established under this subtitle.~~

~~(F) "RESIDENTIAL PROPERTY" MEANS REAL PROPERTY THAT IS:~~

~~(1) DESIGNED PRINCIPALLY OR INTENDED FOR HUMAN HABITATION;~~

~~AND~~

~~(2) IMPROVED BY FOUR OR FEWER SINGLE FAMILY DWELLING UNITS.~~

~~1-1102.~~

~~A county or municipality may enact an ordinance or a resolution to establish a clean energy loan program.~~

~~1-1103.~~

~~(a) The purpose of a program is to provide loans to:~~

~~(1) residential property owners, including low income residential property owners, to finance energy efficiency and renewable energy projects; and~~

~~(2) commercial property owners to finance:~~

~~(i) energy efficiency projects; and~~

~~(ii) renewable energy projects with an electric generating capacity of not more than 100 kilowatts.~~

~~(b) A private lender may provide capital for a loan provided to a commercial OR RESIDENTIAL property owner under the program.~~

~~1-1104.~~

~~(a) An ordinance or resolution enacted under § 1-1102 of this subtitle shall provide for:~~

~~(1) eligibility requirements for participation in the program, including eligibility requirements for:~~

~~(i) energy efficiency improvements and renewable energy devices; and~~

~~(ii) property and property owners; and~~

~~(2) loan terms and conditions.~~

~~(b) Eligibility requirements under subsection (a) of this section shall include a requirement that the county or municipality give due regard to the property owner's ability to repay a loan provided under the program, in a manner substantially similar to that required for a mortgage loan under §§ 12-127, 12-311, 12-400.1, 12-925, and 12-1029 of the Commercial Law Article.~~

~~1-1105.~~

~~(a) Subject to [subsection (c)] SUBSECTIONS (C) AND (D) of this section, a program shall require a property owner to repay a loan provided under the program through a surcharge on the owner's property tax bill.~~

~~(b) Except for a surcharge authorized under subsection (c) OR (D) of this section, a county or municipality may not set a surcharge greater than an amount that allows the county or municipality to recover the costs associated with:~~

~~(1) issuing bonds to finance the loan; and~~

~~(2) administering the program.~~

~~(c) With the express consent of any holder of a mortgage or deed of trust on a commercial property that is to be improved through a loan to the commercial property owner under the program:~~

~~(1) a county or municipality may collect loan payments owed to a private lender or to the county or the municipality for a loan to a commercial property owner, and~~

~~costs associated with administering the program, through a surcharge on the property owner's property tax bill;~~

~~(2) an unpaid surcharge under this subsection shall be, until paid, a lien on the real property on which it is imposed from the date it becomes payable; and~~

~~(3) the provisions of Title 14, Subtitle 8 of the Tax – Property Article that apply to a tax lien shall also apply to a lien created under this subsection.~~

~~(D) FOR A RESIDENTIAL PROPERTY THAT IS TO BE IMPROVED THROUGH A LOAN TO AN OWNER OF THE RESIDENTIAL PROPERTY UNDER THE PROGRAM:~~

~~(1) A COUNTY OR MUNICIPALITY MAY COLLECT LOAN PAYMENTS OWED TO A PRIVATE LENDER OR TO THE COUNTY OR MUNICIPALITY FOR A LOAN TO A RESIDENTIAL PROPERTY OWNER, AND COSTS ASSOCIATED WITH ADMINISTERING THE PROGRAM, THROUGH A SURCHARGE ON THE PROPERTY OWNER'S PROPERTY TAX BILL;~~

~~(2) AN UNPAID SURCHARGE UNDER THIS SUBSECTION SHALL BE, UNTIL PAID, A LIEN ON THE REAL PROPERTY ON WHICH IT IS IMPOSED FROM THE DATE IT BECOMES PAYABLE; AND~~

~~(3) THE PROVISIONS OF TITLE 14, SUBTITLE 8 OF THE TAX – PROPERTY ARTICLE THAT APPLY TO A TAX LIEN SHALL ALSO APPLY TO A LIEN CREATED UNDER THIS SUBSECTION.~~

~~[(d)](E) A person who acquires property subject to a surcharge under this section assumes the obligation to pay the surcharge.~~

(a) (1) The Maryland Clean Energy Center shall conduct a study to determine optimal design and implementation strategies for a residential clean energy loan program in the State.

(2) The study required under this subsection shall include consideration of whether the strategies will work advantageously with loans made by private lenders for residential energy efficiency and renewable energy projects.

(3) In conducting the study required under this subsection, the Center shall consult with:

(i) the Maryland Energy Administration;

(ii) the Maryland Association of Counties;

(iii) the Maryland Bankers' Association;

- (iv) clean energy loan providers;
- (v) the Chesapeake Climate Action Network; and
- (vi) the Sierra Club.

(b) On or before October 1, 2016, the Maryland Clean Energy Center shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, the findings of the study required under subsection (a) of this section and any recommended policy actions to implement a residential clean energy loan program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 594

(Senate Bill 936)

AN ACT concerning

### Maryland Clean Energy Incentive Act of 2016

FOR the purpose of extending a certain credit against the State income tax for electricity produced by certain facilities from certain qualified energy resources until a certain date; altering the definition of “qualified Maryland facility” for purposes of eligibility for the credit; extending the period in which the Maryland Energy Administration may issue certain qualifying certifications; altering a certain limitation on the amount of initial credit certificates that the Administration may issue; establishing the Maryland Clean Energy Incentive Tax Credit Reserve Fund; authorizing the Governor to include in the budget bill an appropriation to the Reserve Fund for certain fiscal years; requiring the Comptroller to transfer certain amounts from the Reserve Fund to the General Fund of the State under certain circumstances; and generally relating to a certain income tax credit for electricity produced from qualified energy resources.

BY repealing and reenacting, with amendments,  
 Article – Tax – General  
 Section 10–720  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2015 Supplement)

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

**Article – Tax – General**

10–720.

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

(2) “Administration” means the Maryland Energy Administration.

(3) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, “qualified energy resources” has the meaning stated in § 45(c)(1) of the Internal Revenue Code.

(ii) “Qualified energy resources” includes any nonhazardous waste material that is segregated from other waste materials and is derived from:

1. any of the following forest–related resources, not including old–growth timber:

A. mill residues, except sawdust and wood shavings;

B. forest thinnings;

C. slash; or

D. brush;

2. waste pallets, crates, and dunnage and landscape or right–of–way trimmings; or

3. agricultural sources, including, but not limited to, orchard tree crops, vineyard, grain, legumes, sugar, and other crop by–products or residues.

(iii) “Qualified energy resources” includes methane gas or other combustible gases resulting from the decomposition of organic materials from an agricultural operation, or from a landfill or wastewater treatment plant using one or a combination of the following processes:

1. anaerobic decomposition; or

2. thermal decomposition.

(4) “Qualified Maryland facility” means a facility located in the State that:

(i) primarily uses qualified energy resources to produce electricity and is originally placed in service on or after January 1, 2006, but before January 1, [2016] 2019; or

~~(ii) produces electricity from a qualified energy resource that is co-fired with coal and initially begins co-firing a qualified energy resource on or after January 1, 2006, but before January 1, [2016] 2019, regardless of when the original facility was placed in service.~~

(b) (1) Except as provided in ~~paragraphs (2) and (3)~~ **PARAGRAPH (2)** of this subsection, an individual or corporation that receives an initial credit certificate from the Administration may claim a credit against the State income tax for a taxable year in an amount equal to 0.85 cents for each kilowatt hour of electricity:

(i) produced by the individual or corporation from qualified energy resources at a qualified Maryland facility during the 5-year period specified in the initial credit certificate; and

(ii) sold by the individual or corporation to a person other than a related person, within the meaning of § 45 of the Internal Revenue Code, during the taxable year.

~~(2) If the electricity is produced from a qualified energy resource that is co-fired at a facility that produces electricity from coal, the credit is 0.5 cents for each kilowatt hour of electricity produced from the qualified energy resource instead of 0.85 cents.~~

~~(3) The annual tax credit under this subsection may not exceed one-fifth of the maximum amount of credit stated in the initial credit certificate.~~

(c) (1) Subject to the provisions of this subsection **AND SUBSECTION (D) OF THIS SECTION**, on application by a taxpayer, the Administration shall issue an initial credit certificate if the taxpayer has demonstrated that the taxpayer will within the next 12 months produce electricity from qualified energy resources at a qualified Maryland facility.

(2) The initial credit certificate issued under this subsection shall:

(i) state the maximum amount of credit that may be claimed by the taxpayer for electricity produced over a 5-year period;

(ii) state the earliest tax year for which the credit may be claimed; and

(iii) state the 5-year period during which electricity produced from qualified energy resources at the qualified Maryland facility qualifies for the credit.

(3) The maximum amount of credit stated in the initial credit certificate shall, for an energy producer, be in an amount equal to the lesser of:

(i) the product of multiplying 5 times the taxpayer's estimated annual tax credit, based on estimated annual energy production, as certified by the Administration; or

(ii) \$2,500,000.

~~(4) The Administration may not issue initial credit certificates for maximum credit amounts in the aggregate totaling more than \$25,000,000.~~

~~(5)~~ (4) The Administration shall approve all applications that qualify for an initial credit certificate under this subsection on a first-come, first-served basis.

~~(6)~~ (5) If a taxpayer over a 3-year period does not claim on average at least 10% of the maximum credit amount stated in the initial credit certificate, the Administration at its discretion may cancel an amount of the taxpayer's initial credit certificate equal to the product of multiplying:

(i) the amount of the credit on average that was not claimed over the 3-year period; and

(ii) the remaining number of tax years that the taxpayer is eligible to take the credit.

~~(7)~~ (6) An applicant for an initial credit certificate or a taxpayer whose credits have been canceled under paragraph ~~(6)~~ (5) of this subsection, may appeal a decision by the Administration to the Office of Administrative Hearings in accordance with Title 10, Subtitle 2 of the State Government Article.

~~(8)~~ (7) The Administration may not issue an initial credit certificate after December 31, [2015] **2018**.

~~(9)~~ (8) The Administration may not issue initial credit certificates for credit amounts less than \$1,000.

(d) **(1) IN THIS SUBSECTION, "RESERVE FUND" MEANS THE MARYLAND CLEAN ENERGY INCENTIVE TAX CREDIT RESERVE FUND ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) (I) THERE IS A MARYLAND CLEAN ENERGY INCENTIVE TAX CREDIT RESERVE FUND THAT IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(II) THE MONEY IN THE RESERVE FUND SHALL BE INVESTED AND REINVESTED BY THE TREASURER, AND INTEREST AND EARNINGS SHALL BE CREDITED TO THE GENERAL FUND.**

(3) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, FOR ANY FISCAL YEAR, THE ADMINISTRATION MAY NOT ISSUE INITIAL CREDIT CERTIFICATES FOR CREDIT AMOUNTS IN THE AGGREGATE TOTALING MORE THAN THE AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

(II) IF THE AGGREGATE CREDIT AMOUNTS UNDER INITIAL CREDIT CERTIFICATES ISSUED IN A FISCAL YEAR TOTAL LESS THAN THE AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR, ANY EXCESS AMOUNT SHALL REMAIN IN THE RESERVE FUND AND MAY BE ISSUED UNDER INITIAL CREDIT CERTIFICATES FOR THE NEXT FISCAL YEAR.

(III) FOR ANY FISCAL YEAR, IF FUNDS ARE TRANSFERRED FROM THE RESERVE FUND UNDER THE AUTHORITY OF ANY PROVISION OF LAW OTHER THAN UNDER PARAGRAPH (6) OF THIS SUBSECTION, THE MAXIMUM CREDIT AMOUNTS IN THE AGGREGATE FOR WHICH THE ADMINISTRATION MAY ISSUE INITIAL CREDIT CERTIFICATES SHALL BE REDUCED BY THE AMOUNT TRANSFERRED.

(4) FOR EACH OF FISCAL YEARS 2018 AND 2019, THE GOVERNOR MAY INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO THE RESERVE FUND.

(5) NOTWITHSTANDING THE PROVISIONS OF § 7-213 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE GOVERNOR MAY NOT REDUCE AN APPROPRIATION TO THE RESERVE FUND IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

(6) (I) EXCEPT AS PROVIDED IN THIS PARAGRAPH, MONEY APPROPRIATED TO THE RESERVE FUND SHALL REMAIN IN THE FUND.

(II) 1. WITHIN 15 DAYS AFTER THE END OF EACH CALENDAR QUARTER, THE ADMINISTRATION SHALL NOTIFY THE COMPTROLLER AS TO EACH FINAL CREDIT CERTIFICATE ISSUED DURING THE QUARTER:

A. THE MAXIMUM CREDIT AMOUNT STATED IN THE INITIAL TAX CREDIT CERTIFICATE FOR THE PRODUCER OF ELECTRICITY FROM QUALIFIED ENERGY RESOURCES AT A QUALIFIED MARYLAND FACILITY; AND

B. THE FINAL CERTIFIED CREDIT AMOUNT FOR THE ELECTRICITY PRODUCER.

2. ON NOTIFICATION THAT A FINAL CREDIT AMOUNT HAS BEEN CERTIFIED, THE COMPTROLLER SHALL TRANSFER AN AMOUNT EQUAL TO THE CREDIT AMOUNT STATED IN THE INITIAL CREDIT CERTIFICATE FOR THE ELECTRICITY PRODUCER FROM THE RESERVE FUND TO THE GENERAL FUND.

**(E)** If the credit allowed under this section in any taxable year exceeds the State income tax otherwise payable by the corporation or individual for that taxable year, the corporation or the individual may claim a refund in the amount of the excess.

~~(E)~~ **(F)**(1) On January 1, 2007, and each year thereafter, the Administration shall provide to the Comptroller a list of all taxpayers in the prior tax year that have been issued an initial credit certificate and shall specify for each taxpayer the earliest tax year for which the credit may be claimed and the maximum amount of credit allowed.

(2) (i) On or before October 1, 2007, and each year thereafter, the Comptroller and the Administration jointly shall submit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly a written report regarding:

1. the number of certifications and taxpayers claiming the credit under this section;
2. the name and physical location of each taxpayer issued an initial credit certificate;
3. the maximum credit amount approved for each taxpayer;
4. the geographical distribution of the credits claimed; and
5. any other available information the Administration determines to be meaningful and appropriate.

(ii) The Comptroller shall ensure that the information is presented and classified in a manner consistent with the confidentiality of tax return information.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 595

**(Senate Bill 941)**

AN ACT concerning

**Worcester County – Family Entertainment Centers – Amusement Gaming Licenses**

FOR the purpose of altering the definition of slot machine to exclude certain machines; authorizing the State Lottery and Gaming Control Commission to issue a certain amusement gaming license to certain family entertainment centers in a certain county; authorizing certain family entertainment centers to apply for a certain license if certain requirements are satisfied; authorizing a family entertainment center that holds a certain license to operate certain skills-based devices that award certain prizes; requiring the Commission to determine the value of certain prizes that may be awarded; prohibiting a family entertainment center from exchanging certain merchandise for money; authorizing the Commission to determine that a certain device at a family entertainment center is an illegal gaming device and require that the device be removed; prohibiting a family entertainment center from transferring a certain license to a certain location; defining certain terms; and generally relating to amusement gaming licenses.

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section 12–301(3)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

BY adding to  
 Article – State Government  
 Section 9–1B–01 and 9–1B–02 to be under the new subtitle “Subtitle 1B. Amusement Gaming Licenses”  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

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

### Article – Criminal Law

12–301.

In this subtitle:

- (3) “slot machine” does not include a machine, apparatus, or device that:
- (i) awards the user only free additional games or plays;
  - (ii) awards the user only noncash merchandise or noncash prizes of minimal value;
  - (iii) dispenses paper pull tab tip jar tickets or paper pull tab instant bingo tickets that must be opened manually by the user provided that the machine, apparatus, or device does not:

1. read the tickets electronically;
2. alert the user to a winning or losing ticket; or
3. tabulate a player's winnings and losses;

(iv) 1. is a handheld device that displays only facsimiles of bingo cards that an individual uses to mark and monitor contemporaneously to a live call of bingo numbers called on the premises by an individual where the user is operating the machine;

2. does not permit a user to play more than 54 bingo cards at the same time;

3. does not randomly generate any numbers; and

4. is not part of an integrated system;

(v) is used by the State Lottery and Gaming Control Commission under Title 9 of the State Government Article;

(vi) if legislation takes effect authorizing the operation of video lottery terminals, is a video lottery terminal as defined in and licensed under that legislation; [or]

(vii) is a skills-based amusement device that awards prizes of minimal value approved by the State Lottery and Gaming Control Commission through regulation; **OR**

**(VIII) IS A SKILLS-BASED DEVICE THAT AWARDS NONCASH MERCHANDISE AND IS LOCATED AT A FAMILY ENTERTAINMENT CENTER IN WORCESTER COUNTY LICENSED UNDER § 9-1B-02 OF THE STATE GOVERNMENT ARTICLE.**

### **Article – State Government**

#### **SUBTITLE 1B. AMUSEMENT GAMING LICENSES.**

##### **9-1B-01.**

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) “COMMISSION” MEANS THE STATE LOTTERY AND GAMING CONTROL COMMISSION.**

**(C) (1) “FAMILY ENTERTAINMENT CENTER” MEANS A LOCATION WITH A STREET ADDRESS:**

**(I) WHERE A PERSON OR LEGAL ENTITY OFFERS LICENSED AMUSEMENT, MERCHANDISE, REDEMPTION, OR SKILLS-BASED DEVICES FOR OPERATION OR PLAY TO INDIVIDUALS OF ALL AGES; AND**

**(II) THAT PAYS:**

- 1. STATE AND LOCAL PROPERTY TAX;**
- 2. SALES AND USE TAX; AND**
- 3. ADMISSIONS AND AMUSEMENT TAX.**

**(2) “FAMILY ENTERTAINMENT CENTER” DOES NOT INCLUDE:**

**(I) A LOCATION WITHOUT A STREET ADDRESS;**

**(II) THE COMMON AREA OF A COMMERCIAL BUILDING OR FACILITY; OR**

**(III) A LOCATION THAT IS OPERATED PRIMARILY AS A MOVIE THEATER, BOWLING ALLEY, SKATING RINK, OR ANY OTHER SIMILAR ESTABLISHMENT THAT DISPLAYS OR OPERATES AMUSEMENT DEVICES ONLY DURING THE HOURS THAT THE ESTABLISHMENT MAKES ITS PRIMARY SERVICE OR ACTIVITY AVAILABLE TO THE PUBLIC.**

**9-1B-02.**

**(A) THIS SECTION APPLIES ONLY IN WORCESTER COUNTY.**

**(B) THE COMMISSION MAY ISSUE AN AMUSEMENT GAMING LICENSE TO A FAMILY ENTERTAINMENT CENTER THAT SATISFIES THE REQUIREMENTS OF THIS SECTION.**

**(C) A FAMILY ENTERTAINMENT CENTER MAY APPLY TO THE COMMISSION FOR A LICENSE UNDER THIS SECTION IF THE FAMILY ENTERTAINMENT CENTER:**

**(1) IS LOCATED IN A BUILDING THAT IS OWNED, LEASED, OR OCCUPIED BY THE FAMILY ENTERTAINMENT CENTER FOR THE PRIMARY PURPOSE OF PROVIDING AMUSEMENT DEVICES TO THE PUBLIC;**

(2) RECEIVES A MAJORITY OF THE GROSS RECEIPTS FROM AMUSEMENT, MERCHANDISE, REDEMPTION, OR SKILLS-BASED DEVICES;

(3) MARKETS ITS BUSINESS TO FAMILIES WITH CHILDREN;

(4) OFFERS AMUSEMENT DEVICES, ARCADE GAMES, CRANE GAMES, VIDEO GAMES, INTERACTIVE AND SPORTING GAMES, AMUSEMENT RIDES, MINIATURE GOLF, AND BOWLING; AND

(5) IS IN CONTINUOUS OPERATION IN THE SAME GEOGRAPHIC LOCATION SINCE 1975.

(D) (1) A FAMILY ENTERTAINMENT CENTER THAT HOLDS AN AMUSEMENT GAMING LICENSE ISSUED UNDER THIS SECTION MAY OPERATE:

(I) SKILLS-BASED DEVICES THAT AWARD NONCASH PRIZES OF MINIMAL VALUE; AND

(II) UP TO 10 SKILLS-BASED DEVICES THAT AWARD NONCASH PRIZES WITH A MINIMAL WHOLESALE VALUE THAT DOES NOT EXCEED \$599.

(2) THE COMMISSION SHALL DETERMINE THE VALUE OF THE NONCASH PRIZES THAT MAY BE AWARDED BY A SKILLS-BASED DEVICE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.

(E) A FAMILY ENTERTAINMENT CENTER MAY NOT EXCHANGE MERCHANDISE FOR MONEY.

(F) THE COMMISSION MAY DETERMINE THAT A DEVICE AT A FAMILY ENTERTAINMENT CENTER IS AN ILLEGAL GAMING DEVICE AND ORDER THE DEVICE TO BE REMOVED FROM THE FAMILY ENTERTAINMENT CENTER.

(G) A FAMILY ENTERTAINMENT CENTER THAT HOLDS AN AMUSEMENT GAMING LICENSE ISSUED UNDER THIS SECTION MAY NOT TRANSFER THE LICENSE TO ANOTHER GEOGRAPHIC LOCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 596

(Senate Bill 946)

AN ACT concerning

### Correctional Services – Restrictive Housing – Report

FOR the purpose of requiring the Department of Public Safety and Correctional Services on or before a certain date each year to submit certain data to the Governor's Office of Crime Control and Prevention and the General Assembly relating to the use of certain restrictive housing in correctional facilities; requiring the ~~Department~~ Governor's Office of Crime Control and Prevention to make certain information available on ~~the Department's~~ its Web site; defining a certain term; and generally relating to correctional facilities.

BY adding to

Article – Correctional Services

Section 9–614

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

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

#### Article – Correctional Services

9–614.

(A) ~~(1)~~ (1) IN THIS SECTION, “RESTRICTIVE HOUSING” MEANS A ~~TYPE OF DETENTION THAT INVOLVES:~~

~~(1)~~ REMOVAL OF AN INMATE FROM THE GENERAL INMATE POPULATION, WHETHER VOLUNTARY OR INVOLUNTARY; FORM OF PHYSICAL SEPARATION IN WHICH THE INMATE IS PLACED IN A LOCKED ROOM OR CELL FOR APPROXIMATELY 22 HOURS OR MORE OUT OF A 24-HOUR PERIOD.

~~(2)~~ “RESTRICTIVE HOUSING” INCLUDES ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION.

~~(2)~~ PLACEMENT OF THE INMATE IN A LOCKED ROOM OR CELL, WHETHER ALONE OR WITH ANOTHER INMATE; AND

~~(3)~~ THE INABILITY OF THE INMATE TO LEAVE THE ROOM OR CELL FOR THE VAST MAJORITY OF THE DAY, TYPICALLY 22 HOURS OR MORE.

(B) (1) ON OR BEFORE ~~OCTOBER 1~~ DECEMBER 31 EACH YEAR, THE DEPARTMENT SHALL SUBMIT DATA TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, SHOWING, BY CORRECTIONAL FACILITY:

(I) THE TOTAL POPULATION OF THE CORRECTIONAL FACILITY;

(II) THE NUMBER OF INMATES WHO HAVE BEEN PLACED IN RESTRICTIVE HOUSING DURING THE PRECEDING YEAR BY AGE, RACE, ~~ETHNICITY~~ SEX, GENDER, CLASSIFICATION OF HOUSING, AND THE BASIS FOR THE INMATE'S PLACEMENT IN RESTRICTIVE HOUSING;

(III) THE NUMBER OF INMATES WITH SERIOUS MENTAL ILLNESS THAT WERE PLACED IN RESTRICTIVE HOUSING DURING THE PRECEDING YEAR;

(IV) THE DEFINITION OF "SERIOUS MENTAL ILLNESS" USED BY THE DEPARTMENT IN MAKING THE REPORT;

(V) THE NUMBER OF INMATES KNOWN TO BE PREGNANT WHEN PLACED IN RESTRICTIVE HOUSING DURING THE PRECEDING YEAR;

(VI) THE AVERAGE AND MEDIAN LENGTHS OF STAY IN RESTRICTIVE HOUSING OF THE INMATES PLACED IN RESTRICTIVE HOUSING DURING THE PRECEDING YEAR;

(VII) THE NUMBER OF INCIDENTS OF DEATH, SELF-HARM, AND ATTEMPTS AT SELF-HARM BY INMATES IN RESTRICTIVE HOUSING DURING THE PRECEDING YEAR;

(VIII) THE NUMBER OF INMATES RELEASED FROM RESTRICTIVE HOUSING DIRECTLY INTO THE COMMUNITY DURING THE PRECEDING YEAR;

(IX) ANY OTHER DATA THE DEPARTMENT CONSIDERS RELEVANT TO THE USE OF RESTRICTIVE HOUSING BY CORRECTIONAL FACILITIES IN THE STATE; AND

(X) ANY CHANGES TO WRITTEN POLICIES OR PROCEDURES AT EACH CORRECTIONAL FACILITY RELATING TO THE USE AND CONDITIONS OF RESTRICTIVE HOUSING, INCLUDING STEPS TO REDUCE RELIANCE ON RESTRICTIVE HOUSING.

(2) ~~THE DEPARTMENT~~ THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL MAKE THE INFORMATION SUBMITTED IN ACCORDANCE

WITH PARAGRAPH (1) OF THIS SUBSECTION AVAILABLE ON ~~THE DEPARTMENT'S~~ ITS WEB SITE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 597

(House Bill 1180)

AN ACT concerning

### Correctional Services – Restrictive Housing – Report

FOR the purpose of requiring the Department of Public Safety and Correctional Services on or before a certain date each year to submit certain data to the Governor's Office of Crime Control and Prevention and the General Assembly relating to the use of certain restrictive housing in correctional facilities; requiring the ~~Department~~ Governor's Office of Crime Control and Prevention to make certain information available on ~~the Department's~~ its Web site; defining a certain term; and generally relating to correctional facilities.

BY adding to

Article – Correctional Services

Section 9–614

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

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

### Article – Correctional Services

9–614.

(A) (1) IN THIS SECTION, “RESTRICTIVE HOUSING” MEANS A ~~TYPE OF DETENTION THAT INVOLVES:~~

(1) REMOVAL OF AN INMATE FROM THE GENERAL INMATE POPULATION, WHETHER VOLUNTARY OR INVOLUNTARY; FORM OF PHYSICAL SEPARATION IN WHICH THE INMATE IS PLACED IN A LOCKED ROOM OR CELL FOR APPROXIMATELY 22 HOURS OR MORE OUT OF A 24-HOUR PERIOD.

(2) “RESTRICTIVE HOUSING” INCLUDES ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION.

~~(2) PLACEMENT OF THE INMATE IN A LOCKED ROOM OR CELL, WHETHER ALONE OR WITH ANOTHER INMATE; AND~~

~~(3) THE INABILITY OF THE INMATE TO LEAVE THE ROOM OR CELL FOR THE VAST MAJORITY OF THE DAY, TYPICALLY 22 HOURS OR MORE.~~

(B) (1) ON OR BEFORE ~~OCTOBER 1~~ DECEMBER 31 EACH YEAR, THE DEPARTMENT SHALL SUBMIT DATA TO THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, SHOWING, BY CORRECTIONAL FACILITY:

(I) THE TOTAL POPULATION OF THE CORRECTIONAL FACILITY;

(II) THE NUMBER OF INMATES WHO HAVE BEEN PLACED IN RESTRICTIVE HOUSING DURING THE PRECEDING YEAR BY AGE, RACE, ~~ETHNICITY~~ GENDER, CLASSIFICATION OF HOUSING, AND THE BASIS FOR THE INMATE’S PLACEMENT IN RESTRICTIVE HOUSING;

(III) THE NUMBER OF INMATES WITH SERIOUS MENTAL ILLNESS THAT WERE PLACED IN RESTRICTIVE HOUSING DURING THE PRECEDING YEAR;

(IV) THE DEFINITION OF “SERIOUS MENTAL ILLNESS” USED BY THE DEPARTMENT IN MAKING THE REPORT;

(V) THE NUMBER OF INMATES KNOWN TO BE PREGNANT WHEN PLACED IN RESTRICTIVE HOUSING DURING THE PRECEDING YEAR;

(VI) THE AVERAGE AND MEDIAN LENGTHS OF STAY IN RESTRICTIVE HOUSING OF THE INMATES PLACED IN RESTRICTIVE HOUSING DURING THE PRECEDING YEAR;

(VII) THE NUMBER OF INCIDENTS OF DEATH, SELF-HARM, AND ATTEMPTS AT SELF-HARM BY INMATES IN RESTRICTIVE HOUSING DURING THE PRECEDING YEAR;

(VIII) THE NUMBER OF INMATES RELEASED FROM RESTRICTIVE HOUSING DIRECTLY INTO THE COMMUNITY DURING THE PRECEDING YEAR;

(IX) ANY OTHER DATA THE DEPARTMENT CONSIDERS RELEVANT TO THE USE OF RESTRICTIVE HOUSING BY CORRECTIONAL FACILITIES IN THE STATE; AND

(X) ANY CHANGES TO WRITTEN POLICIES OR PROCEDURES AT EACH CORRECTIONAL FACILITY RELATING TO THE USE AND CONDITIONS OF RESTRICTIVE HOUSING, INCLUDING STEPS TO REDUCE RELIANCE ON RESTRICTIVE HOUSING.

(2) THE DEPARTMENT GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL MAKE THE INFORMATION SUBMITTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION AVAILABLE ON ~~THE DEPARTMENT'S~~ ITS WEB SITE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 598

(Senate Bill 998)

AN ACT concerning

### St. Mary's County – Property Tax Credit – New or Expanding Businesses

FOR the purpose of authorizing St. Mary's County or a municipal corporation in St. Mary's County to grant a property tax credit against the county or municipal corporation property tax imposed on property that is owned or leased by certain new or expanding businesses; providing that the property tax credit may not be granted for more than a certain number of years; providing for the application of this Act; and generally relating to a property tax credit for new or expanding businesses in St. Mary's County.

BY adding to

Article – Tax – Property

Section 9–320(d)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

9–320.

**(D) (1) TO ENCOURAGE THE LOCATION AND DEVELOPMENT OF BUSINESS OPERATIONS AND EXPANSION OF THE EMPLOYMENT BASE IN ST. MARY’S COUNTY, THE GOVERNING BODY OF ST. MARY’S COUNTY OR OF A MUNICIPAL CORPORATION IN ST. MARY’S COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON ANY PROPERTY OWNED OR LEASED BY A NEW OR EXPANDING BUSINESS THAT CREATES 10 OR MORE FULL–TIME JOBS IN AN INDUSTRY TARGETED FOR EXPANSION BY THE ST. MARY’S COUNTY ECONOMIC DEVELOPMENT COMMISSION.**

**(2) A TAX CREDIT GRANTED UNDER THIS SUBSECTION MAY NOT BE GRANTED FOR MORE THAN 10 YEARS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all taxable years beginning after June 30, 2016.

**Approved by the Governor, May 19, 2016.**

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**Chapter 599****(House Bill 917)**

AN ACT concerning

**St. Mary’s County – Property Tax Credit – New or Expanding Businesses**

FOR the purpose of authorizing St. Mary’s County or a municipal corporation in St. Mary’s County to grant a property tax credit against the county or municipal corporation property tax imposed on property that is owned or leased by certain new or expanding businesses; providing that the property tax credit may not be granted for more than a certain number of years; providing for the application of this Act; and generally relating to a property tax credit for new or expanding businesses in St. Mary’s County.

BY adding to

Article – Tax – Property

Section 9–320(d)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

9–320.

**(D) (1) TO ENCOURAGE THE LOCATION AND DEVELOPMENT OF BUSINESS OPERATIONS AND EXPANSION OF THE EMPLOYMENT BASE IN ST. MARY’S COUNTY, THE GOVERNING BODY OF ST. MARY’S COUNTY OR OF A MUNICIPAL CORPORATION IN ST. MARY’S COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON ANY PROPERTY OWNED OR LEASED BY A NEW OR EXPANDING BUSINESS THAT CREATES 10 OR MORE FULL–TIME JOBS IN AN INDUSTRY TARGETED FOR EXPANSION BY THE ST. MARY’S COUNTY ECONOMIC DEVELOPMENT COMMISSION.**

**(2) A TAX CREDIT GRANTED UNDER THIS SUBSECTION MAY NOT BE GRANTED FOR MORE THAN 10 YEARS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all taxable years beginning after June 30, 2016.

**Approved by the Governor, May 19, 2016.**

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**Chapter 600**

**(Senate Bill 1015)**

AN ACT concerning

**St. Mary’s County – Alcoholic Beverages – Permits, Training, Prohibited Acts, and Violations**

FOR the purpose of altering the serving size of a sample serving of beer permitted to be served to an individual by a holder of a Class BWTS beer and wine tasting or sampling ~~permits~~ *license* in St. Mary’s County; establishing a BWT beer and wine tasting permit in St. Mary’s County for a certain purpose; authorizing the Board of License Commissioners for St. Mary’s County to issue the permit only to a holder of a certain license; providing for the application and fees for, maximum permit periods, and restrictions associated with the permit; requiring an applicant for an alcoholic beverages license in St. Mary’s County to attend certain training within a certain time after the application is approved; providing that attendance at certain training does not fulfill a certain training requirement; prohibiting a person who operates a certain establishment in St. Mary’s County without an alcoholic beverage license

from knowingly allowing a customer to bring alcoholic beverages for consumption into, or on the grounds of, the establishment; providing that a person who violates a certain law is subject to license revocation or suspension and a certain civil penalty imposed by the Board; authorizing the Board to impose a certain fine on a certain employee of a holder of an alcoholic beverage license for selling alcoholic beverages to certain individuals; and generally relating to the regulation of alcoholic beverages in St. Mary's County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 28–102 and 28–1306(a)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 28–1306(f), 28–2501, and 28–2802

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 28–1307 and 28–1411

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

### **Article – Alcoholic Beverages**

28–102.

This title applies only in St. Mary's County.

28–1306.

(a) There is a 1–day Class BWTS beer and wine tasting or sampling license.

(f) An individual may consume beer or wine covered by the license in a quantity not exceeding:

(1) 1 ounce from each offering and 4 ounces from all offerings of wine in a day; and

(2) [3] 2 ounces from each offering and 8 ounces from all offerings of beer in a day.

28-1307.

- (A) THERE IS A BWT BEER AND WINE TASTING PERMIT.
- (B) THE BOARD MAY ISSUE THE PERMIT ONLY TO A HOLDER OF A CLASS A LICENSE.
- (C) THE PERMIT AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF BEER AND WINE FOR TASTING PURPOSES ONLY.
- (D) THE HOLDER OF A CLASS A LICENSE MAY APPLY FOR AND THE BOARD MAY ISSUE THE PERMIT THAT IS EFFECTIVE FOR A MAXIMUM OF:
  - (1) ANY 26 DAYS IN A LICENSING PERIOD;
  - (2) ANY 52 DAYS IN A LICENSING PERIOD; OR
  - (3) 365 DAYS IN A LICENSING PERIOD.
- (E) A PERMIT HOLDER SHALL NOTIFY THE BOARD OF THE HOLDER'S INTENT TO HAVE A TASTING AT LEAST 7 DAYS BEFORE THE EVENT IF THE PERMIT IS EFFECTIVE FOR ANY:
  - (1) 26 DAYS IN A LICENSING PERIOD; OR
  - (2) 52 DAYS IN A LICENSING PERIOD.
- (F) AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE LICENSE IN A QUANTITY NOT EXCEEDING:
  - (1) 1 OUNCE FROM EACH OFFERING AND 4 OUNCES FROM ALL OFFERINGS OF WINE IN A DAY; AND
  - (2) 2 OUNCES FROM EACH OFFERING AND 8 OUNCES FROM ALL OFFERINGS OF BEER IN A DAY.
- (G) THE PERMIT AUTHORIZES THE CONSUMPTION OF BEER OR WINE ONLY ON THE LICENSED PREMISES OF THE HOLDER.
- (H) THE PERMIT FEES ARE:
  - (1) FOR A PERMIT THAT IS EFFECTIVE FOR ANY 26 DAYS IN A LICENSING PERIOD, \$150;

(2) FOR A PERMIT THAT IS EFFECTIVE FOR ANY 52 DAYS IN A LICENSING PERIOD, \$200; AND

(3) FOR A PERMIT THAT IS EFFECTIVE FOR 365 DAYS IN A LICENSING PERIOD, \$250.

28-1411.

(A) WITHIN 90 DAYS AFTER THE BOARD APPROVES AN APPLICATION FOR A LICENSE, THE APPLICANT SHALL ATTEND RESPONSIBLE ALCOHOL SERVICE TRAINING.

(B) ATTENDANCE AT THE RESPONSIBLE ALCOHOL SERVICE TRAINING DOES NOT FULFILL THE ALCOHOL AWARENESS TRAINING REQUIREMENT UNDER § 4-505 OF THIS ARTICLE.

28-2501.

(a) An establishment not licensed by the Board, at a location under the control or possession of the establishment, may not:

(1) sell or serve alcoholic beverages to a member or guest;

(2) keep alcoholic beverages for a member or guest;

(3) allow a customer to consume or to be served alcoholic beverages from the supplies that the customer has previously purchased or reserved; or

(4) sell, serve, keep, or allow to be consumed setups or other component parts of mixed alcoholic drinks to a member or guest.

(b) A person who operates an establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into **OR ON THE GROUNDS OF** the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

28-2802.

(a) **(1)** A person who violates a law relating to:

~~(1) licensing the sale of alcoholic beverages is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000; and~~

~~(2)~~ hours or days for the sale of alcoholic beverages is guilty of a misdemeanor and on conviction is subject to imprisonment or a fine not exceeding \$250 or both.

~~(b) For a license violation, the Board may revoke or suspend a license or impose a fine on the license holder or both.~~

**(2) IF THE BOARD FINDS THAT A PERSON HAS VIOLATED A LAW RELATING TO LICENSING THE SALE OF ALCOHOLIC BEVERAGES, THE BOARD MAY:**

**(I) REVOKE OR SUSPEND THE PERSON'S LICENSE;**

**(II) IMPOSE A CIVIL PENALTY NOT EXCEEDING \$1,000; OR**

**(III) BOTH REVOKE OR SUSPEND THE PERSON'S LICENSE AND IMPOSE A CIVIL PENALTY NOT EXCEEDING \$1,000.**

~~(c)~~ **(B) IF AN EMPLOYEE OF A LICENSE HOLDER SELLS ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS THE BOARD MAY IMPOSE A FINE ON THE EMPLOYEE NOT EXCEEDING \$500 PER OFFENSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 601

(House Bill 1062)

AN ACT concerning

### St. Mary's County – Alcoholic Beverages – Permits, Training, Prohibited Acts, and Violations

FOR the purpose of altering the serving size of a sample serving of beer permitted to be served to an individual by a holder of a Class BWTS beer and wine tasting or sampling ~~permits~~ *license* in St. Mary's County; establishing a BWT beer and wine tasting permit in St. Mary's County for a certain purpose; authorizing the Board of License Commissioners for St. Mary's County to issue the permit only to a holder of a certain license; providing for the application and fees for, maximum permit periods, and restrictions associated with the permit; requiring an applicant for an alcoholic beverages license in St. Mary's County to attend certain training within a certain time after the application is approved; providing that attendance at certain training

does not fulfill a certain training requirement; prohibiting a person who operates a certain establishment in St. Mary's County without an alcoholic beverages license from knowingly allowing a customer to bring alcoholic beverages for consumption into, or on the grounds of, the establishment; providing that a person who violates a certain law is subject to license revocation or suspension and a certain civil penalty imposed by the Board; authorizing the Board to impose a certain fine on a certain employee of a holder of an alcoholic beverages license for selling alcoholic beverages to certain individuals; and generally relating to the regulation of alcoholic beverages in St. Mary's County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 28–102 and 28–1306(a)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 28–1306(f), 28–2501, and 28–2802

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 28–1307 and 28–1411

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

### **Article – Alcoholic Beverages**

28–102.

This title applies only in St. Mary's County.

28–1306.

(a) There is a 1–day Class BWTS beer and wine tasting or sampling license.

(f) An individual may consume beer or wine covered by the license in a quantity not exceeding:

(1) 1 ounce from each offering and 4 ounces from all offerings of wine in a day; and

(2) [3] 2 ounces from each offering and 8 ounces from all offerings of beer in a day.

28-1307.

(A) THERE IS A BWT BEER AND WINE TASTING PERMIT.

(B) THE BOARD MAY ISSUE THE PERMIT ONLY TO A HOLDER OF A CLASS A LICENSE.

(C) THE PERMIT AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF BEER AND WINE FOR TASTING PURPOSES ONLY.

(D) THE HOLDER OF A CLASS A LICENSE MAY APPLY FOR AND THE BOARD MAY ISSUE THE PERMIT THAT IS EFFECTIVE FOR A MAXIMUM OF:

(1) ANY 26 DAYS IN A LICENSING PERIOD;

(2) ANY 52 DAYS IN A LICENSING PERIOD; OR

(3) 365 DAYS IN A LICENSING PERIOD.

(E) A PERMIT HOLDER SHALL NOTIFY THE BOARD OF THE HOLDER'S INTENT TO HAVE A TASTING AT LEAST 7 DAYS BEFORE THE EVENT IF THE PERMIT IS EFFECTIVE FOR ANY:

(1) 26 DAYS IN A LICENSING PERIOD; OR

(2) 52 DAYS IN A LICENSING PERIOD.

(F) AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE LICENSE IN A QUANTITY NOT EXCEEDING:

(1) 1 OUNCE FROM EACH OFFERING AND 4 OUNCES FROM ALL OFFERINGS OF WINE IN A DAY; AND

(2) 2 OUNCES FROM EACH OFFERING AND 8 OUNCES FROM ALL OFFERINGS OF BEER IN A DAY.

(G) THE PERMIT AUTHORIZES THE CONSUMPTION OF BEER OR WINE ONLY ON THE LICENSED PREMISES OF THE HOLDER.

(H) THE PERMIT FEES ARE:

~~(H)~~ **(1)** FOR A PERMIT THAT IS EFFECTIVE FOR ANY **26** DAYS IN A LICENSING PERIOD, **\$150**;

~~(H)~~ **(2)** FOR A PERMIT THAT IS EFFECTIVE FOR ANY **52** DAYS IN A LICENSING PERIOD, **\$200**; AND

~~(H)~~ **(3)** FOR A PERMIT THAT IS EFFECTIVE FOR **365** DAYS IN A LICENSING PERIOD, **\$250**.

28-1411.

**(A)** WITHIN **90** DAYS AFTER THE BOARD APPROVES AN APPLICATION FOR A LICENSE, THE APPLICANT SHALL ATTEND RESPONSIBLE ALCOHOL SERVICE TRAINING.

**(B)** ATTENDANCE AT THE RESPONSIBLE ALCOHOL SERVICE TRAINING DOES NOT FULFILL THE ALCOHOL AWARENESS TRAINING REQUIREMENT UNDER **§ 4-505** OF THIS ARTICLE.

28-2501.

(a) An establishment not licensed by the Board, at a location under the control or possession of the establishment, may not:

- (1) sell or serve alcoholic beverages to a member or guest;
- (2) keep alcoholic beverages for a member or guest;
- (3) allow a customer to consume or to be served alcoholic beverages from the supplies that the customer has previously purchased or reserved; or
- (4) sell, serve, keep, or allow to be consumed setups or other component parts of mixed alcoholic drinks to a member or guest.

(b) A person who operates an establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into **OR ON THE GROUNDS OF** the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

28-2802.

- (a) **(1)** A person who violates a law relating to:

~~(1) licensing the sale of alcoholic beverages is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000; and~~

~~(2) hours or days for the sale of alcoholic beverages is guilty of a misdemeanor and on conviction is subject to imprisonment or a fine not exceeding \$250 or both.~~

**(2) IF THE BOARD FINDS THAT A PERSON HAS VIOLATED A LAW RELATING TO LICENSING THE SALE OF ALCOHOLIC BEVERAGES, THE BOARD MAY:**

**(I) REVOKE OR SUSPEND THE PERSON'S LICENSE;**

**(II) IMPOSE A CIVIL PENALTY NOT EXCEEDING \$1,000; OR**

**(III) BOTH REVOKE OR SUSPEND THE PERSON'S LICENSE AND IMPOSE A CIVIL PENALTY NOT EXCEEDING \$1,000.**

~~(b) For a license violation, the Board may revoke or suspend a license or impose a fine on the license holder or both.~~

~~(c)~~ **(B) IF AN EMPLOYEE OF A LICENSE HOLDER SELLS ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS THE BOARD MAY IMPOSE A FINE ON THE EMPLOYEE NOT EXCEEDING \$500 PER OFFENSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 602

(Senate Bill 1047)

AN ACT concerning

### **Task Force to Study Recording Deeds for Victims of Domestic Violence**

FOR the purpose of establishing the Task Force to Study Recording Deeds for Victims of Domestic Violence; 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 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 Recording Deeds for Victims of Domestic Violence.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) There is a Task Force to Study Recording Deeds for Victims of Domestic Violence.

(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 Secretary of State, or the Secretary's designee;

(4) the Secretary of Human Resources, or the Secretary's designee;

(5) the Secretary of Commerce, or the Secretary's designee;

(6) the Attorney General, or the Attorney General's designee; ~~and~~

(7) the State Archivist, or the State Archivist's designee;

(8) the Director of the State Department of Assessments and Taxation, or the Director's designee; and

(9) the following members, appointed by the Governor:

(i) one representative of the Maryland Realtors Association;

(ii) one representative of the Maryland Bankers Association;

(iii) one representative of the Maryland State Bar Association; ~~and~~

(iv) one representative of the Maryland Land Title Association;

(v) one representative of the Maryland Circuit Court Clerks' Association; ~~and~~

(vi) one representative of an organization that advocates for victims of domestic violence;

(vii) one representative of the Maryland Associations of Counties; and

*(viii) one representative of the Maryland Municipal League.*

(c) The Secretary of State shall be the chair of the Task Force.

(d) The Office of the Secretary of State 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 study and make recommendations regarding how to protect the identity and address of a participant in the Address Confidentiality Program for victims of domestic violence in the Office of the Secretary of State when recording a deed transferring real property to or from a Program participant.

(g) On or before December 1, 2017, 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, 2016. It shall remain effective for a period of 1 year and 6 months and, at the end of December 31, 2017, 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 19, 2016.**

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## Chapter 603

(Senate Bill 1062)

AN ACT concerning

~~**Enterprise Zones – Target Redevelopment Areas – Designation and Sales and Use Tax Exemption**~~

***Baltimore County – Sales and Use Tax Exemption – Redevelopment Areas***

FOR the purpose of ~~authorizing a certain political subdivision to request that the Secretary of Commerce designate all or a part of a certain enterprise zone as a target redevelopment area for a certain period of time; providing that the request may be made on or before a certain submission date; requiring the Secretary to grant the request under certain circumstances; authorizing a person to apply to the~~

~~Department of Economic Competitiveness and Commerce to certify that a construction project located in a certain target redevelopment area is a project for which the purchase of certain construction material or warehousing equipment is entitled to a certain exemption from the sales and use tax; providing an exemption from the sales and use tax for certain construction material or warehousing equipment purchased for use in a certain qualified project located in a certain target redevelopment area in Baltimore County under certain circumstances; authorizing a person to apply to the Department of Economic Competitiveness and Commerce to certify that a construction project located in a certain target redevelopment area is a project for which the purchase of certain construction material or warehousing equipment is entitled to the exemption; providing that a person who utilizes certain exempt construction material or warehousing equipment for a purpose other than for a certain project is guilty of a misdemeanor and subject to a certain penalty; requiring a buyer claiming the exemption to provide certain evidence to a vendor; defining certain terms; providing for the termination of this Act; and generally relating to enterprise zones and the sales and use tax.~~

~~BY repealing and reenacting, without amendments,  
Article — Economic Development  
Section 5-701(a), (d), and (f)  
Annotated Code of Maryland  
(2008 Volume and 2015 Supplement)~~

~~BY adding to  
Article — Economic Development  
Section 5-706.1  
Annotated Code of Maryland  
(2008 Volume and 2015 Supplement)~~

BY adding to  
Article – Tax – General  
Section 11-232 ~~and 13-1032~~  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

~~**Article — Economic Development**~~

~~5-701.~~

- ~~(a) In this subtitle the following words have the meanings indicated.~~
- ~~(d) “Enterprise zone” means an area:~~

~~(1) that meets the requirements of § 5-704(a) of this subtitle and is designated as an enterprise zone by the Secretary under § 5-704(b) of this subtitle;~~

~~(2) designated as an enterprise zone by the United States government under 42 U.S.C. §§ 11501 through 11505; or~~

~~(3) designated as an empowerment zone or enterprise community by the United States government under 26 U.S.C. §§ 1391 through 1397F.~~

~~(f) "Political subdivision" means a county or municipal corporation.~~

### ~~5-706.1.~~

~~(A) A POLITICAL SUBDIVISION MAY REQUEST THE SECRETARY TO DESIGNATE ALL OR PART OF AN ENTERPRISE ZONE AS A TARGET REDEVELOPMENT AREA FOR THE LESSER OF:~~

~~(1) 5 YEARS; OR~~

~~(2) THE REMAINDER OF THE 10 YEAR TERM OF THE APPLICABLE ENTERPRISE ZONE.~~

~~(B) THE REQUEST MAY BE MADE ON OR BEFORE THE DATE THAT THE POLITICAL SUBDIVISION APPLIES FOR THE DESIGNATION OF A NEW ENTERPRISE ZONE OR AFTER THE SECRETARY HAS DESIGNATED AN ENTERPRISE ZONE.~~

~~(C) THE SECRETARY SHALL GRANT THE REQUEST IF:~~

~~(1) THE AREA IS LOCATED IN AN ENTERPRISE ZONE; AND~~

~~(2) THE SECRETARY DETERMINES THAT THE AREA CONSISTS OF PARCELS THAT ARE PREDOMINANTLY DETERIORATED, UNDERUTILIZED, OR VACANT.~~

~~(D) A PERSON MAY APPLY TO THE DEPARTMENT TO CERTIFY THAT A CONSTRUCTION PROJECT LOCATED IN A TARGET REDEVELOPMENT AREA DESIGNATED UNDER THIS SECTION IS A PROJECT FOR WHICH THE PURCHASE OF CONSTRUCTION MATERIAL OR WAREHOUSING EQUIPMENT IS ENTITLED TO A SALES AND USE TAX EXEMPTION UNDER § 11-232 OF THE TAX GENERAL ARTICLE.~~

## Article - Tax - General

### 11-232.

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

(2) (I) “CONSTRUCTION MATERIAL” MEANS AN ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS USED TO CONSTRUCT OR RENOVATE A BUILDING, A STRUCTURE, OR AN IMPROVEMENT ON LAND AND THAT TYPICALLY LOSES ITS SEPARATE IDENTITY AS PERSONAL PROPERTY ONCE INCORPORATED INTO THE REAL PROPERTY.

(II) “CONSTRUCTION MATERIAL” INCLUDES BUILDING MATERIALS, BUILDING SYSTEMS EQUIPMENT, LANDSCAPING MATERIALS, AND SUPPLIES.

~~(3) “QUALIFIED PROJECT” MEANS A CONSTRUCTION PROJECT THAT IS LOCATED IN A TARGET REDEVELOPMENT AREA AND FOR WHICH, AS CERTIFIED BY THE DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE UNDER § 5-706.1 OF THE ECONOMIC DEVELOPMENT ARTICLE THIS SECTION, THE PURCHASE OF CONSTRUCTION MATERIAL OR WAREHOUSING EQUIPMENT IS ENTITLED TO THE SALES AND USE TAX EXEMPTION UNDER THIS SECTION.~~

~~(4) (3) “TARGET REDEVELOPMENT AREA” MEANS AN AREA DESIGNATED AS A TARGET REDEVELOPMENT AREA UNDER § 5-706.1 OF THE ECONOMIC DEVELOPMENT ARTICLE~~ ANY REAL PROPERTY THAT:

~~(I) IS LOCATED IN THE CHESAPEAKE ENTERPRISE ZONE IN BALTIMORE COUNTY;~~ ANY REAL PROPERTY OWNED OR LEASED BY A PERSON IN BALTIMORE COUNTY THAT:

(I) WAS PREVIOUSLY OWNED AT ANY TIME BY BETHLEHEM STEEL CORPORATION, OR ANY OF ITS SUBSIDIARIES; AND

(II) WAS, AS OF JANUARY 1, 2016, THE SUBJECT OF AN APPROVED APPLICATION FOR PARTICIPATION IN THE VOLUNTARY CLEANUP PROGRAM UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE; AND

(III) IS ZONED, UNDER BALTIMORE COUNTY ZONING REGULATIONS, FOR ANY USE OTHER THAN RESIDENTIAL USE.

~~(5) (4) “WAREHOUSING EQUIPMENT” MEANS EQUIPMENT USED FOR MATERIAL HANDLING AND STORAGE, INCLUDING RACKING SYSTEMS, CONVEYING SYSTEMS, AND COMPUTER SYSTEMS AND EQUIPMENT.~~

(B) THE SALES AND USE TAX DOES NOT APPLY TO A SALE OF CONSTRUCTION MATERIAL OR WAREHOUSING EQUIPMENT, IF:

(1) THE MATERIAL OR EQUIPMENT IS PURCHASED BY A PERSON SOLELY FOR USE IN A QUALIFIED PROJECT TARGET REDEVELOPMENT AREA; AND

(2) THE ~~PURCHASER~~ BUYER PROVIDES THE VENDOR ~~A COPY OF THE CERTIFICATION ISSUED BY THE DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE UNDER SUBSECTION (C) OF THIS SECTION~~ WITH EVIDENCE OF ELIGIBILITY FOR THE EXEMPTION ISSUED BY THE COMPTROLLER.

~~(C) A PERSON MAY APPLY TO THE DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE TO CERTIFY THAT A CONSTRUCTION PROJECT LOCATED IN A TARGET REDEVELOPMENT AREA IS A PROJECT FOR WHICH THE PURCHASE OF CONSTRUCTION MATERIAL OR WAREHOUSING EQUIPMENT IS ENTITLED TO THE EXEMPTION UNDER THIS SECTION.~~

~~13-1032.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "EXEMPTED CONSTRUCTION MATERIAL" MEANS CONSTRUCTION MATERIAL ON WHICH NO SALES AND USE TAX WAS PAID IN ACCORDANCE WITH § 11-232 OF THIS ARTICLE.~~

~~(3) "EXEMPTED WAREHOUSING EQUIPMENT" MEANS WAREHOUSING EQUIPMENT ON WHICH NO SALES AND USE TAX WAS PAID IN ACCORDANCE WITH § 11-232 OF THIS ARTICLE.~~

~~(4) "QUALIFIED PROJECT" HAS THE MEANING STATED IN § 11-232 OF THIS ARTICLE.~~

~~(B) A PERSON WHO USES EXEMPTED CONSTRUCTION MATERIAL OR EXEMPTED WAREHOUSING EQUIPMENT FOR A PURPOSE OTHER THAN FOR A QUALIFIED PROJECT IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2016. It shall remain effective for a period of 5 10 years and, at the end of September 30, 2021 June 30, 2026, 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 19, 2016.

## Chapter 604

(House Bill 1533)

AN ACT concerning

### ~~Enterprise Zones – Target Redevelopment Areas – Designation and~~ Baltimore County – Sales and Use Tax Exemption – Redevelopment Areas

FOR the purpose of ~~authorizing a certain political subdivision to request that the Secretary of Commerce designate all or a part of a certain enterprise zone as a target redevelopment area for a certain period of time; providing that the request may be made on or before a certain submission date; requiring the Secretary to grant the request under certain circumstances; authorizing a person to apply to the Department of Economic Competitiveness and Commerce to certify that a construction project located in a certain target redevelopment area is a project for which the purchase of certain construction material or warehousing equipment is entitled to a certain exemption from the sales and use tax; providing an exemption from the sales and use tax for certain construction material or warehousing equipment used on certain property in certain areas purchased for use in a certain target redevelopment area in Baltimore County under certain circumstances; requiring a buyer claiming the exemption to provide certain evidence to a vendor; providing that a person who utilizes certain exempt construction material or warehousing equipment for a purpose other than for a certain project is guilty of a misdemeanor and subject to a certain penalty; defining certain terms; providing for the termination of this Act; and generally relating to enterprise zones and~~ the sales and use tax.

~~BY repealing and reenacting, without amendments,~~

~~Article – Economic Development  
Section 5–701(a), (d), and (f)  
Annotated Code of Maryland  
(2008 Volume and 2015 Supplement)~~

~~BY adding to~~

~~Article – Economic Development  
Section 5–706.1  
Annotated Code of Maryland  
(2008 Volume and 2015 Supplement)~~

BY adding to

Article – Tax – General  
Section 11–232 ~~and 13–1032~~  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

~~Article Economic Development~~

~~5-701.~~

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

~~(d) "Enterprise zone" means an area:~~

~~(1) that meets the requirements of § 5-704(a) of this subtitle and is designated as an enterprise zone by the Secretary under § 5-704(b) of this subtitle;~~

~~(2) designated as an enterprise zone by the United States government under 42 U.S.C. §§ 11501 through 11505; or~~

~~(3) designated as an empowerment zone or enterprise community by the United States government under 26 U.S.C. §§ 1391 through 1397F.~~

~~(f) "Political subdivision" means a county or municipal corporation.~~

~~5-706.1.~~

~~(A) A POLITICAL SUBDIVISION MAY REQUEST THE SECRETARY TO DESIGNATE ALL OR PART OF AN ENTERPRISE ZONE AS A TARGET REDEVELOPMENT AREA FOR THE LESSER OF:~~

~~(1) 5 YEARS; OR~~

~~(2) THE REMAINDER OF THE 10 YEAR TERM OF THE APPLICABLE ENTERPRISE ZONE.~~

~~(B) THE REQUEST MAY BE MADE ON OR BEFORE THE DATE THAT THE POLITICAL SUBDIVISION APPLIES FOR THE DESIGNATION OF A NEW ENTERPRISE ZONE OR AFTER THE SECRETARY HAS DESIGNATED AN ENTERPRISE ZONE.~~

~~(C) THE SECRETARY SHALL GRANT THE REQUEST IF:~~

~~(1) THE AREA IS LOCATED IN AN ENTERPRISE ZONE; AND~~

~~(2) THE SECRETARY DETERMINES THAT THE AREA CONSISTS OF PARCELS THAT ARE PREDOMINANTLY DETERIORATED, UNDERUTILIZED, OR VACANT.~~

~~(D) A PERSON MAY APPLY TO THE DEPARTMENT TO CERTIFY THAT A CONSTRUCTION PROJECT LOCATED IN A TARGET REDEVELOPMENT AREA DESIGNATED UNDER THIS SECTION IS A PROJECT FOR WHICH THE PURCHASE OF CONSTRUCTION MATERIAL OR WAREHOUSING EQUIPMENT IS ENTITLED TO A SALES AND USE TAX EXEMPTION UNDER § 11-232 OF THE TAX GENERAL ARTICLE.~~

Article – Tax – General

11-232.

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

(2) (I) “CONSTRUCTION MATERIAL” MEANS AN ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS USED TO CONSTRUCT OR RENOVATE A BUILDING, A STRUCTURE, OR AN IMPROVEMENT ON LAND AND THAT TYPICALLY LOSES ITS SEPARATE IDENTITY AS PERSONAL PROPERTY ONCE INCORPORATED INTO THE REAL PROPERTY.

(II) “CONSTRUCTION MATERIAL” INCLUDES BUILDING MATERIALS, BUILDING SYSTEMS EQUIPMENT, LANDSCAPING MATERIALS, AND SUPPLIES.

~~(3) “QUALIFIED PROJECT” MEANS A CONSTRUCTION PROJECT THAT IS LOCATED IN A TARGET REDEVELOPMENT AREA AND FOR WHICH, AS CERTIFIED BY THE DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE UNDER § 5-706.1 OF THE ECONOMIC DEVELOPMENT ARTICLE, THE PURCHASE OF CONSTRUCTION MATERIAL OR WAREHOUSING EQUIPMENT IS ENTITLED TO THE SALES AND USE TAX EXEMPTION UNDER THIS SECTION.~~

~~(4) “TARGET REDEVELOPMENT AREA” MEANS AN AREA DESIGNATED AS A TARGET REDEVELOPMENT AREA UNDER § 5-706.1 OF THE ECONOMIC DEVELOPMENT ARTICLE.~~

~~(5) (3) “TARGET REDEVELOPMENT AREA” MEANS ANY REAL PROPERTY OWNED OR LEASED BY A PERSON IN BALTIMORE COUNTY THAT:~~

~~(I) WAS PREVIOUSLY OWNED AT ANY TIME BY BETHLEHEM STEEL CORPORATION, OR ANY OF ITS SUBSIDIARIES; AND~~

~~(II) WAS, AS OF JANUARY 1, 2016, THE SUBJECT OF AN APPROVED APPLICATION FOR PARTICIPATION IN THE VOLUNTARY CLEANUP PROGRAM UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE.~~

(4) “WAREHOUSING EQUIPMENT” MEANS EQUIPMENT USED FOR MATERIAL HANDLING AND STORAGE, INCLUDING RACKING SYSTEMS, CONVEYING SYSTEMS, AND COMPUTER SYSTEMS AND EQUIPMENT.

(B) THE SALES AND USE TAX DOES NOT APPLY TO A SALE OF CONSTRUCTION MATERIAL OR WAREHOUSING EQUIPMENT, IF:

(1) THE MATERIAL OR EQUIPMENT IS PURCHASED BY A PERSON SOLELY FOR USE IN A QUALIFIED PROJECT ON PROPERTY OWNED OR LEASED BY THE PERSON ON A PRIVATELY OWNED INDUSTRIAL COMPLEX IN BALTIMORE COUNTY THAT WAS OWNED BY BETHLEHEM STEEL CORPORATION, OR ANY OF ITS SUBSIDIARIES, AND IS REDEVELOPED IN A TARGET REDEVELOPMENT AREA; AND

(2) THE PURCHASER BUYER PROVIDES THE VENDOR A COPY OF THE CERTIFICATION ISSUED BY THE DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE WITH EVIDENCE OF ELIGIBILITY FOR THE EXEMPTION ISSUED BY THE COMPTROLLER.

~~13-1032.~~

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

~~(2) “EXEMPTED CONSTRUCTION MATERIAL” MEANS CONSTRUCTION MATERIAL ON WHICH NO SALES AND USE TAX WAS PAID IN ACCORDANCE WITH § 11-232 OF THIS ARTICLE.~~

~~(3) “EXEMPTED WAREHOUSING EQUIPMENT” MEANS WAREHOUSING EQUIPMENT ON WHICH NO SALES AND USE TAX WAS PAID IN ACCORDANCE WITH § 11-232 OF THIS ARTICLE.~~

~~(4) “QUALIFIED PROJECT” HAS THE MEANING STATED IN § 11-232 OF THIS ARTICLE.~~

~~(B) A PERSON WHO USES EXEMPTED CONSTRUCTION MATERIAL OR EXEMPTED WAREHOUSING EQUIPMENT FOR A PURPOSE OTHER THAN FOR A QUALIFIED PROJECT IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2016.~~ July 1, 2016. It shall remain effective for a period of ~~5~~ 10 years and, at the end of June 30, ~~2021~~ 2026, 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 19, 2016.

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**Chapter 605**

**(Senate Bill 1079)**

AN ACT concerning

**Washington County – Alcoholic Beverages – Hotel and Motel Licenses**

FOR the purpose of altering certain conditions under which the Board of License Commissioners of Washington County may issue a certain alcoholic beverages license to the owner of a hotel or motel; requiring the hotel or motel to have certain lobby facilities; requiring the hotel or motel to have a certain ballroom, conference room, or banquet room instead of certain dining facilities; altering the authority of the license holder under the license; authorizing the Board to adopt certain regulations; and generally relating to an alcoholic beverages license for hotels or motels in Washington County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 31–102 and 31–1903

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 31–903

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

31–102.

This title applies only in Washington County.

31–903.

(a) There is a Class B beer, wine, and liquor [(on– and off–sale)] **(ON–SALE)** hotel and restaurant license.

(b) The Board may issue the license to the owner of a hotel **OR MOTEL** that:

(1) is in a building at least three stories tall that was originally constructed for hotel **OR MOTEL** purposes;

(2) has a capital investment of at least \$500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms to accommodate the public; [and]

**(III) A LOBBY WITH A REGISTRATION AND MAIL DESK AND SEATING FACILITIES; AND**

**[(iii)] (IV) [a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating] A BALLROOM, CONFERENCE ROOM, OR BANQUET ROOM.**

(c) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant at retail at the place described in the license, for [on- and off-premises] **ON-PREMISES** consumption:

**(1) THROUGH ROOM SERVICE OR OTHERWISE TO REGISTERED GUESTS; OR**

**(2) BY THE GLASS, BOTTLE, OR CAN TO INDIVIDUALS ATTENDING AN EVENT IN A BALLROOM, CONFERENCE ROOM, OR BANQUET ROOM.**

(d) **[The] EXCEPT AS PROVIDED IN REGULATIONS ADOPTED BY THE BOARD UNDER SUBSECTION (F) OF THIS SECTION, THE** license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor [(on- and off-sale)] **(ON-SALE)** license under [§ 31-2004(b)] **§ 31-2004(C)** of this title.

(e) (1) The annual license fee is \$1,000.

(2) The fee for a Sunday permit is \$250.

**(F) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS THAT:**

**(1) PROVIDE FOR THE MANNER OF DISPENSING BEER, WINE, AND LIQUOR UNDER THE LICENSE;**

(2) PROVIDE FOR THE HOURS AND DAYS OF SALE; AND

(3) LIMIT THE QUANTITY OF ALCOHOLIC BEVERAGES THAT MAY BE SOLD TO AN INDIVIDUAL AS A SINGLE SERVING OR DURING A 24-HOUR PERIOD.

31-1903.

(a) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(i) be certified by an approved alcohol awareness program; and

(ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 606

(Senate Bill 1143)

AN ACT concerning

~~Prince George's County~~ Neshante and Chloe Davis Domestic Violence  
Prevention Task Force

FOR the purpose of establishing the Neshante and Chloe Davis Domestic Violence Prevention Task Force; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its preliminary findings to the Governor and the General Assembly on or before a certain date; ~~requiring the Task Force to meet with the Prince George's County Delegation to the General Assembly to discuss its preliminary findings within a certain number of days after reporting to the Governor and the General Assembly;~~ requiring the Task Force to report its final 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 Neshante and Chloe Davis Domestic Violence Prevention Task Force.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) There is a Neshante and Chloe Davis Domestic Violence Prevention Task Force ~~in Prince George's County~~.

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

(1) a member of the Senate of Maryland ~~representing Prince George's County~~, appointed by the President of the Senate;

(2) a member of the House of Delegates ~~representing Prince George's County~~, appointed by the Speaker of the House;

(3) ~~the State's Attorney for Prince George's County~~ a State's Attorney, or the State's Attorney's designee; and

(4) the following members, appointed by the Governor:

(i) a representative of ~~the Prince George's County Department of Health~~ a county department of health;

(ii) a representative of ~~the Prince George's County Department of Social Services~~ a county department of social services;

(iii) a representative of ~~the Prince George's County Department of Family Services~~ a county department of family services;

(iv) a member of ~~the Prince George's County Domestic Violence Coordinating Council~~ Leaving Abuse, Supporting Everyone, Restoring Survivors, Inc. (LASERS);

~~(v) a judge or magistrate with the Family Division of the Prince George's County Circuit Court~~ representative of the Domestic Violence and Sexual Assault Center at Dimensions Healthcare System;

(vi) two private behavioral and mental health services providers;

(vii) two representatives of the faith community;

(viii) two representatives of men's organizations;

(ix) two family members of victims of domestic violence;

(x) four members of the domestic violence prevention and victim's advocacy community; and

(xi) a representative of the Prince George's County Family Crisis Center.

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

(d) The chair may appoint a vice chair, an executive committee, and subgroups or subcommittees from among the members of the Task Force.

(e) ~~The Prince George's County Department of Family Services, the Prince George's County Health Department, and the Prince George's County Department of Social Services~~ Department of Human Resources 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 the effectiveness of current intervention strategies and explore new interventions that might strengthen efforts to prevent domestic violence;

(2) study existing legal, behavioral health, and family support policies, procedures, and practices to ascertain existing issues and identify resources needed to improve the delivery and effectiveness of domestic violence prevention and family support services;

(3) study ways to further engage and educate community stakeholders to be better informed and more engaged in identifying and preventing domestic violence in the community;

(4) study the ways individuals, families, and the community at large can better identify, report, and defend against domestic violence; and

(5) develop policy recommendations to improve the ability of State and local government, community stakeholders, families, and individuals to identify and prevent domestic violence in ~~Prince George's County~~ Maryland.

(h) (1) ~~(i)~~ On or before September 1, 2016, the Task Force shall report its preliminary findings to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

~~(ii) Within 60 days of reporting its preliminary findings under subparagraph (i) of this paragraph, the Task Force shall meet with the Prince George's County Delegation to the General Assembly to discuss the report.~~

(2) On or before December 1, 2016, 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 June 1, 2016. It shall remain effective for a period of 1 year and, at the end of May 31, 2017, 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 19, 2016.**

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## Chapter 607

### (House Bill 36)

AN ACT concerning

### **Rebuilding Baltimore City Communities Act of 2016**

FOR the purpose of exempting certain demolition activities from certain notice requirements; requiring altering the definition of "vacant dwelling" for purposes of certain property tax credits against the property tax imposed on certain vacant dwellings and newly constructed dwellings located in Baltimore City; authorizing the Mayor and City Council of Baltimore City to grant, by law, a certain property tax credit against the property tax imposed on certain property located in certain ~~communities~~ neighborhoods in Baltimore City; establishing the amount and duration of the property tax credit; providing for the eligibility requirements of the property tax credit; requiring the Mayor and City Council of Baltimore City to provide certain procedures for granting the property tax credit; defining certain

terms; ~~providing for the application of this Act;~~ and generally relating to certain notice requirements for certain demolition activities and a property tax credit in Baltimore City.

BY adding to

Article – Economic Development

Section 10–645(m)

Annotated Code of Maryland

(2008 Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 9–304(c)(1) and (d)(1)(i) and (ii)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Tax – Property

Section 9–304(i)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Economic Development**

10–645.

**(M) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A DEMOLITION OR PARTIAL DEMOLITION OF A SCHOOL BUILDING UNDER THE BALTIMORE CITY PUBLIC SCHOOLS’ 10–YEAR PLAN SHALL BE EXEMPT FROM ANY REQUIRED NOTICE TO THE BALTIMORE CITY COUNCIL OR THE PRESIDENT OF THE BALTIMORE CITY COUNCIL.**

**Article – Tax – Property**

9–304.

(c) (1) In this subsection, “vacant dwelling” means residential real property that:

(i) contains no more than four dwelling units; and

(ii) 1. has been cited ~~as vacant and abandoned on a housing or building violation notice for 1 year~~ **WITH A VACANT BUILDING NOTICE**; or

2. has been owned by the Mayor and City Council of Baltimore City for 1 year and is in need of substantial repair to comply with applicable city codes.

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

(ii) 1. “Newly constructed dwelling” means residential real property that has not been previously occupied since its construction and for which the building permit for construction was issued on or after October 1, 1994.

2. “Newly constructed dwelling” includes a “vacant dwelling” as defined in subsection (c)(1) of this section that has been rehabilitated in compliance with applicable local laws and regulations and has not been previously occupied since the rehabilitation.

**(I) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(II) “NEWLY CONSTRUCTED DWELLING” HAS THE MEANING STATED IN SUBSECTION (D) OF THIS SECTION.**

**(III) “VACANT DWELLING” HAS THE MEANING STATED IN SUBSECTION (C) OF THIS SECTION.**

**(2) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY ~~SHALL~~ MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SUBSECTION AGAINST THE COUNTY PROPERTY TAX IMPOSED ON REAL PROPERTY THAT:**

**(I) IS LOCATED IN ANY ~~COMMUNITY~~ NEIGHBORHOOD THAT THE BALTIMORE CITY HOUSING DEPARTMENT DETERMINES HAS A VACANT DWELLING RATE OF AT LEAST 35% FOR EACH OF THE PRIOR 3 YEARS; AND**

**(II) IS OWNED BY QUALIFYING OWNERS OF A VACANT OR NEWLY CONSTRUCTED DWELLING.**

**(3) A PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL BE:**

**~~(I)~~ UP TO 100% OF THE PROPERTY TAX IMPOSED ON THE VALUE OF THE IMPROVEMENTS FOR THE FIRST 10 TAXABLE YEARS IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;**

**~~(II) 88% FOR THE 11TH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~**

~~(III) 76% FOR THE 12TH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~(IV) 64% FOR THE 13TH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~(V) 52% FOR THE 14TH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~(VI) 40% FOR THE 15TH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~(VII) 28% FOR THE 16TH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~(VIII) 16% FOR THE 17TH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT; AND~~

~~(IX) 0% FOR EACH TAXABLE YEAR THEREAFTER.~~

(4) OWNERS OF VACANT OR NEWLY CONSTRUCTED DWELLINGS MAY QUALIFY FOR THE TAX CREDIT AUTHORIZED UNDER THIS SUBSECTION BY:

(I) 1. ~~A.~~ SUBSTANTIALLY REHABILITATING A VACANT DWELLING IN COMPLIANCE WITH THE CODE AND LAWS APPLIED TO DWELLINGS; ~~AND~~

~~B. OCCUPYING THE DWELLING AFTER REHABILITATION AS THEIR PRINCIPAL RESIDENCE; OR~~

2. A. PURCHASING A NEWLY CONSTRUCTED DWELLING; AND

B. OCCUPYING THE NEWLY CONSTRUCTED DWELLING AS THEIR PRINCIPAL RESIDENCE; AND

(II) FILING A STATE INCOME TAX RETURN DURING THE PERIOD OF THE TAX CREDIT AS A RESIDENT OF BALTIMORE CITY.

(5) NOTWITHSTANDING PARAGRAPH (4) OF THIS SUBSECTION, A COMMUNITY DEVELOPMENT CORPORATION OR A DEVELOPER MAY QUALIFY FOR THE TAX CREDIT UNDER THIS SUBSECTION IF THE COMMUNITY DEVELOPMENT

CORPORATION OR DEVELOPER PURCHASES THE DWELLING TO BE USED AS RESIDENTIAL RENTAL PROPERTY.

**(6) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL PROVIDE FOR PROCEDURES NECESSARY AND APPROPRIATE FOR THE SUBMISSION OF AN APPLICATION FOR AND THE GRANTING OF A PROPERTY TAX CREDIT UNDER THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June~~ October 1, 2016, ~~and shall be applicable to all taxable years beginning after June 30, 2016~~ 2017.

Approved by the Governor, May 19, 2016.

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## Chapter 608

(House Bill 58)

AN ACT concerning

### Vehicle Laws – Historic Motor Vehicles – Authorized Uses and Inspections

FOR the purpose of altering the uses and prohibited uses to which an owner of a historic motor vehicle is required to certify for the vehicle in a registration application; limiting the application of the exemption from certain motor vehicle inspection requirements and enforcement procedures for historic motor vehicles to certain model year vehicles; altering certain defined terms; and generally relating to authorized uses and inspections for historic motor vehicles.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–936 ~~and~~, 23–101(g) and (i), and 23–107(a)(1)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 23–101(a), 23–104, and 23–105(a), ~~and 23–107(a)(1)~~

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

## Article – Transportation

13–936.

(a) In this section, “historic motor vehicle” means a motor vehicle, including a passenger vehicle, motorcycle, or truck that:

- (1) Is at least 20 years old;
- (2) Has not been substantially altered from the manufacturer’s original design; and
- (3) Meets criteria contained in regulations adopted by the Administration.

(b) In this section, “historic motor vehicle” does not include a vehicle that has been remanufactured or reconstructed as a replica of an original vehicle.

(c) If registered with the Administration under this section, every historic motor vehicle is a Class L (historic) vehicle.

(d) Except as provided in subsection (i) of this section, for each Class L (historic) vehicle, the annual registration fee is \$25.50.

(e) In applying for registration of a historic motor vehicle under this section, the owner of the vehicle shall submit with the application a certification that the vehicle for which the application is made:

- (1) Will be maintained for use in exhibitions, club activities, parades, tours, **AND** occasional transportation[, and similar uses]; and
- (2) Will not be used:
  - (i) For general daily transportation; [or]
  - (ii) Primarily for the transportation of passengers or property on highways;
  - (III) FOR EMPLOYMENT;**
  - (IV) FOR TRANSPORTATION TO AND FROM EMPLOYMENT OR SCHOOL; OR**
  - (V) FOR COMMERCIAL PURPOSES.**

(f) Except as provided in § 13–936.1 of this subtitle, on registration of a vehicle under this section, the Administration shall issue a special, historic motor vehicle registration plate of the size and design that the Administration determines.

(g) Unless the presence of the equipment was specifically required by a statute of this State as a condition of sale when the vehicle was manufactured, the presence of any specific equipment is not required for the operation of a vehicle registered under this section.

(h) **(1)** A vehicle **WITH A MODEL YEAR OF 1985 OR EARLIER** registered under this section is exempt from any statute that requires [periodic] vehicle inspections [or that requires the use and inspection of emission controls].

**(2) A VEHICLE REGISTERED UNDER THIS SECTION IS EXEMPT FROM ANY STATUTE THAT REQUIRES THE USE AND INSPECTION OF EMISSION CONTROLS.**

(i) **(1)** For a motor vehicle manufactured at least 60 years prior to the current model year, there is a onetime registration fee of \$50.00.

**(2)** Registration of a motor vehicle manufactured under this subsection is not transferable to a subsequent owner.

23–101.

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

(g) “Police officer” means:

(1) Any uniformed police officer; [or]

**(2) ANY PERSON LISTED UNDER § 2–101(C) OF THE CRIMINAL PROCEDURE ARTICLE; OR**

**[(2)] (3)** Any civilian employee of the Department of State Police or the Maryland Transportation Authority Police assigned to enforce this subtitle or any regulation adopted under this subtitle, but only while acting under written authorization of the Secretary of State Police.

(i) **(1)** “Vehicle” means, except as otherwise provided in this subsection, any vehicle registered or to be registered in this State as:

(i) A Class A (passenger) vehicle;

(ii) A Class M (multipurpose) vehicle;

(iii) A Class J (vanpool) vehicle;

- (iv) A Class E (truck) vehicle;
- (v) A Class F (tractor) vehicle;
- (vi) A Class G (trailer) vehicle;
- (vii) A Class B (for-hire) vehicle; [or]
- (viii) A Class D (motorcycle) vehicle; **OR**

**(IX) A CLASS L (HISTORIC) VEHICLE WITH A MODEL YEAR OF 1986 OR LATER.**

(2) For purposes of safety equipment repair orders only, “vehicle” means, except as provided in paragraph (3) of this subsection, any motor vehicle, trailer, or semitrailer.

(3) “Vehicle” does not include any Class L (historic) vehicle **WITH A MODEL YEAR OF 1985 OR EARLIER**, or any trailer which is a mobile home as defined by § 11-134 of this article.

23-104.

(a) Every vehicle driven on the highways in this State shall, where applicable, have the following equipment, meeting or exceeding the standards established jointly by the Administration and the Division: brakes, steering, suspension, horn, door handles, mirrors, tires, exhaust system, lights, glazing, windshield wipers, odometer, speedometer, bumpers, properly aligned wheels, wheels and wheel lugs, fenders, floor pans, hood, hood catches, emissions equipment, fuel system, front seat, motor mounts, gear selection indicator for automatic transmissions, universal joints, and seat belts or combination seat belt-shoulder harness if required as original equipment under § 22-412 or § 22-412.1 of this article.

(b) (1) The Administration and the Division jointly may establish standards by rule or regulation for this equipment.

(2) The Administration and the Division shall adopt, consistent with federal law, regulations establishing equipment, performance, and other technical standards for low speed vehicles.

23-105.

(a) (1) If a police officer observes that a vehicle registered in this State is being operated with any equipment that apparently does not meet the standards established

under this subtitle or the standards established under § 24–106.1(e) of this article, the officer shall stop the driver of the vehicle and issue to him a safety equipment repair order.

(2) A police officer may issue a safety equipment repair order for a cover required under § 24–106.1(e) of this article only if:

(i) The vehicle is equipped with a cover; and

(ii) The cover, or any equipment necessary to properly secure the cover, does not meet the standards established under § 24–106.1(e) of this article.

23–107.

(a) (1) Before the Administration titles and registers any used vehicle, **EXCEPT A CLASS L (HISTORIC) VEHICLE**, it shall require a valid inspection certificate for the vehicle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 609

(House Bill 72)

AN ACT concerning

**Education – Sexual Abuse and Assault Awareness and Prevention Program –  
Development and Implementation**

FOR the purpose of requiring the State Board of Education and certain nonpublic schools to develop and implement a certain program relating to the awareness and prevention of sexual abuse and assault; requiring a certain program to be incorporated into the health curriculum of each county board of education and each nonpublic school; defining a certain term; and generally relating to sexual abuse and assault awareness and prevention programs in public and nonpublic schools in the State.

BY adding to

Article – Education

Section 7–438

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

**Article – Education**

**7-438.**

**(A) IN THIS SECTION, “NONPUBLIC SCHOOL” MEANS A NONCOLLEGIATE EDUCATIONAL INSTITUTION THAT:**

**(1) HOLDS A CERTIFICATE OF APPROVAL FROM THE STATE BOARD UNDER § 2-206(E) OF THIS ARTICLE; AND**

**(2) PARTICIPATES IN ~~STATE FUNDED EDUCATION PROGRAMS~~ THE NONPUBLIC SCHOOLS TEXTBOOK AND TECHNOLOGY GRANTS PROGRAM.**

**(B) (1) THE STATE BOARD AND EACH NONPUBLIC SCHOOL IN THE STATE SHALL DEVELOP AND IMPLEMENT A PROGRAM OF AGE-APPROPRIATE EDUCATION ON THE AWARENESS AND PREVENTION OF SEXUAL ABUSE AND ASSAULT.**

**(2) THE PROGRAM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:**

**(I) TAUGHT BY A TEACHER WHO IS TRAINED TO PROVIDE INSTRUCTION ON THE AWARENESS AND PREVENTION OF SEXUAL ABUSE AND ASSAULT; AND**

**(II) INCORPORATED INTO THE HEALTH CURRICULUM OF EACH COUNTY BOARD AND EACH NONPUBLIC SCHOOL.**

**(C) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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**Chapter 610**

**(House Bill 76)**

AN ACT concerning

**Department of State Police – Investigation Authority**

FOR the purpose of expanding the authority of members of the Department of State Police to investigate and enforce certain violations within a municipal corporation under certain circumstances; and generally relating to the authority of the Department of State Police.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 2–412  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

**Article – Public Safety**

2–412.

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

(2) “Emergency” means a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect health, safety, welfare, or property from actual or threatened harm or from an unlawful act.

(3) “Municipal corporation” includes Baltimore City.

(b) (1) Police employees have throughout the State the same powers, privileges, immunities, and defenses as sheriffs, constables, police officers, and other peace officers possessed at common law and may now or in the future exercise within their respective jurisdictions.

(2) A police employee may execute an arrest warrant in any part of the State without further endorsement.

(c) Police employees may not act within the limits of a municipal corporation that maintains a police force except:

(1) when in pursuit of a criminal or suspect;

(2) when in search of a criminal or suspect wanted for a crime committed outside of the limits of the municipal corporation or when interviewing or seeking to interview a witness or supposed witness to the crime;

(3) when a crime is committed in the presence of the police employee, and the arrested party must be immediately transferred to the custody of the local law enforcement agency;

(4) when requested to act by the chief executive officer or chief police officer of the municipal corporation;

(5) when ordered by the Governor to act within the municipal corporation;

(6) when enforcing the motor vehicle laws of the State, except in Baltimore City;

(7) in Baltimore City, only when enforcing Title 23 of the Transportation Article;

(8) in any building or place when ordered by either the President of the Senate or the Speaker of the House of Delegates to guard the safety of legislators or the integrity of the legislative process;

(9) to protect the safety of an elected State official;

(10) in the municipal corporations of Somerset County;

(11) when [enforcing § 11–207 of the Criminal Law Article] **CONDUCTING INVESTIGATIONS RELATING TO OR OTHERWISE ENFORCING §§ 3–324, 3–804, 3–805, 3–902, 7–302, 11–207, 11–208, 11–303, 11–304, 11–305, AND 11–306 OF THE CRIMINAL LAW ARTICLE;**

(12) (i) 1. when participating in a joint investigation with officials from another State, federal, or local law enforcement agency at least one of which has local jurisdiction;

2. when rendering assistance to a police officer;

3. when acting at the request of a local police officer; or

4. when an emergency exists; and

(ii) when acting in accordance with regulations adopted by the Secretary to implement this item; **OR**

(13) [when conducting investigations relating to or otherwise enforcing § 7–302 of the Criminal Law Article; or

(14)] when conducting an investigation under § 9–602.1 of the Correctional Services Article.

(d) A police employee may not be placed on detached service and act for a federal department, agency, or committee outside of the State without the written approval of the Governor or as otherwise provided by law.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 611**

### **(House Bill 77)**

AN ACT concerning

#### **Family Law – Missing Children – Reporting Requirements and Repeal of Advisory Council**

FOR the purpose of requiring that certain data regarding a missing child be entered into a certain national database within a certain period of time after the receipt of certain information; repealing the requirement that a law enforcement agency enter certain data regarding a missing child into a certain State database; repealing the requirement that a certain law enforcement agency forward a certain copy of a missing persons report to the State Clearinghouse for Missing Children; repealing provisions providing for the appointment, responsibilities, and terms of a certain advisory council; and generally relating to missing children.

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 9–402 and 9–403  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

#### **Article – Family Law**

9–402.

(a) On receipt of a report regarding a missing child by a law enforcement agency, the law enforcement agency shall immediately determine if:

- (1) the missing child has not been the subject of a prior missing persons report;
- (2) the missing child suffers from a mental or physical handicap or illness;
- (3) the disappearance of the missing child is of a suspicious or dangerous nature;
- (4) the person filing the report of a missing child has reason to believe that the missing child may have been abducted;
- (5) the missing child has ever previously been the subject of a child abuse report filed with the State or local law enforcement agency; or
- (6) the missing child is under 17 years of age.

(b) Upon conclusion by the law enforcement agency that any one of the conditions specified in subsection (a) of this section exists, the law enforcement agency shall immediately:

- (1) enter all necessary and available information into [the Maryland Interagency Law Enforcement System (MILES) and] the National Crime Information Center (NCIC) computer networks **WITHIN 2 HOURS AFTER RECEIPT OF THE MINIMUM INFORMATION NECESSARY TO MAKE THE ENTRY**;
- (2) institute appropriate intensive search procedures, including the coordination of volunteer search teams;
- (3) notify the National Center for Missing and Exploited Children [and forward to the State Clearinghouse for Missing Children a copy of the missing persons report involving the missing child];
- (4) notify the appropriate local department and, to the extent possible, obtain any information that may assist in the locating of the missing child; and
- (5) enlist the aid of the Department of State Police, when appropriate, in locating the missing child.

(c) If the conditions specified in subsection (a) of this section do not exist, the law enforcement agency shall:

- (1) immediately seek to determine the circumstances surrounding the disappearance of the missing child; and

(2) implement the procedures set forth in subsection (b) of this section within 12 hours of the filing of a report regarding a missing child, if the missing child has not been located.

(d) Notwithstanding any provision of law to the contrary, if a missing child has not been located within 24 hours of the filing of a missing persons report and either the local law enforcement agency or the Department of State Police have reason to believe that the missing child may be located in a jurisdiction other than the jurisdiction where the missing persons report was filed, the Department of State Police shall enter the investigation and, in cooperation with the appropriate local law enforcement agencies, assist State and national efforts to locate the missing child.

(e) (1) A law enforcement agency may not establish a mandatory waiting period before beginning an investigation to locate a missing child.

(2) A law enforcement agency may not adopt rules, regulations, or policies that prohibit or discourage the filing of a report or the taking of any action on a report that a child is a missing child or that a child is believed to be a missing child.

(f) Every person filing a report of a missing child shall be required to notify the local law enforcement agency and the Department of State Police immediately upon the locating of the missing child if it is unlikely that the local law enforcement agency or the Department of State Police have knowledge that the missing child has been located.

9-403.

(a) There is a State Clearinghouse for Missing Children operated by the Department of State Police that is responsible for:

(1) the receipt, collection, and distribution of general information and annual statistics regarding missing children; and

(2) coordination of law enforcement agencies and other interested persons or groups within and outside the State regarding information on children who have disappeared from, or are thought to be located in, Maryland.

(b) For children who have disappeared from or are thought to be located in the State, the State Clearinghouse for Missing Children:

(1) shall publish:

(i) the names of and relevant available information on missing children; and

(ii) annual statistics regarding missing children; and

(2) may establish and maintain a list of organizations and groups that provide volunteer search teams or resources relating to missing children.

(c) The Secretary of State Police may develop, in cooperation with local law enforcement agencies, a plan for voluntary fingerprinting programs for children.

[(d) (1) An advisory council shall be appointed having the following responsibilities:

(i) review of the activities of the State Clearinghouse;

(ii) review of the training provided for, and investigatory procedures used by, law enforcement personnel in the locating of missing children;

(iii) examine possible methods for identifying missing children prior to enrollment in a public or nonpublic school; and

(iv) explore the feasibility and effectiveness of utilizing the Federal Parent Locator Service in locating missing children.

(2) The advisory council shall consist of the following members:

(i) 1 person from the Department of Juvenile Services, to be designated by the Secretary of Juvenile Services;

(ii) 1 person from the Maryland State Department of Education, to be designated by the State Superintendent of Schools;

(iii) 1 person from the Department of State Police, to be appointed by the Secretary of State Police;

(iv) the Special Secretary of the Office for Children, Youth, and Families, who shall serve as chairman of the advisory council;

(v) the President of the Governor's Youth Advisory Council or a designee of the President from the Council;

(vi) 1 member from the State Sheriff's Association, to be designated by the President of the Association;

(vii) 1 member from the State Chiefs of Police Association, to be designated by the President of the Association; and

(viii) 2 members from the public at-large, to be appointed by the Governor.

(e) (1) The term of council members from the public shall be 2 years.

(2) At the end of a term, a council member from the public shall continue to serve until a successor is appointed.

(3) Council members from the public may serve successive terms.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 612**

**(House Bill 121)**

AN ACT concerning

**Criminal Law – False Statement Concerning Destructive Device or Toxic Material – Venue**

FOR the purpose of adding an additional venue in which a person may be prosecuted for a false statement concerning a destructive device or toxic material; making certain stylistic changes; and generally relating to false statements concerning a destructive device or toxic material.

BY repealing and reenacting, without amendments,  
Article – Criminal Law  
Section 9–504(b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 9–504(d)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Law**

9–504.

(b) A person may not circulate or transmit to another, with intent that it be acted on, a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic material, as those terms are defined in § 4–501 of this article.

(d) A crime under this section committed using a telephone or other electronic means may be prosecuted **IN THE COUNTY IN WHICH:**

(1) [in the county in which] the communication originated; [or]

(2) [in the county in which] the communication was received; **OR**

**(3) THE DESTRUCTIVE DEVICE OR TOXIC MATERIAL WAS STATED OR WAS RUMORED TO BE LOCATED.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 613

(House Bill 127)

AN ACT concerning

### ~~Criminal Law~~ – Gaming – Home Games

FOR the purpose of allowing an individual who is at least a certain age to conduct a home game involving wagering if the home game is conducted in a certain manner; and generally relating to gaming.

~~BY adding to~~

~~Article – Criminal Law~~

~~Section 12–115~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2015 Supplement)~~

BY adding to

Article – State Government

Section 9–1B–01 to be under the new subtitle “Subtitle 1B. Gaming Laws”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

~~Article – Criminal Law~~  
Article – State Government

SUBTITLE 1B. GAMING LAWS.

~~12-115.~~ 9-1B-01.

NOTWITHSTANDING ANY OTHER PROVISION OF ~~THIS ARTICLE~~ THE CRIMINAL LAW ARTICLE, AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD MAY CONDUCT A HOME GAME INVOLVING WAGERING IF THE HOME GAME:

- (1) IS LIMITED TO MAH JONG OR A CARD GAME;
- (2) IS CONDUCTED NOT MORE THAN ONCE A WEEK:
  - (I) IN THE PLACE OF RESIDENCE OF AN INDIVIDUAL WHO MAY ALSO PARTICIPATE AS A PLAYER IN THE HOME GAME; OR
  - (II) IN A COMMON AREA OF A RESIDENTIAL PROPERTY THAT IS RESTRICTED TO RESIDENTS WHO ARE AT LEAST 55 YEARS OLD;
- (3) ALLOWS A PLAYER TO COMPETE DIRECTLY AGAINST ONE OR MORE OTHER PLAYERS WHO SHARE A PREEXISTING SOCIAL RELATIONSHIP;
- (4) DOES NOT ALLOW AN INDIVIDUAL TO BENEFIT FINANCIALLY IN ANY WAY, DIRECTLY OR INDIRECTLY, OTHER THAN FROM THE WINNINGS ACCRUED BY PARTICIPATING AS A PLAYER IN THE GAME;
- (5) DOES NOT INVOLVE:
  - (I) A PLAYER'S USE OF AN ELECTRONIC DEVICE THAT CONNECTS TO THE INTERNET;
  - (II) THE USE OF PAID PUBLIC ADVERTISING OR PROMOTIONS;
  - (III) THE CHARGING OF A FEE FOR ADMISSION, A SEAT, ENTERTAINMENT, OR FOOD AND DRINK OR ANY OTHER FEE; OR
  - (IV) THE USE OF ANY MONEY EXCEPT MONEY USED FOR WAGERING; AND

(6) HAS A LIMIT OF ~~\$2,000~~ ~~\$500~~ \$1,000 ON THE TOTAL AMOUNT OF MONEY OR, TOKENS REPRESENTING MONEY, OR ANY OTHER THING OR CONSIDERATION OF VALUE THAT MAY BE WAGERED BY ALL PLAYERS DURING ANY 24-HOUR PERIOD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 614

(House Bill 132)

AN ACT concerning

### State Government – Pollinator Habitat Plans

FOR the purpose of requiring ~~certain State agencies that own or manage property or land~~ the Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration, in consultation with the Department of Agriculture, to each establish a certain pollinator habitat ~~plans~~ plan on or before a certain date; requiring ~~certain State agencies~~ the Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration to make a certain pollinator habitat ~~plans~~ plan publicly available in a certain manner on or before a certain date; requiring ~~certain State agencies~~ the Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration to implement a certain pollinator habitat ~~plans~~ plan on or before a certain date; requiring ~~certain State agencies~~ the Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration to each report to certain committees of the General Assembly on or before a certain date; and generally relating to pollinator habitat plans.

BY adding to

Article – Agriculture

Section 2-1701 to be under the new subtitle “Subtitle 17. Pollinator Habitat Plans”

Annotated Code of Maryland

(2007 Replacement Volume and 2015 Supplement)

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

### Article – Agriculture

## SUBTITLE 17. POLLINATOR HABITAT PLANS.

2-1701.

(A) (1) ~~ON OR BEFORE JULY 1, 2017, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A STATE AGENCY THAT OWNS OR MANAGES PROPERTY OR LAND~~ THE DEPARTMENT OF NATURAL RESOURCES, THE MARYLAND ENVIRONMENTAL SERVICE, AND THE STATE HIGHWAY ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT, EACH SHALL ESTABLISH A POLLINATOR HABITAT PLAN FOR EACH PROPERTY OR PIECE OF LAND OWNED OR MANAGED BY THE STATE AGENCY.

(2) ~~THE~~ A POLLINATOR HABITAT ~~PLANS~~ PLAN REQUIRED UNDER THIS SUBSECTION ~~SHALL~~:

(I) SHALL INCLUDE BEST MANAGEMENT PRACTICES FOR THE MAINTENANCE, CREATION, ENHANCEMENT, AND RESTORATION OF POLLINATOR HABITATS;

(II) SHALL ADHERE TO THE DEPARTMENT'S MANAGED POLLINATOR PROTECTION PLAN;

(III) MAY NOT REQUIRE AN ACTION ON LAND THAT IS INCONSISTENT WITH ANY FEDERAL, STATE, OR LOCAL LAW, REGULATION, RULE, OR GUIDANCE THAT APPLIES TO THE LAND; AND

(IV) MAY NOT REQUIRE THE CREATION OF POLLINATOR HABITAT ON PRODUCTIVE FARMLAND.

(B) ~~A STATE AGENCY THAT IS REQUIRED TO ESTABLISH POLLINATOR HABITAT PLANS UNDER SUBSECTION (A) OF THIS SECTION~~ THE DEPARTMENT OF NATURAL RESOURCES, THE MARYLAND ENVIRONMENTAL SERVICE, AND THE STATE HIGHWAY ADMINISTRATION EACH SHALL:

(1) ON OR BEFORE SEPTEMBER 1, 2017, MAKE AVAILABLE TO THE PUBLIC ON ITS WEB SITE THE ~~REQUIRED~~ POLLINATOR HABITAT ~~PLANS ON THE STATE AGENCY'S WEB SITE~~ PLAN ESTABLISHED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION; AND

(2) ON OR BEFORE JULY 1, 2018, IMPLEMENT THE ~~REQUIRED~~ POLLINATOR HABITAT ~~PLANS~~ PLAN ESTABLISHED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2018, ~~a State agency that is required to establish pollinator habitat plans under this Act shall~~

the Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration each shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee, in accordance with § 2–1246 of the State Government Article, on the pollinator habitat ~~plans~~ plan established in accordance with § 2–1701 of the Agriculture Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 615**

### **(House Bill 133)**

AN ACT concerning

#### **Charles County – Annual Financial Report and Annual Audit Report – Filing Date**

FOR the purpose of altering the date by which Charles County is required to file a certain financial report with the Department of Legislative Services and report the results of a certain audit with the Legislative Auditor; and generally relating to the date by which Charles County is required to file a financial report and the results of an audit.

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 16–304  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Local Government  
Section 16–306  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)

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, **CHARLES 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.

16-306.

(a) The county, municipality, or special taxing district shall report the results of the audit required under § 16-305 of this subtitle to the Legislative Auditor:

(1) on the form and in the manner that the Legislative Auditor requires;  
and

(2) on or before the date the financial report of the county, municipality, or special taxing district must be filed under § 16–304(a) of this subtitle.

(b) An audit report filed by a county, municipality, or special taxing district with the Legislative Auditor shall include financial statements of the county, municipality, or special taxing district that are:

(1) prepared in accordance with generally accepted accounting principles;  
and

(2) audited in accordance with generally accepted auditing standards.

(c) An audit report filed with the Legislative Auditor is a public record.

(d) If a county, municipality, or special taxing district does not comply with subsection (a) or (b) 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 that are distributed by the Comptroller, the clerks of the court, or any other unit of State government.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 616

(House Bill 166)

AN ACT concerning

**Criminal Procedure – Pretrial Release – ~~Nonresident~~  
Out-of-State Sex Offenders**

FOR the purpose of prohibiting a District Court commissioner from authorizing the pretrial release of a defendant who ~~is not a resident of the State and~~ is a sex offender subject to certain registration requirements outside the State; and generally relating to pretrial release.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure

Section 5–202(g)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Procedure**

5–202.

(g) (1) A District Court commissioner may not authorize the pretrial release of a defendant who:

(I) is registered under Title 11, Subtitle 7 of this article; OR

(II) ~~IS NOT A RESIDENT OF THIS STATE AND~~ IS A SEX OFFENDER WHO IS REQUIRED TO REGISTER BY ANOTHER JURISDICTION, A FEDERAL, MILITARY, OR TRIBAL COURT, OR A FOREIGN GOVERNMENT.

(2) (i) A judge may authorize the pretrial release of a defendant described in paragraph (1) of this subsection on:

1. suitable bail;
2. any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or
3. both bail and other conditions described under item 2 of this subparagraph.

(ii) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.

(3) There is a rebuttable presumption that a defendant described in paragraph (1) of this subsection will flee and pose a danger to another person or the community.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

**Chapter 617****(House Bill 177)**

AN ACT concerning

**Criminal Law – Prohibition on Marking Flags – Repeal**

FOR the purpose of repealing a criminal prohibition on making certain markings on a certain flag for exhibition or display, publicly exhibiting a certain flag that has certain marks, or displaying merchandise with a certain flag to advertise, decorate, or mark the merchandise; and generally relating to marking flags.

BY repealing

Article – Criminal Law

Section 10–703

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Law**

[10–703.

(a) This section applies to a flag of the United States or of this State, or a flag that is authorized by law of the United States or of this State.

(b) For exhibition or display, a person may not place or cause to be placed a word, figure, mark, picture, design, or advertisement of any nature on a flag.

(c) A person may not publicly exhibit a flag with a word, figure, mark, picture, design, or advertisement printed, painted, or produced on or attached to the flag.

(d) A person may not publicly display for sale, manufacture, or otherwise, or sell, give, or possess for sale or for use as a gift or for any other purpose, an article of merchandise or receptacle on which a flag is produced or attached to advertise, decorate, or mark the merchandise.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

**Chapter 618****(House Bill 312)**

AN ACT concerning

**Public Safety – Renewal of Handgun Permits – Fingerprinting**

FOR the purpose of specifying that a person who applies for the renewal of a handgun permit is not required to be fingerprinted except under certain circumstances; and generally relating to handgun permits.

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 5–301(a) and (d)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 5–309(b)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Public Safety  
Section 5–309(c)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

**Article – Public Safety**

5–301.

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

(d) “Permit” means a permit issued by the Secretary to carry, wear, or transport a handgun.

5–309.

(b) **[A] SUBJECT TO SUBSECTION (C) OF THIS SECTION,** A permit may be renewed for successive periods of 3 years each if, at the time of an application for renewal,

the applicant possesses the qualifications for the issuance of a permit and pays the renewal fee stated in this subtitle.

(C) A PERSON WHO APPLIES FOR A RENEWAL OF A PERMIT IS NOT REQUIRED TO BE FINGERPRINTED UNLESS THE SECRETARY REQUIRES A SET OF THE PERSON'S FINGERPRINTS TO RESOLVE A QUESTION OF THE PERSON'S IDENTITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 619

(House Bill 336)

AN ACT concerning

### Criminal Procedure – Seizure and Forfeiture

FOR the purpose of ~~altering the types of crimes for which certain property is subject to forfeiture~~ authorizing the forfeiture of certain property under certain circumstances; repealing a certain provision authorizing the forfeiture of certain money or weapons relating to possession of a controlled dangerous substance; authorizing the forfeiture of certain property under certain circumstances; prohibiting a certain law enforcement agency or prosecuting authority from directly or indirectly transferring or referring seized property to a federal government agency or law enforcement authority for forfeiture under federal law unless certain conditions are met; authorizing a certain defendant or third party to file a motion for replevin in a certain criminal case at a certain time if the defendant or third party claims that he or she has the right to possession of certain property; requiring a motion for replevin under this Act to be in writing and state in detail the grounds on which it is based; requiring a claimant to notify the State's Attorney in writing of the filing of a motion for replevin under this Act; authorizing the State's Attorney to file a response to a motion for replevin at a certain time; requiring the court to hold a hearing on a motion for replevin at a certain time under certain circumstances; authorizing the court to dismiss a motion for replevin without a hearing under certain circumstances; requiring the court to grant a motion for replevin under certain circumstances; authorizing the court to order the return of funds or property sufficient to obtain legal counsel but less than the total amount seized; authorizing the court to take certain actions in lieu of ordering issuance of the writ of replevin requiring that a certain seizing authority provide a receipt for property on seizure that includes certain information; requiring that a certain seizing authority mail notice with certain information to the owner of seized property within a certain time; authorizing the owner of certain seized property to make a request for return of the seized property

*within a certain time; requiring a seizing authority to take certain actions in response to a certain request; altering the circumstances by which a certain law enforcement agency may transfer seized property to a certain federal law enforcement agency; prohibiting the construction of a certain provision of law in a certain manner; altering the time in which a complaint for forfeiture of money must be filed; requiring that a certain forfeiting authority return property to an owner if a complaint for forfeiture is not filed in a certain time under certain circumstances; prohibiting the use of a certain statement regarding seized property from use in a criminal prosecution except under certain circumstances; requiring that a certain amount of forfeiture proceeds be appropriated to the Department of Health and Mental Hygiene to fund certain drug programs; requiring a certain ~~law enforcement agency~~ seizing authority to report, on an annual basis, certain information about ~~each individual seizure and forfeiture~~ certain seizures and forfeitures completed by the agency ~~under State or federal forfeiture law~~; authorizing the Maryland Statistical Analysis Center (MSAC) to require a ~~law enforcement agency~~ seizing authority to provide relevant information not specified in this Act; requiring a certain ~~law enforcement agency~~ seizing authority to file a certain report for the agency and the corresponding prosecutor's office with MSAC; requiring MSAC to develop a certain form, a process, and deadlines for certain data entry; requiring MSAC to compile certain submissions and issue a certain report; requiring MSAC to make certain reports available in a certain manner; requiring the Governor's Office of Crime Control and Prevention (GOCCP) to submit a certain report to the Governor, the General Assembly, and each ~~law enforcement agency~~ seizing authority before a certain date each year; authorizing GOCCP to include in a certain report certain recommendations; requiring GOCCP to report information on ~~law enforcement agencies~~ seizing authorities not in compliance with this Act to the Police Training Commission; requiring the Police Training Commission to contact a certain ~~law enforcement agency~~ seizing authority and request compliance; requiring GOCCP and the Police Training Commission to report certain noncompliance to the Governor and the Legislative Policy Committee of the General Assembly under certain circumstances; authorizing MSAC to recoup certain costs in a certain manner; authorizing a certain ~~law enforcement agency~~ seizing authority to use forfeiture proceeds to pay the cost of compiling and reporting information required under this Act; making a conforming change; defining certain terms; and generally relating to seizure and forfeiture.*

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 12-102(a), 12-104, and 12-212

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

(As enacted by Chapter 5 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section ~~12-102(a), 12-103, and~~ 12-203 *and* 12-304

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY adding to

Article – Criminal Procedure

Section ~~12-103(f) and 12-203.1; and 13-601 and 13-602~~ 12-313 and 12-405; and 12-601 and 12-602 to be under the new subtitle “Subtitle 6. Reporting”

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 12-312

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

(As enacted by Chapter 5 of the Acts of the General Assembly of 2016)

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

### **Article – Criminal Procedure**

12-102.

(a) The following are subject to forfeiture:

(1) controlled dangerous substances manufactured, distributed, dispensed, acquired, or possessed in violation of the Controlled Dangerous Substances law;

(2) raw materials, products, and equipment used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting a controlled dangerous substance in violation of the Controlled Dangerous Substances law;

(3) property used or intended for use as a container for property described in item (1) or (2) of this subsection;

(4) except as provided in § 12-103 of this subtitle, conveyances, including aircraft, vehicles, or vessels used or intended to be used to transport, or facilitate the transportation, sale, receipt, possession, or concealment of property described in item (1) or (2) of this subsection;

(5) books, records, and research, including formulas, microfilm, tapes, and data used or intended for use in violation of the Controlled Dangerous Substances law;

(6) subject to subsection (b) of this section, ~~money or~~ weapons used or intended to be used in connection with the unlawful manufacture, distribution, **OR** dispensing[, or possession] of a controlled dangerous substance or controlled paraphernalia;

- ~~(7) drug paraphernalia under § 5-619 of the Criminal Law Article;~~
- ~~(8) controlled paraphernalia under § 5-620 of the Criminal Law Article;~~
- ~~(9) except as provided in § 12-103 of this subtitle, the remaining balance of the proceeds of a sale by a holder of an installment sale agreement under § 12-626 of the Commercial Law Article of goods seized under this subtitle;~~
- ~~(10) except as provided in § 12-103 of this subtitle, real property; and~~
- ~~(11) everything of value furnished, or intended to be furnished, in exchange for a controlled dangerous substance in violation of the Controlled Dangerous Substances law, all proceeds traceable to the exchange, and all negotiable instruments and securities used, or intended to be used, to facilitate any violation of the Controlled Dangerous Substances law.~~

(7) subject to subsection (b) of this section, any amount of money that is directly connected to **USED OR INTENDED TO BE USED IN CONNECTION WITH** the unlawful **MANUFACTURE**, distribution, **OR DISPENSING** of a controlled dangerous substance;

- (8) drug paraphernalia under § 5-619 of the Criminal Law Article;
- (9) controlled paraphernalia under § 5-620 of the Criminal Law Article;
- (10) except as provided in § 12-103 of this subtitle, the remaining balance of the proceeds of a sale by a holder of an installment sale agreement under § 12-626 of the Commercial Law Article of goods seized under this subtitle;
- (11) except as provided in § 12-103 of this subtitle, real property; and
- (12) everything of value furnished, or intended to be furnished, in exchange for a controlled dangerous substance in violation of the Controlled Dangerous Substances law, all proceeds traceable to the exchange, and all negotiable instruments and securities used, or intended to be used, to facilitate any violation of the Controlled Dangerous Substances law.

~~12-103.~~

~~(a) (1) PROPERTY DESCRIBED IN § 12-102(A)(4), (10), OR (11) OF THIS SUBTITLE MAY BE FORFEITED IF:~~

~~(i) THE PROPERTY IS CLAIMED TO BE OWNED BY A PERSON WHO IS CONVICTED OF A FELONY VIOLATION OF THE CONTROLLED DANGEROUS SUBSTANCES LAW; AND~~

~~(H) THE STATE ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT THE PROPERTY IS AN INSTRUMENTALITY OF THE OFFENSE OR PROCEEDS DERIVED FROM THE OFFENSE OF WHICH THE PERSON IS CONVICTED.~~

~~(2) THIS SUBSECTION DOES NOT PROHIBIT PROPERTY FROM BEING SEIZED UNDER STATE LAW AND HELD AS EVIDENCE OR FORFEITED BY PLEA AGREEMENT APPROVED BY THE PRESIDING CRIMINAL COURT.~~

~~(B) Property or an interest in property described in § 12-102(a)(4), (10), [and] OR (11) of this subtitle may not be forfeited if the owner establishes by a preponderance of the evidence that the violation of the Controlled Dangerous Substances law was committed without the owner's actual knowledge.~~

~~[(b)](C) (1) A conveyance used as a common carrier or vehicle for hire in the transaction of business as a common carrier or vehicle for hire may not be seized or forfeited under this title unless it appears that the owner or other person in charge of the conveyance was a consenting party or privy to a violation of the Controlled Dangerous Substances law.~~

~~(2) A conveyance may not be forfeited under this title for an act or omission that the owner shows was committed or omitted by a person other than the owner while the person other than the owner possessed the conveyance in criminal violation of federal law or the law of any state.~~

~~[(e)](D) An owner's interest in real property may not be forfeited for a violation of § 5-601, § 5-619, or § 5-620 of the Criminal Law Article.~~

~~[(d)](E) (1) Except as provided in paragraph (2) of this subsection, real property used as the principal family residence may not be forfeited under this subtitle unless one of the owners of the real property was convicted of a violation of §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, or § 5-628 of the Criminal Law Article or of an attempt or conspiracy to violate Title 5 of the Criminal Law Article.~~

~~(2) Without a conviction, a court may order a forfeiture of real property used as the principal family residence if the owner of the family residence:~~

- ~~(i) fails to appear for a required court appearance; and~~
- ~~(ii) fails to surrender to the jurisdiction of the court within 180 days after the required court appearance.~~

~~[(e)](F) Real property used as the principal family residence by a husband and wife and held by the husband and wife as tenants by the entirety may not be forfeited unless:~~

~~(1) the property was used in connection with a violation of §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, or § 5-628 of the Criminal Law Article or with an attempt or conspiracy to violate Title 5 of the Criminal Law Article; and~~

~~(2) both the husband and wife are convicted of a violation of §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, or § 5-628 of the Criminal Law Article or of an attempt or conspiracy to violate Title 5 of the Criminal Law Article.~~

~~(G) (F) A LAW ENFORCEMENT AGENCY OR PROSECUTING AUTHORITY MAY NOT DIRECTLY OR INDIRECTLY TRANSFER OR REFER SEIZED PROPERTY TO A FEDERAL GOVERNMENT AGENCY OR LAW ENFORCEMENT AUTHORITY FOR FORFEITURE UNDER FEDERAL LAW UNLESS:~~

~~(1) THE PROPERTY INCLUDES SEIZED CASH IN EXCESS OF \$50,000; AND~~

~~(2) A CRIMINAL CASE RELATED TO THE SEIZURE IS PROSECUTED IN THE FEDERAL COURT SYSTEM UNDER FEDERAL LAW.~~

12-104.

(a) AT THE TIME OF SEIZURE, THE SEIZING AUTHORITY SHALL PROVIDE A RECEIPT TO THE PERSON FROM WHOM THE PROPERTY WAS SEIZED, THAT INCLUDES:

(1) A DETAILED DESCRIPTION OF THE PROPERTY;

(2) A CASE NUMBER, PROPERTY INVENTORY NUMBER, OR ANY OTHER REFERENCE NUMBER USED BY THE SEIZING AUTHORITY TO CONNECT THE PROPERTY TO THE CIRCUMSTANCES OF THE SEIZURE;

(3) THE NAME AND CONTACT INFORMATION OF AN INDIVIDUAL OR OFFICE WITHIN THE SEIZING AUTHORITY THAT CAN PROVIDE INFORMATION CONCERNING THE SEIZED PROPERTY;

(4) NOTICE THAT THE OWNER OF THE PROPERTY MAY MAKE A WRITTEN REQUEST FOR RETURN OF THE SEIZED PROPERTY; AND

(5) NOTICE THAT WITHIN 60 DAYS AFTER RECEIPT OF A WRITTEN REQUEST FOR RETURN OF THE SEIZED PROPERTY, THE SEIZING AUTHORITY WILL DECIDE WHETHER TO RETURN THE PROPERTY AND NOTIFY THE OWNER OF THE DECISION.

(B) [Within 30] IF THE PERSON WHO RECEIVED A RECEIPT UNDER SUBSECTION (A) OF THIS SECTION IS NOT THE OWNER OF THE PROPERTY, WITHIN 15

days after the seizure of property by a seizing authority, the seizing authority shall send by first-class mail written information to the owner of the seized property, if known, providing:

(1) the location and description of the seized property; and

(2) the name and contact information of an individual or office within the seizing authority that can provide further information concerning the seized property, including information on how the property may be returned to the owner.

[(b)] (C) The written information **DISTRIBUTED BY A SEIZING AUTHORITY AS required under this section shall state: “Seizure and forfeiture of property is a legal matter. Nothing in this document may be construed as legal advice. You may wish to consult an attorney concerning this matter.”.**

12-203.

(a) Property seized under this title[:

(1) is not repleviable; but

(2)] is in the custody of the seizing authority, **AND, UNLESS RETURNED TO THE OWNER AS PROVIDED IN SUBSECTION (C) OF THIS SECTION OR § 12-207 OF THIS SUBTITLE, IS** subject only to the orders, judgments, and decrees of the court or the official having jurisdiction over the property.

(b) A seizing authority may place seized property under seal and remove the property to a place designated by the court.

**(C) (1) THE OWNER OF SEIZED PROPERTY MAY MAKE A WRITTEN REQUEST TO THE SEIZING AUTHORITY FOR THE RETURN OF THE SEIZED PROPERTY.**

**(2) WITHIN 60 DAYS AFTER RECEIPT OF A WRITTEN REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SEIZING AUTHORITY SHALL MAKE A DECISION AS TO THE DISPOSITION OF THE SEIZED PROPERTY AND SHALL NOTIFY THE OWNER THAT:**

**(I) THE SEIZING AUTHORITY DOES NOT HAVE CUSTODY OF THE PROPERTY AND SHALL PROVIDE CONTACT INFORMATION FOR THE LAW ENFORCEMENT AGENCY THAT DOES HAVE CUSTODY OF THE PROPERTY;**

**(II) THE SEIZING AUTHORITY DOES HAVE CUSTODY OF THE PROPERTY AND WILL FILE A COMPLAINT FOR FORFEITURE;**

(III) THE SEIZING AUTHORITY DOES HAVE CUSTODY OF THE PROPERTY AND WILL RETAIN IT FOR EVIDENTIARY PURPOSES UNTIL AFTER THE CONCLUSION OF A CRIMINAL CASE; OR

(IV) THE SEIZING AUTHORITY DOES HAVE CUSTODY OF THE PROPERTY AND WILL PROMPTLY RETURN THE PROPERTY TO THE OWNER.

~~12-203.1.~~

~~(A) FOLLOWING THE SEIZURE OF PROPERTY, A DEFENDANT OR THIRD PARTY MAY FILE A MOTION FOR WRIT OF REPLEVIN IN THE CRIMINAL CASE IF THE DEFENDANT OR THIRD PARTY CLAIMS TO HAVE THE RIGHT TO POSSESSION OF THE PROPERTY.~~

~~(B) A MOTION FOR WRIT OF REPLEVIN UNDER THIS SECTION MAY BE FILED AT ANY TIME BEFORE TRIAL OF THE CRIMINAL OFFENSE OR OFFENSES.~~

~~(C) A MOTION UNDER THIS SECTION SHALL:~~

~~(1) BE IN WRITING; AND~~

~~(2) STATE IN DETAIL THE GROUNDS ON WHICH THE MOTION IS BASED.~~

~~(D) (1) A CLAIMANT SHALL NOTIFY THE STATE'S ATTORNEY IN WRITING OF THE FILING OF A MOTION UNDER THIS SECTION.~~

~~(2) THE STATE'S ATTORNEY MAY FILE A RESPONSE TO THE MOTION WITHIN 15 DAYS AFTER RECEIPT OF THE NOTICE REQUIRED UNDER THIS SUBSECTION OR WITHIN THE PERIOD OF TIME THAT THE COURT ORDERS.~~

~~(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING ON A MOTION FILED UNDER THIS SECTION WITHIN 30 DAYS AFTER THE FILING OF THE MOTION.~~

~~(2) THE COURT MAY DISMISS A MOTION WITHOUT A HEARING IF THE COURT FINDS THAT THE MOTION FAILS TO ASSERT GROUNDS ON WHICH RELIEF MAY BE GRANTED.~~

~~(F) THE COURT SHALL GRANT THE MOTION IF IT FINDS THAT THE CLAIMANT HAS SHOWN BY A PREPONDERANCE OF THE EVIDENCE THAT:~~

~~(1) THE CLAIMANT HAS THE RIGHT TO POSSESSION OF THE PROPERTY AND THE PROPERTY IS NOT REASONABLY REQUIRED TO BE HELD FOR INVESTIGATORY OR EVIDENTIARY REASONS; OR~~

~~(2) THE PROPERTY IS THE ONLY REASONABLE MEANS FOR A DEFENDANT TO PAY FOR LEGAL REPRESENTATION IN THE FORFEITURE OR CRIMINAL PROCEEDING.~~

~~(G) THE COURT MAY ORDER THE RETURN OF FUNDS OR PROPERTY SUFFICIENT TO OBTAIN LEGAL COUNSEL BUT LESS THAN THE TOTAL AMOUNT SEIZED.~~

~~(H) IN LIEU OF ORDERING THE ISSUANCE OF THE WRIT OF REPLEVIN, THE COURT MAY:~~

~~(1) ORDER THE STATE TO GIVE SECURITY OR WRITTEN ASSURANCE FOR SATISFACTION OF ANY JUDGMENT, INCLUDING DAMAGES, THAT MAY BE RENDERED IN THE ACTION; OR~~

~~(2) ORDER ANY OTHER APPROPRIATE RELIEF.~~

12-212.

A seizing authority or prosecuting authority may not directly or indirectly transfer seized property to a federal law enforcement authority or agency unless:

(1) a criminal case related to the seizure is prosecuted in the federal court system under federal law; [or]

(2) the owner of the property consents to the forfeiture;

(3) THE PROPERTY IS CASH OF AT LEAST \$50,000; OR

(4) THE SEIZING AUTHORITY TRANSFERS THE PROPERTY TO A FEDERAL AUTHORITY UNDER A FEDERAL SEIZURE WARRANT ISSUED TO TAKE CUSTODY OF ASSETS ORIGINALLY SEIZED UNDER STATE LAW.

12-304.

(a) Except as provided under subsections (b), [and] (c), AND (D) of this section, a complaint seeking forfeiture shall be filed within the earlier of:

(1) 90 days after the seizure; or

(2) 1 year after the final disposition of the criminal charge for the violation giving rise to the forfeiture.

(b) A complaint for the forfeiture of a motor vehicle shall be filed within 45 days after the motor vehicle is seized.

(c) IF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE DOES NOT FILE A TIMELY COMPLAINT SEEKING FORFEITURE UNDER SUBSECTION (A) OR (B) OF THIS SECTION, THE PROPERTY SHALL BE PROMPTLY RELEASED TO THE OWNER, IF KNOWN.

(D) (1) A proceeding about money shall be filed within 90 days after the final disposition of criminal proceedings that arise out of the Controlled Dangerous Substances law.

(2) If the State or a political subdivision does not file proceedings about money within the 90-day period, the money seized under this title shall be returned to the owner on request by the owner.

(3) If the owner fails to ask the return of the money within 1 year after the final disposition of criminal proceedings, as provided under § 12-403 of this title, the money shall revert to:

(i) the political subdivision in which the money was seized; or

(ii) the State, if the money was seized by State authorities.

12-312.

(a) Except as provided in subsection (b) of this section, property or part of a property in which a person has an ownership interest is subject to forfeiture as proceeds, if the State establishes by clear and convincing evidence that:

(1) the person has violated §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, or § 5-628 of the Criminal Law Article or has attempted or conspired to violate Title 5 of the Criminal Law Article;

(2) the property was acquired by the person during the violation or within a reasonable time after the violation; and

(3) there was no other likely source for the property.

(b) Real property used as the principal family residence may not be forfeited under this section unless:

(1) an owner of the real property was convicted of a crime described under subsection (a)(1) of this section; or

(2) the real property is covered by § 12-103(d)(2) of this title.

12-313.

EXCEPT FOR PURPOSES OF IMPEACHMENT, A STATEMENT MADE BY A PERSON REGARDING OWNERSHIP OF SEIZED PROPERTY DURING THE COURSE OF A FORFEITURE PROCEEDING IS NOT ADMISSIBLE IN A RELATED CRIMINAL PROSECUTION.

12-405.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNOR SHALL APPROPRIATE 20% OF THE PROCEEDS DEPOSITED IN THE GENERAL FUND OF THE STATE UNDER THIS SUBTITLE TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE PURPOSE OF FUNDING DRUG TREATMENT AND EDUCATION PROGRAMS.

## SUBTITLE 6. REPORTING.

~~13-601.~~ 12-601.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “GOCCP” MEANS THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

~~(C) “LAW ENFORCEMENT AGENCY” MEANS A POLICE FORCE, A MULTIJURISDICTIONAL TASK FORCE, A FIRE DEPARTMENT, OR ANY OTHER LOCAL, COUNTY, OR STATE AGENCY THAT HAS THE AUTHORITY UNDER STATE LAW OR OPERATES IN COOPERATION WITH A FEDERAL AGENCY UNDER FEDERAL LAW TO ENGAGE IN SEIZURE AND FORFEITURE.~~

~~(D)~~ (C) “MSAC” MEANS THE MARYLAND STATISTICAL ANALYSIS CENTER OF GOCCP.

~~13-602.~~ 12-602.

(A) ON AN ANNUAL BASIS, EACH ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY IN CONSULTATION WITH THE CORRESPONDING FORFEITING AUTHORITY SHALL REPORT HOW ANY FUNDS APPROPRIATED TO THE AUTHORITY AS A RESULT OF FORFEITURE WERE SPENT IN THE PRECEDING FISCAL YEAR AND THE FOLLOWING INFORMATION ABOUT EACH INDIVIDUAL SEIZURE AND FORFEITURE COMPLETED BY THE AGENCY UNDER ~~STATE FORFEITURE LAW AND FEDERAL FORFEITURE LAW~~ THIS TITLE:

(1) THE DATE THAT CURRENCY, VEHICLES, HOUSES, OR OTHER TYPES OF PROPERTY WERE SEIZED;

(2) THE TYPE OF PROPERTY SEIZED, INCLUDING YEAR, MAKE, AND MODEL, AS APPLICABLE;

~~(3) THE TYPE OF ALLEGED CRIME ASSOCIATED WITH THE SEIZURE OF THE PROPERTY;~~

~~(4) THE OUTCOME OF RELATED CRIMINAL ACTION, INCLUDING WHETHER CHARGES WERE BROUGHT, A PLEA BARGAIN WAS REACHED, A CONVICTION WAS OBTAINED, OR AN ACQUITTAL WAS ISSUED;~~

~~(5) WHETHER THE FORFEITURE PROCEDURE WAS ADMINISTRATIVE, JUDICIAL, OR OTHER;~~

~~(6) WHETHER THE CLAIMANT WAS THE CRIMINAL SUSPECT, INNOCENT OWNER, OR BOTH AS JOINT OWNERS;~~

~~(7) WHETHER THE VENUE OF THE FORFEITURE CASE WAS AN ADMINISTRATIVE AGENCY, A SMALL CLAIMS COURT, A CIVIL COURT, A CRIMINAL COURT, OR ANY OTHER VENUE;~~

~~(8) WHETHER THE PROPERTY OWNER WAS REPRESENTED BY AN ATTORNEY IN THE FORFEITURE CASE;~~

(4) WHETHER A UNIT OF FEDERAL GOVERNMENT TOOK CUSTODY OF THE SEIZED PROPERTY, AND THE NAME OF THE UNIT;

~~(9)~~ (5) FOR PROPERTY OTHER THAN MONEY, THE MARKET VALUE OF THE PROPERTY SEIZED;

~~(10) THE GROSS AMOUNT RECEIVED FROM THE FORFEITURE;~~

~~(11) THE TOTAL ADMINISTRATIVE AND OTHER EXPENSES DEDUCTED AS PART OF THE FORFEITURE PROCESS;~~

~~(12) THE NET AMOUNT RECEIVED FROM THE FORFEITURE;~~

~~(13) THE DISPOSITION OF THE PROPERTY FOLLOWING SEIZURE, INCLUDING WHETHER THE PROPERTY WAS:~~

~~(i) RETURNED TO THE OWNER;~~

~~(H) DESTROYED; OR~~

~~(HH) SOLD OR RETAINED AFTER FORFEITURE; AND~~

~~(14) THE DATE OF THE DISPOSITION OF THE PROPERTY.~~

(6) IF MONEY WAS SEIZED, THE AMOUNT OF MONEY;

(7) THE AMOUNT THE SEIZING AUTHORITY RECEIVED IN THE PRIOR YEAR FROM THE FEDERAL GOVERNMENT AS PART OF AN EQUITABLE SHARING AGREEMENT;

(8) THE RACE AND GENDER OF THE PERSON OR PERSONS FROM WHOM THE PROPERTY WAS SEIZED, IF KNOWN; AND

(9) WHETHER THE PROPERTY WAS RETURNED TO THE OWNER.

(B) MSAC MAY REQUIRE A ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY TO PROVIDE RELEVANT INFORMATION NOT SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

(C) (1) EACH ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY SHALL FILE WITH MSAC THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION FOR THE ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY AND THE CORRESPONDING ~~PROSECUTOR'S OFFICE~~ FORFEITING AUTHORITY.

~~(2) THE LAW ENFORCEMENT AGENCY SHALL FILE SEPARATE REPORTS FOR FORFEITURES COMPLETED UNDER STATE FORFEITURE LAW AND FEDERAL FORFEITURE LAW.~~

~~(3) A NULL REPORT SHALL BE FILED BY A LAW ENFORCEMENT AGENCY SEIZING AUTHORITY THAT DID NOT ENGAGE IN SEIZURES OR FORFEITURES UNDER THIS TITLE DURING THE REPORTING PERIOD.~~

(D) (1) MSAC SHALL DEVELOP A STANDARD FORM, A PROCESS, AND DEADLINES FOR ELECTRONIC DATA ENTRY FOR ANNUAL SUBMISSION OF FORFEITURE DATA BY ~~LAW ENFORCEMENT AGENCIES~~ SEIZING AUTHORITIES.

(2) MSAC SHALL COMPILE THE SUBMISSIONS AND ISSUE AN AGGREGATE REPORT OF ALL FORFEITURES UNDER THIS TITLE IN THE STATE.

(E) (1) BY MARCH 1 OF EACH YEAR, MSAC SHALL MAKE AVAILABLE ON ITS WEB SITE THE REPORTS SUBMITTED BY ~~LAW ENFORCEMENT AGENCIES~~ SEIZING AUTHORITIES AND THE AGGREGATE REPORT OF MSAC.

(2) GOCCP SHALL SUBMIT THE AGGREGATE REPORT TO THE GOVERNOR, THE GENERAL ASSEMBLY, AS PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY BEFORE SEPTEMBER 1 OF EACH YEAR.

(F) GOCCP MAY INCLUDE, WITH THE AGGREGATE REPORT OF MSAC, RECOMMENDATIONS TO THE LEGISLATURE TO IMPROVE FORFEITURE STATUTES TO BETTER ENSURE THAT FORFEITURE PROCEEDINGS ARE REPORTED AND HANDLED IN A MANNER THAT IS FAIR TO CRIME VICTIMS, INNOCENT PROPERTY OWNERS, SECURED INTEREST HOLDERS, CITIZENS, AND TAXPAYERS.

(G) (1) IF A ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY FAILS TO COMPLY WITH THE REPORTING PROVISIONS OF THIS SECTION:

(I) GOCCP SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING COMMISSION; AND

(II) THE POLICE TRAINING COMMISSION SHALL CONTACT THE ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY AND REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.

(2) IF THE ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY FAILS TO COMPLY WITH THE REQUIRED REPORTING PROVISIONS WITHIN 30 DAYS AFTER BEING CONTACTED BY THE POLICE TRAINING COMMISSION, GOCCP AND THE POLICE TRAINING COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.

(H) (1) MSAC MAY RECOUP ITS COSTS BY CHARGING A FEE TO ~~LAW ENFORCEMENT AGENCIES~~ EACH SEIZING AUTHORITY THAT ~~ENGAGE~~ ENGAGES IN SEIZURES OR FORFEITURES DURING THE REPORTING PERIOD.

(2) A ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY MAY USE FORFEITURE PROCEEDS TO PAY THE COST OF COMPILING AND REPORTING DATA UNDER THIS SUBTITLE, INCLUDING ANY FEE IMPOSED BY MSAC.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

**Chapter 620****(House Bill 446)**

AN ACT concerning

**State Government – Maryland Youth Advisory Council – Revisions**

FOR the purpose of altering the membership of the Maryland Youth Advisory Council; specifying that the members must be residents of the State; altering the factors that certain persons are required to consider in deciding which youths to nominate as members of the Council; altering the term and term limit of a member; requiring that a certain member represent the views of a certain public or private youth council or youth empowerment organization before the Council; requiring the members to elect a chair at a certain meeting; requiring the members of the Council to select a certain executive board at a certain meeting; repealing the requirement that certain individuals serve as cochairs; altering the duties that the Governor’s Office for Children has in relation to the Council; altering the duties of the Council; requiring the Council to meet at certain times and hold a certain number of public hearings each Council year, rather than each year; specifying that the Council is required to conduct one educational meeting each Council year; requiring the Council to report its activities on or before the last day of the Council year, rather than the last day of the youth members’ terms; specifying the terms of the members of the Council appointed in a certain year; defining a certain term; making conforming changes; and generally relating to the Maryland Youth Advisory Council.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 9–2701  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – State Government**

9–2701.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Council” means the Maryland Youth Advisory Council.

**(3) “COUNCIL YEAR” MEANS THE 12-MONTH PERIOD BEGINNING SEPTEMBER 1 AND ENDING AUGUST 31.**

~~[(3)] (4)~~ “High school student” means a youth who is enrolled in high school, who is a home school student, or who is enrolled in a program that leads to a high school diploma or certificate of attendance or a general equivalency diploma.

~~[(4)] (5)~~ “Institution of postsecondary education” has the meaning stated in § 10–101 of the Education Article.

~~[(5)] (6)~~ “Public senior higher education institution” has the meaning stated in § 10–101 of the Education Article.

~~[(6)] (7)~~ “Youth” means an individual who is 14 to 22 years old.

(b) There is a Maryland Youth Advisory Council.

~~[(c)] (1)~~ The Council consists of:

~~[(1)] (I)~~ ~~the following members~~ **FOUR YOUTHS** appointed by the President of the Senate:

~~(i) six high school students, including at least three who are students in the State and who are enrolled in public high schools;~~

~~(ii) two youths who are students at institutions of postsecondary education located in the State; and~~

~~(iii) one member of the Senate;~~

~~[(2)] (II)~~ ~~the following members~~ **FOUR YOUTHS** appointed by the Speaker of the House of Delegates:

~~(i) six high school students, including at least three who are students in the State and who are enrolled in public high schools;~~

~~(ii) two youths who are students at institutions of postsecondary education located in the State; and~~

~~(iii) one member of the House of Delegates;~~

~~[(3)] (III)~~ ~~the following members~~ **FOUR YOUTHS** appointed by the Governor;

AND

~~(i) twelve youths, including at least ten high school students, at least five of whom shall be students in the State who are enrolled in public high schools; and~~

~~(ii) four youths who are students at institutions of postsecondary education located in the State;~~

~~(4) the following members selected by other youths, including:~~

~~(i) fifteen high school students chosen by the Maryland Association of Student Councils; and~~

~~(ii) eight youths who are students at institutions of postsecondary education located in the State, including:~~

~~1. three members selected by the University System of Maryland Student Council; and~~

~~2. five members selected by the Student Advisory Council to the Maryland Higher Education Commission, including:~~

~~A. at least one member who is enrolled in a community college;~~

~~B. at least one member who is enrolled in a private college or university; and~~

~~C. at least one member who is enrolled in a public senior higher education institution who is not otherwise represented on the Council; and~~

~~(5) an executive board that consists of:~~

~~(i) four members selected by the youth members appointed by the President of the Senate and the Speaker of the House, including:~~

~~1. three high school students; and~~

~~2. one student at an institution of postsecondary education;~~

~~(ii) four members selected by the youth members appointed by the Governor, including:~~

~~1. three high school students; and~~

~~2. one student at an institution of postsecondary education;~~  
~~and~~

~~(iii) four members selected by the youth members chosen by other youth, including:~~

~~1. three high school students; and~~

~~2. one student at an institution of postsecondary education.]~~

~~(c) (1) THE COUNCIL CONSISTS OF (IV) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR'S OFFICE FOR CHILDREN:~~

~~(i) FOUR YOUTHS NOMINATED BY THE PRESIDENT OF THE SENATE;~~

~~(ii) FOUR YOUTHS NOMINATED BY THE SPEAKER OF THE HOUSE OF DELEGATES;~~

~~(iii) FOUR YOUTHS NOMINATED BY THE CHILDREN'S CABINET;~~

~~(iv) 1. FOUR YOUTHS NOMINATED BY THE LOCAL MANAGEMENT BOARDS ESTABLISHED UNDER § 8-301 OF THE HUMAN SERVICES ARTICLE;~~

~~(v) 2. FOUR YOUTHS NOMINATED BY THE MARYLAND ASSOCIATION OF STUDENT COUNCILS;~~

~~(vi) 3. TWO YOUTHS NOMINATED BY THE UNIVERSITY SYSTEM OF MARYLAND STUDENT COUNCIL; AND~~

~~(vii) 4. THE FOLLOWING YOUTHS NOMINATED BY THE STUDENT ADVISORY COUNCIL TO THE MARYLAND HIGHER EDUCATION COMMISSION:~~

~~1. A. ONE YOUTH WHO IS ENROLLED IN A COMMUNITY COLLEGE; AND~~

~~2. B. ONE YOUTH WHO IS ENROLLED IN A PRIVATE COLLEGE OR UNIVERSITY.~~

~~(2) THE MEMBERS OF THE COUNCIL MUST BE RESIDENTS OF THE STATE.~~

(d) In deciding which [members] YOUTHS to ~~appoint or select~~ NOMINATE:

(1) the President of the Senate and the Speaker of the House shall, to the extent practicable, consider:

(i) the geographic and demographic diversity of the State;

(ii) diversity in education, including nontraditional settings such as vocational and tech-oriented education; [and]

(iii) youths with disabilities; AND

**(IV) YOUTHS WHO ARE INVOLVED IN ESTABLISHED PUBLIC AND PRIVATE YOUTH COUNCILS AND YOUTH EMPOWERMENT ORGANIZATIONS IN THE STATE, INCLUDING:**

1. SERVICE LEARNING AND LEADERSHIP PROGRAMS;
2. TEEN COURT PROGRAMS;
3. FOSTER CARE;
4. STUDENT COUNCILS;
5. JUVENILE SERVICE PROGRAMS; AND
6. TRANSITIONAL PROGRAMS;

(2) the ~~{Governor} CHILDREN'S CABINET~~ AND LOCAL MANAGEMENT BOARDS shall, to the extent practicable, consider:

- (i) the geographic and demographic diversity of the State;
- (ii) diversity in education, including nontraditional settings such as vocational and tech-oriented education;
- (iii) youths with disabilities; [and]
- (iv) transitional youths who are not in high school or an institution of postsecondary education and not likely to attend an institution of postsecondary education; and

**(V) YOUTHS WHO ARE INVOLVED IN ESTABLISHED PUBLIC AND PRIVATE YOUTH COUNCILS AND YOUTH EMPOWERMENT ORGANIZATIONS IN THE STATE, INCLUDING:**

1. SERVICE LEARNING AND LEADERSHIP PROGRAMS;
2. TEEN COURT PROGRAMS;
3. FOSTER CARE;
4. STUDENT COUNCILS;
5. JUVENILE SERVICE PROGRAMS; AND

## 6. TRANSITIONAL PROGRAMS; AND

(3) the Maryland Association of Student Councils shall consider youths who are enrolled in schools represented by the Association as well as applicants who are enrolled in schools that are not represented by the Association.

(e) (1) The term of a [youth] member of the Council is [1 year, from September 1 through August 30 of the following year] **2 COUNCIL YEARS.**

(2) A [youth] member who is appointed [or selected] after a term has begun serves only for the rest of the term and until a successor is appointed [or selected] and qualifies.

(3) A [youth] member may not serve more than [two consecutive terms] **ONE TERM.**

[(4) The member from the Senate and the member from the House serve, respectively, at the pleasure of the President of the Senate and the Speaker of the House.]

**(4) IF A MEMBER REPRESENTS AN ESTABLISHED PUBLIC OR PRIVATE YOUTH COUNCIL OR YOUTH EMPOWERMENT ORGANIZATION IN THE STATE, THE MEMBER SHALL REPRESENT THE VIEWS OF THE COUNCIL OR ORGANIZATION BEFORE THE COUNCIL.**

(f) (1) At the first meeting of each [youth member term period] **COUNCIL YEAR**, the [youth] members shall:

(I) elect [one of the youth members to serve as cochair] **A CHAIR** for a term of 1 year; **AND**

(II) **SELECT AN EXECUTIVE BOARD THAT CONSISTS OF:**

**1. TWO MEMBERS WHO WERE ~~NOMINATED~~ APPOINTED BY THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE;**

**2. TWO MEMBERS WHO WERE ~~NOMINATED~~ APPOINTED BY THE ~~CHILDREN'S CABINET~~ GOVERNOR OR NOMINATED BY THE LOCAL MANAGEMENT BOARDS;**

**3. ONE MEMBER WHO WAS NOMINATED BY THE MARYLAND ASSOCIATION OF STUDENT COUNCILS; AND**

**4. ONE MEMBER WHO WAS NOMINATED BY THE UNIVERSITY SYSTEM OF MARYLAND STUDENT COUNCIL OR THE MARYLAND HIGHER EDUCATION COMMISSION STUDENT ADVISORY COUNCIL.**

(2) [A representative of the Governor's Office for Children appointed by the Governor, the member from the Senate, and the member from the House shall serve as cochairs with the elected youth member cochair.

(3)] The Council may appoint any officers that it considers necessary.

[(4) The cochair appointed by the Governor shall, on behalf of the Governor, the President of the Senate, and the Speaker of the House, develop an initial application and application process, both of which the Council may change at its discretion.]

(g) The Governor's Office for Children[, in addition to the member from the Senate, or the member from the House, or both,] shall:

(1) provide staff support for the Council;

(2) **DEVELOP, IN CONSULTATION WITH THE COUNCIL, AN INITIAL APPLICATION AND APPLICATION PROCESS;**

(3) **WORK WITH ESTABLISHED PUBLIC OR PRIVATE YOUTH COUNCILS OR YOUTH EMPOWERMENT ORGANIZATIONS IN THE STATE TO SELECT REPRESENTATIVES TO APPLY TO BECOME A MEMBER OF THE COUNCIL;**

(4) **ENSURE THAT MEMBERS OF THE COUNCIL PROVIDE A BROAD REPRESENTATION OF ALL JURISDICTIONS AND POPULATIONS;**

(5) **ORGANIZE AT LEAST FOUR COUNCIL MEETINGS PER COUNCIL YEAR;**

(6) **ASSIST THE COUNCIL IN PREPARING RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY; AND**

(7) **APPOINT MEMBERS OF THE COUNCIL FROM LISTS OF NOMINATIONS PROVIDED BY THE PERSONS MAKING THE NOMINATIONS SPECIFIED IN SUBSECTION ~~(c)(1)~~ (C)(1)(IV) OF THIS SECTION.**

~~(h) THE OFFICE OF THE PRESIDENT AND THE OFFICE OF THE SPEAKER SHALL SERVE AS ADVISORS TO THE COUNCIL.~~

~~{(h)}~~ (h) The Council shall:

(1) inform the Governor and the General Assembly of issues concerning youth, including offering testimony on these issues before legislative bodies;

(2) examine issues of importance to youth, including:

(i) education;

(ii) a safe learning environment;

(iii) employment opportunities;

(iv) strategies to increase youth participation in local and State government;

(v) health care access and quality of care;

(vi) substance abuse and underage drinking;

(vii) emotional and physical well-being;

(viii) the environment;

(ix) poverty;

(x) homelessness;

(xi) youth access to State and local services;

(xii) suicide prevention; and

(xiii) educational accessibility issues for students with disabilities, including access to:

1. schools;

2. school-related activities; and

3. classes;

(3) recommend one legislative proposal each legislative session concerning an issue included in item (2) of this subsection for possible introduction; [and]

(4) conduct a public awareness campaign to raise awareness about the Council among Maryland youth;

**(5) PARTICIPATE IN LOCAL YOUTH ACTIVITIES OR ORGANIZATIONS;**

(6) ADVISE LOCAL OFFICIALS AND COMMUNITY LEADERS ON YOUTH ISSUES; AND

(7) COLLECT INFORMATION FROM OTHER YOUTH GROUPS IN ORDER TO INFORM THE ACTIVITIES OF THE COUNCIL.

~~[(i)]~~ ~~(j)~~ (1) The Council shall work with the State Department of Education regarding the granting of school credit for Council service.

(2) The State Department of Education and the Maryland Higher Education Commission shall notify the head administrators of all State high schools and of all institutions of postsecondary education, respectively, of the creation of the Council so that the administrators may inform their students.

(3) The State Department of Education shall allow up to four absences of a [youth] member from school per school year to be categorized as lawful absences if the absences were due to the business of the Council.

~~[(j)]~~ ~~(k)~~ (1) The Council shall set priorities and determine:

- (i) the function of subcommittees;
- (ii) standards of conduct;
- (iii) procedures; and
- (iv) the use of technology to convene or conduct meetings or facilitate communications among members.

(2) The Council shall review and consider whether the procedures and rules used by the General Assembly would be appropriate for use as models for the Council.

~~[(k)]~~ ~~(l)~~ The Council shall:

(1) meet at least four times each **COUNCIL** year and conduct one or two public hearings each **COUNCIL** year on issues of importance to youth;

(2) conduct one educational meeting **EACH COUNCIL YEAR** concerning the legislative process, to which the President of the Senate, the Speaker of the House, and the Executive Director of the Department of Legislative Services, or their designees, shall be invited to speak; and

(3) open all meetings to the public.

~~[(l)]~~ ~~(m)~~ 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.

~~[(m)] (n)~~ On or before the last day of the [youth members' terms] **COUNCIL YEAR**, the Council shall report its activities to the Governor and, in accordance with § 2–1246 of this article, to the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members of the Maryland Youth Advisory Council appointed in 2016 shall expire as follows:

(1) half of the members, as determined by the Governor's Office for Children, on August 31, 2017; and

(2) the remaining half of the members on August 31, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 621

**(House Bill 447)**

AN ACT concerning

**Charles County – County Transfer Tax – Revenue Received by the Clerk of the Circuit Court**

FOR the purpose of altering the percentage of revenue from the Charles County transfer tax that the Clerk of the Circuit Court for the county is entitled to receive; providing that this Act applies retroactively to revenue received by the Clerk of the Circuit Court from the county transfer tax on or after a certain date; requiring the Comptroller to remit to the Treasury Division of Charles County a certain balance of county transfer taxes; providing for the termination of this Act; and generally relating to revenue received by the Clerk of the Circuit Court for Charles County from the county transfer tax.

BY repealing and reenacting, without amendments,  
 Article – Courts and Judicial Proceedings  
 Section 2–213(a)  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–213(e)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 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**

2–213.

(a) Except as otherwise provided in this section, the clerk of a circuit court is entitled to 5% of all public money that the clerk receives, collects, and pays over.

(e) (1) **(I)** Notwithstanding subsection (a) of this section, the Clerk of the Circuit Court for Charles County shall:

**[(i)] 1.** Deduct from collection fees for the tax collected under Title 12 of the Tax – Property Article the cost of two-thirds of the salaries and benefits of the court reporters for the Circuit Court of Charles County; and

**[(ii)] 2.** Pay the amount deducted to the Charles County Treasurer.

**[(2)] (II)** The Clerk shall make the payment promptly after receipt of a voucher from the Charles County Treasurer stating the amount of the salaries and benefits paid to the court reporters.

**(2) THE CLERK OF THE CIRCUIT COURT FOR CHARLES COUNTY IS ENTITLED TO RECEIVE:**

**(I) 0.5% OF THE AMOUNT COLLECTED FROM THE COUNTY TRANSFER TAX; AND**

**(II) 5% OF ALL OTHER PUBLIC MONEY THAT THE CLERK RECEIVES, COLLECTS, AND PAYS OVER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively to revenue collected by the Clerk of the Circuit Court for Charles County from the county transfer tax on or after August 8, 2015. The Comptroller shall remit to the Treasury Division of Charles County the balance of county transfer taxes that the county is entitled to retain for those taxes collected on or after August 8, 2015, but before July 1, 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016. It shall remain effective for a period of 3 months and, at the end of September 30, 2016, 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 19, 2016.

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## Chapter 622

(House Bill 632)

AN ACT concerning

### Howard County – Alcoholic Beverages – Luxury Restaurants and Farm Breweries – Licenses

Ho. Co. 14–16

FOR the purpose of altering the maximum number of certain beer, wine and liquor licenses the holder of a Class 8 farm brewery license may hold in Howard County; altering the number of Class BLX (luxury restaurant) (on-sale) beer, wine and liquor licenses the Board of License Commissioners may issue for separate premises to an individual or for the use of a partnership, corporation, or unincorporated association in Howard County; and generally relating to alcoholic beverages licenses in Howard County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 23–902(a), (c), and (f)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 23–902(e) and 23–1606

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

### Article – Alcoholic Beverages

23–902.

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

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at a hotel or restaurant at the place described in the license for on–premises consumption.

(8) The Board may adopt regulations to carry out this subsection, including a limit on the number of permits to be issued.

(e) The Comptroller may issue one Class 8 farm brewery license to a license holder that holds not more than two Class B **AND SEVEN CLASS BLX** beer, wine, and liquor licenses.

(f) The annual license fees are:

(1) \$1,000 for the Class B beer, wine, and liquor license; and

(2) \$500 for the off–sale beer and wine permit.

23–1606.

(a) Subject to subsections (b) and (c) of this section, the Board may issue to an individual or for the use of a person:

(1) two Class B (on–sale) beer, wine, and liquor licenses and **[seven] SIX** Class BLX (luxury restaurant)(on–sale) beer, wine, and liquor licenses; or

(2) **[nine] EIGHT** Class BLX (luxury restaurant)(on–sale) beer, wine, and liquor licenses.

(b) A person may not have a direct or indirect interest in any combination of more than nine Class B and Class BLX licenses.

(c) For purposes of this section, an indirect interest is presumed to exist between two persons if both:

(1) have a common parent company;

(2) are linked by a franchise agreement, licensing agreement, or a concession agreement;

(3) are part of a chain of businesses commonly owned and operated;

(4) share:

(i) directors, stockholders, partners, or members; or

(ii) directors, stockholders, partners, or members of parents or subsidiaries;

(5) share, directly or indirectly, profit from the sale of alcoholic beverages; or

(6) share a common trade name, trademark, logo, or theme, or mode of operation identifiable by the public.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 623

### (House Bill 636)

AN ACT concerning

#### **Maryland Tort Claims Act – Certain Claim Requirement – Exception**

FOR the purpose of providing a certain exception to a requirement that a claimant submit a claim within a certain time to the State Treasurer or a designee of the State Treasurer under the Maryland Tort Claims Act; providing for the application of this Act; and generally relating to repealing a certain requirement for certain claims under the Maryland Tort Claims Act.

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 12–106  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

~~BY repealing and reenacting, without amendments,  
 Article – State Government  
 Section 20–1004  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)~~

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

#### **Article – State Government**

12-106.

(a) This section does not apply to a claim that is asserted by cross-claim, counterclaim, or third-party claim.

(b) Except as provided in subsection (c) of this section, a claimant may not institute an action under this subtitle unless:

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;

(2) the Treasurer or designee denies the claim finally; and

(3) the action is filed within 3 years after the cause of action arises.

(c) **(1)** If a claimant fails to submit a written claim in accordance with subsection (b)(1) of this section, on motion by a claimant and for good cause shown, the court may entertain an action under this subtitle unless the State can affirmatively show that its defense has been prejudiced by the claimant's failure to submit the claim.

**(2) ~~THIS SECTION SUBSECTION (B)(1) AND (2) OF THIS SECTION DOES NOT APPLY TO A COMPLAINT CLAIMING TO BE AGGRIEVED BY:~~**

**~~(I) A CLAIM CONCERNING AN ALLEGED DISCRIMINATORY ACT THAT IS FILED IN ACCORDANCE WITH § 20-1004 OF THE STATE GOVERNMENT ARTICLE THIS ARTICLE; OR~~**

**~~(II) A CLAIM FILED IN ACCORDANCE WITH ANY OTHER PROVISION OF LAW THAT PROHIBITS DISCRIMINATION OR RETALIATION AND REQUIRES THE CLAIMANT TO FILE AN ADMINISTRATIVE CHARGE OR COMPLAINT BEFORE FILING A CIVIL ACTION IF, WITHIN 1 YEAR AFTER THE INJURY TO PERSON OR PROPERTY THAT IS THE BASIS OF THE CLAIM, THE STATE HAS ACTUAL OR CONSTRUCTIVE NOTICE OF:~~**

**~~(I) THE CLAIMANT'S INJURY; OR~~**

**~~(II) THE DEFECT OR CIRCUMSTANCES GIVING RISE TO THE CLAIMANT'S INJURY.~~**

~~20-1004.~~

~~(a) Any person claiming to be aggrieved by an alleged discriminatory act may file a complaint with the Commission.~~

~~(b) The complaint shall:~~

- ~~(1) be in writing;~~
- ~~(2) state:~~
- ~~(i) the name and address of the person or State or local unit alleged to have committed the discriminatory act; and~~
- ~~(ii) the particulars of the alleged discriminatory act;~~
- ~~(3) contain any other information required by the Commission; and~~
- ~~(4) be signed by the complainant under oath.~~
- ~~(e) (1) A complaint shall be filed within 6 months after the date on which the alleged discriminatory act occurred.~~
- ~~(2) A complaint filed with a federal or local human relations commission within 6 months after the date on which the alleged discriminatory act occurred shall be deemed to have complied with this subsection.~~
- ~~(d) The Commission, on its own motion, and by action of at least three commissioners, may issue a complaint in its name in the same manner as if the complaint had been filed by an individual, if:~~
- ~~(1) the Commission has received reliable information from an individual that a person has been or is engaged in a discriminatory act; and~~
- ~~(2) after a preliminary investigation by the Commission's staff authorized by the chair or vice chair, the Commission is satisfied that the information warrants the filing of a complaint.~~

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 October 1, 2016.

Approved by the Governor, May 19, 2016.

AN ACT concerning

**Local Government Tort Claims Act – Notice Requirement – Exception**

FOR the purpose of providing a certain exception to a certain notice requirement for a claim under the Local Government Tort Claims Act; providing for the application of this Act; and generally relating to a certain notice requirement for a claim under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 5–304

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – State Government~~

~~Section 20–1004~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 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**

5–304.

(a) This section does not apply to an action against a nonprofit corporation described in § 5–301(d)(23), (24), (25), (26), (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 1 year 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.

**(E) THIS SECTION DOES NOT APPLY TO A COMPLAINT CLAIMING TO BE AGGRIEVED BY:**

~~(1) A CLAIM CONCERNING AN ALLEGED DISCRIMINATORY ACT THAT IS FILED IN ACCORDANCE WITH § 20-1004 OF THE STATE GOVERNMENT ARTICLE; OR~~

~~(2) A CLAIM FILED IN ACCORDANCE WITH ANY OTHER PROVISION OF LAW THAT PROHIBITS DISCRIMINATION OR RETALIATION AND REQUIRES THE CLAIMANT TO FILE AN ADMINISTRATIVE CHARGE OR COMPLAINT BEFORE FILING A CIVIL ACTION IF, WITHIN 1 YEAR AFTER THE INJURY, THE DEFENDANT LOCAL GOVERNMENT HAS ACTUAL OR CONSTRUCTIVE NOTICE OF:~~

~~(1) THE CLAIMANT'S INJURY; OR~~

~~(2) THE DEFECT OR CIRCUMSTANCES GIVING RISE TO THE CLAIMANT'S INJURY.~~

~~Article State Government~~

~~20-1004.~~

~~(a) Any person claiming to be aggrieved by an alleged discriminatory act may file a complaint with the Commission.~~

~~(b) The complaint shall:~~

~~(1) be in writing;~~

~~(2) state:~~

~~(i) the name and address of the person or State or local unit alleged to have committed the discriminatory act; and~~

~~(ii) the particulars of the alleged discriminatory act;~~

~~(3) contain any other information required by the Commission; and~~

~~(4) be signed by the complainant under oath.~~

~~(e) (1) A complaint shall be filed within 6 months after the date on which the alleged discriminatory act occurred.~~

~~(2) A complaint filed with a federal or local human relations commission within 6 months after the date on which the alleged discriminatory act occurred shall be deemed to have complied with this subsection.~~

~~(d) The Commission, on its own motion, and by action of at least three commissioners, may issue a complaint in its name in the same manner as if the complaint had been filed by an individual, if:~~

~~(1) the Commission has received reliable information from an individual that a person has been or is engaged in a discriminatory act; and~~

~~(2) after a preliminary investigation by the Commission's staff authorized by the chair or vice chair, the Commission is satisfied that the information warrants the filing of a complaint.~~

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 October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 625

(House Bill 654)

AN ACT concerning

**Howard County – Alcoholic Beverages – Class D Beer, Wine, and Liquor  
Licenses**

**Ho. Co. 10–16**

FOR the purpose of requiring an applicant for a certain Class D beer, wine, and liquor license in Howard County to attest to a certain proportion of future food and alcoholic beverages sales based on gross receipts before obtaining the license; requiring an applicant for renewal of a certain Class D beer, wine, and liquor license to attest to a certain proportion of food and alcoholic beverages sales based on gross receipts before renewing the license; authorizing the holder of a Class D license to employ an individual at least a certain age to sell or serve beer and wine; and generally relating to alcoholic beverages in Howard County.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 23–905 and 23–1902

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

23–905.

(a) There are:

- (1) a Class D beer, wine, and liquor (on–sale) 6–day license;
- (2) a Class D beer, wine, and liquor (on–sale) 7–day license;
- (3) a Class D beer, wine, and liquor (on– and off–sale) 6–day license; and
- (4) a Class D beer, wine, and liquor (on– and off–sale) 7–day license.

(b) (1) An on–sale license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption.

(2) An on– and off–sale license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

**(D) (1) BEFORE THE INITIAL ISSUANCE OF A LICENSE UNDER SUBSECTION (A)(4) OF THIS SECTION, THE OWNER SHALL ATTEST IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD SALES WILL BE AT LEAST EQUAL TO 20% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES.**

**(2) BEFORE EACH RENEWAL OF A LICENSE ISSUED UNDER SUBSECTION (A)(4) OF THIS SECTION, THE OWNER SHALL ATTEST IN A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES FOR THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE APPLICATION FOR RENEWAL WERE AT LEAST EQUAL TO 20% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES.**

**[(d)] (E)** The annual license fees are:

- (1) \$600 for a 6-day (on-sale) license;
- (2) \$1,000 for a 7-day (on-sale) license;
- (3) \$800 for a 6-day (on- and off-sale) license; and
- (4) \$1,000 for a 7-day (on- and off-sale) license.

23-1902.

**(A)** A holder of a Class A, Class B, or Class C license may employ an individual who is at least 18 years old to sell or serve alcoholic beverages.

**(B) A HOLDER OF A CLASS D LICENSE MAY EMPLOY AN INDIVIDUAL WHO IS AT LEAST 18 YEARS OLD TO SELL OR SERVE BEER AND WINE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 626**

**(House Bill 671)**

AN ACT concerning

**Howard County – Practice of Massage – Regulation**

## Ho. Co. 13-16

FOR the purpose of authorizing the governing body of Howard County, after consultation with the State Board of Chiropractic and Massage Therapy Examiners, to adopt ordinances or regulations relating to ~~massage establishments and the practices of certain individuals~~ verification, inspection, and display of certain licenses issued under certain provisions of law; requiring the governing body of Howard County to provide that the Howard County Health Officer and the Howard County Police Department have certain authority to carry out certain provisions of ordinances or regulations; and generally relating to the practice of massage in Howard County.

BY repealing and reenacting, with amendments,  
 Article – Health Occupations  
 Section 3-5A-15  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

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

**Article – Health Occupations**

3-5A-15.

(a) (1) In Charles County and Washington County, the County Commissioners may adopt ordinances or regulations relating to massage establishments and the practices of massage therapists, massage practitioners, and any other individuals who provide massage for compensation.

**(2) IN HOWARD COUNTY, AFTER CONSULTATION WITH THE BOARD, THE GOVERNING BODY MAY ADOPT ORDINANCES OR REGULATIONS RELATING TO ~~MASSAGE ESTABLISHMENTS AND THE PRACTICES OF MASSAGE THERAPISTS, MASSAGE PRACTITIONERS, AND ANY OTHER INDIVIDUALS WHO PROVIDE MASSAGE FOR COMPENSATION~~ VERIFICATION, INSPECTION, AND DISPLAY OF LICENSES ISSUED UNDER THIS SUBTITLE.**

(b) (1) The Charles County Commissioners shall provide that the Director of the Charles County Health Department and the Office of the Sheriff for Charles County have the authority to carry out the provisions of the ordinances or regulations adopted under subsection (a) of this section.

(2) The Washington County Commissioners shall provide that the Washington County Health Officer and the Office of the Sheriff for Washington County have the authority to carry out the provisions of the ordinances or regulations adopted under subsection (a) of this section.

**(3) THE GOVERNING BODY OF HOWARD COUNTY SHALL PROVIDE THAT THE HOWARD COUNTY HEALTH OFFICER AND THE HOWARD COUNTY POLICE DEPARTMENT HAVE THE AUTHORITY TO CARRY OUT THE PROVISIONS OF THE ORDINANCES OR REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 627**

**(House Bill 733)**

AN ACT concerning

### **Alcoholic Beverages – Multiple Manufacturer’s Licenses – Sampling, Sale, and Consumption of Products**

FOR the purpose of repealing certain provisions of law that prohibit certain holders of certain alcoholic beverage manufacturer’s licenses from selling or allowing to be consumed at certain locations certain products; authorizing the holder of a farm brewery license to apply for and obtain, under a different name, additional licenses for the same or different premises; authorizing the holder of multiple manufacturer’s licenses to allow the sampling, sale, and consumption of certain products at certain locations, subject to a certain restriction; and generally relating to authority for holders of certain alcoholic beverage manufacturer’s licenses to allow the sampling, sale, and consumption of certain products.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 2–202(i), 2–204(g), 2–206(b)(10), 2–210(i), (j), (k), and (l), and 2–212(a)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing

Article – Alcoholic Beverages

Section 2–206(b)(9) and 2–210(h)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

2–202.

(i) [(1) Except as provided in paragraph (2) of this subsection, a license holder may not sell or allow to be consumed at the licensed premises any product other than products produced by the license holder under the authority of this section.

(2)] A holder of a caterer’s license or privilege under Subtitle 5 of this title or Subtitle 12 of various titles of Division II of this article may exercise the privileges of the license or privilege on the licensed premises of the license holder.

2–204.

(g) [(1) Except as provided in paragraph (2) of this subsection, a license holder may not sell or allow to be consumed at the licensed premises any product other than products produced by the license holder under the authority of this section.

(2)] A holder of a caterer’s license or privilege under Subtitle 5 of this title or Subtitle 12 of various titles of Division II of this article may exercise the privileges of the license or privilege on the licensed premises of the license holder.

2–206.

(b) [(9) A license holder may not sell or allow to be consumed at the location of the limited winery any alcoholic beverage other than the wine or pomace brandy produced by the license holder under the authority of this section.]

[(10)] (9) Nothing in this subsection limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

2–210.

[(h) Except as provided in subsection (j) of this section, a license holder may not sell or allow to be consumed at the location of the farm brewery any alcoholic beverage other than the beer produced by the license holder under the authority of this section.]

[(i)] (H) Nothing in this section limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

[(j)] (I) (1) A license holder may sponsor a multibrewery activity at the licensed farm that:

(i) includes the products of other Maryland breweries; and

(ii) provides for the sale of beer by the glass for on-premises consumption only.

(2) In a segregated area approved by the Comptroller on the licensed farm, a license holder may store the products of other Maryland breweries for the multibrewery activity.

(3) The multibrewery activity:

(i) may be held from 10 a.m. to 10 p.m. each day; and

(ii) may not exceed 3 consecutive days.

**[(k)] (J)** (1) The Comptroller may issue a brewery promotional event permit to a license holder.

(2) At least 15 days before holding a planned promotional event, the license holder shall obtain a permit from the Comptroller by filing a notice of the promotional event on the form that the Comptroller provides.

(3) The permit authorizes the license holder to conduct at the licensed farm a promotional event at which the license holder may:

(i) provide samples of not more than 6 fluid ounces per brand to consumers; and

(ii) sell beer produced by the license holder to persons who participate in the event.

(4) The beer at the event shall be sold by the glass and for on-premises consumption only.

(5) The license holder may not be issued more than 12 permits in a calendar year.

(6) A single promotional event:

(i) may be held from 10 a.m. to 10 p.m. each day; and

(ii) may not exceed 3 consecutive days.

(7) The permit fee is \$25 per event.

**[(l)] (K)** The annual license fee is \$200.

(a) (1) This subsection does not apply to a Class 6 pub–brewery license.

(2) The holder of a distillery, rectifying, winery, limited winery, [or] brewery, **OR FARM BREWERY** license may apply for and obtain, under a different name, one or more additional distillery, rectifying, winery, limited winery, [or] brewery, **OR FARM BREWERY** licenses for the same or different premises.

**(3) (I) THE HOLDER OF MULTIPLE MANUFACTURER’S LICENSES AT THE SAME LOCATION MAY ALLOW THE SAMPLING, SALES, AND CONSUMPTION OF PRODUCTS PRODUCED UNDER THE LICENSES AT EACH OF THE LICENSED PREMISES.**

**(II) THE SAMPLING, SALES, AND CONSUMPTION OF PRODUCTS SHALL BE CONSISTENT WITH THE AUTHORIZATION FOR EACH LICENSE.**

~~[(3)] (4)~~ The additional licenses may be issued to different persons or under trade names used by persons occupying all or a part of the same premises.

~~[(4)] (5)~~ A holder of a license listed in paragraph (2) of this subsection may hold additional licenses listed in paragraph (2) of this subsection of the same or of a different class.

~~[(5)] (6)~~ The holder of a micro–brewery license may apply for and obtain not more than one additional micro–brewery license for another premises.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 628

### (House Bill 739)

AN ACT concerning

#### Alcoholic Beverages – Nonprofit Beer Festival Permit – Revisions

FOR the purpose of increasing the amount of beer that a nonprofit beer festival permit holder may provide to a consumer under certain circumstances; requiring a person to submit an application for a nonprofit beer festival permit to the Comptroller instead of a local licensing board; requiring a person to provide the Comptroller instead of a local licensing board with a list of certain brewing company off–site

permit holders that will attend a certain festival; making a technical correction; and generally relating to nonprofit beer festival permits.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 2–131

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

### Article – Alcoholic Beverages

2–131.

(a) There is a nonprofit beer festival permit.

(b) The Comptroller may issue the permit to a nonprofit organization, as defined by ~~[\S 501(c)(3)]~~ **\S 501(C)** of the Internal Revenue Code, that meets the requirements of this section.

(c) (1) The permit authorizes the permit holder to:

(i) conduct a nonprofit beer festival for at least 1 day and not more than 3 consecutive days; and

(ii) purchase beer at wholesale to:

1. provide to a consumer a sample that may not exceed ~~[1] 4~~ fluid ~~[ounce]~~ **OUNCES** for each offering; and

2. sell to a consumer beer for on– and off–premises consumption.

(2) The permit holder shall provide space at a nonprofit beer festival for holders of brewing company off–site permits.

(3) A holder of a brewing company off–site permit that attends a nonprofit beer festival may provide beer to a consumer in the same manner as the holder of the nonprofit beer festival permit.

(4) The permit holder may provide or sell at the nonprofit beer festival only alcoholic beverages provided by the permit holder or a holder of a brewing company off–site permit that is in attendance.

(d) At all times during the nonprofit beer festival, the permit holder shall have present at least two agents, one of whom may be the permit holder, who are certified by an approved alcohol awareness program.

(e) (1) Not less than 30 days before the nonprofit beer festival, a person shall submit an application to the [local licensing board] **COMPTROLLER**.

(2) The application shall:

(i) be on a form that the Comptroller provides;

(ii) state that the primary purpose of the nonprofit beer festival is to promote Maryland beer;

(iii) provide details of the nonprofit beer festival, including the location, dates, and times of operation; and

(iv) include appropriate evidence that the applicant has been given permission by the owner of the property where the nonprofit beer festival is to be held.

(f) Not less than 15 days before the nonprofit beer festival, the permit holder shall provide the [local licensing board] **COMPTROLLER** with a list of brewing company off-site permit holders that will attend.

(g) The permit fee is \$100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 629**

### **(House Bill 751)**

AN ACT concerning

#### **Criminal Law – Sexual Offenses – Court-Ordered Services Provider**

FOR the purpose of prohibiting a certain court-ordered services provider from engaging in sexual contact, vaginal intercourse, or a sexual act with a certain individual at a certain time; applying certain penalties; defining a certain term; and generally relating to sexual offenses.

BY repealing and reenacting, with amendments,

Article – Criminal Law  
Section 3–314  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Law**

3–314.

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

(2) (i) “Correctional employee” means a:

1. correctional officer, as defined in § 8–201 of the  
Correctional Services Article; or

2. managing official or deputy managing official of a  
correctional facility.

(ii) “Correctional employee” includes a sheriff, warden, or other  
official who is appointed or employed to supervise a correctional facility.

**(3) “COURT-ORDERED SERVICES PROVIDER” MEANS A PERSON WHO  
PROVIDES SERVICES TO AN INDIVIDUAL WHO HAS BEEN ORDERED BY THE COURT,  
THE DIVISION OF PAROLE AND PROBATION, OR THE DEPARTMENT OF JUVENILE  
SERVICES TO OBTAIN THOSE SERVICES.**

**[(3)] (4)** (i) “Inmate” has the meaning stated in § 1–101 of this article.

(ii) “Inmate” includes an individual confined in a community adult  
rehabilitation center.

(b) (1) This subsection applies to:

(i) a correctional employee;

(ii) any other employee of the Department of Public Safety and  
Correctional Services or a correctional facility;

(iii) an employee of a contractor providing goods or services to the  
Department of Public Safety and Correctional Services or a correctional facility; and

(iv) any other individual working in a correctional facility, whether on a paid or volunteer basis.

(2) A person described in paragraph (1) of this subsection may not engage in sexual contact, vaginal intercourse, or a sexual act with an inmate.

(c) A person may not engage in sexual contact, vaginal intercourse, or a sexual act with an individual confined in a child care institution licensed by the Department, a detention center for juveniles, or a facility for juveniles listed in § 9–226(b) of the Human Services Article.

**(D) A COURT-ORDERED SERVICES PROVIDER MAY NOT ENGAGE IN SEXUAL CONTACT, VAGINAL INTERCOURSE, OR A SEXUAL ACT WITH AN INDIVIDUAL ORDERED TO OBTAIN SERVICES WHILE THE ORDER IS IN EFFECT.**

[(d)] (E) 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 \$3,000 or both.

[(e)] (F) A sentence imposed for violation of this section may be separate from and consecutive to or concurrent with a sentence for another crime under §§ 3–303 through 3–312 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 630

(House Bill 773)

AN ACT concerning

### **Drunk and Drugged Driving – Evidence of Blood Test**

FOR the purpose of providing that, if a law enforcement officer testifies that the officer witnessed the taking of a blood specimen by a person who the officer reasonably believed was a qualified medical person, the officer's testimony shall be sufficient evidence that the person was a qualified medical person *and that the blood was obtained in compliance with certain provisions* without testimony by the person who obtained the blood specimen; repealing certain procedures relating to the admissibility of evidence of a blood test in a prosecution for certain drunk or drugged driving offenses; altering a certain definition; and generally relating to the

admissibility of evidence of a blood test in a prosecution for certain drunk or drugged driving offenses.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 10–304(a)(1)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 10–304(a)(2) and (c)(1)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 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**

10–304.

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

(2) “Qualified medical person” means [any] A person permitted [by law] to withdraw blood from [humans] **A HUMAN**.

(c) (1) (i) The blood shall be obtained by a qualified medical person using equipment approved by the toxicologist under the Postmortem Examiners Commission acting at the request of a police officer.

[(ii) A certified statement by the qualified medical person who obtained the blood shall be prima facie evidence of that person’s qualifications and that the blood was obtained in compliance with this section.

(iii) 1. A certified statement that complies with the requirements of this paragraph is admissible as substantive evidence without the presence or testimony of the qualified medical person who obtained the blood.

2. If the State decides to offer the certified statement without the testimony of the qualified medical person, the State shall, at least 30 days before trial, notify the defendant or the defendant’s attorney in writing of the State’s intention and deliver to the defendant or the defendant’s attorney a copy of the certified statement to be offered.

3. If the District Court is deprived of jurisdiction under circumstances in which a defendant is entitled to and demands a jury trial, or appeals from the District Court to a circuit court, the State is not required to file a second notice.

(iv) 1. If the defendant desires the qualified medical person to be present and testify at trial, the defendant shall notify the court and the State in writing no later than 20 days before trial.

2. If the District Court is deprived of jurisdiction under circumstances in which a defendant is entitled to and demands a jury trial, or appeals from the District Court to a circuit court, the defendant shall notify the circuit court and the State in writing no later than 20 days before trial.

3. If the timely and proper notice required under this subparagraph is provided by the defendant, the certified statement is inadmissible without the testimony of the qualified medical person.

4. Failure to give the timely and proper notice constitutes a waiver of the defendant's right to the presence and testimony of the qualified medical person.]

**(II) IF A LAW ENFORCEMENT OFFICER TESTIFIES THAT THE OFFICER WITNESSED THE TAKING OF A BLOOD SPECIMEN BY A PERSON WHO THE OFFICER REASONABLY BELIEVED WAS A QUALIFIED MEDICAL PERSON, THE OFFICER'S TESTIMONY SHALL BE SUFFICIENT EVIDENCE THAT THE PERSON WAS A QUALIFIED MEDICAL PERSON AND THAT THE BLOOD WAS OBTAINED IN COMPLIANCE WITH THIS SECTION, WITHOUT TESTIMONY FROM THE PERSON WHO OBTAINED THE BLOOD SPECIMEN.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 631

**(House Bill 797)**

AN ACT concerning

### **Nontidal Wetlands – Nontidal Wetland Mitigation Banking**

FOR the purpose of altering a certain declaration to ~~remove~~ include the consideration of on-site alternatives ~~from a certain process~~ under certain circumstances for selecting

the location of a mitigation site; repealing a requirement that the Department of the Environment develop standards and adopt regulations to establish certain compensation ratios for mitigation through mitigation banks; altering a requirement that the Department develop standards and adopt regulations to establish certain public notice and comment requirements for a wetland bank; repealing a requirement that certain standards and regulations adopted by the Department ensure that on-site mitigation is examined before conducting mitigation off site; requiring certain standards and regulations adopted by the Department to ensure that the potential for on-site mitigation is considered under certain circumstances; repealing a requirement that certain standards and regulations adopted by the Department ensure that mitigation through wetland banking should be accomplished in, and with preference to, the same watershed and county as the wetland for which the mitigation is required; requiring certain standards and regulations adopted by the Department to ensure that mitigation through a mitigation bank is accomplished in certain areas determined by the Department in a certain manner; requiring certain standards and regulations adopted by the Department to ensure that a certain service area meets certain requirements; defining a certain term certain terms; and generally relating to nontidal wetlands mitigation.

BY repealing and reenacting, ~~without~~ with amendments,  
Article – Environment  
Section ~~5-901(a)~~ 5-901 and 5-910  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

~~BY adding to~~  
~~Article – Environment~~  
~~Section 5-901(k)~~  
~~Annotated Code of Maryland~~  
~~(2013 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, with amendments,~~  
~~Article – Environment~~  
~~Section 5-901(k) and 5-910~~  
~~Annotated Code of Maryland~~  
~~(2013 Replacement Volume and 2015 Supplement)~~

#### Preamble

WHEREAS, Preservation of nontidal wetlands is vital to the protection of the Chesapeake Bay and other waters of the State and it is the policy of the State that wetland disturbance may be authorized only if it is unavoidable and necessary for the completion of a development project; and

WHEREAS, Only after determining that nontidal wetland losses are unavoidable do mitigation issues arise, and the primary concern then becomes the most beneficial location for a mitigation project to create, restore, or enhance a wetland area; and

~~WHEREAS, Since the beginning of the nontidal wetlands program in 1991, the preferred method for satisfying regulatory wetlands mitigation requirements was to create, restore, or enhance wetlands on the same site as the proposed project or at least within the same watershed; and~~

~~WHEREAS, This preference resulted in a patchwork of isolated individual mitigation projects that complied with the regulatory requirements; and~~

~~WHEREAS, Because those mitigation projects were often isolated, their ability to enhance clean water or achieve habitat protection goals was diminished; and~~

WHEREAS, Mitigation banking allows a public or private developer to acquire a long-term interest in a degraded wetland or appropriate upland area, to restore, enhance, or create a functional wetland ecosystem, and ultimately to sell credits from the mitigation bank to permittees whose projects will unavoidably impact nontidal wetlands; and

WHEREAS, Mitigation banking is a reliable form of compensatory mitigation because mitigation bankers are subject to permitting and monitoring requirements and have an economic incentive to produce and sustain the wetlands values needed to generate credits to sell; and

WHEREAS, The 2008 Federal Mitigation Rule, published by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency, established a preference for the use of mitigation banks, when appropriate credits are available, to compensate for impacts to aquatic resources that the U.S. Army Corps of Engineers permits under § 404 of the Clean Water Act; and

WHEREAS, While Chapter 347 of the Acts of the General Assembly of 1993 established the framework for the creation of mitigation banking in Maryland, that Act also created a disincentive to mitigation banking through the compensation ratio requirement; and

WHEREAS, It is the purpose of this Act to remove the disincentive to mitigation banking, to align the State's mitigation preferences with the 2008 Federal Mitigation Rule, and to stimulate Maryland's mitigation banking industry; now, therefore,

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

### Article – Environment

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

(b) (1) “Agricultural activity” means aquaculture and farming activities.

(2) “Agricultural activity” includes:

(i) Plowing, tillage, cropping, seeding, cultivating, and harvesting for the production of food and fiber products; and

(ii) The grazing of livestock.

(c) “Best management practices” means conservation practices or systems of practices and management measures that:

(1) Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment; and

(2) Minimize adverse impacts to the surface water and groundwater flow and circulation patterns, and to the chemical, physical, and biological characteristics of a nontidal wetland.

(d) “Compensation ratio” means the ratio of the area of wetland restored, created, or enhanced to the area of wetland for which mitigation is required.

(e) “Department” means the Department of the Environment.

(f) “Forestry activity” means planting, cultivating, thinning, harvesting, or any other activity undertaken to use forest resources or to improve their quality or productivity.

(G) **“HYDROLOGIC UNIT” MEANS A DRAINAGE AREA WITHIN:**

**(1) A MULTILEVEL HIERARCHICAL DRAINAGE SYSTEM ESTABLISHED UNDER THE NATIONAL WATERSHED BOUNDARY DATASET AS PUBLISHED BY THE U.S. GEOLOGICAL SURVEY AND AS AMENDED, REVISED, OR REPLACED FROM TIME TO TIME; AND**

**(2) WHICH DRAINAGE BOUNDARIES ARE ESTABLISHED USING HYDROGRAPHIC AND TOPOGRAPHIC DATA TO DELINEATE AN AREA OF LAND UPSTREAM FROM A SPECIFIC POINT ON A RIVER, STREAM, OR A SIMILAR SURFACE WATER.**

**(H) “HYDROLOGIC UNIT CODE” MEANS A NUMERICAL IDENTIFIER THAT DESCRIBES A HYDROLOGIC UNIT’S PHYSICAL LOCATION AND POSITION WITHIN THE DRAINAGE SYSTEM HIERARCHY.**

**(I) “INSTRUMENT” MEANS THE FORMAL WRITTEN AGREEMENT BETWEEN MITIGATION BANK OWNERS AND THE DEPARTMENT THAT ESTABLISHES LIABILITY, PERFORMANCE STANDARDS, MANAGEMENT AND MONITORING REQUIREMENTS, AND THE TERMS OF BANK CREDIT APPROVAL.**

**(J) “INTERAGENCY REVIEW TEAM” MEANS AN INTERAGENCY GROUP OF FEDERAL, STATE, AND LOCAL AGENCIES THAT REVIEWS DOCUMENTATION FOR, AND ADVISES THE DEPARTMENT ON, THE ESTABLISHMENT OF PROPOSED MITIGATION BANKS AND THE DEVELOPMENT OF THE INSTRUMENT.**

**[(g)] (K) “Isolated nontidal wetland” means a nontidal wetland that is not hydrologically connected, through surface or subsurface flow, to streams, tidal or nontidal wetlands, or tidal waters.**

**[(h)] (L) “Mitigation banking” means wetland restoration, creation, or enhancement undertaken expressly for the purpose of providing compensation credits for wetland losses from future activities.**

**[(i)] (M) (1) “Nontidal wetland” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.**

**(2) The determination of whether an area is a nontidal wetland shall be made in accordance with the publication known as the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands”, published in 1989 and as may be amended.**

**(3) “Nontidal wetlands” do not include tidal wetlands regulated under Title 16 of this article.**

**[(j)] (N) (1) “Regulated activity” means any of the following activities in a nontidal wetland or within a 25 foot buffer of the nontidal wetland:**

**(i) The removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, or materials of any kind;**

**(ii) The changing of existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;**

**(iii) The disturbance of the water level or water table by drainage, impoundment, or other means;**

**(iv) The dumping, discharging of material, or filling with material, including the driving of piles and placing of obstructions;**

(v) The grading or removal of material that would alter existing topography; and

(vi) The destruction or removal of plant life that would alter the character of a nontidal wetland.

(2) “Regulated activity” does not include an agricultural activity or forestry activity as defined in this section.

~~(K)~~ **(O)** **“SERVICE AREA” MEANS THE GEOGRAPHIC AREA WITHIN WHICH IMPACTS CAN BE MITIGATED AT A SPECIFIC MITIGATION BANK, AS DESIGNATED IN ITS INSTRUMENT.**

[(k)] ~~(L)~~ **(P)** “Soil conservation and water quality plan” means a land use plan for a farm that shows a farmer how to make best possible use of soil and water resources while protecting and conserving those resources for the future.

5–910.

(a) The General Assembly declares that:

(1) In the application review process, one of the primary mitigation issues is locating the most beneficial area to conduct wetland restoration, creation, or enhancement;

(2) Where unavoidable losses or degradations occur as a result of permitted human activity, there exists a sequential process for mitigation site location ~~¶~~which includes consideration of on–site alternatives~~¶~~ **WHERE IT MAY BE ENVIRONMENTALLY PREFERABLE;**

(3) Mitigation banking, which allows a person to restore, enhance, or create a functional wetland ecosystem, may offer a sound mitigation alternative and may provide an opportunity to contribute to the goal of no net loss in wetlands acreage and function; and

(4) Mitigation banking may not alter the regulatory requirements of § 5–907 of this subtitle.

(b) The Department shall develop standards and adopt regulations for the creation of wetland mitigation banks, including:

(1) The types and locations of wetlands to be restored, created, or enhanced and the types and locations of wetlands to be filled for which a person may obtain credit through a mitigation bank;

(2) The types and number of credits available through the bank to offset losses by acreage and by function of a wetland to be filled;

(3) The method of wetland construction, supervision, and maintenance to be required of a bank owner seeking to obtain credit for use of the bank;

(4) Maintenance requirements;

(5) Monitoring requirements;

(6) Bonding requirements, to include assurance of wetland function;

(7) Reporting requirements to the Department;

(8) Consistency with developed watershed plans, forest conservation, local growth management policies, and local comprehensive plans;

(9) Requirements for the protection in perpetuity of mitigation banks, through methods that include easements, covenants, or similar mechanisms, that shall be in place at the time credits are withdrawn; **AND**

(10) [Compensation ratios for mitigation through mitigation banks that shall equal or exceed 1.5 to 1; and

(11)] Public notice and comment requirements, including opportunity for public review and comment on any specific wetland bank [that is greater than 5 acres in size].

(c) The standards and regulations adopted by the Department under this section shall ensure that:

(1) The provisions of § 5–907 of this subtitle, including the avoidance, alternative analysis, and minimization of disturbance of nontidal wetlands, are fully adhered to;

(2) The goals of § 5–902 of this subtitle to attain no net overall loss in nontidal wetland acreage and function and to strive for a net resource gain are achieved; **AND**

(3) [On-site mitigation is examined before conducting mitigation off site; and

(4) Mitigation through wetland banking should be accomplished in and with preference to the same watershed and county as the wetland for which mitigation is required] **THE POTENTIAL FOR ON-SITE MITIGATION IS CONSIDERED WHENEVER IT MAY BE ENVIRONMENTALLY PREFERABLE;**

**(4) MITIGATION THROUGH A MITIGATION BANK SHALL BE ACCOMPLISHED IN SERVICE AREAS ~~DETERMINED~~:**

**(I) DETERMINED BY THE DEPARTMENT IN COORDINATION WITH AN INTERAGENCY REVIEW TEAM; AND**

**(II) THAT ARE CONSISTENT WITH FEDERAL GUIDELINES; AND**

**(5) FOR PURPOSES OF ITEM (4) THIS SUBSECTION, A SERVICE AREA:**

**(I) IS THE SAME 8 DIGIT HYDROLOGIC UNIT CODE WATERSHED IN WHICH THE MITIGATION BANK IS LOCATED; AND**

**(II) MAY BE EXPANDED TO INCLUDE OTHER 8 DIGIT HYDROLOGIC UNIT CODE WATERSHEDS IF ENVIRONMENTALLY JUSTIFIED.**

(d) (1) This section may not be construed to require the Department to:

(i) Establish or fund State mitigation banks;

(ii) Fund the establishment of mitigation banking by the private sector; or

(iii) Use State lands for mitigation banking.

(2) The Department may establish mitigation banking through and with the cooperation of the private sector and may use State lands for mitigation banking sites.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 632**

**(House Bill 816)**

AN ACT concerning

**Cecil County – Sheriff – Salary**

FOR the purpose of altering the salary of the Sheriff of Cecil County beginning with a certain term of office; providing for the application of this Act; and generally relating to the salary of the Sheriff 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 2015 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. \$71,500 for fiscal year 2015;
2. \$75,075 for fiscal year 2016;
3. \$77,350 for fiscal year 2017;
4. \$79,675 for fiscal year 2018; [and]

5. **EXCEPT AS PROVIDED IN ITEM 6 OF THIS SUBPARAGRAPH, \$82,075 for fiscal year 2019 [and for each subsequent year]; AND**

**6. FOR EACH TERM OF OFFICE BEGINNING WITH THE TERM THAT BEGINS IN FISCAL YEAR 2019, ~~AN AMOUNT EQUAL TO THE SALARY OF THE COUNTY EXECUTIVE OF CECIL COUNTY AT THE BEGINNING OF THE SHERIFF'S TERM OF OFFICE~~ NOT LESS THAN \$100,000, AS DETERMINED BY THE COUNTY COUNCIL OF CECIL COUNTY.**

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 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 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 October 1, 2016.

Approved by the Governor, May 19, 2016.

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**Chapter 633**

**(House Bill 822)**

AN ACT concerning

**Criminal Law – Altering References From Mentally Defective to Substantially Cognitively Impaired Individual**

FOR the purpose of altering references to the term “mentally defective” individual to “substantially cognitively impaired” individual in provisions of law concerning certain sexual offenses and in provisions of law concerning the licensing of certain individuals to engage in business as an explosives manufacturer or dealer or to possess explosives for certain purposes; making stylistic changes; and generally relating to the term “mentally defective individual”.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 3–301, 3–304(a)(2), 3–306(a)(2), and 3–307(a)(2)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 11–107(b)(7)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Law**

3–301.

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

(b) [“Mentally defective individual” means an individual who suffers from mental retardation or a mental disorder, either of which temporarily or permanently renders the individual substantially incapable of:

(1) appraising the nature of the individual’s conduct;

(2) resisting vaginal intercourse, a sexual act, or sexual contact; or

(3) communicating unwillingness to submit to vaginal intercourse, a sexual act, or sexual contact.

**(c)]** “Mentally incapacitated individual” means an individual who, because of the influence of a drug, narcotic, or intoxicating substance, or because of an act committed on the individual without the individual’s consent or awareness, is rendered substantially incapable of:

(1) appraising the nature of the individual’s conduct; or

(2) resisting vaginal intercourse, a sexual act, or sexual contact.

**[(d)] (C)** “Physically helpless individual” means an individual who:

(1) is unconscious; or

(2) (i) does not consent to vaginal intercourse, a sexual act, or sexual contact; and

(ii) is physically unable to resist, or communicate unwillingness to submit to, vaginal intercourse, a sexual act, or sexual contact.

**[(e)] (D)** (1) “Sexual act” means any of the following acts, regardless of whether semen is emitted:

(i) analingus;

(ii) cunnilingus;

(iii) fellatio;

(iv) anal intercourse, including penetration, however slight, of the anus; or

(v) an act:

1. in which an object or part of an individual’s body penetrates, however slightly, into another individual’s genital opening or anus; and

2. that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party.

(2) “Sexual act” does not include:

(i) vaginal intercourse; or

(ii) an act in which an object or part of an individual's body penetrates an individual's genital opening or anus for an accepted medical purpose.

**[(f) (E)]** (1) "Sexual contact", as used in §§ 3–307, 3–308, and 3–314 of this subtitle, means an intentional touching of the victim's or actor's genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.

(2) "Sexual contact" does not include:

(i) a common expression of familial or friendly affection; or

(ii) an act for an accepted medical purpose.

**(F) "SUBSTANTIALLY COGNITIVELY IMPAIRED INDIVIDUAL" MEANS AN INDIVIDUAL WHO SUFFERS FROM AN INTELLECTUAL DISABILITY OR A MENTAL DISORDER, EITHER OF WHICH TEMPORARILY OR PERMANENTLY RENDERS THE INDIVIDUAL SUBSTANTIALLY INCAPABLE OF:**

**(1) APPRAISING THE NATURE OF THE INDIVIDUAL'S CONDUCT;**

**(2) RESISTING VAGINAL INTERCOURSE, A SEXUAL ACT, OR SEXUAL CONTACT; OR**

**(3) COMMUNICATING UNWILLINGNESS TO SUBMIT TO VAGINAL INTERCOURSE, A SEXUAL ACT, OR SEXUAL CONTACT.**

(g) (1) "Vaginal intercourse" means genital copulation, whether or not semen is emitted.

(2) "Vaginal intercourse" includes penetration, however slight, of the vagina.

3–304.

(a) A person may not engage in vaginal intercourse with another:

(2) if the victim is a [mentally defective] **SUBSTANTIALLY COGNITIVELY IMPAIRED** individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a [mentally defective] **SUBSTANTIALLY COGNITIVELY IMPAIRED** individual, a mentally incapacitated individual, or a physically helpless individual; or

3–306.

(a) A person may not engage in a sexual act with another:

(2) if the victim is a [mentally defective] **SUBSTANTIALLY COGNITIVELY IMPAIRED** individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the sexual act knows or reasonably should know that the victim is a [mentally defective] **SUBSTANTIALLY COGNITIVELY IMPAIRED** individual, a mentally incapacitated individual, or a physically helpless individual; or

3-307.

(a) A person may not:

(2) engage in sexual contact with another if the victim is a [mentally defective] **SUBSTANTIALLY COGNITIVELY IMPAIRED** individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know the victim is a [mentally defective] **SUBSTANTIALLY COGNITIVELY IMPAIRED** individual, a mentally incapacitated individual, or a physically helpless individual;

**Article – Public Safety**

11-107.

(b) Subject to subsection (c) of this section, the State Fire Marshal shall deny an application for a license or permit if the State Fire Marshal finds that:

(7) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been adjudicated [mentally defective] **SUBSTANTIALLY COGNITIVELY IMPAIRED** as defined in § 3-301 of the Criminal Law Article;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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**Chapter 634**

**(House Bill 840)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Theater ~~License~~ and Entertainment Center License**

FOR the purpose of altering the scope of a certain alcoholic beverages license in Frederick County so that it may be issued to all theaters that meet a certain seating requirement; altering the scope of a Class EC (entertainment center) license so that it may be issued to a holder of a Class B beer, wine, and liquor license; making ~~a~~ certain technical ~~correction~~ corrections; and generally relating to alcoholic beverages licenses in Frederick County.

BY renumbering

Article – Alcoholic Beverages

Section 20–1008, 20–1009, 20–1010, 20–1011, 20–1012, and 20–1013, respectively to be Section 20–1013, 20–1008, 20–1009, 20–1010, 20–1011, and 20–1012, respectively

Annotated Code of Maryland

(As enacted by Chapter 41 ~~(S.B. 724)~~ ~~(Ch. 1406)~~ (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 20–1008 and 20–1013

Annotated Code of Maryland

(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 20–1008, 20–1009, 20–1010, 20–1011, 20–1012, and 20–1013, respectively, of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 20–1013, 20–1008, 20–1009, 20–1010, 20–1011, and 20–1012, respectively.

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

### Article – Alcoholic Beverages

#### 20–1008.

(a) There is a Class [MEC (micro-brewery/entertainment center)] EC (ENTERTAINMENT CENTER) license.

(b) The Board may issue the license to a person for use in conjunction with:

(I) a Class 7 micro-brewery license that the person then obtains from the Comptroller; OR

(II) A CLASS B BEER, WINE, AND LIQUOR LICENSE THAT THE PERSON HAS BEEN ISSUED BY THE BOARD.

(c) (1) The **EC** license authorizes the license holder to sell, in an entertainment center for on-premises consumption[,]:

(I) malt beverages that are brewed in the license holder's micro-brewery, **IF THE LICENSE HOLDER ALSO HOLDS A CLASS 7 MICRO-BREWERY LICENSE; OR**

(II) **BEER, WINE, AND LIQUOR, IF THE LICENSE HOLDER ALSO HOLDS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

(2) The entertainment center may:

(i) contain:

1. rides and games such as bowling lanes, billiard tables, and go-carts; and

2. one or more food service facilities, bars, or lounges; and

(ii) allow the playing of music and dancing.

(d) The [license holder may sell beer, wine, and liquor] **HOURS OF SALE ARE:**

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;  
and

(2) on Sunday, from 11 a.m. to 2 a.m. the following day.

(e) The annual **EC** license fee is \$1,500.

20-1013.

(a) There is a Class C [(Maryland Ensemble Theatre)] **(THEATER)** beer and wine license.

(b) (1) The president and two other officers of the [Maryland Ensemble Theatre] **THEATER** shall sign the application for the license.

(2) Two of the signers shall be residents of the County.

(c) The Board may issue a license for use by [the Maryland Ensemble Theatre] **A THEATER WITH SEATING FOR 200 OR FEWER INDIVIDUALS PER PERFORMANCE.**

(d) [The license authorizes the license holder to sell beer and wine for on-premises consumption.

(e) The license [holder may] **AUTHORIZES THE LICENSE HOLDER TO** sell beer and wine for on–premises consumption from 1 hour before to 1 hour after:

(1) a regular performance; or

(2) a fund–raiser performance that benefits the [Maryland Ensemble Theatre] **THEATER**.

[(f)] **(E)** The annual license fee is \$100.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 635

### (House Bill 842)

AN ACT concerning

#### **Frederick County – Alcoholic Beverages – Art Gallery Beer and Wine License**

FOR the purpose of authorizing the Board of License Commissioners for Frederick County to issue an art gallery beer and wine license to nonprofit and for–profit retail businesses that display and sell original artwork *or certain copies of original artwork* by an individual or a group of artists; prohibiting a certain type of business from being issued the license; specifying that a holder of the license may sell or serve beer and wine at retail for on–premises consumption when snacks are served during certain hours; specifying a license fee; prohibiting the license from being transferred from the location for which the license was originally issued to another location; and generally relating to an art gallery license in Frederick County.

BY renumbering

Article – Alcoholic Beverages

Section 20–1001

to be Section 20–1001.1

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 20–1001

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 20–1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 20–1001.1.

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

**Article – Alcoholic Beverages**

**20–1001.**

(A) (1) THE BOARD MAY ISSUE AN ART GALLERY BEER AND WINE LICENSE TO A NONPROFIT OR FOR–PROFIT RETAIL BUSINESS ENGAGED IN THE DISPLAY AND SALE OF ORIGINAL ARTWORK, OR COPIES OF ORIGINAL ARTWORK THAT ARE REPRODUCED NO MORE THAN 300 TIMES, BY AN INDIVIDUAL ARTIST OR A GROUP OF ARTISTS.

(2) A BUSINESS THAT DISPLAYS AND SELLS COMMERCIALY PREPARED OR MASS–PRODUCED ARTISTIC PRODUCTS MAY NOT BE ISSUED THE LICENSE.

(B) THE LICENSE HOLDER MAY SELL OR SERVE BEER AND WINE AT RETAIL FOR ON–PREMISES CONSUMPTION WHEN SNACKS ARE SERVED DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN MIDNIGHT.

(C) THE ANNUAL LICENSE FEE IS \$100.

(D) THE LICENSE MAY NOT BE TRANSFERRED FROM THE LOCATION FOR WHICH THE LICENSE WAS ORIGINALLY ISSUED TO ANOTHER LOCATION.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 19, 2016.

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**Chapter 636**

**(House Bill 871)**

AN ACT concerning

**Agreements to Defend or Pay the Cost of Defense – Void**

FOR the purpose of providing that certain agreements to defend or pay the costs of defending certain promisees or indemnitees against liability for certain damages are against public policy and are void and unenforceable under certain circumstances; providing for the application of this Act; and generally relating to certain agreements to defend or pay the costs of defending certain promisees or indemnitees.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5–401(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 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**

5–401.

(a) (1) A covenant, promise, agreement, or understanding in, or in connection with or collateral to, a contract or agreement relating to architectural, engineering, inspecting, or surveying services, or the construction, alteration, repair, or maintenance of a building, structure, appurtenance or appliance, including moving, demolition, and excavating connected with those services or that work, purporting to indemnify the promisee against liability for damages arising out of bodily injury to any person or damage to property caused by or resulting from the sole negligence of the promisee or indemnitee, or the agents or employees of the promisee or indemnitee, is against public policy and is void and unenforceable.

**(2) A COVENANT, A PROMISE, AN AGREEMENT, OR AN UNDERSTANDING IN, OR IN CONNECTION WITH OR COLLATERAL TO, A CONTRACT OR AN AGREEMENT RELATING TO ARCHITECTURAL, ENGINEERING, INSPECTING, OR SURVEYING SERVICES, OR THE CONSTRUCTION, ALTERATION, REPAIR, OR MAINTENANCE OF A BUILDING, A STRUCTURE, AN APPURTENANCE, OR AN APPLIANCE, INCLUDING MOVING, DEMOLITION, AND EXCAVATING CONNECTED WITH THOSE SERVICES OR THAT WORK, PURPORTING TO REQUIRE THE PROMISOR OR INDEMNITOR TO DEFEND OR PAY THE COSTS OF DEFENDING THE PROMISEE OR INDEMNITEE AGAINST LIABILITY FOR DAMAGES ARISING OUT OF BODILY INJURY TO ANY PERSON OR DAMAGE TO PROPERTY CAUSED BY OR RESULTING FROM THE SOLE NEGLIGENCE OF THE PROMISEE OR INDEMNITEE, OR THE AGENTS OR EMPLOYEES OF THE PROMISEE OR INDEMNITEE, IS AGAINST PUBLIC POLICY AND IS VOID AND UNENFORCEABLE.**

**[(2)] (3)** This subsection does not affect the validity of any insurance contract, workers' compensation, any general indemnity agreement required by a surety as

a condition of execution of a bond for a construction or other contract, or any other agreement issued by an insurer.

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 October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 637**

### **(House Bill 983)**

AN ACT concerning

#### **Public Schools – Food Recovery Programs – Authorization**

FOR the purpose of authorizing a county board of education to develop and implement a certain food recovery program for schools under the jurisdiction of the county board; authorizing a county board, if it exercises certain authority, to apply for recognition of its food recovery program under any food recovery certification program; defining a certain term; and generally relating to food recovery in public schools.

BY adding to

Article – Education

Section 4–132

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

#### **Article – Education**

**4–132.**

**(A) IN THIS SECTION, “FOOD RECOVERY” MEANS THE REDUCTION OF FOOD WASTE THROUGH THE DONATION OF LEFTOVER OR EXCESS FOOD TO A LOCAL FOOD BANK OR ANY OTHER NONPROFIT ORGANIZATION.**

(B) A COUNTY BOARD MAY DEVELOP AND IMPLEMENT A FOOD RECOVERY PROGRAM FOR SCHOOLS UNDER THE JURISDICTION OF THE COUNTY BOARD.

(C) IF A COUNTY BOARD EXERCISES THE AUTHORITY GRANTED IN SUBSECTION (B) OF THIS SECTION, THE COUNTY BOARD MAY APPLY FOR RECOGNITION OF ITS FOOD RECOVERY PROGRAM UNDER ANY FOOD RECOVERY CERTIFICATION PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 638

### (House Bill 989)

AN ACT concerning

#### **Residential Real Property – Sales Contracts – Notice of Water and Sewer Charges**

FOR the purpose of making clarifying changes to a certain notice requirement about water and sewer charges in a contract for the initial sale of residential real property; requiring a contract for the resale of residential real property that is served by public water or wastewater facilities for which deferred water and sewer charges have been established by a recorded covenant or declaration to contain a certain notice concerning the deferred water and sewer charges; providing that a purchaser is entitled to certain rights for a violation of this Act; providing for the application of certain provisions of this Act; and generally relating to notices of water and sewer charges in contracts for the sale of residential real property.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 14–117(a) and (b)

Annotated Code of Maryland

(2015 Replacement Volume)

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

#### **Article – Real Property**

14–117.

(a) (1) In this subsection, “water and sewer authority” includes a person to which the duties and responsibilities of the Washington Suburban Sanitary Commission have been delegated by a written agreement or in accordance with a local ordinance.

(2) A contract for the initial sale of improved, residential real property to a member of the public who intends to occupy or rent the property for residential purposes shall disclose the estimated cost, as established by the appropriate water and sewer authority, of any deferred water and sewer charges for which the purchaser may become liable.

(3) (i) In Prince George’s County, a contract for the initial sale of residential real property for which there are deferred private water and sewer assessments recorded by a covenant or declaration deferring costs for water and sewer improvements for which the purchaser may be liable shall contain a disclosure that includes:

1. The existence of the deferred private water and sewer assessments;
2. The amount of the annual assessment;
3. The approximate number of payments remaining on the assessment;
4. The amount remaining on the assessment, including interest;
5. The name and address of the person or entity most recently responsible for collection of the assessment;
6. The interest rate on the assessment;
7. The estimated payoff amount of the assessment; and
8. A statement that payoff of the assessment is allowed without prepayment penalty.

(ii) A person or entity establishing water and sewer costs for the initial sale of residential real property may not amortize costs that are passed on to a purchaser by imposing a deferred water and sewer charge for a period longer than 20 years after the date of the initial sale.

(4) If the appropriate water and sewer authority has not established a schedule of charges for the water and sewer project that benefits [the] **RESIDENTIAL REAL** property or if a local jurisdiction has adopted a plan to benefit [the] **RESIDENTIAL REAL** property in the future, the contract [of] **FOR THE INITIAL** sale **OF THE RESIDENTIAL REAL PROPERTY** shall disclose that fact.

**(5) (I) THIS PARAGRAPH DOES NOT APPLY IN A COUNTY THAT HAS ADOPTED A DISCLOSURE REQUIREMENT THAT IS SUBSTANTIALLY SIMILAR TO THE DISCLOSURE REQUIREMENT IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

**(II) A CONTRACT FOR THE RESALE OF RESIDENTIAL REAL PROPERTY THAT IS SERVED BY PUBLIC WATER OR WASTEWATER FACILITIES FOR WHICH DEFERRED WATER AND SEWER CHARGES HAVE BEEN ESTABLISHED BY A RECORDED COVENANT OR DECLARATION SHALL CONTAIN A NOTICE IN SUBSTANTIALLY THE FOLLOWING FORM:**

**“NOTICE REQUIRED BY MARYLAND LAW REGARDING  
DEFERRED WATER AND SEWER CHARGES**

**THIS PROPERTY IS SUBJECT TO A FEE OR ASSESSMENT THAT PURPORTS TO COVER OR DEFRAY THE COST OF INSTALLING OR MAINTAINING DURING CONSTRUCTION ALL OR PART OF THE PUBLIC WATER OR WASTEWATER FACILITIES CONSTRUCTED BY THE DEVELOPER. THIS FEE OR ASSESSMENT IS \$\_\_\_\_, PAYABLE ANNUALLY IN (\_\_MONTH\_\_) UNTIL (\_\_DATE\_\_) TO (\_\_NAME AND ADDRESS\_\_) (HEREAFTER CALLED “LIENHOLDER”).**

**THERE MAY BE A RIGHT OF PREPAYMENT OR A DISCOUNT FOR EARLY PREPAYMENT, WHICH MAY BE ASCERTAINED BY CONTACTING THE LIENHOLDER. THIS FEE OR ASSESSMENT IS A CONTRACTUAL OBLIGATION BETWEEN THE LIENHOLDER AND EACH OWNER OF THIS PROPERTY, AND IS NOT IN ANY WAY A FEE OR ASSESSMENT IMPOSED BY THE COUNTY IN WHICH THE PROPERTY IS LOCATED.”.**

(b) (1) Violation of subsection (a)(2) or (4) of this section entitles the initial purchaser to recover from the seller:

(i) Two times the amount of deferred charges the purchaser would be obligated to pay during the 5 years of payments following the sale;

(ii) No amount greater than actually paid thereafter; and

(iii) Any deposit money actually paid by the purchaser that was lost as a result of a violation of subsection (a)(2) or (4) of this section.

(2) Violation of subsection (a)(3) of this section entitles the purchaser to:

(i) Recover from the seller the total amount of deferred charges the purchaser will be obligated to pay following the sale;

(ii) Recover from the seller any money actually paid by the purchaser on the deferred charge that was lost as a result of a violation of subsection (a)(3) of this section; or

(iii) If the violation is discovered before settlement, rescind the real estate contract without penalty.

**(3) (I) VIOLATION OF SUBSECTION (A)(5) OF THIS SECTION ENTITLES THE PURCHASER:**

**1. IF THE VIOLATION IS DISCOVERED BEFORE SETTLEMENT, TO RESCIND IN WRITING THE SALES CONTRACT WITHOUT PENALTY OR LIABILITY;**

**2. ON RESCISSION, TO THE FULL RETURN OF ANY DEPOSITS MADE ON ACCOUNT OF THE SALES CONTRACT; AND**

**3. AFTER SETTLEMENT, TO PAYMENT FROM THE SELLER FOR THE FULL AMOUNT OF ANY ~~OPEN LIEN~~ FEE OR ASSESSMENT NOT DISCLOSED, UNLESS THE SELLER WAS NEVER CHARGED A FEE OR ASSESSMENT TO DEFRAY THE COSTS OF PUBLIC WATER OR WASTEWATER FACILITIES BY THE DEVELOPER, A SUCCESSOR OF THE DEVELOPER, OR A SUBSEQUENT ASSIGNEE.**

**(II) THE PURCHASER'S RIGHT TO RESCIND UNDER THIS PARAGRAPH SHALL TERMINATE 5 DAYS AFTER THE SELLER PROVIDES A WRITTEN NOTICE IN ACCORDANCE WITH SUBSECTION (A)(5) OF THIS SECTION.**

**(III) IF ANY DEPOSITS ARE HELD IN TRUST BY A LICENSED REAL ESTATE BROKER, THE RETURN OF THE DEPOSITS TO A PURCHASER UNDER THIS PARAGRAPH SHALL COMPLY WITH THE PROCEDURES UNDER § 17-505 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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**Chapter 639**

**(House Bill 1004)**

AN ACT concerning

**Equal Pay Commission – Establishment**

FOR the purpose of establishing the Equal Pay Commission in the Division of Labor and Industry; providing for the composition, chair, and terms of certain members of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to take certain actions; requiring the Commission to submit a certain report to the Governor and the Senate Finance Committee and the House Economic Matters Committee on or before a certain date each year; and generally relating to the Equal Pay Commission.

BY adding to

Article – Labor and Employment

Section 3–309

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

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

**Article – Labor and Employment****3–309.**

(A) IN THIS SECTION, “COMMISSION” MEANS THE EQUAL PAY COMMISSION.

(B) THERE IS AN EQUAL PAY COMMISSION IN THE DIVISION OF LABOR AND INDUSTRY.

(C) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY OF LABOR, LICENSING, AND REGULATION, OR THE SECRETARY’S DESIGNEE;

(2) THE COMMISSIONER, OR THE COMMISSIONER’S DESIGNEE;

(3) THE EXECUTIVE DIRECTOR OF THE COMMISSION ON CIVIL RIGHTS, OR THE EXECUTIVE DIRECTOR’S DESIGNEE; AND

(4) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(I) ~~TWO~~ THREE REPRESENTATIVES OF BUSINESS IN THE STATE WHO HAVE BEEN NOMINATED BY STATE BUSINESS ORGANIZATIONS AND BUSINESS TRADE ASSOCIATIONS;

(II) TWO REPRESENTATIVES OF LABOR ORGANIZATIONS WHO HAVE BEEN NOMINATED BY LABOR FEDERATIONS;

(III) TWO REPRESENTATIVES OF ORGANIZATIONS:

1. WHOSE OBJECTIVES INCLUDE THE ELIMINATION OF PAY DISPARITIES BETWEEN INDIVIDUALS OF ONE SEX OR GENDER IDENTITY AND MINORITIES AND NONMINORITIES; AND

2. WHO HAVE UNDERTAKEN ADVOCACY, EDUCATIONAL, OR LEGISLATIVE INITIATIVES IN PURSUIT OF THOSE OBJECTIVES; AND

(IV) THREE REPRESENTATIVES OF HIGHER EDUCATION OR RESEARCH INSTITUTIONS:

1. WHO HAVE EXPERIENCE AND EXPERTISE IN THE COLLECTION AND ANALYSIS OF DATA CONCERNING PAY DISPARITIES; AND

2. WHOSE RESEARCH HAS BEEN USED IN EFFORTS TO PROMOTE THE ELIMINATION OF THOSE DISPARITIES.

(D) TO THE EXTENT PRACTICABLE, THE COMPOSITION OF THE COMMISSION SHALL REFLECT THE RACE, GENDER, AND GEOGRAPHIC DIVERSITY OF THE POPULATION OF THE STATE.

~~(E)~~ (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR THE MEMBERS OF THE COMMISSION ON JUNE 1, 2016.

(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.

~~(F)~~ (F) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COMMISSION.

~~(G)~~ (G) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION; BUT

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

~~(G)~~ (H) THE COMMISSION SHALL:

(1) CONTINUALLY EVALUATE THE EXTENT OF WAGE DISPARITIES IN THE PUBLIC AND PRIVATE SECTORS IN THE STATE BETWEEN INDIVIDUALS OF ONE RACE, SEX, OR GENDER IDENTITY AND INDIVIDUALS OF ANOTHER RACE, SEX, OR GENDER IDENTITY, BASED ON ALL AVAILABLE DATA;

(2) ESTABLISH A MECHANISM FOR THE COMMISSIONER TO COLLECT DATA FROM EMPLOYERS IN THE STATE TO ASSIST THE COMMISSION IN ITS EFFORTS TO EVALUATE THE DISPARITIES LISTED IN ITEM (1) OF THIS SUBSECTION;

(3) DEVELOP A COMPREHENSIVE STRATEGY TO DETERMINE AND RECOMMEND BEST PRACTICES REGARDING EQUAL PAY FOR EQUAL WORK TO INDIVIDUALS, EMPLOYERS, AND POLICYMAKERS;

(4) STUDY AND MAKE RECOMMENDATIONS REGARDING WHETHER AND TO WHAT EXTENT ADMINISTRATIVE AND LEGAL PROCESSES AND REMEDIES CAN BE STREAMLINED AND HARMONIZED ACROSS THIS SUBTITLE AND OTHER EMPLOYMENT ANTIDISCRIMINATION LAWS;

(5) DEVELOP PARTNERSHIPS WITH PRIVATE SECTOR ENTITIES AND OTHER PUBLIC SECTOR ENTITIES TO IDENTIFY:

(I) METHODS OF DEVELOPING A DATA COLLECTION MECHANISM;

(II) EFFECTIVE METHODS OF OUTREACH THROUGH WHICH THE COMMISSION MAY RAISE THE AWARENESS OF EMPLOYERS ABOUT THE PROVISIONS OF THIS SUBTITLE; AND

(III) POTENTIAL FUNDING SOURCES TO HELP THE DIVISION OF LABOR AND INDUSTRY ABSORB COSTS ASSOCIATED WITH STAFFING THE COMMISSION AND IMPLEMENTING THE COMMISSION'S CHARGE; AND

~~(5)~~ (6) SHARE DATA AND FINDINGS WITH THE COMMISSIONER TO ASSIST IN ENFORCEMENT ACTIONS UNDER THIS SUBTITLE.

~~(H)~~ (I) ON OR BEFORE DECEMBER 15 EACH YEAR, 2017, AND ON OR BEFORE DECEMBER 15 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE

**STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE REGARDING ANY FINDINGS AND RECOMMENDATIONS, INCLUDING ANY RECOMMENDED LEGISLATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Equal Pay Commission shall expire as follows:

- (1) two members in 2017;
- (2) two members in 2018;
- (3) ~~two~~ three members in 2019; and
- (4) three members in 2020.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, May 19, 2016.**

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**Chapter 640**

**(House Bill 1020)**

AN ACT concerning

**Prince George's County – Alcoholic Beverages Licenses –  
Class B–WPL (Waterfront Pavilion) Beer, Wine, and Liquor License**

**PG 314–16**

FOR the purpose of establishing a Class B–WPL (waterfront pavilion) beer, wine, and liquor license that the Board of License Commissioners of Prince George's County may issue to an establishment for certain premises in a certain waterfront entertainment retail complex; prohibiting the issuance of the license for certain areas; establishing certain privileges for the license; authorizing certain entertainment activities on certain licensed premises in certain manners; providing for the term and renewal of the license; providing that an individual license holder is not subject to certain residency requirements; providing that the license holder may hold up to a certain number of the licenses at the same time; providing that the license holder may have an interest in other licenses in the County; providing for the days and hours of operation of certain premises under the license; establishing an annual fee for the license; limiting the number of licenses that may be issued under this Act; providing that a certain provision on entertainment permits does not apply to the license; providing that certain residency requirements do not apply to the

license; prohibiting the entry of certain persons onto the licensed premises at certain times under certain circumstances; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 26–102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 26–1018.1 and 26–2004(i)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 26–1103(a)(1), 26–1405(c), 26–1406(c), 26–1601(a)(1), 26–1808, 26–2004(i),  
and 26–2707

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

### **Article – Alcoholic Beverages**

26–102.

This title applies only in Prince George's County.

**26–1018.1.**

**(A) THERE IS A CLASS B–WPL (WATERFRONT PAVILION) BEER, WINE, AND LIQUOR LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE FOR USE BY AN ESTABLISHMENT IN A WATERFRONT ENTERTAINMENT RETAIL COMPLEX, AS DEFINED IN THE COUNTY ZONING ORDINANCE, AT A PAVILION LOCATION THAT:**

**(1) HAS PREMISES CONSISTING IN PART OF AN AREA WITHIN A FENCE SURROUNDING A TENT STRUCTURE THAT IS NOT INTENDED TO BE RELOCATED DURING THE TERM OF THE LICENSE;**

**(2) IS EQUIPPED FOR DINING OR ENTERTAINMENT PURPOSES; AND**

(3) HAS AT LEAST ONE AREA FOR FOOD SERVICE OR A FULL-SERVICE BAR.

(C) THE LICENSE MAY NOT BE ISSUED FOR:

(1) THE AREA OF GRASS OR STEPS BEGINNING AT THE JUMBOTRON THROUGH TO, BUT NOT INCLUDING, NATIONAL PLAZA STREET; OR

(2) A LOCATION DIRECTLY IN FRONT OF AND WITHIN 50 FEET OF THE CAROUSEL ENTRANCE.

(D) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

(E) (1) THE LICENSE AUTHORIZES LIVE ENTERTAINMENT THROUGHOUT THE LICENSED PREMISES.

(2) LIVE ENTERTAINMENT MAY BE CONDUCTED AT ANY TIME DURING THE HOURS OF OPERATION OF THE LICENSED PREMISES.

(F) THE BOARD MAY ISSUE NOT MORE THAN THREE LICENSES.

(G) (1) THE TERM OF A LICENSE MAY BE AT LEAST 3 MONTHS AND MAY NOT EXCEED 6 MONTHS.

(2) THE LICENSE HOLDER MAY RENEW THE LICENSE ONCE FOR THE SAME TERM AS THE ORIGINAL LICENSE.

(3) A LICENSE HOLDER MAY HOLD NOT MORE THAN THREE LICENSES AT THE SAME TIME.

(H) AN INDIVIDUAL LICENSE HOLDER IS NOT SUBJECT TO ANY RESIDENCY REQUIREMENT UNDER THIS TITLE.

(I) THE LICENSE HOLDER MAY HAVE AN INTEREST IN OTHER LICENSES ELSEWHERE IN THE COUNTY.

(J) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B-WPL (WATERFRONT PAVILION) BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE.

**(K) THE MONTHLY LICENSE FEE IS \$500.**

26–1103.

(a) This section does not apply to a license holder that seeks to provide entertainment if:

(1) the license of the license holder is issued under § 26–1003, § 26–1006, § 26–1008, § 26–1009, § 26–1010, § 26–1011, § 26–1014, § 26–1015, [or] § 26–1016, **OR § 26–1018.1** of this title;

26–1405.

(c) (1) This subsection does not apply to a Class B–Stadium beer and light wine license, [or] a 7–day Class B–ECR on–sale beer, wine, and liquor license, **OR A CLASS B–WPL (WATERFRONT PAVILION) BEER, WINE, AND LIQUOR LICENSE.**

(2) To be eligible to receive a license, a partner shall:

(i) have been a resident of the State for at least 1 year before the application is filed and continue to be a resident as long as the license is in effect; and

(ii) be a registered voter of the State.

26–1406.

(c) (1) This subsection does not apply to a Class B–Stadium beer and light wine license, [or] a 7–day Class B–ECR on–sale beer, wine, and liquor license, **OR A CLASS B–WPL (WATERFRONT PAVILION) BEER, WINE, AND LIQUOR LICENSE.**

(2) To be eligible to receive a license, an applicant shall:

(i) have been a resident of the State for at least 1 year before the application is filed and continue to be a resident as long as the license is in effect; and

(ii) be a registered voter of the State.

26–1601.

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

(i) Class A beer, 19;

(ii) Class B beer, 23;

- (iii) Class C beer, 3;
- (iv) Class D beer, 76;
- (v) Class A beer and light wine, 26;
- (vi) Class B beer and light wine, 45;
- (vii) Class B–GC beer and light wine, 4;
- (viii) Class B–Stadium beer and light wine, 1;
- (ix) Class C beer and light wine, 8;
- (x) Class D beer and light wine, 55;
- (xi) Class A beer, wine, and liquor, 143;
- (xii) Class B beer, wine, and liquor, 185;
- (xiii) Class B–AE beer, wine, and liquor, 8;
- (xiv) Class BCE beer, wine, and liquor, 8;
- (xv) Class B–CI beer, wine, and liquor, 2;
- (xvi) Class B–DD beer, wine, and liquor:
  1. under § 26–1614(a)(1) of this subtitle, 4;
  2. under § 26–1614(a)(2) of this subtitle, 4;
  3. under § 26–1614(a)(3) of this subtitle, 6; and
  4. subject to paragraph (3) of this subsection, under § 26–1614(a)(4) of this subtitle, 6;
- (xvii) Class B/ECF beer, wine, and liquor, 1;
- (xviii) Class B–ECF/DS beer, wine, and liquor, 1;
- (xix) Class B–ECR beer, wine, and liquor, 1;
- (xx) Class B–Stadium beer, wine, and liquor, 1; [and]
- (xxi) **CLASS B–WPL (WATERFRONT PAVILION) BEER, WINE, AND LIQUOR, 3; AND**

**(XXII)** Class C beer, wine, and liquor:

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

26–1808.

[The] **EXCEPT FOR A CLASS B–WPL (WATERFRONT PAVILION) BEER, WINE, AND LIQUOR LICENSE, THE** residency requirements under § 26–1406(c) of this title apply to a renewal of a license.

26–2004.

**(I) A HOLDER OF A CLASS B–WPL (WATERFRONT PAVILION) LICENSE MAY SELL BEER, WINE, AND LIQUOR FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**[(i)] (J)** (1) Subject to paragraph (2) of this subsection, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

26–2707.

(a) An individual under the age of 21 years may not:

- (1) enter the premises of a license holder to obtain alcoholic beverages; or
- (2) possess alcoholic beverages.

(b) An individual under the age of 18 years may not enter between 10 p.m. and 6 a.m. the premises of the holder of a Class B or Class D beer license, **[or] a Class B or Class D beer and light wine license, OR A CLASS B–WPL (WATERFRONT PAVILION) BEER, WINE, AND LIQUOR LICENSE** unless the individual is in the company of a parent, the legal guardian, or the spouse of the individual.

(c) The Board may adopt regulations regarding the presence of an individual under the age of 21 years on a licensed premises.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 641

(House Bill 1029)

AN ACT concerning

### Montgomery County – Alcoholic Beverages – Class BD–BWL License – Hours of Sale

MC 17–16

FOR the purpose of altering the hours of sale for consumption on the licensed premises of a holder of a Class BD–BWL license in Montgomery County; authorizing the Board of License Commissioners to issue a caterer’s license to a holder of a Class BD–BWL license; specifying that a certain limit on the maximum number of certain licenses a person may hold includes no more than a certain number of Class BD–BWL licenses; and generally relating to the sale of alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 25–903(a) and (b) and 25–1615

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 25–903(i), 25–1202, and 25–1614

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

### Article – Alcoholic Beverages

25–903.

- (a) There is a Class BD–BWL license.
- (b) The license authorizes the license holder to sell:
  - (1) beer and wine for on– or off–premises consumption; and
  - (2) liquor for on–premises consumption.
- (i) On 7 days of the week, the hours of sale are:
  - (1) for on–premises consumption [ , from 10 a.m. to 2 a.m. the following

day]:

**(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY, TUESDAY, WEDNESDAY, AND THURSDAY;**

**(II) FROM 9 A.M. TO 3 A.M. THE FOLLOWING DAY, ON FRIDAY AND SATURDAY;**

**(III) FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY, ON SUNDAY WHEN THE FOLLOWING DAY HAS BEEN DESIGNATED BY THE FEDERAL GOVERNMENT AS ONE OF THE FOLLOWING HOLIDAYS:**

1. WASHINGTON’S BIRTHDAY;
2. MEMORIAL DAY;
3. INDEPENDENCE DAY;
4. LABOR DAY;
5. VETERANS DAY; OR
6. CHRISTMAS; OR

**(IV) FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY, ON A SUNDAY THAT IS NOT REFERENCED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH; and**

- (2) for off–premises consumption, from 6 a.m. to 1 a.m. the following day.

25–1202.

- (a) There is a catering extension.
- (b) The Board may grant a catering extension to the holder of:

(1) a Class B restaurant or hotel (on-sale) beer, wine, and liquor license;  
AND

(2) **A CLASS BD-BWL LICENSE.**

(c) The catering extension authorizes a holder to:

(1) provide alcoholic beverages at an event that is held off the premises for which the holder's Class B restaurant or hotel (on-sale) beer, wine, and liquor license is issued; and

(2) exercise the privileges of the catering extension only during the hours and on the days authorized for a Class B restaurant or hotel (on-sale) beer, wine, and liquor license.

(d) The holder of a catering extension shall provide food for consumption at the catered event.

(e) This section does not require a holder of a Class B restaurant or hotel (on-sale) beer, wine, and liquor license to obtain a catering extension for catering on the premises for which the Class B license is issued.

25-1614.

Except as provided in § 25-1615 of this subtitle, the Board may not authorize the same license holder to hold more than 10 licenses, **INCLUDING NO MORE THAN ONE CLASS BD-BWL LICENSE.**

25-1615.

(a) The Board may issue additional Class B beer, wine, and liquor (on-sale) licenses to a license holder for premises operated as a hotel.

(b) (1) An applicant for an additional Class B beer, wine, and liquor (on-sale) license under this section shall:

(i) have a minimum restaurant seating capacity of 100 individuals;  
and

(ii) except as provided in paragraph (2) of this subsection, meet the hotel requirements set forth in § 25-904 of this title.

(2) If the capital investment in the hotel exceeds \$3,000,000, the building height and elevator requirements required by § 25-904(b)(1) of this title do not apply.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## **Chapter 642**

### **(House Bill 1054)**

AN ACT concerning

#### **Income Tax – Penalties – Assessment Schedule**

FOR the purpose of altering the penalty the Comptroller is required to assess if a person fails to pay income tax when due; providing for the application of this Act; and generally relating to the assessment of a penalty for failure to pay income tax when due.

BY repealing and reenacting, without amendments,  
Article – Tax – General  
Section 13–701(a)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 13–701(b)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

#### **Article – Tax – General**

13–701.

(a) Except as otherwise provided in this subtitle, if a person or governmental unit fails to pay a tax when due under this article, the tax collector shall assess a penalty not exceeding 10% of the unpaid tax.

(b) (1) If a person fails to pay alcoholic beverage tax, financial institution franchise tax, [income tax,] or tobacco tax when required under this article, the tax collector shall assess a penalty not exceeding 25% of the unpaid tax.

(2) If a person fails to file a motor carrier tax return or motor fuel tax return when required under this article, the Comptroller shall assess a penalty not exceeding \$25.

~~(3) IF A PERSON FAILS TO PAY INCOME TAX WHEN REQUIRED UNDER THIS ARTICLE, THE COMPTROLLER SHALL ASSESS A PENALTY EQUAL TO:~~

~~(I) IF THE TAX IS PAID WITHIN 30 DAYS AFTER THE DATE REQUIRED UNDER THIS ARTICLE, 5% OF THE UNPAID TAX;~~

~~(II) IF THE TAX IS PAID ON OR AFTER 31 DAYS AFTER THE DATE REQUIRED UNDER THIS ARTICLE BUT ON OR BEFORE 60 DAYS AFTER THE DATE REQUIRED UNDER THIS ARTICLE, 10% OF THE UNPAID TAX;~~

~~(III) IF THE TAX IS PAID ON OR AFTER 61 DAYS AFTER THE DATE REQUIRED UNDER THIS ARTICLE BUT ON OR BEFORE 90 DAYS AFTER THE DATE REQUIRED UNDER THIS ARTICLE, 15% OF THE UNPAID TAX;~~

~~(IV) IF THE TAX IS PAID ON OR AFTER 91 DAYS AFTER THE DATE REQUIRED UNDER THIS ARTICLE BUT ON OR BEFORE 120 DAYS AFTER THE DATE REQUIRED UNDER THIS ARTICLE, 20% OF THE UNPAID TAX; AND~~

~~(V) IF THE TAX IS PAID ON OR AFTER 121 DAYS AFTER THE DATE REQUIRED UNDER THIS ARTICLE, 25% OF THE UNPAID TAX.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016, and shall be applicable to all income tax penalties assessed on or after July 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 643

(House Bill 1059)

AN ACT concerning

### Landlord and Tenant – Security Deposit – Contents of Lease

FOR the purpose of requiring a written lease for residential property to include a certain receipt for the security deposit under certain circumstances; making a stylistic change; and generally relating to security deposits and leases for residential property.

BY repealing and reenacting, without amendments,  
Article – Real Property

Section 8–203(a), (e), (f), and (g), 8–203.1, and 8–208(a) and (b)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Real Property  
Section 8–203(c) and 8–208(c)  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

### Article – Real Property

8–203.

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

(2) “Landlord” means a landlord or a prospective landlord.

(3) “Security deposit” means any payment of money, including payment of the last month’s rent in advance of the time it is due, given to a landlord by a tenant in order to protect the landlord against nonpayment of rent, damage due to breach of lease, or damage to the leased premises, common areas, major appliances, and furnishings.

(4) “Tenant” means a tenant or a prospective tenant.

(c) (1) The landlord shall give the tenant a receipt for the security deposit as specified in § 8–203.1 of this subtitle.

(2) The receipt [may] **SHALL** be included in a written lease.

(e) (1) Within 45 days after the end of the tenancy, the landlord shall return the security deposit to the tenant together with simple interest which has accrued at the daily U.S. Treasury yield curve rate for 1 year, as of the first business day of each year, or 1.5% a year, whichever is greater, less any damages rightfully withheld.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, interest shall accrue at monthly intervals from the day the tenant gives the landlord the security deposit. Interest is not compounded.

(ii) No interest is due or payable:

1. Unless the landlord has held the security deposit for at least 6 months; or

2. For any period less than a full month.

(3) Interest shall be payable only on security deposits of \$50 or more.

(4) If the landlord, without a reasonable basis, fails to return any part of the security deposit, plus accrued interest, within 45 days after the termination of the tenancy, the tenant has an action of up to threefold of the withheld amount, plus reasonable attorney's fees.

(f) (1) (i) The security deposit, or any portion thereof, may be withheld for unpaid rent, damage due to breach of lease or for damage by the tenant or the tenant's family, agents, employees, guests or invitees in excess of ordinary wear and tear to the leased premises, common areas, major appliances, and furnishings owned by the landlord.

(ii) The tenant has the right to be present when the landlord or the landlord's agent inspects the premises in order to determine if any damage was done to the premises, if the tenant notifies the landlord by certified mail of the tenant's intention to move, the date of moving, and the tenant's new address.

(iii) The notice to be furnished by the tenant to the landlord shall be mailed at least 15 days prior to the date of moving.

(iv) Upon receipt of the notice, the landlord shall notify the tenant by certified mail of the time and date when the premises are to be inspected.

(v) The date of inspection shall occur within five days before or five days after the date of moving as designated in the tenant's notice.

(vi) The tenant shall be advised of the tenant's rights under this subsection in writing at the time of the tenant's payment of the security deposit.

(vii) Failure by the landlord to comply with this requirement forfeits the right of the landlord to withhold any part of the security deposit for damages.

(2) The security deposit is not liquidated damages and may not be forfeited to the landlord for breach of the rental agreement, except in the amount that the landlord is actually damaged by the breach.

(3) In calculating damages for lost future rents any amount of rents received by the landlord for the premises during the remainder if any, of the tenant's term, shall reduce the damages by a like amount.

(g) (1) If any portion of the security deposit is withheld, the landlord shall present by first-class mail directed to the last known address of the tenant, within 45 days after the termination of the tenancy, a written list of the damages claimed under subsection (f)(1) of this section together with a statement of the cost actually incurred.

(2) If the landlord fails to comply with this requirement, the landlord forfeits the right to withhold any part of the security deposit for damages.

8–203.1.

(a) A receipt for a security deposit shall notify the tenant of the following:

(1) The right to have the dwelling unit inspected by the landlord in the tenant's presence for the purpose of making a written list of damages that exist at the commencement of the tenancy if the tenant so requests by certified mail within 15 days of the tenant's occupancy;

(2) The right to be present when the landlord inspects the premises at the end of the tenancy in order to determine if any damage was done to the premises if the tenant notifies the landlord by certified mail at least 15 days prior to the date of the tenant's intended move, of the tenant's intention to move, the date of moving, and the tenant's new address;

(3) The landlord's obligation to conduct the inspection within 5 days before or after the tenant's stated date of intended moving;

(4) The landlord's obligation to notify the tenant in writing of the date of the inspection;

(5) The tenant's right to receive, by first-class mail, delivered to the last known address of the tenant, a written list of the charges against the security deposit claimed by the landlord and the actual costs, within 45 days after the termination of the tenancy;

(6) The obligation of the landlord to return any unused portion of the security deposit, by first-class mail, addressed to the tenant's last known address within 45 days after the termination of the tenancy; and

(7) A statement that failure of the landlord to comply with the security deposit law may result in the landlord being liable to the tenant for a penalty of up to 3 times the security deposit withheld, plus reasonable attorney's fees.

(b) The landlord shall retain a copy of the receipt for a period of 2 years after the termination of the tenancy, abandonment of the premises, or eviction of the tenant, as the case may be.

(c) The landlord shall be liable to the tenant in the sum of \$25 if the landlord fails to provide a written receipt for the security deposit.

8–208.

(a) (1) On or after October 1, 1999, any landlord who offers 5 or more dwelling units for rent in the State may not rent a residential dwelling unit without using a written lease.

(2) If a landlord fails to comply with paragraph (1) of this subsection, the term of the tenancy is presumed to be 1 year from the date of the tenant's first occupancy unless the tenant elects to end the tenancy at an earlier date by giving 1 month's written notice.

(b) A landlord who rents using a written lease shall provide, upon written request from any prospective applicant for a lease, a copy of the proposed form of lease in writing, complete in every material detail, except for the date, the name and address of the tenant, the designation of the premises, and the rental rate without requiring execution of the lease or any prior deposit.

(c) A lease shall include:

(1) A statement that the premises will be made available in a condition permitting habitation, with reasonable safety, if that is the agreement, or if that is not the agreement, a statement of the agreement concerning the condition of the premises; [and]

(2) The landlord's and the tenant's specific obligations as to heat, gas, electricity, water, and repair of the premises; AND

**(3) A RECEIPT FOR THE SECURITY DEPOSIT AS SPECIFIED IN § 8-203.1 OF THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 644

**(House Bill 1068)**

AN ACT concerning

### **Baltimore City – Alcoholic Beverages – Pub Crawl Promoter's Permits**

FOR the purpose of creating a pub crawl promoter's permit in Baltimore City; authorizing the Baltimore City Board of License Commissioners to issue a pub crawl promoter's permit to a certain applicant who has submitted an application to the Board of License Commissioners no less than a certain number of days before a certain date;

requiring an applicant to obtain a certain special event permit and provide a copy of the special event permit and provide a completed application and any other document that the Board requires to the Board of License Commissioners before being issued the pub crawl promoter's permit; requiring certain license holders to sign and date a certain application ~~and pay a certain fee~~; requiring the Board to take a certain action within a certain time period; specifying that the permit authorizes the holder to conduct a pub crawl; requiring a pub crawl to be held on certain premises; specifying the duration of a permit; authorizing the Board of License Commissioners to adopt certain regulations; specifying a certain application fee and permit fee; establishing ~~a certain penalty~~ penalties; defining certain terms; and generally relating to pub crawl promoter's permits in Baltimore City.

BY adding to

Article – Alcoholic Beverages

Section 12–1101.1

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 12–2801

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 12–2802

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

### Article – Alcoholic Beverages

#### 12–1101.1.

~~(A) IN THIS SECTION, “PUB CRAWL” MEANS AN EVENT DURING WHICH AN ORGANIZED GROUP OF AT LEAST 3 LICENSE HOLDERS UNDER THIS TITLE OFFER DISCOUNTED ALCOHOLIC BEVERAGES DURING A SPECIFIED TIME TO A GROUP OF PARTICIPANTS IN THE EVENT.~~

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

(2) “PUB CRAWL” MEANS AN EVENT IN WHICH:

(I) AN ORGANIZED GROUP OF AT LEAST THREE LICENSE HOLDERS WHOSE PREMISES ARE WITHIN WALKING DISTANCE OF EACH OTHER PARTICIPATES IN A COORDINATED PROMOTION TO SELL OR PROVIDE ALCOHOLIC BEVERAGES DURING A SPECIFIED TIME; AND

(II) AT LEAST 75 INDIVIDUALS ARE REASONABLY ANTICIPATED TO PARTICIPATE.

(3) "PUB CRAWL PROMOTER" MEANS AN INDIVIDUAL, A FOR-PROFIT ORGANIZATION, OR A NONPROFIT ORGANIZATION THAT CONDUCTS A PUB CRAWL.

(B) THERE IS A PUB CRAWL PROMOTER'S PERMIT.

(C) ~~A FOR-PROFIT ORGANIZATION OR A NONPROFIT ORGANIZATION~~ PUB CRAWL PROMOTER OR A PARTICIPATING LICENSE HOLDER ON BEHALF OF A PUB CRAWL PROMOTER SHALL OBTAIN THE PERMIT FROM THE BOARD BEFORE THE ~~ORGANIZATION~~ PUB CRAWL PROMOTER MAY PUBLICIZE, SELL TICKETS FOR, ORGANIZE, OPERATE, PRODUCE, OR STAGE A PUB CRAWL.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ~~ISSUE~~ GRANT THE PERMIT TO AN APPLICANT WHO SUBMITS AN APPLICATION TO THE BOARD AS PROVIDED UNDER TITLE 4 OF THIS ARTICLE AT LEAST 42 DAYS BEFORE THE DATE OF THE PUB CRAWL.

(2) BEFORE BEING ~~ISSUED~~ GRANTED THE PERMIT, AN APPLICANT SHALL:

(I) OBTAIN A SPECIAL EVENT PERMIT FROM THE BALTIMORE CITY DEPARTMENT OF TRANSPORTATION; ~~AND~~

(II) PROVIDE A COPY OF THE SPECIAL EVENT PERMIT TO THE ~~BOARD;~~

~~(3) EACH LICENSE HOLDER THAT PARTICIPATES IN THE PUB CRAWL SHALL:~~

~~(I) SIGN AND DATE THE APPLICATION; AND~~

~~(II) PAY TO THE BOARD A \$100 PARTICIPATION FEE.~~

BOARD; AND

(III) PROVIDE A COMPLETED APPLICATION THAT:

1. IS SIGNED AND DATED BY EACH LICENSE HOLDER THAT WILL PARTICIPATE IN THE PUB CRAWL;

2. LISTS EACH PREMISES FOR WHICH THE PUB CRAWL WILL BE HELD; AND

3. IS ACCOMPANIED BY ANY OTHER DOCUMENT THAT THE BOARD REQUIRES.

(3) AN APPLICATION MAY NOT BE ALTERED WITHIN 30 DAYS BEFORE THE PUB CRAWL IS SCHEDULED TO TAKE PLACE.

(4) WITHIN 14 DAYS AFTER RECEIVING AN APPLICATION, THE BOARD SHALL GRANT OR DENY THE PERMIT OR REQUEST MORE INFORMATION FROM THE APPLICANT.

(E) THE PERMIT AUTHORIZES THE ~~PERMIT HOLDER~~ PUB CRAWL PROMOTER AND PARTICIPATING LICENSE HOLDERS TO CONDUCT A PUB CRAWL.

~~(F) EACH PREMISES FOR WHICH A PUB CRAWL IS HELD SHALL BE:~~

~~(1) ISSUED A LICENSE UNDER THIS TITLE; AND~~

~~(2) LISTED ON THE APPLICATION FOR THE PERMIT.~~

~~(G)~~ (F) THE PERMIT FOR EACH PUB CRAWL MAY BE IN EFFECT FOR THE TIME STATED ON THE SPECIAL EVENT PERMIT REQUIRED UNDER SUBSECTION (D)(2) OF THIS SECTION.

~~(H)~~ (G) THE BOARD MAY ADOPT REGULATIONS ESTABLISHING THE REQUIREMENTS FOR:

(1) CONDUCTING A PUB CRAWL, INCLUDING HEALTH AND SAFETY STANDARDS TO BE MET BY THE ~~PERMIT HOLDER~~ PUB CRAWL PROMOTER AND PARTICIPATING LICENSE HOLDERS; AND

(2) PROVIDING PUBLIC NOTICE OF A PUB CRAWL AT THE PREMISES OF PARTICIPATING LICENSE HOLDERS BY THE PUB CRAWL PROMOTER OR PARTICIPATING LICENSE HOLDERS.

~~(I) THE APPLICATION FEE IS \$50.~~

~~(J) THE PERMIT FEE IS \$250.~~

**(H) (1) THE APPLICATION FEE IS \$50, PAYABLE ON THE SUBMISSION OF THE APPLICATION.**

**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PERMIT FEE, PAYABLE WHEN THE PERMIT IS GRANTED, IS:**

**1. \$120; AND**

**2. \$100 FOR EACH LICENSE HOLDER THAT PARTICIPATES IN THE PUB CRAWL.**

**(II) ON RECEIPT OF AN APPLICATION, THE BOARD MAY REDUCE THE PERMIT FEE BY NOT MORE THAN 50% IF THE APPLICANT SHOWS THAT THE PROCEEDS FROM THE PUB CRAWL AFTER ADMINISTRATIVE EXPENSES ARE DEDUCTED SHALL BE USED TO BENEFIT AN ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.**

12-2801.

Section 6-402 ("General penalty") of Division I of this article applies in the City.

12-2802.

(a) For a violation that is cause for suspension of a license, the Board may:

(1) except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of this section, for a first offense, impose a fine not exceeding \$500 or suspend the license or both; or

(2) **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION**, for each subsequent offense, impose a fine not exceeding \$3,000 or suspend the license or both.

(b) For a first offense of selling alcoholic beverages to an individual under the age of 21 years, the Board may impose a fine not exceeding \$1,000 or suspend the license or both.

**(C) (1) FOR THE OFFENSE OF PUBLICIZING, SELLING TICKETS FOR, ORGANIZING, OPERATING, PRODUCING, ~~FACILITATING,~~ OR STAGING A PUB CRAWL ~~WITHOUT OBTAINING~~ WITH THE KNOWLEDGE OR A REASON TO KNOW THAT A PUB CRAWL PROMOTER'S PERMIT ~~AS~~ REQUIRED UNDER § 12-1101.1 OF THIS TITLE HAS NOT BEEN OBTAINED, THE BOARD SHALL IMPOSE A FINE OF NOT LESS THAN \$1,000 AND NOT MORE THAN \$3,000 OR SUSPEND THE LICENSE OR BOTH.**

**(2) A PERSON WHO VIOLATES § 12-1101.1 OF THIS TITLE MAY NOT BE GRANTED A PROMOTER'S PERMIT FOR AT LEAST 1 YEAR.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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**Chapter 645**

**(House Bill 1073)**

AN ACT concerning

**Montgomery County – Alcoholic Beverages – License Applications – Online Notice**

**MC 5-16**

FOR the purpose of authorizing the Montgomery County Board of License Commissioners to fulfill a certain notice requirement by posting online a completed application for an alcoholic beverages license a certain number of days before the hearing date; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 4-208

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 25-1506

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

4-208.

(a) Before a local licensing board may approve an application for a license, the local licensing board shall publish notice of the application two times in 2 successive weeks:

- (1) in two newspapers of general circulation in the jurisdiction; or
- (2) if only one newspaper of general circulation exists in the jurisdiction, in that newspaper.

(b) The notice shall state:

- (1) the name of the applicant;
- (2) the type of license for which the application is made;
- (3) the location described in the application; and
- (4) the date, time, and place set by the local licensing board for a hearing on the application.

25–1506.

(a) **(1) THE BOARD MAY FULFILL THE NOTICE REQUIREMENT UNDER § 4–208 OF THIS ARTICLE BY POSTING ONLINE A COMPLETED APPLICATION AT LEAST 14 DAYS BEFORE THE HEARING DATE.**

**(2)** In addition to the newspaper notice required under § 4–208 of this article **OR THE ONLINE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION**, the Board shall post a suitable notice in a conspicuous place on the location described in the application for at least 30 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location of the application hearing.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 646

**(House Bill 1076)**

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Sports Stadium License**

## MC 19–16

FOR the purpose of creating in Montgomery County a sports stadium license; authorizing the Board of License Commissioners to issue the license to certain individuals; establishing certain criteria for the sports stadium; establishing a certain residency requirement; authorizing the sale of beer and wine for on–premises consumption during a professional sports event or other event held at the stadium; allowing sales to take place at a service bar or throughout the stadium by individual sales vendors on behalf of the licensee; providing for the hours of sale for the license; requiring that all beer and wine intended for consumption at the stadium be purchased from the Montgomery County Department of Liquor Control; requiring that each server of alcoholic beverages hold a certain certificate; establishing an annual license fee; and generally relating to a sports stadium beer and wine license in Montgomery County.

BY adding to

Article – Alcoholic Beverages

Section 25–1011.1

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

**25–1011.1.**

**(A) THERE IS A SPORTS STADIUM LICENSE.**

**(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE TO THREE INDIVIDUALS SERVING ON THE BOARD OF DIRECTORS FOR A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT OPERATES A STADIUM THAT:**

**(I) HAS A MINIMUM CAPITAL INVESTMENT OF \$2,000,000, NOT INCLUDING THE COST OF LAND;**

**(II) SERVES AS A VENUE FOR PROFESSIONAL SPORTS EVENTS;**

**AND**

**(III) HAS A SEATING CAPACITY OF 2,000 PERSONS, AS ESTABLISHED BY THE FIRE MARSHAL FOR THE COUNTY.**

(2) AT LEAST ONE OF THE INDIVIDUALS TO WHOM THE LICENSE IS ISSUED SHALL HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST THE 2 YEARS IMMEDIATELY PRECEDING THE ISSUANCE OF THE LICENSE.

(C) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION DURING A PROFESSIONAL SPORTS EVENT OR OTHER EVENT HELD AT THE STADIUM.

(2) SALES MAY TAKE PLACE AT A SERVICE BAR OR THROUGHOUT THE STADIUM BY INDIVIDUAL SALES VENDORS ON BEHALF OF THE LICENSE HOLDER.

(D) (1) THE HOURS OF SALE DURING A SPORTS EVENT ARE:

(I) FROM 30 MINUTES BEFORE THE START OF THE EVENT UNTIL THE START OF THE FINAL PERIOD OF PLAY IF ONLY ONE EVENT IS PLAYED IN A DAY; OR

(II) FROM 30 MINUTES BEFORE THE START OF THE FIRST EVENT UNTIL THE START OF THE FINAL PERIOD OF PLAY OF THE LAST EVENT SCHEDULED FOR THAT DAY IF MORE THAN ONE EVENT IS PLAYED ON THE SAME DAY.

(2) THE HOURS OF SALE FOR AN EVENT OTHER THAN A SPORTS EVENT SHALL BE SET BY THE BOARD.

(E) ALL BEER AND WINE INTENDED FOR CONSUMPTION AT THE STADIUM SHALL BE PURCHASED FROM THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY.

(F) EACH SERVER OF ALCOHOLIC BEVERAGES AT THE STADIUM SHALL HOLD A CERTIFICATE OF COMPLETION FROM AN APPROVED ALCOHOL AWARENESS PROGRAM AS DESCRIBED IN § 4-505 OF THIS ARTICLE.

(G) THE ANNUAL LICENSE FEE IS \$2,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 19, 2016.

AN ACT concerning

**Task Force to Study a Promise Scholarship Program in Prince George's County**

**PG 438–16**

FOR the purpose of establishing the Task Force to Study a Promise Scholarship Program in Prince George's County; 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 Prince George's County Executive 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 a Promise Scholarship Program in Prince George's County.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) There is a Task Force to Study a Promise Scholarship Program in Prince George's County.

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

(1) one member of the Prince George's County House Delegation, appointed by the Chair of the Prince George's County House Delegation;

(2) one member of the Prince George's County Senate Delegation, appointed by the Chair of the Prince George's County Senate Delegation;

(3) the Secretary of Higher Education, or the Secretary's designee;

(4) the President of Prince George's Community College, or the President's designee;

(5) the Chair of the Prince George's County Council, or the Chair's designee;

(6) the Chief Executive Officer of the Prince George's County Public School System, or the Chief Executive Officer's designee;

(7) the President of the Prince George's County Economic Development Corporation, or the President's designee;

(8) the Director of the Prince George's County Department of Housing and Community Development, or the Director's designee;

(9) the Executive Director of the Maryland Association of Community Colleges, or the Executive Director's designee;

(10) the President of the Prince George's County Chamber of Commerce, or the President's designee;

(11) the President of the Greater Prince George's Business Roundtable, or the President's designee; ~~and~~

(12) the Chancellor of the University System of Maryland, or the Chancellor's designee;

(13) the President of Bowie State University, or the President's designee;  
and

~~(12)~~ (14) the following members, appointed by the Prince George's County Executive:

Trustees;

(i) one member of the Prince George's Community College Board of

(ii) one student who attends Prince George's Community College;

(iii) one Prince George's County business owner; ~~and~~

(iv) one representative of Civic Nation; and

(v) one representative of the Prince George's County Educators' Association.

(c) The President of Prince George's Community College shall chair the Task Force.

(d) The Office of the President of Prince George's Community College 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 feasibility of creating a Prince George’s County Promise Scholarship Program to provide scholarships to pay for tuition and mandatory fees not covered by federal or State financial aid for graduates of Prince George’s County public high schools who enroll at Prince George’s Community College; and

(2) make recommendations regarding:

(i) the feasibility of creating the Program;

(ii) academic and financial eligibility requirements for the Program;

(iii) funding sources for the Program; and

(iv) academic and social supports to help students succeed in the Program.

(g) On or before January 1, 2017, the Task Force shall report its findings and recommendations to the Prince George’s County Executive 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 June 1, 2016. It shall remain effective for a period of 1 year and, at the end of May 31, 2017, 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 19, 2016.**

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## Chapter 648

(House Bill 1148)

AN ACT concerning

~~Income Tax – Subtraction Modification – Retirement Income~~  
Income Tax – Retirement Income – Collection of Information

~~FOR the purpose of altering the calculation of the maximum subtraction modification allowed under the Maryland income tax for certain retirement income for certain taxable years; including income from certain retirement plans within a certain subtraction modification for certain retirement income under certain circumstances; and generally relating to an income tax subtraction modification for certain retirement income.~~

~~BY repealing and reenacting, with amendments,  
 Article – Tax – General~~

~~Section 10-200~~  
~~Annotated Code of Maryland~~  
~~(2010 Replacement Volume and 2015 Supplement)~~

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

~~Article Tax General~~

~~10-200.~~

~~(a) In this section:~~

~~(1) "employee retirement system" means a plan:~~

~~(i) established and maintained by an employer for the benefit of its employees; and~~

~~(ii) qualified under § 401(a), § 403, or § 457(b) of the Internal Revenue Code; and~~

~~(2) "employee retirement system" does not include:~~

~~(i) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, an individual retirement account or annuity under § 408 of the Internal Revenue Code;~~

~~(ii) a Roth individual retirement account under § 408A of the Internal Revenue Code;~~

~~(iii) [a rollover individual retirement account;~~

~~(iv)] a simplified employee pension under Internal Revenue Code § 408(k); or~~

~~[(v)] (IV) an ineligible deferred compensation plan under § 457(f) of the Internal Revenue Code.~~

~~(b) Subject to subsection (d) of this section, to determine Maryland adjusted gross income, if, on the last day of the taxable year, a resident is at least 65 years old or is totally disabled or the resident's spouse is totally disabled, an amount is subtracted from federal adjusted gross income equal to the lesser of:~~

~~(1) the cumulative or total annuity, pension, or endowment income from an employee retirement system included in federal adjusted gross income; or~~

~~(2) (I) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2015, BUT BEFORE JANUARY 1, 2017, \$28,900, LESS ANY PAYMENT RECEIVED AS OLD AGE, SURVIVORS, OR DISABILITY BENEFITS UNDER THE SOCIAL SECURITY ACT, THE RAILROAD RETIREMENT ACT, OR BOTH; AND~~

~~(II) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2016, \$28,900, INCREASED BY THE PERCENTAGE OF THE INCREASE IN the maximum annual benefit under the Social Security Act computed under subsection (c) of this section, less any payment received as old age, survivors, or disability benefits under the Social Security Act, the Railroad Retirement Act, or both.~~

~~(e) For purposes of subsection (b)(2) of this section, the Comptroller:~~

~~(1) shall determine the maximum annual benefit under the Social Security Act allowed for an individual who retired at age 65 for the prior calendar year; and~~

~~(2) may allow the subtraction to the nearest \$100.~~

~~(d) Military retirement income that is included in the subtraction under § 10-207(c) of this subtitle may not be taken into account for purposes of the subtraction under this section.~~

~~(E) FOR PURPOSES OF THIS SECTION, A DISTRIBUTION FROM A ROLLOVER INDIVIDUAL RETIREMENT ACCOUNT OR AN ANNUITY ESTABLISHED UNDER § 408 OF THE INTERNAL REVENUE CODE SHALL BE TREATED AS INCOME FROM AN EMPLOYEE RETIREMENT SYSTEM IF CONTRIBUTIONS TO THE ROLLOVER INDIVIDUAL RETIREMENT ACCOUNT OR ANNUITY CONSIST ENTIRELY OF THE TAX-FREE ROLLOVER OF DISTRIBUTIONS FROM AN EMPLOYEE RETIREMENT SYSTEM.~~

FOR the purpose of requiring the Comptroller to collect certain information on State income tax forms; requiring the Comptroller to produce a certain report; authorizing the Comptroller to adopt certain regulations; and generally relating to the collection of information pertaining to retirement income.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That:

(a) On or before January 1, 2017, the Comptroller shall alter the State personal income tax form as necessary to collect information on the amount of retirement income reported by an individual, and each spouse in case of a joint return from the following sources:

(1) a retirement plan that is part of an employee retirement system, as defined by § 10-209 of the Tax – General Article;

(2) an individual retirement account or annuity under § 408 of the Internal Revenue Code, including accounts consisting entirely of contributions rolled over from a defined benefit plan;

(3) a simplified employee pension under § 408(k) of the Internal Revenue Code; and

(4) other retirement income, including a Roth individual retirement account under § 408(a) of the Internal Revenue Code and an ineligible deferred compensation plan under § 457(f) of the Internal Revenue Code.

(b) Additionally, the Comptroller shall alter the personal income tax form as necessary to collect information on the total benefits received from Social Security and the subtraction modification under § 10-209 of the Tax – General Article claimed by an individual, and each spouse in the case of a joint return.

(c) The Comptroller may adopt regulations to carry out the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2018, the Comptroller shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the information collected under Section 1 of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 649

(House Bill 1182)

AN ACT concerning

### **Charitable Organizations and Representatives – Fund-Raising Counsel – Definition**

FOR the purpose of providing that a person who is engaged as an independent contractor directly by a charitable organization and who provides certain services relating to written materials prepared by a charitable organization or an employee of the charitable organization or provides certain services relating to event planning is not included in the definition of fund-raising counsel; and generally relating to fund-raising counsel and charitable organizations and representatives.

BY repealing and reenacting, without amendments,

Article – Business Regulation  
Section 6–101(a), (c), (d), and (f)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 6–101(h)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

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

**Article – Business Regulation**

6–101.

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

(c) (1) “Charitable contribution” means a contribution made on a representation that it will be used for a charitable purpose.

(2) “Charitable contribution” includes the payment, transfer, or enforceable pledge of financial help, including money, credit, property, or services.

(3) “Charitable contribution” does not include:

(i) an unsolicited gift;

(ii) a government grant or government money;

(iii) membership assessments, dues, or fines;

(iv) a payment for property sold or services rendered by a charitable organization, unless the property is sold or the services are rendered in connection with a charitable solicitation; and

(v) a public safety contribution as defined in subsection (j) of this section.

(d) (1) “Charitable organization” means:

(i) a person that:

1. is or holds itself out to be a benevolent, educational, eleemosynary, humane, patriotic, philanthropic, or religious organization; and

2. solicits or receives charitable contributions from the public; or

(ii) an ambulance, firefighting, fraternal, rescue, or police or other law enforcement organization when it solicits charitable contributions from the public.

(2) “Charitable organization” includes an area, branch, chapter, office, or similar affiliate that solicits charitable contributions from the public within the State for a charitable organization that is organized or has its principal place of business outside the State.

(3) “Charitable organization” does not include:

(i) an agency of the State government or of a political subdivision;  
or

(ii) a political club, committee, or party.

(f) (1) “Charitable solicitation” means an oral or written request for a charitable contribution, regardless of whether the person who makes the request receives the charitable contribution.

(2) “Charitable solicitation” includes:

(i) a fund-raising drive, event, campaign, or other activity;

(ii) an announcement to the news media seeking charitable contributions;

(iii) except as provided in § 6-621 of this title, the distribution of a written advertisement or other publication that, directly or implicitly, seeks charitable contributions; and

(iv) the sale of, or offer or attempt to sell an admission, advertisement, advertising space, book card, chance, coupon, device, magazine, membership, merchandise, patron listing, subscription, tag, ticket, or other tangible item in connection with which:

1. an appeal is made for charitable contributions;

2. the name of a charitable organization is used expressly or implicitly to induce a purchase; or

3. a statement is made that some or all of the proceeds from the sale are to be used for a charitable purpose.

(h) (1) “Fund-raising counsel” means a person who, for pay:

(i) advises a charitable organization about a charitable solicitation in Maryland or holds, plans, or manages a charitable solicitation in Maryland; but

(ii) does not directly solicit or receive charitable contributions from the public.

(2) “Fund-raising counsel” does not include:

(i) an attorney because of giving legal advice;

(ii) an attorney, investment counselor, or banker because of advising a client or customer to contribute to a charitable organization;

(iii) a salaried officer or employee of a charitable organization that keeps a permanent office in the State; [or]

(iv) a person who prepares a grant proposal for submission to a specific charitable organization, corporation, or foundation; **OR**

**(V) A PERSON WHO IS ENGAGED AS AN INDEPENDENT CONTRACTOR DIRECTLY BY A CHARITABLE ORGANIZATION AND WHO:**

**1. PRINTS, REPRODUCES, OR DISTRIBUTES WRITTEN MATERIALS PREPARED BY A CHARITABLE ORGANIZATION OR AN EMPLOYEE OF THE CHARITABLE ORGANIZATION;**

**2. PERFORMS ARTISTIC OR GRAPHIC SERVICES RELATING TO WRITTEN MATERIALS PREPARED BY A CHARITABLE ORGANIZATION OR AN EMPLOYEE OF THE CHARITABLE ORGANIZATION; OR**

**3. IS REGULARLY AND PRIMARILY ENGAGED IN THE PLANNING AND ORGANIZING OF MEETINGS, SOCIAL EVENTS, OR OTHER SIMILAR ACTIVITIES, BUT WHO DOES NOT SOLICIT CHARITABLE CONTRIBUTIONS AS A PART OF THE PERSON’S SERVICES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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**Chapter 650****(House Bill 1353)**

AN ACT concerning

**Calvert County – Alcoholic Beverages – Special Event Festival Permit**

FOR the purpose of altering a requirement that an applicant for a special event festival beer, wine, and liquor permit in Calvert County demonstrate a certain expectation of attendance; and generally relating to alcoholic beverages permits in Calvert County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 14–102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 14–906

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

14–102.

This title applies only in Calvert County.

14–906.

- (a) There is a special event festival beer, wine, and liquor permit.
- (b) The Board may issue the permit to a license holder of a Class B or Class D license.
- (c) Before the Board issues the permit, the applicant shall:
  - (1) demonstrate a reasonable expectation of attracting at least **[750] 250** customers to the special event; and

(2) commit to provide any additional security personnel required to be at the event for traffic, parking, and patrol purposes.

(d) Subject to the discretion of the Board, the permit authorizes the holder to operate additional bars or service counters for the sale and service of alcoholic beverages that are allowed under the holder's license:

(1) inside or outside the licensed premises; and

(2) for at least 1 day and not more than 3 consecutive days.

(e) The permit fee is \$100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, May 19, 2016.**

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## Chapter 651

(House Bill 1371)

AN ACT concerning

### **Criminal Law – ~~Assault in the First Degree~~ – Strangulation – Lethality Screening Protocol and Training**

FOR the purpose of ~~prohibiting a person from committing an assault by intentionally strangling, suffocating, or impeding the normal breathing or circulation of blood of another by applying pressure to the other person's throat or neck or by blocking the other person's nose or mouth; providing that a person who violates this Act is guilty of assault in the first degree; providing penalties for a violation of this Act; requiring, on or before a certain date, the Police Training Commission to develop a certain lethality screening protocol and training for law enforcement officers to employ when investigating complaints of domestic violence and assault by strangulation; requiring the Commission to make a certain report; and generally relating to assault by strangulation.~~

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

~~Article – Criminal Law~~

~~Section 3-202~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2015 Supplement)~~

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

~~Article—Criminal Law~~

~~§ 202.~~

~~(a) (1) A person may not intentionally cause or attempt to cause serious physical injury to another.~~

~~(2) A person may not commit an assault with a firearm, including:~~

~~(i) a handgun, antique firearm, rifle, shotgun, short barreled shotgun, or short barreled rifle, as those terms are defined in § 4-201 of this article;~~

~~(ii) an assault pistol, as defined in § 4-301 of this article;~~

~~(iii) a machine gun, as defined in § 4-401 of this article; and~~

~~(iv) a regulated firearm, as defined in § 5-101 of the Public Safety Article.~~

~~(3) A PERSON MAY NOT COMMIT AN ASSAULT BY INTENTIONALLY STRANGLING, SUFFOCATING, OR IMPEDING THE NORMAL BREATHING OR CIRCULATION OF BLOOD OF ANOTHER BY APPLYING PRESSURE TO THE OTHER PERSON'S THROAT OR NECK OR BY BLOCKING THE OTHER PERSON'S NOSE OR MOUTH.~~

~~(b) A person who violates this section is guilty of the felony of assault in the first degree and on conviction is subject to imprisonment not exceeding 25 years.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That~~ the Maryland Police Training Commission, on or before January 1, 2017, shall:

(1) after conducting a review of the experience and best practices of other states, develop a lethality screening protocol and training for law enforcement officers to employ when investigating complaints of domestic violence and assault by strangulation; and

(2) report the result of the review and the protocol and training developed in accordance with this Act to the General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 652

### (House Bill 1444)

AN ACT concerning

#### Mary Byrd Wyman Memorial Association of Baltimore City

FOR the purpose of altering the incorporation of the Mary Byrd Wyman Memorial Association of Baltimore City; altering the purpose of the Association; stating the principal address of and the name and address of the resident agent of the Association; prohibiting the Association from issuing capital stock; providing that the business and affairs of the Association is managed by the Board of Trustees; providing for the Board of Trustees; limiting the use of the earnings of the Association and the activities of the Association; providing for the distribution of the Association's income during certain periods; stating certain prohibited acts of the Association; providing for the distribution of the assets of the Association in the event of dissolution of the Association; providing for the perpetual existence of the Association; providing for the limited liability of a Trustee of the Association under certain circumstances; providing that a Trustee is personally liable to the Association under certain circumstances; providing for the amendment or repeal of the charter of the Association; and generally relating to the Mary Byrd Wyman Memorial Association of Baltimore City.

BY repealing and reenacting, with amendments,  
Chapter 262 of the Acts of the General Assembly of 1884  
Section 1

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

#### Chapter 262 of the Acts of 1884

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That [William W. Taylor, William Keyser, Skipwith Wilmer, H. Irvine Keyser and Charles F. Taylor, be and they are]:

(A) **THERE IS** hereby constituted a body corporate, under the name of "The Mary Byrd Wyman Memorial Association of Baltimore [city," for the purpose of receiving, holding and dispensing a fund for the assistance, education or maintenance of such persons as the said corporation may select as recipients of the benefits thereof; and the said body corporate is hereby] **CITY**".

**(B) (1) THE PURPOSE OF THE ASSOCIATION IS TO ASSIST IN MAKING IT POSSIBLE FOR CHILDREN OF ELEMENTARY AND SECONDARY SCHOOL AGE TO RECEIVE AN EDUCATION THAT THEY MIGHT OTHERWISE BE UNABLE TO AFFORD.**

**(2) THE ASSOCIATION IS ORGANIZED EXCLUSIVELY FOR CHARITABLE, RELIGIOUS, EDUCATIONAL, AND SCIENTIFIC PURPOSES, INCLUDING, FOR THOSE PURPOSES, THE MAKING OF DISTRIBUTIONS TO ORGANIZATIONS THAT QUALIFY AS EXEMPT ORGANIZATIONS UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE TAX CODE.**

**(C) THE ASSOCIATION IS** authorized [and empowered] to take, hold, transmit and convey, the property described and granted in a deed dated the fifth day of March, in the year eighteen hundred and eighty–three, and recorded among the land records of Baltimore city, in liber R. J. A., number nine hundred and seventy–three, folio nine, etc., from Samuel G. Wyman to the said William W. Taylor, William Keyser, Skipwith Wilmer, H. Irvine Keyser and Charles F. Taylor; and also any other real or personal estate which it may purchase or otherwise acquire for the purposes of its incorporation, and to make any contract in reference thereto; to sue and be sued, plead and be impleaded, in all courts and places whatsoever, and in all manner of suits and actions; to have a common seal, and to alter and change the same at pleasure[; to appoint such officers and employ such agents as it may require for the conduct of its affairs and the management of its property, and to adopt such by–laws and rules as may be needful for its government; to provide for and regulate the succession of its members, and to perpetuate its existence.].

**(D) (1) THE ADDRESS OF THE PRINCIPAL OFFICE OF THE ASSOCIATION IN MARYLAND IS 601 E. SEMINARY AVENUE, BALTIMORE, MARYLAND 21286.**

**(2) THE NAME AND ADDRESS OF THE RESIDENT AGENT OF THE ASSOCIATION IS DOUGLAS G. OBER, 601 E. SEMINARY AVENUE, BALTIMORE, MARYLAND 21286.**

**(E) THE ASSOCIATION HAS NO AUTHORITY TO ISSUE CAPITAL STOCK.**

**(F) (1) THE BUSINESS AND AFFAIRS OF THE ASSOCIATION SHALL BE MANAGED BY THE BOARD OF TRUSTEES.**

**(2) THERE ARE THREE TRUSTEES.**

**(3) THE NUMBER OF TRUSTEES MAY BE ALTERED IN ACCORDANCE WITH THE ASSOCIATION’S BYLAWS, BUT MAY NOT BE REDUCED TO LESS THAN THREE.**

**(4) THE NAMES OF THE TRUSTEES AS OF JANUARY 1, 2016, ARE:**

- (I) DOUGLAS G. OBER;
- (II) CHARLES M. OBER; AND
- (III) CALVERT C. McCABE.

(G) (1) NO PART OF THE NET EARNINGS OF THE ASSOCIATION SHALL INURE TO THE BENEFIT OF, OR BE DISTRIBUTABLE TO ITS TRUSTEES, OFFICERS, OR OTHER PRIVATE PERSONS, EXCEPT THAT THE ASSOCIATION SHALL BE AUTHORIZED AND EMPOWERED TO PAY REASONABLE COMPENSATION FOR SERVICES RENDERED AND TO MAKE PAYMENTS AND DISTRIBUTIONS IN FURTHERANCE OF THE PURPOSE SET FORTH IN SUBSECTION (B) OF THIS SECTION. NO SUBSTANTIAL PART OF THE ACTIVITIES OF THE ASSOCIATION SHALL BE THE CARRYING ON OF PROPAGANDA, OR OTHERWISE ATTEMPTING TO INFLUENCE LEGISLATION, AND THE ASSOCIATION MAY NOT PARTICIPATE IN, OR INTERVENE IN (INCLUDING THE PUBLISHING OR DISTRIBUTION OF STATEMENTS) ANY POLITICAL CAMPAIGN ON BEHALF OF OR IN OPPOSITION TO ANY CANDIDATE FOR PUBLIC OFFICE. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE ASSOCIATION MAY NOT CARRY ON ANY OTHER ACTIVITIES NOT PERMITTED TO BE CARRIED ON:

(I) BY A CORPORATION EXEMPT FROM FEDERAL INCOME TAX UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE; OR

(II) BY A CORPORATION, CONTRIBUTIONS TO WHICH ARE DEDUCTIBLE UNDER § 170(C)(2) OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE.

(2) DURING ANY PERIOD, OR PERIODS, OF TIME THAT THE ASSOCIATION IS TREATED AS A “PRIVATE FOUNDATION” PURSUANT TO § 509 OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE, THE TRUSTEES MUST DISTRIBUTE THE ASSOCIATION’S INCOME AT SUCH TIME AND IN SUCH MANNER SO AS NOT TO SUBJECT THE ASSOCIATION TO TAX ON UNDISTRIBUTED INCOME IMPOSED BY § 4942 OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE. THE ASSOCIATION IS PROHIBITED FROM ENGAGING IN ANY ACT OF SELF-DEALING (AS DEFINED IN § 4941(D) OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE), OR FROM RETAINING ANY EXCESS BUSINESS HOLDINGS (AS DEFINED IN § 4943(C) OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE) WHICH WOULD SUBJECT THE ASSOCIATION TO TAX UNDER § 4943 OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX

CODE. DURING SUCH PERIOD, THE ASSOCIATION IS PROHIBITED FROM MAKING ANY INVESTMENTS OR OTHERWISE ACQUIRING ASSETS IN SUCH A MANNER SO AS TO SUBJECT THE ASSOCIATION TO TAX UNDER § 4944 OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE, FROM RETAINING ANY ASSETS WHICH WOULD SUBJECT THE ASSOCIATION TO TAX UNDER § 4944 OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE, IF THE TRUSTEES HAVE ACQUIRED SUCH ASSETS, AND FROM MAKING ANY TAXABLE EXPENDITURES (AS DEFINED IN § 4945(D) OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE).

(3) IN THE EVENT OF DISSOLUTION OF THE ASSOCIATION, ASSETS SHALL BE DISTRIBUTED FOR ONE OR MORE EXEMPT PURPOSES WITHIN THE MEANING OF § 501(C)(3) OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE, OR SHALL BE DISTRIBUTED TO THE FEDERAL GOVERNMENT, OR TO A STATE OR LOCAL GOVERNMENT, FOR A PUBLIC PURPOSE. ANY SUCH ASSETS NOT SO DISPOSED OF SHALL BE DISPOSED OF BY A COURT OF COMPETENT JURISDICTION OF THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE ASSOCIATION IS THEN LOCATED, EXCLUSIVELY FOR SUCH PURPOSES OR TO SUCH ORGANIZATION OR ORGANIZATIONS AS SAID COURT SHALL DETERMINE, WHICH ARE ORGANIZED AND OPERATED EXCLUSIVELY FOR SUCH PURPOSES. IN NO EVENT SHALL ANY OF SUCH ASSETS OR PROPERTY BE DISTRIBUTED TO ANY TRUSTEE OR OFFICER OR ANY PRIVATE INDIVIDUAL.

(H) THE DURATION OF THE EXISTENCE OF THE ASSOCIATION IS PERPETUAL.

(I) (1) A TRUSTEE OF THE ASSOCIATION SHALL NOT BE PERSONALLY LIABLE TO THE ASSOCIATION FOR MONETARY DAMAGES FOR ANY BREACH OF FIDUCIARY DUTY AS A TRUSTEE, EXCEPT FOR LIABILITY:

(I) FOR ANY BREACH OF THE TRUSTEE'S DUTY OF LOYALTY TO THE ASSOCIATION;

(II) FOR ACTS OR OMISSIONS NOT IN GOOD FAITH OR WHICH INVOLVE INTENTIONAL MISCONDUCT OR A KNOWING VIOLATION OF LAW; OR

(III) FOR ANY TRANSACTION FROM WHICH THE TRUSTEE DERIVED AN IMPROPER PERSONAL BENEFIT.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, RELIEF FROM LIABILITY FOR WHICH A TRUSTEE MAY BE PERSONALLY LIABLE TO

THE ASSOCIATION MAY NOT APPLY IN ANY INSTANCE WHERE SUCH RELIEF IS INCONSISTENT WITH ANY PROVISION OF THE INTERNAL REVENUE CODE APPLICABLE TO CORPORATIONS DESCRIBED IN § 501(C)(3) OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE.

(J) FROM TIME TO TIME, AND IN FURTHERANCE OF THE PURPOSES FOR WHICH THE ASSOCIATION EXISTS, ANY OF THE PROVISIONS OF THIS CHARTER MAY BE AMENDED, ALTERED, OR REPEALED, AND OTHER PROVISIONS AUTHORIZED BY THE LAWS OF THE STATE OF MARYLAND AT THE TIME IN FORCE MAY BE ADDED OR INSERTED BY A UNANIMOUS VOTE OF THE BOARD OF TRUSTEES, AND ALL RIGHTS AT ANY TIME CONFERRED ON THE TRUSTEES OF THE ASSOCIATION BY THIS CERTIFICATE OF INCORPORATION ARE GRANTED SUBJECT TO THE PROVISIONS OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 653

(House Bill 1446)

AN ACT concerning

**State Department of Assessments and Taxation – ~~Registering Entity Names – Limitations~~ Recordation of Governing and Charter Documents – Prohibitions**

FOR the purpose of prohibiting ~~certain entity names from being registered with the State Department of Assessments and Taxation except under certain circumstances; requiring the Department to make a certain determination under certain circumstances; prohibiting the Department from registering a certain entity name under certain circumstances; prohibiting the registration of a certain entity name for a certain period of time under certain circumstances; and generally relating to registering entity names with~~ a person from causing to be recorded a governing document or charter document of an entity that the person knows is not authorized by a certain individual or that otherwise does not conform to State law; authorizing a person who believes that a governing document or charter document was recorded in violation of a certain provision of this Act to submit a certain affidavit to the State Department of Assessments and Taxation; requiring the Department to send a certain notice, in a certain manner, to a certain resident agent under certain circumstances; requiring the Department to adopt by regulation and make available forms of certain affidavits; authorizing the Department to void a governing document or charter

*document under certain circumstances; requiring the Department to send a certain notice to certain persons, in a certain manner, if the Department voids a governing document or charter document and if the Department receives a certain affidavit; authorizing a person who disagrees with a certain determination made by the Department to file a certain petition in a certain circuit court; prohibiting the Department from being joined as a party to a certain proceeding; requiring the prevailing party in a certain proceeding and the Department to take certain actions if the circuit court determines that the governing document or charter document was recorded in violation of a certain provision of this Act; authorizing the circuit court to award certain damages, fees, and costs to the prevailing party in a certain proceeding; prohibiting the Department from charging a certain fee or refunding a certain fee; authorizing the Department to adopt certain regulations; and generally relating to the recordation of governing documents and charter documents by the State Department of Assessments and Taxation.*

BY adding to

Article – Corporations and Associations

Section ~~1-509~~ 1-201.1

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

### Article – Corporations and Associations

#### ~~1-509.~~

~~(A) (1) AN ENTITY NAME THAT INDICATES THE ENTITY NAME WILL BE USED FOR A PROFESSION OR AN OCCUPATION THAT REQUIRES LICENSURE MAY NOT BE REGISTERED WITH THE DEPARTMENT UNLESS THE ENTITY HAS THE APPROPRIATE LICENSURE.~~

~~(2) THE DEPARTMENT SHALL DETERMINE WHETHER THE ENTITY HAS THE APPROPRIATE LICENSURE AND, IF NOT, MAY NOT REGISTER THE ENTITY NAME.~~

~~(B) AN ENTITY NAME THAT INCLUDES THE NAME OF AN INDIVIDUAL MAY NOT BE REGISTERED WITH THE DEPARTMENT UNLESS THE ENTITY REGISTERING THE NAME IS THAT INDIVIDUAL.~~

~~(C) IF AN ENTITY HAS FORFEITED THE RIGHT TO DO BUSINESS IN MARYLAND, AND THE RIGHT TO USE THE ENTITY NAME IS FORFEITED, THE ENTITY NAME MAY NOT BE REGISTERED WITH THE DEPARTMENT UNTIL AT LEAST 24 MONTHS AFTER THE DATE OF THE PROCLAMATION OF FORFEITURE.~~

1-201.1.

(A) A PERSON MAY NOT CAUSE TO BE RECORDED UNDER THIS SUBTITLE A GOVERNING DOCUMENT OR CHARTER DOCUMENT OF AN ENTITY THAT THE PERSON KNOWS:

(1) IS NOT AUTHORIZED BY AT LEAST ONE INDIVIDUAL WHOSE NAME IS INCLUDED IN THE ENTITY NAME; OR

(2) DOES NOT OTHERWISE CONFORM TO STATE LAW.

(B) (1) A PERSON WHO BELIEVES THAT A GOVERNING DOCUMENT OR CHARTER DOCUMENT WAS RECORDED IN VIOLATION OF SUBSECTION (A) OF THIS SECTION MAY SUBMIT TO THE DEPARTMENT AN AFFIDAVIT STATING THE FACTUAL BASIS FOR THE PERSON'S BELIEF.

(2) IF THE DEPARTMENT RECEIVES AN AFFIDAVIT FROM A PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL SEND TO THE RESIDENT AGENT OF THE ENTITY FOR WHICH THE GOVERNING DOCUMENT OR CHARTER DOCUMENT WAS FILED FOR RECORDATION A NOTICE THAT:

(I) INCLUDES A COPY OF THE GOVERNING DOCUMENT OR CHARTER DOCUMENT;

(II) INDICATES THE DEPARTMENT IDENTIFICATION NUMBER ASSOCIATED WITH THE ENTITY;

(III) STATES THE PROHIBITION UNDER SUBSECTION (A) OF THIS SECTION;

(IV) STATES THAT THE DEPARTMENT HAS REASON TO BELIEVE THAT THE GOVERNING DOCUMENT OR CHARTER DOCUMENT HAS BEEN FILED FOR RECORDATION IN VIOLATION OF SUBSECTION (A) OF THIS SECTION AND DESCRIBES THE FACTUAL BASIS FOR THAT BELIEF; AND

(V) ADVISES THAT THE GOVERNING DOCUMENT OR CHARTER DOCUMENT MAY BE VOIDED BY THE DEPARTMENT UNLESS, WITHIN 45 DAYS AFTER THE NOTICE IS SENT BY THE DEPARTMENT, THE RESIDENT AGENT OR OTHER AUTHORIZED PERSON SUBMITS TO THE DEPARTMENT AN AFFIDAVIT THAT:

1. STATES THE RESIDENT AGENT'S OR OTHER AUTHORIZED PERSON'S BELIEF THAT THE GOVERNING DOCUMENT OR CHARTER DOCUMENT DOES NOT VIOLATE SUBSECTION (A) OF THIS SECTION; AND

**2. PROVIDES THE FACTUAL BASIS FOR THAT BELIEF.**

**(3) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND BY FIRST-CLASS MAIL, TO THE ENTITY'S RESIDENT AGENT AT THE ADDRESS PROVIDED FOR THE RESIDENT AGENT IN THE GOVERNING DOCUMENT OR CHARTER DOCUMENT.**

**(C) (1) THE DEPARTMENT SHALL ADOPT BY REGULATION AND MAKE AVAILABLE FORMS OF THE AFFIDAVITS THAT MUST BE USED FOR THE PURPOSES DESCRIBED IN SUBSECTION (B)(1) AND (B)(2)(V) OF THIS SECTION.**

**(2) THE FORMS SHALL REQUIRE THAT THE AFFIDAVITS BE SWORN UNDER THE PENALTIES OF PERJURY.**

**(D) (1) THE DEPARTMENT MAY VOID A GOVERNING DOCUMENT OR CHARTER DOCUMENT AFTER THE EXPIRATION OF THE 45-DAY PERIOD SPECIFIED IN THE NOTICE REQUIRED UNDER SUBSECTION (B)(2)(V) OF THIS SECTION IF THE DEPARTMENT DOES NOT RECEIVE FROM THE ENTITY'S RESIDENT AGENT OR OTHER AUTHORIZED PERSON AN AFFIDAVIT THAT:**

**(I) STATES THE RESIDENT AGENT'S OR OTHER AUTHORIZED PERSON'S BELIEF THAT THE GOVERNING DOCUMENT OR CHARTER DOCUMENT DOES NOT VIOLATE SUBSECTION (A) OF THIS SECTION; AND**

**(II) PROVIDES THE FACTUAL BASIS FOR THAT BELIEF.**

**(2) IF THE DEPARTMENT VOIDS A GOVERNING DOCUMENT OR CHARTER DOCUMENT UNDER THIS SUBSECTION, THE DEPARTMENT PROMPTLY SHALL SEND NOTICE OF THE VOIDING TO ALL PERSONS WHO SUBMITTED AFFIDAVITS IN ACCORDANCE WITH SUBSECTION (B)(1) OF THIS SECTION.**

**(E) (1) IF THE DEPARTMENT RECEIVES AN AFFIDAVIT IN RESPONSE TO THE NOTICE SENT BY THE DEPARTMENT UNDER SUBSECTION (B)(2) OF THIS SECTION, THE DEPARTMENT SHALL SEND A NOTICE STATING THAT THE DEPARTMENT WILL TAKE NO FURTHER ACTION UNLESS A COURT OF COMPETENT JURISDICTION ORDERS THE DEPARTMENT TO TAKE FURTHER ACTION.**

**(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SENT IN THE SAME MANNER REQUIRED FOR THE NOTICE SENT UNDER SUBSECTION (B)(2)(V) OF THIS SECTION TO:**

**(I) THE PERSON WHO FILED THE AFFIDAVIT DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION; AND**

**(II) THE ENTITY'S RESIDENT AGENT.**

**(F) (1) A PERSON WHO DISAGREES WITH A DETERMINATION MADE BY THE DEPARTMENT UNDER SUBSECTION (E)(1) OF THIS SECTION MAY FILE A PETITION IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PERSON RESIDES OR IN WHICH THE RESIDENT AGENT IS LOCATED, SEEKING A DETERMINATION OF THE VALIDITY OF THE GOVERNING DOCUMENT OR CHARTER DOCUMENT.**

**(2) THE DEPARTMENT MAY NOT BE JOINED AS A PARTY TO A PROCEEDING UNDER THIS SUBSECTION.**

**(3) IF THE COURT DETERMINES THAT THE GOVERNING DOCUMENT OR CHARTER DOCUMENT WAS RECORDED IN VIOLATION OF SUBSECTION (A) OF THIS SECTION:**

**(I) THE COURT SHALL ORDER THAT THE RECORDED GOVERNING DOCUMENT OR CHARTER DOCUMENT BE VOIDED; AND**

**(II) THE PREVAILING PARTY SHALL PROVIDE A COPY OF THE ORDER TO THE DEPARTMENT.**

**(4) ON RECEIPT OF A COURT ORDER REQUIRING VOIDING OF A RECORDED GOVERNING DOCUMENT OR CHARTER DOCUMENT, THE DEPARTMENT SHALL:**

**(I) VOID THE GOVERNING DOCUMENT OR CHARTER DOCUMENT; AND**

**(II) FILE A RECORD INDICATING THAT THE GOVERNING DOCUMENT OR CHARTER DOCUMENT WAS VOIDED IN ACCORDANCE WITH A COURT ORDER.**

**(5) THE COURT MAY AWARD TO THE PREVAILING PARTY IN A PROCEEDING UNDER THIS SUBSECTION:**

**(I) DAMAGES SUSTAINED BY THE PREVAILING PARTY; AND**

**(II) REASONABLE ATTORNEY'S FEES AND COSTS.**

**(G) THE DEPARTMENT MAY NOT:**

**(1) CHARGE A FEE TO CARRY OUT ITS OBLIGATIONS UNDER THIS SECTION, INCLUDING FOR THE SENDING OF ANY NOTICES REQUIRED UNDER THIS SECTION; OR**

**(2) REFUND ANY FEE PAID FOR RECORDING A GOVERNING DOCUMENT OR CHARTER DOCUMENT VOIDED UNDER THIS SECTION.**

**(H) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, May 19, 2016.**

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**Chapter 654**

**(House Bill 1488)**

AN ACT concerning

**Service, Stipends, and Scholarships – Maryland Corps Program – Established**

FOR the purpose of establishing the Maryland Corps Program; providing for the purpose of the Program; requiring a certain Board of Directors to administer and manage the Program; providing for the composition of the Board; providing for the appointment, terms, and removal of members of the Board; providing that members of the Board may not receive certain compensation but are entitled to certain reimbursement; requiring the Governor's Office on Service and Volunteerism within the Governor's Office of Community Initiatives to provide certain staffing and assistance to the Board and a certain operator; requiring the Board to submit a certain Request for Proposals (RFP) on or before a certain date; requiring the RFP to include certain elements and expectations for a certain operator; requiring certain corps participants to serve a certain nonprofit or governmental entity for a certain period of time; authorizing certain corps participants to receive certain stipends and certain scholarships under certain circumstances; specifying the use of certain scholarships; establishing the Maryland Corps Program Fund; specifying the purpose of the Fund; requiring the Board to administer the Fund; specifying that the Fund is a continuing, nonlapsing fund that is not subject to a certain provision of law; requiring the State Treasurer to hold the Fund separately and invest the money in the Fund in a certain manner; requiring the Comptroller to account for the Fund; providing for the composition and uses of the Fund; prohibiting any unspent portion of the Fund from being transferred or used in a certain manner; requiring the Board to prepare certain reports annually; authorizing the Fund to be subject to a certain audit; ~~requiring the Governor to include certain appropriations~~ providing that funds for the Program will be as provided in the State budget in certain fiscal years for certain purposes; requiring the Board to explore certain possibilities; requiring the Board to submit certain reports to the Governor and the General Assembly in accordance with certain

provisions of law; providing for the staggering of the terms of certain members of the Board; stating the intent of the General Assembly in awarding stipends and scholarships under this Act; requiring certain members of the Board to be appointed on or before a certain date; defining certain terms; and generally relating to the establishment of the Maryland Corps Program.

BY repealing and reenacting, without amendments,

Article – Education

Section 18–103

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

(As enacted by Chapter 277 of the Acts of the General Assembly of 2011)

BY adding to

Article – Education

Section 24–1101 through 24–1111 to be under the new subtitle “Subtitle 11.

Maryland Corps Program”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland

(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)84. and 85.

Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)86.

Annotated Code of Maryland

(2015 Replacement Volume)

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

### **Article – Education**

18–103.

Except as otherwise provided in Subtitles 4, 5, and 12 of this title, a scholarship, grant, loan, or other student financial assistance awarded by the Office may be used only

at a public or private nonprofit institution of higher education in this State that possesses a certificate of approval from the Commission.

**SUBTITLE 11. MARYLAND CORPS PROGRAM.**

**24-1101.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BOARD” MEANS THE BOARD OF DIRECTORS OF THE PROGRAM.

(C) “CORPS PARTICIPANT” MEANS AN INDIVIDUAL WHO PARTICIPATES IN THE PROGRAM AND:

(1) IS BETWEEN THE AGES OF 17 YEARS OLD AND 23 YEARS OLD;

(2) IS ELIGIBLE FOR IN-STATE TUITION;

(3) HAS OBTAINED A HIGH SCHOOL DIPLOMA OR GED; AND

(4) HAS NOT OBTAINED A VOCATIONAL CERTIFICATE, AN ASSOCIATE’S DEGREE, OR A BACHELOR’S DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION.

(D) “FUND” MEANS THE MARYLAND CORPS PROGRAM FUND.

(E) “PROGRAM” MEANS THE MARYLAND CORPS PROGRAM.

**24-1102.**

(A) THERE IS A MARYLAND CORPS PROGRAM IN THE STATE ADMINISTERED AND MANAGED BY THE BOARD.

(B) THE PURPOSE OF THE PROGRAM IS TO:

(1) PROVIDE MEANINGFUL SERVICE OPPORTUNITIES TO AT LEAST 100 CORPS PARTICIPANTS THAT WILL ADDRESS THE SOCIAL NEEDS OF THE COMMUNITY;

(2) EQUIP CORPS PARTICIPANTS WITH THE SKILLS THAT WILL ENABLE THEM TO SUCCESSFULLY MAKE THE TRANSITION FROM HIGH SCHOOL TO AN INSTITUTION OF HIGHER EDUCATION; AND

**(3) PROVIDE SCHOLARSHIPS TO CORPS PARTICIPANTS WHO HAVE COMPLETED THE PROGRAM TO BE USED AT INSTITUTIONS OF HIGHER EDUCATION TOWARD VOCATIONAL CERTIFICATES, ASSOCIATE'S DEGREES, OR BACHELOR'S DEGREES.**

**24-1103.**

**(A) A BOARD OF DIRECTORS SHALL ADMINISTER AND MANAGE THE PROGRAM.**

**(B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:**

- (1) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE;**
- (2) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE; AND**
- (3) THREE MEMBERS APPOINTED BY THE GOVERNOR.**

**(C) IN MAKING APPOINTMENTS TO THE BOARD, THE PRESIDENT, SPEAKER, AND GOVERNOR SHALL CONSIDER:**

**(1) THE PROFESSIONAL OR PERSONAL EXPERIENCE OF THE INDIVIDUAL IN COMMUNITY OR OTHER SERVICE, NONPROFIT MANAGEMENT, CIVIC ENGAGEMENT, OR VOLUNTEERISM; AND**

**(2) THE CULTURAL, GEOGRAPHIC, RACIAL, ETHNIC, AND GENDER DIVERSITY OF THE STATE.**

**(D) 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.**

**(E) (1) THE TERM OF A MEMBER OF THE BOARD IS 4 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON JUNE 1, 2016.**

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

(F) (1) A MEMBER APPOINTED BY THE PRESIDENT MAY BE REMOVED BY THE PRESIDENT FOR THE REASONS STATED IN PARAGRAPH (4) OF THIS SUBSECTION.

(2) A MEMBER APPOINTED BY THE SPEAKER MAY BE REMOVED BY THE SPEAKER FOR THE REASONS STATED IN PARAGRAPH (4) OF THIS SUBSECTION.

(3) A MEMBER APPOINTED BY THE GOVERNOR MAY BE REMOVED BY THE GOVERNOR FOR THE REASONS STATED IN PARAGRAPH (4) OF THIS SUBSECTION.

(4) A MEMBER OF THE BOARD MAY BE REMOVED FOR:

(I) INCOMPETENCE;

(II) MISCONDUCT;

(III) IMMORALITY; OR

(IV) FAILURE TO PERFORM THE DUTIES OF THE POSITION.

24-1104.

THE GOVERNOR'S OFFICE ON SERVICE AND VOLUNTEERISM WITHIN THE GOVERNOR'S OFFICE OF COMMUNITY INITIATIVES SHALL PROVIDE:

(1) STAFF AND OTHER SUPPORT TO THE BOARD; AND

(2) TECHNICAL AND OTHER ASSISTANCE TO THE OPERATOR SELECTED UNDER § 24-1105 OF THIS SUBTITLE.

24-1105.

(A) ON OR BEFORE JUNE 1, 2017, THE BOARD SHALL ISSUE A REQUEST FOR PROPOSALS (RFP) FOR AN OPERATOR FOR THE PROGRAM.

(B) THE OPERATOR SHALL MEET THE QUALIFICATIONS ESTABLISHED BY THE BOARD.

(C) THE RFP SHALL INCLUDE THE FOLLOWING ELEMENTS AND EXPECTATIONS FOR THE OPERATOR:

(1) IDENTIFYING MEANINGFUL SERVICE OPPORTUNITIES FOR CORPS PARTICIPANTS THAT ADDRESS THE SOCIAL NEEDS OF THE COMMUNITY THAT ARE PROVIDED BY NONPROFIT ORGANIZATIONS OR GOVERNMENT AGENCIES;

(2) IDENTIFYING SERVICE OPPORTUNITIES THAT WILL TEACH 21ST CENTURY SKILLS TO CORPS PARTICIPANTS;

(3) IDENTIFYING ACADEMIC CREDIT OPPORTUNITIES FOR CORPS PARTICIPANTS;

(4) CREATING A SELECTIVE RECRUITMENT PROCESS FOR CORPS PARTICIPANTS, GIVING PRIORITY TO LOW-INCOME INDIVIDUALS;

(5) CREATING AND IMPLEMENTING AN ORIENTATION AND TRAINING PROGRAM FOR CORPS PARTICIPANTS AND THE NONPROFIT OR GOVERNMENT AGENCIES WHERE CORPS PARTICIPANTS EFFECTUATE THEIR SERVICE;

(6) PROVIDING SUPPORT TO CORPS PARTICIPANTS IN FINDING PLACEMENTS;

(7) EMPHASIZING AND ENCOURAGING THE IMPORTANCE OF BEING A SUCCESSFUL CONTRIBUTOR TO SOCIETY, A MEASURE OF WHICH IS A VOCATIONAL CERTIFICATE, AN ASSOCIATE'S DEGREE, OR A BACHELOR'S DEGREE;

(8) CREATING TOOLS TO MEASURE THE SUCCESS OF CORPS PARTICIPANTS AS THEY TRANSITION FROM HIGH SCHOOL TO AN INSTITUTION OF HIGHER EDUCATION FOR A VOCATIONAL CERTIFICATE, AN ASSOCIATE'S DEGREE, OR A BACHELOR'S DEGREE;

(9) FACILITATING THE AWARD OF STIPENDS FOR CORPS PARTICIPANTS DURING THEIR YEAR OF SERVICE;

(10) FACILITATING THE AWARD OF SCHOLARSHIPS FOR CORPS PARTICIPANTS WHO COMPLETE THE PROGRAM TO BE USED AT INSTITUTIONS OF HIGHER EDUCATION TOWARD VOCATIONAL CERTIFICATES, ASSOCIATE'S DEGREES, OR BACHELOR'S DEGREES; ~~AND~~

(11) IDENTIFYING WHAT STATE SUPPORT WILL BE NECESSARY AND WHAT PUBLIC AND PRIVATE GRANT OPPORTUNITIES ARE AVAILABLE TO SUSTAIN AND INCREASE THE SIZE OF THE PROGRAM; AND

~~(11)~~ (12) ANY OTHER CHARACTERISTICS THAT THE BOARD DETERMINES WILL IMPROVE THE QUALITY AND SUCCESS OF THE PROGRAM.

24-1106.

**A CORPS PARTICIPANT:**

(1) SHALL SERVE FOR AT LEAST 9 MONTHS WITH A NONPROFIT ORGANIZATION OR GOVERNMENT AGENCY THAT HAS A FOCUS ON COMMUNITY OR OTHER SERVICE, CIVIC ENGAGEMENT, VOLUNTEERISM, OR OTHER ACTIVITIES OR EXPERIENCES WITH A SIMILAR MISSION; AND

(2) IS ELIGIBLE FOR A MONETARY STIPEND IN AN AMOUNT DETERMINED BY THE BOARD OF UP TO \$15,000.

24-1107.

(A) A CORPS PARTICIPANT WHO COMPLETES THE PROGRAM IS ELIGIBLE FOR A ONE-TIME SCHOLARSHIP AWARD, AS DETERMINED BY THE BOARD, IN THE AMOUNT OF UP TO \$6,000.

(B) A SCHOLARSHIP AWARDED UNDER SUBSECTION (A) OF THIS SECTION:

(1) MAY BE USED AT AN ELIGIBLE INSTITUTION AS DESCRIBED UNDER § 18-103 OF THIS ARTICLE TOWARD A VOCATIONAL CERTIFICATE, AN ASSOCIATE'S DEGREE, OR A BACHELOR'S DEGREE; AND

(2) MAY NOT BE CONSTRUED TO PROHIBIT OR IMPEDE THE AWARD OF ANY OTHER FINANCIAL AID FOR WHICH THE CORPS PARTICIPANT IS ELIGIBLE.

24-1108.

(A) THERE IS A MARYLAND CORPS PROGRAM FUND.

(B) THE PURPOSE OF THE FUND IS TO:

(1) PROVIDE STIPENDS TO CORPS PARTICIPANTS;

(2) PROVIDE SCHOLARSHIPS TO CORPS PARTICIPANTS WHO HAVE COMPLETED THE PROGRAM TO BE USED AT INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TOWARD VOCATIONAL CERTIFICATES, ASSOCIATE'S DEGREES, AND BACHELOR'S DEGREES;

(3) COVER EXPENSES INCURRED BY THE BOARD, INCLUDING EXPENSES INCURRED DURING THE DEVELOPMENT, ISSUANCE, AWARDED, AND FUNDING OF THE RFP; AND

(4) COVER EXPENSES INCURRED BY THE OPERATOR SELECTED UNDER § 24-1105 OF THIS SUBTITLE, AS DETERMINED BY THE BOARD TO BE RELEVANT TO THE SUCCESSFUL OPERATION OF THE PROGRAM.

(C) THE BOARD SHALL ADMINISTER THE FUND.

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

(E) (1) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY AND SHALL INVEST THE MONEY IN THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(F) THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(G) THE BOARD:

(1) MAY ACCEPT ANY GIFT OR GRANT FROM ANY PERSON FOR THE FUND;

(2) SHALL USE ANY GIFT OR GRANT THAT IT RECEIVES FOR THE REASONS STATED UNDER SUBSECTION (B) OF THIS SECTION; AND

(3) SHALL DEPOSIT ANY GIFT OR GRANT THAT IT RECEIVES FOR THE FUND WITH THE STATE TREASURER.

(H) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED UNDER § 24-1109 OF THIS SUBTITLE;

(2) GIFTS OR GRANTS RECEIVED BY THE BOARD FOR THE FUND;

(3) INVESTMENT EARNINGS OF THE FUND; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(I) THE FUND MAY BE USED ONLY FOR:

(1) PROVIDING STIPENDS TO CORPS PARTICIPANTS;

(2) PROVIDING SCHOLARSHIPS TO CORPS PARTICIPANTS WHO HAVE COMPLETED THE PROGRAM TO BE USED AT INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TOWARD VOCATIONAL CERTIFICATES, ASSOCIATE'S DEGREES, AND BACHELOR'S DEGREES;

(3) COVERING EXPENSES INCURRED BY THE BOARD, INCLUDING EXPENSES INCURRED DURING THE DEVELOPMENT, ISSUANCE, AWARDING, AND FUNDING OF THE RFP; AND

(4) COVERING EXPENSES INCURRED BY THE OPERATOR SELECTED UNDER § 24-1105 OF THIS SUBTITLE, AS DETERMINED BY THE BOARD TO BE RELEVANT TO THE SUCCESSFUL OPERATION OF THE PROGRAM.

(J) ANY UNSPENT PORTION 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 SUBTITLE.

(K) (1) BEGINNING WITH FISCAL YEAR 2018, AT THE END OF THE FISCAL YEAR, THE BOARD SHALL PREPARE AN ANNUAL REPORT OF THE FUND THAT INCLUDES AN ACCOUNTING OF ALL FINANCIAL RECEIPTS AND EXPENDITURES TO AND FROM THE FUND.

(2) THE BOARD SHALL SUBMIT A COPY OF THE REPORT TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

(L) THE FUND MAY BE SUBJECT TO AN AUDIT BY THE LEGISLATIVE AUDITOR.

24-1109.

(A) FOR FISCAL YEAR 2018, ~~THE GOVERNOR SHALL INCLUDE AN APPROPRIATION OF AT LEAST \$250,000 IN THE STATE BUDGET FOR THE FUND~~ FUNDS FOR THE PROGRAM SHALL BE AS PROVIDED IN THE STATE BUDGET FOR THE BOARD TO DEVELOP, ISSUE, AND AWARD THE RFP DESCRIBED UNDER § 24-1105 OF THIS SUBTITLE.

(B) FOR FISCAL YEAR 2019, ~~THE GOVERNOR SHALL INCLUDE AN APPROPRIATION OF AT LEAST \$1,000,000 IN THE STATE BUDGET FOR THE FUND~~ FUNDS FOR THE PROGRAM SHALL BE AS PROVIDED IN THE STATE BUDGET FOR THE BOARD TO DISBURSE STIPENDS TO CORPS PARTICIPANTS AND TO COVER ANY ADMINISTRATIVE OR OTHER COSTS INCURRED BY THE BOARD OR OPERATOR SELECTED UNDER § 24-1105 OF THIS SUBTITLE TO OPERATIONALIZE THE PROGRAM.

**(C) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, ~~THE GOVERNOR SHALL INCLUDE AN APPROPRIATION OF AT LEAST \$2,000,000 IN THE STATE BUDGET FOR THE FUND~~ FUNDS FOR THE PROGRAM SHALL BE AS PROVIDED IN THE STATE BUDGET FOR THE BOARD TO:**

**(1) PROVIDE STIPENDS TO CORPS PARTICIPANTS;**

**(2) PROVIDE SCHOLARSHIPS TO CORPS PARTICIPANTS WHO HAVE COMPLETED THE PROGRAM TO BE USED AT INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TOWARD VOCATIONAL CERTIFICATES, ASSOCIATE'S DEGREES, AND BACHELOR'S DEGREES;**

**(3) COVER EXPENSES INCURRED BY THE BOARD, INCLUDING EXPENSES INCURRED DURING THE DEVELOPMENT, ISSUANCE, AWARDING, AND FUNDING OF THE RFP; AND**

**(4) COVER EXPENSES INCURRED BY THE OPERATOR SELECTED UNDER § 24-1105 OF THIS SUBTITLE, AS DETERMINED BY THE BOARD TO BE RELEVANT TO THE SUCCESSFUL OPERATION OF THE PROGRAM.**

**24-1110.**

**THE BOARD SHALL EXPLORE THE POSSIBILITY OF:**

**(1) ACCESSING FEDERAL OR OTHER GRANT FUNDING FOR THE PROGRAM; AND**

**(2) AWARDING CORPS PARTICIPANTS WITH ACADEMIC CREDIT FOR THEIR SERVICE.**

**24-1111.**

**ON OR BEFORE DECEMBER 1 EACH YEAR, THE BOARD SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY REGARDING:**

**(1) THE NUMBER AND AMOUNT OF STIPENDS AWARDED UNDER THE PROGRAM;**

**(2) THE NONPROFIT OR GOVERNMENT AGENCIES WITH WHICH CORPS PARTICIPANTS ARE PLACED;**

(3) THE INSTITUTIONS, IF ANY, THAT AWARD ACADEMIC CREDIT FOR A CORPS PARTICIPANT'S SERVICE;

(4) THE NUMBER AND AMOUNT OF SCHOLARSHIPS AWARDED UNDER THE PROGRAM; AND

(5) AT WHICH INSTITUTIONS CORPS PARTICIPANTS USE THEIR SCHOLARSHIPS.

### Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

84. the Economic Development Marketing Fund; [and]

85. the Military Personnel and Veteran–Owned Small Business No–Interest Loan Fund; AND

**86. THE MARYLAND CORPS PROGRAM FUND.**

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Board of Directors of the Maryland Corps Program established under Section 1 of this Act shall expire as follows:

(1) two members in 2019;

(2) three members in 2020; and

(3) two members in 2021.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) the first Maryland Corps Program stipends shall be awarded on or before June 1, 2018; and

(2) the first Maryland Corps Program scholarships shall be awarded on or before June 1, 2019.

SECTION 4. AND BE IT FURTHER ENACTED, That the members of the Board of Directors of the Maryland Corps Program as established under Section 1 of this Act shall be appointed by the President of the Senate, the Speaker of the House, and the Governor on or before September 1, 2016.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, May 19, 2016.

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## Chapter 655

(House Bill 1634)

AN ACT concerning

~~Juveniles – Restraint and Searches – Limitations~~  
Task Force to Study the Restraint, Searches, and Needs of Children in the  
Juvenile Justice System

FOR the purpose of ~~prohibiting the use of mechanical restraints by the Department of Juvenile Services on a child in the Department's custody except under certain circumstances; prohibiting the use of physical restraint by the Department on certain pregnant children and during labor, delivery, or postpartum recovery except under certain circumstances; authorizing a facility superintendent or the superintendent's superior to allow the search of a child under certain circumstances; authorizing a facility superintendent or the superintendent's superior to allow the use of mechanical restraints on a child under certain circumstances; authorizing a facility superintendent or the superintendent's superior to allow the use of physical restraint on certain pregnant children and during labor, delivery, or postpartum recovery under certain circumstances; allowing certain mechanical restraints to be used on a child; limiting the length of time the Department may use certain mechanical restraints on a child; and generally relating to the restraint and searches of a juvenile~~ establishing the Task Force to Study the Restraint, Searches, and Needs of Children in the Juvenile Justice System; 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 review, examine, determine, 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 the Restraint, Searches, and Needs of Children in the Juvenile Justice System.

~~BY repealing and reenacting, with amendments,  
Article — Human Services  
Section 9-227 and 9-237(c)(9) and (10)  
Annotated Code of Maryland  
(2007 Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,  
Article — Human Services  
Section 9-237(a), (b), and (d)  
Annotated Code of Maryland  
(2007 Volume and 2015 Supplement)~~

~~BY repealing  
Article — Human Services  
Section 9-237(c)(11)  
Annotated Code of Maryland  
(2007 Volume and 2015 Supplement)~~

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

(a) There is a Task Force to Study the Restraint, Searches, and Needs of Children in the Juvenile Justice System.

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

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Juvenile Services, or the Secretary's designee;

(4) the Director of the Maryland Juvenile Justice Monitoring Unit, or the Director's designee;

(5) the Public Defender of Maryland, or the Public Defender's designee;

(6) the Executive Director of the Governor's Office for Children, or the Executive Director's designee;

(7) the Executive Director of Advocates for Children and Youth, or the Executive Director's designee;

(8) the President of the Maryland Chapter of the National Association for the Advancement of Colored People (NAACP), or the President's designee;

(9) the Executive Director of AFSCME Maryland, or the Executive Director's designee;

(10) the Chairman of the Community Public Awareness Council, or the Chairman's designee;

(11) the Executive Director of the Maryland Sheriff's Association, or the Executive Director's designee;

(12) one licensed mental health expert, appointed by the Governor; and

(13) the following three members appointed by the Secretary of Juvenile Services:

(i) one expert in juvenile restraint;

(ii) one expert in juvenile searches; and

(iii) one expert in the transport of juvenile detainees.

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

(d) The Maryland Juvenile Justice Monitoring Unit and the Office of the Public Defender 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) review the policies and practices of the Department of Juvenile Services regarding shackling and strip searches of children within the juvenile justice system;

(2) examine when, by whom, and for what purposes a child in the custody of the Department of Juvenile Services is strip-searched or shackled;

(3) determine the capital expenditures that are necessary to address issues regarding the restraint and searches of children within the juvenile justice system; and

(4) make recommendations regarding changes in policies, practices, or capital expenditures that are necessary to address issues involving the restraint and searches of children within the juvenile justice system.

(g) On or before December 31, 2016, 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.

### ~~Article — Human Services~~

~~9-227.~~

(a) ~~Each facility described in § 9-226 of this subtitle shall operate under the control and general management of the Department.~~

(b) ~~The Department shall:~~

(1) ~~subject to Title 3, Subtitles 8 and 8A of the Courts Article, adopt regulations that set:~~

(i) ~~policies for detention authorization, community detention, admission, transfer, discharge, and aftercare supervision; and~~

(ii) ~~standards of care, including provisions to administer any early, periodic screening diagnosis and treatment program that the Department approves for establishment under 42 U.S.C., § 1396d(a)(4)(B) and to treat appropriately any condition that the screening reveals;~~

(2) ~~adopt regulations applicable to residential facilities it operates that:~~

(i) ~~prohibit the use of locked door seclusion and restraints as punishment and describe the circumstances under which locked door seclusion and restraints may be used; [and]~~

(ii) ~~prohibit abuse of a child; [and]~~

~~(III) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, PROHIBIT THE USE OF MECHANICAL RESTRAINTS ON A CHILD;~~

~~(IV) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, PROHIBIT THE USE OF PHYSICAL RESTRAINT ON A CHILD KNOWN TO BE IN THE THIRD TRIMESTER OF PREGNANCY OR IN LABOR, DELIVERY, OR POSTPARTUM RECOVERY; AND~~

~~(V) AUTHORIZE THE FACILITY SUPERINTENDENT OR THE SUPERINTENDENT'S SUPERIOR TO ALLOW THE SEARCH OF A CHILD ONLY WHEN~~

~~THERE IS AN INDIVIDUALIZED AND REASONABLE SUSPICION THAT THE CHILD IS CONCEALING CONTRABAND THAT POSES A RISK TO THE SAFETY OF THE CHILD OR ANOTHER PERSON WITHIN THE FACILITY; AND~~

~~(3) adopt regulations that require each State residential program to provide:~~

~~(i) medical and mental health assessment services;~~

~~(ii) alcohol abuse and drug abuse assessment services;~~

~~(iii) either alcohol abuse and drug abuse referral services or an alcohol abuse and drug abuse treatment program that has been certified in accordance with the requirements of Title 8 of the Health General Article; and~~

~~(iv) a safe, humane, and caring environment.~~

~~(e) (1) The Department shall adopt a policy to govern disciplinary actions and grievances in its facilities.~~

~~(2) The policy shall:~~

~~(i) require preparation of a written report of any disciplinary action taken against a child or of any grievance made by or on behalf of a child;~~

~~(ii) require that each written report be forwarded to and reviewed by the administrative head of the facility; and~~

~~(iii) require the Department to forward in a timely manner all reports of disciplinary actions, grievances, and grievance dispositions from each facility to the Juvenile Justice Monitoring Unit of the Office of the Attorney General established under Title 6, Subtitle 4 of the State Government Article.~~

~~(d) In each facility, the Department shall develop special programs that are designed to meet the particular needs of its residents.~~

~~(e) Subject to Title 3, Subtitles 8 and 8A of the Courts Article, the Department shall order any necessary changes in the policy, conduct, or management of a State residential program to provide adequate care for the children and adequate services to the courts.~~

~~(F) (1) THE FACILITY SUPERINTENDENT OR THE SUPERINTENDENT'S SUPERIOR MAY ALLOW THE USE OF MECHANICAL RESTRAINTS ON A CHILD, INCLUDING DURING TRANSPORT, IF:~~

~~(I) 1. THE CHILD POSES AN IMMINENT RISK OF PHYSICAL HARM TO THE CHILD OR ANOTHER PERSON; OR~~

~~2. THE CHILD IS ACTIVELY TRYING TO ESCAPE;~~

~~(II) ALL OTHER MEANS OF SUBDUING THE CHILD HAVE BEEN UNSUCCESSFUL; AND~~

~~(III) THE CHILD IS NOT KNOWN TO BE IN THE THIRD TRIMESTER OF PREGNANCY OR IN LABOR, DELIVERY, OR POSTPARTUM RECOVERY.~~

~~(2) MECHANICAL RESTRAINTS MUST BE REMOVED ONCE A CHILD CEASES TO PRESENT AN ACTIVE RISK OF PHYSICAL HARM OR ESCAPE.~~

~~(3) ONLY HANDCUFFS, FOOT CUFFS, OR BOTH IF NOT JOINED TOGETHER, MAY BE USED TO MECHANICALLY RESTRAIN A CHILD.~~

~~(C) THE FACILITY SUPERINTENDENT OR THE SUPERINTENDENT'S SUPERIOR MAY ALLOW THE USE OF PHYSICAL RESTRAINT ON A CHILD KNOWN TO BE IN THE THIRD TRIMESTER OF PREGNANCY OR IN LABOR, DELIVERY, OR POSTPARTUM RECOVERY IF THE CHILD:~~

~~(1) POSES AN IMMINENT RISK OF PHYSICAL HARM TO THE CHILD OR ANOTHER PERSON; OR~~

~~(2) IS ACTIVELY TRYING TO ESCAPE.~~

~~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.~~

~~(b) The standards shall reflect the following central purposes of juvenile detention:~~

~~(1) to protect the public;~~

~~(2) to provide a safe, humane, and caring environment for children; and~~

~~(3) to provide access to required services for children.~~

~~(c) The standards shall include provisions establishing:~~

~~(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 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.]~~

~~(d) The standards shall be consistent with this title and Title 3, Subtitle 8A of the Courts Article.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2016. It shall remain effective for a period of 1 year and, at the end of May 31, 2017, 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 19, 2016.

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## Chapter 656

(Senate Bill 58)

AN ACT concerning

**Natural Resources – Vessel Excise Tax Cap – *Amount and* Repeal of Termination**

FOR the purpose of making permanent a *certain* limitation on the amount of the vessel excise tax that may be imposed on any vessel; *requiring that the maximum amount of the excise tax imposed for any vessel be increased by a certain amount each year on a certain date*; and generally relating to a certain limitation on the amount of vessel excise tax that may be imposed on any vessel.

BY repealing and reenacting, without amendments,  
 Article – Natural Resources  
 Section 8–716(c)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Chapter 180 of the Acts of the General Assembly of 2013  
 Section 6

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

**Article – Natural Resources**

8–716.

(c) (1) Subject to the limitation under paragraph (3) of this subsection and except as provided in § 8–715(d) of this subtitle and in subsections (e) and (f) of this section, and in addition to the fees prescribed in subsection (b) of this section, an excise tax is levied at the rate of 5% of the fair market value of the vessel on:

(i) The issuance of every original certificate of title required for a vessel under this subtitle;

(ii) The issuance of every subsequent certificate of title for the sale, resale, or transfer of the vessel;

(iii) The sale within the State of every other vessel; and

(iv) The possession within the State of a vessel used or to be used principally in the State.

(2) Notwithstanding the provisions of this subsection, no tax is paid on issuance of any certificate of title if the owner of the vessel for which a certificate of title is sought was the owner of the vessel prior to June 1, 1965, or paid Maryland sales and use tax on the vessel as required by law at the time of acquisition. The Department may require the applicant for titling to submit satisfactory proof that the applicant owned the vessel prior to June 1, 1965.

(3) **(I) ~~The~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE excise tax imposed under this subsection may not exceed \$15,000 for any vessel.**

**(II) THE MAXIMUM AMOUNT OF THE EXCISE TAX IMPOSED FOR ANY VESSEL AS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE INCREASED BY \$100 ON:**

**1. JULY 1, 2016; AND**

**2. JULY 1 OF EACH SUBSEQUENT YEAR.**

**Chapter 180 of the Acts of 2013**

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013. [Sections 1 and 4] SECTION 4 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2016, with no further action required by the General

Assembly, [Sections 1 and 4] **SECTION 4** of 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 June 1, 2016.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.**

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## Chapter 657

(House Bill 14)

AN ACT concerning

### **Natural Resources – Vessel Excise Tax Cap – Amount and Repeal of Termination**

FOR the purpose of making permanent a certain limitation on the amount of the vessel excise tax that may be imposed on any vessel; requiring that the maximum amount of the excise tax imposed for any vessel be increased by a certain amount each year on a certain date; and generally relating to a certain limitation on the amount of vessel excise tax that may be imposed on any vessel.

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 8–716(c)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 180 of the Acts of the General Assembly of 2013  
Section 6

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

### **Article – Natural Resources**

8–716.

(c) (1) Subject to the limitation under paragraph (3) of this subsection and except as provided in § 8–715(d) of this subtitle and in subsections (e) and (f) of this section, and in addition to the fees prescribed in subsection (b) of this section, an excise tax is levied at the rate of 5% of the fair market value of the vessel on:

(i) The issuance of every original certificate of title required for a vessel under this subtitle;

(ii) The issuance of every subsequent certificate of title for the sale, resale, or transfer of the vessel;

(iii) The sale within the State of every other vessel; and

(iv) The possession within the State of a vessel used or to be used principally in the State.

(2) Notwithstanding the provisions of this subsection, no tax is paid on issuance of any certificate of title if the owner of the vessel for which a certificate of title is sought was the owner of the vessel prior to June 1, 1965, or paid Maryland sales and use tax on the vessel as required by law at the time of acquisition. The Department may require the applicant for titling to submit satisfactory proof that the applicant owned the vessel prior to June 1, 1965.

(3) ~~(I)~~ **THE SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,** ~~THE~~ excise tax imposed under this subsection may not exceed \$15,000 for any vessel.

**(II) THE MAXIMUM AMOUNT OF THE EXCISE TAX IMPOSED FOR ANY VESSEL AS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE INCREASED BY \$100 ON:**

**1. JULY 1, 2016; AND**

**2. JULY 1 OF EACH SUBSEQUENT YEAR.**

### **Chapter 180 of the Acts of 2013**

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013. [Sections 1 and 4] SECTION 4 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2016, with no further action required by the General Assembly, [Sections 1 and 4] SECTION 4 of 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 June 1, 2016.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.**

**Chapter 658****(Senate Bill 161)**

AN ACT concerning

**Criminal Procedure – Seizure and Forfeiture**

FOR the purpose of authorizing the forfeiture of certain property under certain circumstances; repealing a certain provision authorizing the forfeiture of certain money or weapons relating to possession of a controlled dangerous substance; requiring that a certain seizing authority provide a receipt for property on seizure that includes certain information; requiring that a certain seizing authority mail notice with certain information to the owner of seized property within a certain time; authorizing the owner of certain seized property to make a request for return of the seized property within a certain time; requiring a seizing authority to take certain actions in response to a certain request; altering the circumstances by which a certain law enforcement agency may transfer seized property to a certain federal law enforcement agency; prohibiting the construction of a certain provision of law in a certain manner; altering the time in which a complaint for forfeiture of money must be filed; requiring that a certain forfeiting authority return property to an owner if a complaint for forfeiture is not filed in a certain time under certain circumstances; prohibiting the use of a certain statement regarding seized property from use in a criminal prosecution except under certain circumstances; requiring that a certain amount of forfeiture proceeds be appropriated to the Department of Health and Mental Hygiene to fund certain drug programs; prohibiting a certain law enforcement agency or prosecuting authority from directly or indirectly transferring or referring seized property to a federal government agency or law enforcement authority for forfeiture under federal law unless certain conditions are met; authorizing a certain defendant or third party to file a motion for replevin in a certain criminal case at a certain time if the defendant or third party claims that he or she has the right to possession of certain property; requiring a motion for replevin under this Act to be in writing and state in detail the grounds on which it is based; requiring a claimant to notify the State's Attorney in writing of the filing of a motion for replevin under this Act; authorizing the State's Attorney to file a response to a motion for replevin at a certain time; requiring the court to hold a hearing on a motion for replevin at a certain time under certain circumstances; authorizing the court to dismiss a motion for replevin without a hearing under certain circumstances; requiring the court to grant a motion for replevin under certain circumstances; authorizing the court to order the return of funds or property sufficient to obtain legal counsel but less than the total amount seized; authorizing the court to take certain actions in lieu of ordering issuance of the writ of replevin; authorizing the court, following a conviction for certain violations involving a gang, to order the divestiture of certain property, the dissolution or reorganization of a certain enterprise, or the suspension or revocation of a certain license, permit, or approval; requiring that certain proceeds be deposited in the General Fund; requiring that a certain seizing authority provide a receipt for property on seizure that includes

~~certain information; requiring that a certain seizing authority mail notice with certain information to the owner of seized property within a certain time; authorizing the owner of certain seized property to make a request that includes certain information for return of the seized property within a certain time; requiring a seizing authority to take certain actions in response to a certain request; altering the circumstances by which a certain law enforcement agency may transfer seized property to a certain federal law enforcement agency; altering the time in which a complaint for forfeiture of money must be filed; requiring that a certain forfeiting authority return property to an owner if a complaint for forfeiture is not filed in a certain time under certain circumstances; providing that a certain seizing authority or forfeiting authority may request an extension for time to file a complaint for forfeiture under certain circumstances; providing that a court may grant a certain extension for time to file a complaint for forfeiture; requiring a court to order that a certain motion be sealed; prohibiting the use of a certain statement regarding seized property from use in a criminal prosecution except under certain circumstances; requiring that a certain amount of forfeiture proceeds be appropriated to the Department of Health and Mental Hygiene to fund certain drug programs; requiring a certain law enforcement agency seizing authority to report, on an annual basis, certain information about each individual seizure and forfeiture certain seizures and forfeitures completed by the agency under State or federal forfeiture law; authorizing the Maryland Statistical Analysis Center (MSAC) to require a law enforcement agency seizing authority to provide relevant information not specified in this Act; requiring a certain law enforcement agency seizing authority to file a certain report for the agency and the corresponding prosecutor's office with MSAC; requiring MSAC to develop a certain form, a process, and deadlines for certain data entry; requiring MSAC to compile certain submissions and issue a certain report; requiring MSAC to make certain reports available in a certain manner; requiring the Governor's Office of Crime Control and Prevention (GOCCP) to submit a certain report to the Governor, the General Assembly, and each law enforcement agency seizing authority before a certain date each year; authorizing GOCCP to include in a certain report certain recommendations; requiring GOCCP to report information on law enforcement agencies seizing authorities not in compliance with this Act to the Police Training Commission; requiring the Police Training Commission to contact a certain law enforcement agency seizing authority and request compliance; requiring GOCCP and the Police Training Commission to report certain noncompliance to the Governor and the Legislative Policy Committee of the General Assembly under certain circumstances; authorizing MSAC to recoup certain costs in a certain manner; authorizing a certain law enforcement agency seizing authority to use forfeiture proceeds to pay the cost of compiling and reporting information required under this Act; making a conforming change; defining certain terms; and generally relating to seizure and forfeiture.~~

BY adding to

Article — Criminal Law

Section 9-807

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

~~BY repealing and reenacting, without amendments,  
 Article – Criminal Procedure  
 Section ~~12-102(a)~~  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)~~

BY repealing and reenacting, with amendments,  
 Article – Criminal Procedure  
 Section ~~12-103 and 12-203~~ 12-102(a), 12-104, and 12-212  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)  
 (As enacted by Chapter 5 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section ~~12-203 and 12-304~~  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

BY adding to  
 Article – Criminal Procedure  
 Section ~~12-203.1, and 13-601 and 13-602~~ 12-304.1, 12-313, 12-313 and 12-405;  
and 12-601 and 12-602 to be under the new subtitle “Subtitle 6. Reporting”  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section ~~12-312~~  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)  
(As enacted by Chapter 5 of the Acts of the General Assembly of 2016)

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

~~Article – Criminal Law~~

~~9-807.~~

~~(A) IN THIS SECTION, “ENTERPRISE” INCLUDES:~~

~~(1) A SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, BUSINESS TRUST, OR OTHER LEGAL ENTITY; OR~~

~~(2) ANY GROUP OF INDIVIDUALS ASSOCIATED IN FACT ALTHOUGH NOT A LEGAL ENTITY.~~

~~(B) IN ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS SUBTITLE, ON CONVICTION THE COURT MAY:~~

~~(1) ORDER A PERSON OR CRIMINAL GANG TO BE DIVESTED OF ANY INTEREST IN AN ENTERPRISE OR REAL PROPERTY;~~

~~(2) ORDER THE DISSOLUTION OR REORGANIZATION OF AN ENTERPRISE ASSOCIATED WITH THE DEFENDANT; AND~~

~~(3) ORDER THE SUSPENSION OR REVOCATION OF ANY LICENSE, PERMIT, OR PRIOR APPROVAL GRANTED TO THE DEFENDANT BY A UNIT OF THE STATE OR POLITICAL SUBDIVISION OF THE STATE.~~

~~(C) ASSETS DIVESTED UNDER THIS SECTION AND DERIVED FROM THE COMMISSION OF, ATTEMPTED COMMISSION OF, CONSPIRACY TO COMMIT, OR SOLICITATION OF A CRIME DESCRIBED UNDER THIS SUBTITLE, EITHER IN WHOLE OR IN PART, SHALL BE DEPOSITED INTO THE GENERAL FUND OF THE STATE.~~

## Article – Criminal Procedure

12–102.

(a) The following are subject to forfeiture:

(1) controlled dangerous substances manufactured, distributed, dispensed, acquired, or possessed in violation of the Controlled Dangerous Substances law;

(2) raw materials, products, and equipment used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting a controlled dangerous substance in violation of the Controlled Dangerous Substances law;

(3) property used or intended for use as a container for property described in item (1) or (2) of this subsection;

(4) except as provided in § 12–103 of this subtitle, conveyances, including aircraft, vehicles, or vessels used or intended to be used to transport, or facilitate the transportation, sale, receipt, possession, or concealment of property described in item (1) or (2) of this subsection;

(5) books, records, and research, including formulas, microfilm, tapes, and data used or intended for use in violation of the Controlled Dangerous Substances law;

(6) subject to subsection (b) of this section, ~~money [of more than \$300] or~~ weapons used or intended to be used in connection with the unlawful manufacture, distribution, **OR** dispensing, ~~or possession~~ of a controlled dangerous substance or controlled paraphernalia;

~~(7) drug paraphernalia under § 5-619 of the Criminal Law Article;~~

~~(8) controlled paraphernalia under § 5-620 of the Criminal Law Article;~~

~~(9) except as provided in § 12-103 of this subtitle, the remaining balance of the proceeds of a sale by a holder of an installment sale agreement under § 12-626 of the Commercial Law Article of goods seized under this subtitle;~~

~~(10) except as provided in § 12-103 of this subtitle, real property; and~~

~~(11) everything of value furnished, or intended to be furnished, in exchange for a controlled dangerous substance in violation of the Controlled Dangerous Substances law, all proceeds traceable to the exchange, and all negotiable instruments and securities used, or intended to be used, to facilitate any violation of the Controlled Dangerous Substances law.~~

(7) subject to subsection (b) of this section, any amount of money that is [directly connected to] USED OR INTENDED TO BE USED IN CONNECTION WITH the unlawful MANUFACTURE, distribution, OR DISPENSING of a controlled dangerous substance;

(8) drug paraphernalia under § 5-619 of the Criminal Law Article;

(9) controlled paraphernalia under § 5-620 of the Criminal Law Article;

(10) except as provided in § 12-103 of this subtitle, the remaining balance of the proceeds of a sale by a holder of an installment sale agreement under § 12-626 of the Commercial Law Article of goods seized under this subtitle;

(11) except as provided in § 12-103 of this subtitle, real property; and

(12) everything of value furnished, or intended to be furnished, in exchange for a controlled dangerous substance in violation of the Controlled Dangerous Substances law, all proceeds traceable to the exchange, and all negotiable instruments and securities used, or intended to be used, to facilitate any violation of the Controlled Dangerous Substances law.

~~12-103.~~

~~(a) (1) PROPERTY DESCRIBED IN § 12-102(A)(4), (10), OR (11) OF THIS SUBTITLE MAY BE FORFEITED IF:~~

~~(I) THE PROPERTY IS CLAIMED TO BE OWNED BY A PERSON WHO IS CONVICTED OF VIOLATING THE CONTROLLED DANGEROUS SUBSTANCES LAW; AND~~

~~(II) THE STATE ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT THE PROPERTY IS AN INSTRUMENTALITY OF THE OFFENSE OR PROCEEDS DERIVED FROM THE OFFENSE OF WHICH THE PERSON IS CONVICTED.~~

~~(2) THIS SUBSECTION DOES NOT PROHIBIT PROPERTY FROM BEING SEIZED UNDER STATE LAW AND HELD AS EVIDENCE OR FORFEITED BY PLEA AGREEMENT APPROVED BY THE PRESIDING CRIMINAL COURT.~~

~~(B) Property or an interest in property described in § 12-102(a)(4), (10), [and] OR (11) of this subtitle may not be forfeited if the owner establishes by a preponderance of the evidence that the violation of the Controlled Dangerous Substances law was committed without the owner's actual knowledge.~~

~~[(b)](C) (1) A conveyance used as a common carrier or vehicle for hire in the transaction of business as a common carrier or vehicle for hire may not be seized or forfeited under this title unless it appears that the owner or other person in charge of the conveyance was a consenting party or privy to a violation of the Controlled Dangerous Substances law.~~

~~(2) A conveyance may not be forfeited under this title for an act or omission that the owner shows was committed or omitted by a person other than the owner while the person other than the owner possessed the conveyance in criminal violation of federal law or the law of any state.~~

~~[(c)](D) An owner's interest in real property may not be forfeited for a violation of § 5-601, § 5-619, or § 5-620 of the Criminal Law Article.~~

~~[(d)](E) (1) Except as provided in paragraph (2) of this subsection, real property used as the principal family residence may not be forfeited under this subtitle unless one of the owners of the real property was convicted of a violation of §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, or § 5-628 of the Criminal Law Article or of an attempt or conspiracy to violate Title 5 of the Criminal Law Article.~~

~~(2) Without a conviction, a court may order a forfeiture of real property used as the principal family residence if the owner of the family residence:~~

~~(i) fails to appear for a required court appearance; and~~

~~(ii) fails to surrender to the jurisdiction of the court within 180 days after the required court appearance.~~

~~[(c)](F) Real property used as the principal family residence by a husband and wife and held by the husband and wife as tenants by the entirety may not be forfeited unless:~~

~~(1) the property was used in connection with a violation of §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, or § 5-628 of the Criminal Law Article or with an attempt or conspiracy to violate Title 5 of the Criminal Law Article; and~~

~~(2) both the husband and wife are convicted of a violation of §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, or § 5-628 of the Criminal Law Article or of an attempt or conspiracy to violate Title 5 of the Criminal Law Article.~~

~~(G) A LAW ENFORCEMENT AGENCY OR PROSECUTING AUTHORITY MAY NOT DIRECTLY OR INDIRECTLY TRANSFER OR REFER SEIZED PROPERTY TO A FEDERAL GOVERNMENT AGENCY OR LAW ENFORCEMENT AUTHORITY FOR FORFEITURE UNDER FEDERAL LAW UNLESS:~~

~~(1) THE PROPERTY INCLUDES SEIZED CASH IN EXCESS OF \$50,000;  
AND~~

~~(2) A CRIMINAL CASE RELATED TO THE SEIZURE IS PROSECUTED IN THE FEDERAL COURT SYSTEM UNDER FEDERAL LAW.~~

12-104.

(a) AT THE TIME OF SEIZURE, THE SEIZING AUTHORITY SHALL PROVIDE A RECEIPT TO THE PERSON FROM WHOM THE PROPERTY WAS SEIZED, THAT INCLUDES:

(1) A DETAILED DESCRIPTION OF THE PROPERTY;

(2) A CASE NUMBER, PROPERTY INVENTORY NUMBER, OR ANY OTHER REFERENCE NUMBER USED BY THE SEIZING AUTHORITY TO CONNECT THE PROPERTY TO THE CIRCUMSTANCES OF THE SEIZURE;

(3) THE NAME AND CONTACT INFORMATION OF AN INDIVIDUAL OR OFFICE WITHIN THE SEIZING AUTHORITY THAT CAN PROVIDE INFORMATION CONCERNING THE SEIZED PROPERTY;

(4) NOTICE THAT THE OWNER OF THE PROPERTY MAY MAKE A WRITTEN REQUEST THAT INCLUDES PROOF OF OWNERSHIP, FOR RETURN OF THE SEIZED PROPERTY; AND

(5) NOTICE THAT WITHIN 60 DAYS AFTER RECEIPT OF A WRITTEN REQUEST FOR RETURN OF THE SEIZED PROPERTY, THE SEIZING AUTHORITY WILL

**DECIDE WHETHER TO RETURN THE PROPERTY AND NOTIFY THE OWNER OF THE DECISION.**

**(B) [Within 30] IF THE PERSON WHO RECEIVED A RECEIPT UNDER SUBSECTION (A) OF THIS SECTION IS NOT THE OWNER OF THE PROPERTY, WITHIN 15 days after the seizure of property by a seizing authority, the seizing authority shall send by first-class mail written information to the owner of the seized property, if known, providing:**

**(1) the location and description of the seized property; and**

**(2) the name and contact information of an individual or office within the seizing authority that can provide further information concerning the seized property, including information on how the property may be returned to the owner.**

**[(b)] (C) The written information DISTRIBUTED BY A SEIZING AUTHORITY AS required under this section shall state: "Seizure and forfeiture of property is a legal matter. Nothing in this document may be construed as legal advice. You may wish to consult an attorney concerning this matter."**

12-203.

**(a) Property seized under this title~~†~~**

**~~(1) is not repleviable; but~~**

**~~(2)~~ is in the custody of the seizing authority, AND, UNLESS RETURNED TO THE OWNER AS PROVIDED IN SUBSECTION (C) OF THIS SECTION OR § 12-207 OF THIS SUBTITLE, IS subject only to the orders, judgments, and decrees of the court or the official having jurisdiction over the property.**

**(b) A seizing authority may place seized property under seal and remove the property to a place designated by the court.**

**(C) (1) THE OWNER OF SEIZED PROPERTY MAY MAKE A WRITTEN REQUEST ~~THAT INCLUDES PROOF OF OWNERSHIP~~ TO THE SEIZING AUTHORITY FOR THE RETURN OF THE SEIZED PROPERTY.**

**(2) WITHIN 60 DAYS AFTER RECEIPT OF A WRITTEN REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SEIZING AUTHORITY SHALL MAKE A DECISION AS TO THE DISPOSITION OF THE SEIZED PROPERTY AND SHALL NOTIFY THE OWNER THAT:**

(I) THE SEIZING AUTHORITY DOES NOT HAVE CUSTODY OF THE PROPERTY AND SHALL PROVIDE CONTACT INFORMATION FOR THE LAW ENFORCEMENT AGENCY THAT DOES HAVE CUSTODY OF THE PROPERTY;

(II) THE SEIZING AUTHORITY DOES HAVE CUSTODY OF THE PROPERTY AND WILL FILE A COMPLAINT FOR FORFEITURE; OR

(III) THE SEIZING AUTHORITY DOES HAVE CUSTODY OF THE PROPERTY AND WILL RETAIN IT FOR EVIDENTIARY PURPOSES UNTIL AFTER THE CONCLUSION OF A CRIMINAL CASE; OR

~~(III)~~ (IV) THE SEIZING AUTHORITY DOES HAVE CUSTODY OF THE PROPERTY AND WILL PROMPTLY RETURN THE PROPERTY TO THE OWNER.

~~12-203.1.~~

~~(A) FOLLOWING THE SEIZURE OF PROPERTY, A DEFENDANT OR THIRD PARTY MAY FILE A MOTION FOR WRIT OF REPLEVIN IN THE CRIMINAL CASE IF THE DEFENDANT OR THIRD PARTY CLAIMS TO HAVE THE RIGHT TO POSSESSION OF THE PROPERTY.~~

~~(B) A MOTION FOR WRIT OF REPLEVIN UNDER THIS SECTION MAY BE FILED AT ANY TIME BEFORE TRIAL OF THE CRIMINAL OFFENSE OR OFFENSES.~~

~~(C) A MOTION UNDER THIS SECTION SHALL:~~

~~(1) BE IN WRITING; AND~~

~~(2) STATE IN DETAIL THE GROUNDS ON WHICH THE MOTION IS BASED.~~

~~(D) (1) A CLAIMANT SHALL NOTIFY THE STATE'S ATTORNEY IN WRITING OF THE FILING OF A MOTION UNDER THIS SECTION.~~

~~(2) THE STATE'S ATTORNEY MAY FILE A RESPONSE TO THE MOTION WITHIN 15 DAYS AFTER RECEIPT OF THE NOTICE REQUIRED UNDER THIS SUBSECTION OR WITHIN THE PERIOD OF TIME THAT THE COURT ORDERS.~~

~~(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING ON A MOTION FILED UNDER THIS SECTION WITHIN 30 DAYS AFTER THE FILING OF THE MOTION.~~

~~(2) THE COURT MAY DISMISS A MOTION WITHOUT A HEARING IF THE COURT FINDS THAT THE MOTION FAILS TO ASSERT GROUNDS ON WHICH RELIEF MAY BE GRANTED.~~

~~(F) THE COURT SHALL GRANT THE MOTION IF IT FINDS THAT THE CLAIMANT HAS SHOWN BY A PREPONDERANCE OF THE EVIDENCE THAT:~~

~~(1) THE CLAIMANT HAS THE RIGHT TO POSSESSION OF THE PROPERTY AND THE PROPERTY IS NOT REASONABLY REQUIRED TO BE HELD FOR INVESTIGATORY OR EVIDENTIARY REASONS; OR~~

~~(2) THE PROPERTY IS THE ONLY REASONABLE MEANS FOR A DEFENDANT TO PAY FOR LEGAL REPRESENTATION IN THE FORFEITURE OR CRIMINAL PROCEEDING.~~

~~(G) THE COURT MAY ORDER THE RETURN OF FUNDS OR PROPERTY SUFFICIENT TO OBTAIN LEGAL COUNSEL BUT LESS THAN THE TOTAL AMOUNT SEIZED.~~

~~(H) IN LIEU OF ORDERING THE ISSUANCE OF THE WRIT OF REPLEVIN, THE COURT MAY:~~

~~(1) ORDER THE STATE TO GIVE SECURITY OR WRITTEN ASSURANCE FOR SATISFACTION OF ANY JUDGMENT, INCLUDING DAMAGES, THAT MAY BE RENDERED IN THE ACTION; OR~~

~~(2) ORDER ANY OTHER APPROPRIATE RELIEF.~~

12-212.

~~(A) THIS SECTION DOES NOT APPLY TO:~~

~~(1) FIREARMS, AMMUNITION, OR EXPLOSIVES;~~

~~(2) PROPERTY RELATING TO CHILD PORNOGRAPHY; OR~~

~~(3) PROPERTY DIRECTLY RELATING TO PUBLIC SAFETY, AS APPROVED BY THE UNITED STATES ASSISTANT ATTORNEY GENERAL FOR THE CRIMINAL DIVISION.~~

~~(B) A seizing authority or prosecuting authority may not directly or indirectly transfer seized property to a federal law enforcement authority or agency unless:~~

~~(1) a criminal case related to the seizure is prosecuted in the federal court system under federal law; [or]~~

~~(2) the owner of the property consents to the forfeiture;~~

(3) THE PROPERTY IS CASH OF AT LEAST \$50,000; OR

(4) THE SEIZING AUTHORITY TRANSFERS THE PROPERTY TO A FEDERAL AUTHORITY UNDER A FEDERAL SEIZURE WARRANT ISSUED TO TAKE CUSTODY OF ASSETS ORIGINALLY SEIZED UNDER STATE LAW.

~~(3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY TRANSFERS THE PROPERTY TO A FEDERAL AUTHORITY UNDER A FEDERAL SEIZURE WARRANT ISSUED TO TAKE CUSTODY OF ASSETS ORIGINALLY SEIZED UNDER STATE LAW; OR~~

~~(4) THE VALUE OF THE PROPERTY IS AT LEAST \$50,000 AND THE SEIZURE WAS THE RESULT OF A JOINT INVESTIGATION COORDINATED WITH FEDERAL AUTHORITIES.~~

12-304.

(a) Except as provided under [subsections] ~~SUBSECTION~~ SUBSECTIONS (b), (C), AND (D) [and (c)] of this section ~~AND § 12-304.1 OF THIS SUBTITLE~~, a complaint seeking forfeiture shall be filed within the earlier of:

(1) 90 days after the seizure; or

(2) 1 year after the final disposition of the criminal charge for the violation giving rise to the forfeiture.

(b) A complaint for the forfeiture of a motor vehicle shall be filed within 45 days after the motor vehicle is seized.

(c) ~~(1)~~ [A proceeding about money shall be filed within 90 days after the final disposition of criminal proceedings that arise out of the Controlled Dangerous Substances law] ~~IF THE STATE OR A POLITICAL SUBDIVISION DOES NOT FILE A TIMELY COMPLAINT SEEKING FORFEITURE UNDER SUBSECTION (A) OR (B) OF THIS SECTION, THE PROPERTY SHALL BE PROMPTLY RELEASED TO THE OWNER, IF KNOWN.~~

~~(2) If the State or a political subdivision does not file proceedings about money within the 90-day period, the money seized under this title shall be returned to the owner on request by the owner.~~

~~(3)~~(2)~~ If the owner ~~IS UNKNOWN OR~~ fails to [ask the return of the money] ~~CLAIM THE PROPERTY~~ within 1 year after the [final disposition of criminal proceedings] ~~PROPERTY WAS SEIZED~~, as provided under § 12-403 of this title, the [money] ~~PROPERTY~~ shall revert to:~~

~~(i) the political subdivision in which the [money] ~~PROPERTY~~ was seized; or~~

~~(ii) the State, if the [money] PROPERTY was seized by State authorities.~~

(D) (1) A proceeding about money shall be filed within 90 days after the final disposition of criminal proceedings that arise out of the Controlled Dangerous Substances law.

(2) If the State or a political subdivision does not file proceedings about money within the 90-day period, the money seized under this title shall be returned to the owner on request by the owner.

(3) If the owner fails to ask the return of the money within 1 year after the final disposition of criminal proceedings, as provided under § 12-403 of this title, the money shall revert to:

(i) the political subdivision in which the money was seized; or

(ii) the State, if the money was seized by State authorities.

12-312.

(a) Except as provided in subsection (b) of this section, property or part of a property in which a person has an ownership interest is subject to forfeiture as proceeds, if the State establishes by clear and convincing evidence that:

(1) the person has violated §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, or § 5-628 of the Criminal Law Article or has attempted or conspired to violate Title 5 of the Criminal Law Article;

(2) the property was acquired by the person during the violation or within a reasonable time after the violation; and

(3) there was no other likely source for the property.

(b) Real property used as the principal family residence may not be forfeited under this section unless:

(1) an owner of the real property was convicted of a crime described under subsection (a)(1) of this section; or

(2) the real property is covered by § 12-103(d)(2) of this title.

~~12-304.1.~~

~~(A) (1) A SEIZING AUTHORITY OR FORFEITING AUTHORITY MAY REQUEST AN EXTENSION ON THE TIME LIMIT ESTABLISHED IN § 12-304 OF THIS SUBTITLE FOR THE FILING OF A FORFEITURE PROCEEDING OR ON THE EXTENDED TIME GRANTED BY A COURT UNDER SUBSECTION (D) OF THIS SECTION.~~

~~(2) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, A MOTION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE FILED IN THE CIRCUIT COURT.~~

~~(ii) FOR THE CONTINUED SEIZURE OF MONEY IN AN AMOUNT THAT DOES NOT EXCEED \$20,000, A MOTION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE FILED IN THE DISTRICT COURT.~~

~~(B) (1) A MOTION FILED UNDER SUBSECTION (A) OF THIS SECTION SHALL:~~

~~(i) BE IN WRITING;~~

~~(ii) DESCRIBE THE PROPERTY SEIZED; AND~~

~~(iii) INCLUDE THE GROUNDS FOR CONTINUED SEIZURE.~~

~~(2) THE MOTION MAY INCLUDE A REQUEST THAT THE COURT ORDER THE CONTENTS OF THE MOTION TO BE SEALED.~~

~~(C) NOTICE THAT A MOTION HAS BEEN FILED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED TO THE OWNER OF THE SEIZED PROPERTY, IF KNOWN.~~

~~(D) (1) THE COURT MAY GRANT A MOTION FILED UNDER SUBSECTION (A) OF THIS SECTION AND EXTEND THE TIME LIMIT FOR FILING A FORFEITURE PROCEEDING FOR NO LONGER THAN 90 DAYS, ON A FINDING OF GOOD CAUSE.~~

~~(2) A FINDING OF GOOD CAUSE UNDER PARAGRAPH (1) OF THIS SUBSECTION IS ESTABLISHED BY EVIDENCE THAT THE SEIZED PROPERTY IS RELATED TO A CRIMINAL INVESTIGATION THAT IS OF A CONTINUING NATURE.~~

~~(E) IF THE COURT GRANTS A MOTION UNDER SUBSECTION (D) OF THIS SECTION, THE COURT SHALL ORDER THAT THE CONTENTS OF THE MOTION BE SEALED FOR THE PERIOD OF EXTENSION.~~

~~(a) Except as provided in subsection (b) of this section, property or part of a property in which a person has an ownership interest is subject to forfeiture as proceeds, if the State establishes by clear and convincing evidence that:~~

~~(1) the person has violated §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, or § 5-628 of the Criminal Law Article or has attempted or conspired to violate Title 5 of the Criminal Law Article;~~

~~(2) the property was acquired by the person during the violation or within a reasonable time after the violation; and~~

~~(3) there was no other likely source for the property.~~

~~(b) Real property used as the principal family residence may not be forfeited under this section unless:~~

~~(1) an owner of the real property was convicted of a crime described under subsection (a)(1) of this section; or~~

~~(2) the real property is covered by § 12-103(d)(2) of this title.~~

### 12-313.

EXCEPT FOR PURPOSES OF IMPEACHMENT, A STATEMENT MADE BY A PERSON REGARDING OWNERSHIP OF SEIZED PROPERTY DURING THE COURSE OF A FORFEITURE PROCEEDING IS NOT ADMISSIBLE IN A RELATED CRIMINAL PROSECUTION.

### 12-405.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNOR SHALL APPROPRIATE 20% OF THE PROCEEDS DEPOSITED IN THE GENERAL FUND OF THE STATE UNDER THIS SUBTITLE TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE PURPOSE OF FUNDING DRUG TREATMENT AND EDUCATION PROGRAMS.

## SUBTITLE 6. REPORTING.

### ~~13-601.~~ 12-601.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "GOCCP" MEANS THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

~~(C) “LAW ENFORCEMENT AGENCY” MEANS A POLICE FORCE, A MULTI-JURISDICTIONAL TASK FORCE, A FIRE DEPARTMENT, OR ANY OTHER LOCAL, COUNTY, OR STATE AGENCY THAT HAS THE AUTHORITY UNDER STATE LAW OR OPERATES IN COOPERATION WITH A FEDERAL AGENCY UNDER FEDERAL LAW TO ENGAGE IN SEIZURE AND FORFEITURE.~~

~~(D)~~ (C) “MSAC” MEANS THE MARYLAND STATISTICAL ANALYSIS CENTER OF GOCCP.

~~13-602.~~ 12-602.

(A) ON AN ANNUAL BASIS, EACH ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY IN CONSULTATION WITH THE CORRESPONDING FORFEITING AUTHORITY SHALL REPORT HOW ANY FUNDS APPROPRIATED TO THE AUTHORITY AS A RESULT OF FORFEITURE WERE SPENT IN THE PRECEDING FISCAL YEAR AND THE FOLLOWING INFORMATION ABOUT EACH INDIVIDUAL SEIZURE AND FORFEITURE COMPLETED BY THE AGENCY UNDER ~~STATE FORFEITURE LAW AND FEDERAL FORFEITURE LAW~~ THIS TITLE:

(1) THE DATE THAT CURRENCY, VEHICLES, HOUSES, OR OTHER TYPES OF PROPERTY WERE SEIZED;

(2) THE TYPE OF PROPERTY SEIZED, INCLUDING YEAR, MAKE, AND MODEL, AS APPLICABLE;

~~(3) THE TYPE OF ALLEGED CRIME ASSOCIATED WITH THE SEIZURE OF THE PROPERTY;~~

~~(4)~~ (3) THE OUTCOME OF RELATED CRIMINAL ACTION, INCLUDING WHETHER CHARGES WERE BROUGHT, A PLEA BARGAIN WAS REACHED, A CONVICTION WAS OBTAINED, OR AN ACQUITTAL WAS ISSUED;

~~(5) WHETHER THE FORFEITURE PROCEDURE WAS ADMINISTRATIVE, JUDICIAL, OR OTHER;~~

~~(6) WHETHER THE CLAIMANT WAS THE CRIMINAL SUSPECT, INNOCENT OWNER, OR BOTH AS JOINT OWNERS;~~

~~(7) WHETHER THE VENUE OF THE FORFEITURE CASE WAS AN ADMINISTRATIVE AGENCY, A SMALL CLAIMS COURT, A CIVIL COURT, A CRIMINAL COURT, OR ANY OTHER VENUE;~~

~~(8) WHETHER THE PROPERTY OWNER WAS REPRESENTED BY AN ATTORNEY IN THE FORFEITURE CASE;~~

(4) WHETHER A UNIT OF FEDERAL GOVERNMENT TOOK CUSTODY OF THE SEIZED PROPERTY, AND THE NAME OF THE UNIT;

~~(9)~~ (5) FOR PROPERTY OTHER THAN MONEY, THE MARKET VALUE OF THE PROPERTY SEIZED;

~~(10) THE GROSS AMOUNT RECEIVED FROM THE FORFEITURE;~~

~~(11) THE TOTAL ADMINISTRATIVE AND OTHER EXPENSES DEDUCTED AS PART OF THE FORFEITURE PROCESS;~~

~~(12) THE NET AMOUNT RECEIVED FROM THE FORFEITURE;~~

~~(13) THE DISPOSITION OF THE PROPERTY FOLLOWING SEIZURE, INCLUDING WHETHER THE PROPERTY WAS:~~

~~(I) RETURNED TO THE OWNER;~~

~~(II) DESTROYED; OR~~

~~(III) SOLD OR RETAINED AFTER FORFEITURE; AND~~

~~(14) THE DATE OF THE DISPOSITION OF THE PROPERTY.~~

(6) IF MONEY WAS SEIZED, THE AMOUNT OF MONEY;

(7) THE AMOUNT THE SEIZING AUTHORITY RECEIVED IN THE PRIOR YEAR FROM THE FEDERAL GOVERNMENT AS PART OF AN EQUITABLE SHARING AGREEMENT; AND

(8) THE RACE AND GENDER OF THE PERSON OR PERSONS FROM WHOM THE PROPERTY WAS SEIZED, IF KNOWN; AND

~~(8)~~ (9) WHETHER THE PROPERTY WAS RETURNED TO THE OWNER.

(B) MSAC MAY REQUIRE A ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY TO PROVIDE RELEVANT INFORMATION NOT SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

(C) (1) EACH ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY SHALL FILE WITH MSAC THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION

FOR THE ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY AND THE CORRESPONDING ~~PROSECUTOR'S OFFICE~~ FORFEITING AUTHORITY.

~~(2) THE LAW ENFORCEMENT AGENCY SHALL FILE SEPARATE REPORTS FOR FORFEITURES COMPLETED UNDER STATE FORFEITURE LAW AND FEDERAL FORFEITURE LAW.~~

~~(3)~~ (2) A NULL REPORT SHALL BE FILED BY A ~~LAW ENFORCEMENT SEIZING AUTHORITY AGENCY~~ THAT DID NOT ENGAGE IN SEIZURES OR FORFEITURES UNDER THIS TITLE DURING THE REPORTING PERIOD.

(D) (1) MSAC SHALL DEVELOP A STANDARD FORM, A PROCESS, AND DEADLINES FOR ELECTRONIC DATA ENTRY FOR ANNUAL SUBMISSION OF FORFEITURE DATA BY ~~LAW ENFORCEMENT AGENCIES~~ SEIZING AUTHORITIES.

(2) MSAC SHALL COMPILE THE SUBMISSIONS AND ISSUE AN AGGREGATE REPORT OF ALL FORFEITURES UNDER THIS TITLE IN THE STATE.

(E) (1) BY MARCH 1 OF EACH YEAR, MSAC SHALL MAKE AVAILABLE ON ITS WEB SITE THE REPORTS SUBMITTED BY ~~LAW ENFORCEMENT AGENCIES~~ SEIZING AUTHORITIES AND THE AGGREGATE REPORT OF MSAC.

(2) GOCCP SHALL SUBMIT THE AGGREGATE REPORT TO THE GOVERNOR, THE GENERAL ASSEMBLY, AS PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY BEFORE SEPTEMBER 1 OF EACH YEAR.

(F) GOCCP MAY INCLUDE, WITH THE AGGREGATE REPORT OF MSAC, RECOMMENDATIONS TO THE LEGISLATURE TO IMPROVE FORFEITURE STATUTES TO BETTER ENSURE THAT FORFEITURE PROCEEDINGS ARE REPORTED AND HANDLED IN A MANNER THAT IS FAIR TO CRIME VICTIMS, INNOCENT PROPERTY OWNERS, SECURED INTEREST HOLDERS, CITIZENS, AND TAXPAYERS.

(G) (1) IF A ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY FAILS TO COMPLY WITH THE REPORTING PROVISIONS OF THIS SECTION:

(I) GOCCP SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING COMMISSION; AND

(II) THE POLICE TRAINING COMMISSION SHALL CONTACT THE ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY AND REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.

(2) IF THE ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY FAILS TO COMPLY WITH THE REQUIRED REPORTING PROVISIONS WITHIN 30 DAYS AFTER BEING CONTACTED BY THE POLICE TRAINING COMMISSION, GOCCP AND THE POLICE TRAINING COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.

(H) (1) MSAC MAY RECOUP ITS COSTS BY CHARGING A FEE TO ~~LAW ENFORCEMENT AGENCIES~~ EACH SEIZING AUTHORITY THAT ~~ENGAGE~~ ENGAGES IN SEIZURES OR FORFEITURES DURING THE REPORTING PERIOD.

(2) A ~~LAW ENFORCEMENT AGENCY~~ SEIZING AUTHORITY MAY USE FORFEITURE PROCEEDS TO PAY THE COST OF COMPILING AND REPORTING DATA UNDER THIS SUBTITLE, INCLUDING ANY FEE IMPOSED BY MSAC.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.

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## Chapter 659

(Senate Bill 175)

AN ACT concerning

### Anne Arundel County – Alcoholic Beverages – Disposition of Fees

FOR the purpose of requiring the Anne Arundel County Board of License Commissioners to remit a certain administrative fee to the ~~Office of the~~ Comptroller instead of using the fee to cover certain expenses; requiring the Board to remit to the ~~Office of the~~ Comptroller, rather than to Anne Arundel County, all fees that the Board collects; requiring the ~~Office of the~~ Comptroller, ~~rather than the county,~~ from certain fees, to approve and remit to the county certain amounts necessary to pay ~~from~~ certain ~~receipts certain~~ salaries, benefits, and expenses and; requiring the Comptroller to remit the balance of certain fees to the county for certain purposes; and generally relating to the disposition of fees related to alcoholic beverages licenses in Anne Arundel County.

~~BY repealing and reenacting, with amendments,  
 Article 2B – Alcoholic Beverages  
 Section 10-104(e)(1) and 10-204(e)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,  
 Article 2B—Alcoholic Beverages  
 Section 10-204(a)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)~~

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 11-102  
 Annotated Code of Maryland  
 (As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 11-207, 11-1405, and 11-1406  
 Annotated Code of Maryland  
 (As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

~~**Article 2B—Alcoholic Beverages**~~

~~10-104.~~

~~(e) (1) (I) In Anne Arundel County, any administrative action that requires a hearing, including an application for a new license, a transfer of a license to a third party, or a change of ownership of a majority interest in a license, shall be accompanied by payment of an administrative fee of \$200 payable to the Board.~~

~~(II) This sum is in addition to any other fee required for a license in Anne Arundel County, and the administrative fee may not be returned whether the requested administrative action is granted or denied.~~

~~(III) The administrative fee shall be [used by the Board to cover the expenses of the Board in connection with its functions] REMITTED TO THE OFFICE OF THE COMPTROLLER AS REQUIRED UNDER § 10-204(C) OF THIS TITLE.~~

~~(IV) The provisions of this subsection do not apply to any application for a license by way of renewal.~~

~~10-204.~~

~~(a) (1) Except as otherwise provided in this section, the local collecting agent shall remit all license fees collected under this article to the board of county commissioners~~

~~or county fiscal officer for the county, or to the Mayor and City Council of Baltimore, as the case may be.~~

~~(2) The board of county commissioners or Mayor and City Council of Baltimore shall use the portion of the receipts as may be necessary to pay refunds as provided in this section, and devote the balance to the general purposes of the county or city, as the case may be.~~

~~(3) The Comptroller's office may retain from the license and permit fees collected by the office for the use of the State of Maryland sums necessary to pay refunds on licenses issued by the office and the expenses incurred by the office in the discharge of the duties imposed by this article.~~

~~(e) (1) Except for licenses granted to places of business located in the City of Annapolis, the Anne Arundel County Board of License Commissioners shall:~~

~~(i) Collect all alcoholic beverages license fees; and~~

~~(ii) Issue all alcoholic beverages licenses authorized under this article for Anne Arundel County.~~

~~(2) (i) The Anne Arundel County Board of License Commissioners shall remit to the [county] OFFICE OF THE COMPTROLLER all fees collected by the Board.~~

~~(ii) The [county] OFFICE OF THE COMPTROLLER shall:~~

~~1. APPROVE AND pay from the receipts the salaries and expenses of the Board and [of] its employees[, as approved by the State Comptroller,]; and [shall devote]~~

~~2. REMIT the balance of the receipts to THE COUNTY FOR the general purposes of the county.~~

~~(3) The City Clerk of the City of Annapolis shall:~~

~~(i) Collect all alcoholic beverages license fees for licenses granted to places of business located in the City of Annapolis; and~~

~~(ii) Issue all alcoholic beverages licenses authorized under this article for the City of Annapolis.~~

~~(4) (i) The City Clerk of the City of Annapolis shall remit to the City of Annapolis all fees collected by the City Clerk.~~

~~(ii) The City of Annapolis shall devote the receipts to the general purposes of the City.~~

Article – Alcoholic Beverages

11-102.

This title applies only in Anne Arundel County.

11-207.

[The County] FROM THE FEES RECEIVED, THE COMPTROLLER shall:

(1) APPROVE AND REMIT TO THE COUNTY THE AMOUNTS NECESSARY TO pay the salaries and [expenses] BENEFITS of the Board and its employees[, as approved by the Comptroller, from the fees received]; [and]

(2) APPROVE AND REMIT TO THE COUNTY THE AMOUNT NECESSARY TO PAY THE EXPENSES OF THE BOARD; AND

[(2)] (3) [devote] AT THE END OF EACH FISCAL YEAR, REMIT the balance of the fees received to the COUNTY FOR THE general purposes of the County.

11-1405.

(a) (1) An administrative fee shall be charged for an administrative action by the County that requires a hearing, including:

(i) an application for a new license; and

(ii) a change of ownership of a majority interest in a license.

(2) The administrative fee does not apply to the renewal of a license for the same premises.

(b) The administrative fee is:

(1) \$200 payable to the Board, in addition to any other fee required for a license; and

(2) nonrefundable, whether the requested administrative action is granted or denied.

[(c) The Board shall use the administrative fee to cover its expenses.]

11-1406.

The Board shall:

- (1) collect all license fees required under this article;
- (2) issue all licenses in the County; and
- (3) remit all fees collected to the [County] **COMPTROLLER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.**

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## Chapter 660

### (House Bill 238)

AN ACT concerning

#### Anne Arundel County – Alcoholic Beverages – Disposition of Fees

FOR the purpose of requiring the Anne Arundel County Board of License Commissioners to remit a certain administrative fee to the ~~Office of the~~ Comptroller instead of using the fee to cover certain expenses; requiring the Board to remit to the ~~Office of the~~ Comptroller, rather than to Anne Arundel County, all fees that the Board collects; requiring the ~~Office of the~~ Comptroller, ~~rather than the county,~~ from certain fees, to approve and remit to the county certain amounts necessary to pay from certain ~~receipts certain~~ salaries, benefits, and expenses; requiring the Comptroller and to remit the balance of certain fees to the county for certain purposes; and generally relating to the disposition of fees related to alcoholic beverages licenses in Anne Arundel County.

~~BY repealing and reenacting, with amendments,  
 Article 2B – Alcoholic Beverages  
 Section 10 – 104(e)(1) and 10 – 204(e)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,  
 Article 2B – Alcoholic Beverages  
 Section 10 – 204(a)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)~~

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages

Section 11-102Annotated Code of Maryland(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)BY repealing and reenacting, with amendments,Article – Alcoholic BeveragesSection 11-207, 11-1405, and 11-1406Annotated Code of Maryland(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

~~**Article 2B – Alcoholic Beverages**~~

~~10-104.~~

~~(e) (1) (I) In Anne Arundel County, any administrative action that requires a hearing, including an application for a new license, a transfer of a license to a third party, or a change of ownership of a majority interest in a license, shall be accompanied by payment of an administrative fee of \$200 payable to the Board.~~

~~(II) This sum is in addition to any other fee required for a license in Anne Arundel County, and the administrative fee may not be returned whether the requested administrative action is granted or denied.~~

~~(III) The administrative fee shall be [used by the Board to cover the expenses of the Board in connection with its functions] REMITTED TO THE OFFICE OF THE COMPTROLLER AS REQUIRED UNDER § 10-204(C) OF THIS TITLE.~~

~~(IV) The provisions of this subsection do not apply to any application for a license by way of renewal.~~

~~10-204.~~

~~(a) (1) Except as otherwise provided in this section, the local collecting agent shall remit all license fees collected under this article to the board of county commissioners or county fiscal officer for the county, or to the Mayor and City Council of Baltimore, as the case may be.~~

~~(2) The board of county commissioners or Mayor and City Council of Baltimore shall use the portion of the receipts as may be necessary to pay refunds as provided in this section, and devote the balance to the general purposes of the county or city, as the case may be.~~

~~(3) The Comptroller's office may retain from the license and permit fees collected by the office for the use of the State of Maryland sums necessary to pay refunds on licenses issued by the office and the expenses incurred by the office in the discharge of the duties imposed by this article.~~

~~(e) (1) Except for licenses granted to places of business located in the City of Annapolis, the Anne Arundel County Board of License Commissioners shall:~~

~~(i) Collect all alcoholic beverages license fees; and~~

~~(ii) Issue all alcoholic beverages licenses authorized under this article for Anne Arundel County.~~

~~(2) (i) The Anne Arundel County Board of License Commissioners shall remit to the [county] OFFICE OF THE COMPTROLLER all fees collected by the Board.~~

~~(ii) The [county] OFFICE OF THE COMPTROLLER shall:~~

~~1. APPROVE AND pay from the receipts the salaries and expenses of the Board and [of] its employees[, as approved by the State Comptroller,]; and [shall devote]~~

~~2. REMIT the balance of the receipts to THE COUNTY FOR the general purposes of the county.~~

~~(3) The City Clerk of the City of Annapolis shall:~~

~~(i) Collect all alcoholic beverages license fees for licenses granted to places of business located in the City of Annapolis; and~~

~~(ii) Issue all alcoholic beverages licenses authorized under this article for the City of Annapolis.~~

~~(4) (i) The City Clerk of the City of Annapolis shall remit to the City of Annapolis all fees collected by the City Clerk.~~

~~(ii) The City of Annapolis shall devote the receipts to the general purposes of the City.~~

### Article – Alcoholic Beverages

11-102.

This title applies only in Anne Arundel County.

11-207.

The ~~FROM THE FEES RECEIVED, THE~~ [County] COMPTROLLER shall:

(1) APPROVE AND REMIT TO THE COUNTY THE AMOUNTS NECESSARY TO pay the salaries and ~~expenses~~ BENEFITS of the Board and its employees[, as approved by the Comptroller,] ~~from the fees received; and~~

(2) APPROVE AND REMIT TO THE COUNTY THE AMOUNT NECESSARY TO PAY THE EXPENSES OF THE BOARD; AND

~~(2)~~ (3) [devote] AT THE END OF EACH FISCAL YEAR, REMIT the balance of the fees received to the COUNTY FOR THE general purposes of the County.

11-1405.

(a) (1) An administrative fee shall be charged for an administrative action by the County that requires a hearing, including:

(i) an application for a new license; and

(ii) a change of ownership of a majority interest in a license.

(2) The administrative fee does not apply to the renewal of a license for the same premises.

(b) The administrative fee is:

(1) \$200 payable to the Board, in addition to any other fee required for a license; and

(2) nonrefundable, whether the requested administrative action is granted or denied.

[(c) The Board shall use the administrative fee to cover its expenses.]

11-1406.

The Board shall:

(1) collect all license fees required under this article;

(2) issue all licenses in the County; and

(3) remit all fees collected to the [County] COMPTROLLER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.

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## Chapter 661

(Senate Bill 198)

AN ACT concerning

### Neonicotinoid Pesticides – ~~Labeling, Signage, and~~ Restrictions on Sales and Use (Pollinator Protection Act of 2016)

FOR the purpose of ~~prohibiting a person from selling at retail in the State certain seeds, material, or plants that have been treated with a neonicotinoid pesticide unless the seeds, material, or plants bear a label with, or are in close proximity to a sign that displays in a certain manner, a certain statement;~~ prohibiting a person from selling at retail in the State, on or after a certain date, a neonicotinoid pesticide unless the person also sells a restricted use pesticide; prohibiting a person from using a neonicotinoid pesticide on or after a certain date unless the person is a certified applicator or a person working under the direct supervision of a certified applicator, a farmer or a person working under the direct supervision of a farmer who uses the product for a certain purpose, or a veterinarian; ~~establishing prohibiting the Department of Agriculture from limiting the use of certain pesticides in a certain manner;~~ requiring the Department of Agriculture to incorporate certain practices into a certain pollinator protection plan; requiring the Department to study review certain laws and regulations and make recommendations regarding certain matters; requiring the Department to report its findings and recommendations to the Governor and the General Assembly within a certain period of time after the publication of a certain pollinator risk assessment; establishing ~~certain civil penalties~~ a certain civil penalty for a violation of this Act; exempting this Act from certain provisions of law; providing for the application of certain provisions of this Act; defining a certain ~~terms~~ term; and generally relating to neonicotinoid pesticides.

BY repealing and reenacting, without amendments,

Article – Agriculture

Section ~~5–201(a), (c), and (r), 12–101, 12–102, and 12–103~~

Annotated Code of Maryland

(2007 Replacement Volume and 2015 Supplement)

BY adding to

Article – Agriculture

Section ~~5–2A–01 through 5–2A–02 5–2A–03~~ 5–2A–05 to be under the new subtitle  
“Subtitle 2A. Neonicotinoid Pesticides”

Annotated Code of Maryland  
(2007 Replacement Volume and 2015 Supplement)

*BY repealing and reenacting, with amendments,*

*Article – Agriculture*

*Section 12–104*

*Annotated Code of Maryland*

*(2007 Replacement Volume and 2015 Supplement)*

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

### Article – Agriculture

5–201.

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

(c) “Certified applicator” means a person who is certified by the Secretary under this subtitle.

(r) “Restricted use pesticide” means a pesticide so classified by the provisions in this title or by the federal government or the Secretary of Agriculture, State of Maryland.

### SUBTITLE 2A. NEONICOTINOID PESTICIDES.

5–2A–01.

~~(A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) “NEONICOTINOID~~ **“NEONICOTINOID PESTICIDE” MEANS ANY PESTICIDE CONTAINING A CHEMICAL BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS, INCLUDING:**

- (1) IMIDACLOPRID;**
- (2) NITHAZINE;**
- (3) ACETAMIPRID;**
- (4) CLOTHIANIDIN;**
- (5) DINOTEFURAN;**
- (6) THIACTOPRID;**

(7) THIAMETHOXAM; AND

(8) ANY OTHER CHEMICAL DESIGNATED BY THE DEPARTMENT AS BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS.

~~(C) "NURSERY STOCK" MEANS:~~

~~(1) ANY HARDY PLANT OR PLANT THAT SURVIVES MARYLAND WINTERS, INCLUDING A DECIDUOUS OR EVERGREEN TREE, SHRUB, OR WOODY VINE, WHETHER CULTIVATED, NATIVE, OR WILD, AND ALL VIABLE PARTS OF THE PLANT;~~

~~(2) ANY NONHARDY PLANT OR PLANT PART TO BE DISTRIBUTED IN ANOTHER STATE THAT REQUIRES PLANT INSPECTION AND CERTIFICATION BEFORE ENTERING THAT STATE; OR~~

~~(3) ANY OTHER PLANT INCLUDED BY THE SECRETARY, IF REGULATING ITS MOVEMENT IS NECESSARY TO CONTROL ANY DANGEROUSLY INJURIOUS PLANT PEST.~~

5-2A-02.

~~(A) A PERSON MAY NOT SELL AT RETAIL IN THE STATE ANY SEED, PLANT MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT THAT HAS BEEN TREATED WITH A NEONICOTINOID PESTICIDE UNLESS THE SEED, PLANT MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT BEARS A LABEL WITH, OR IS IN CLOSE PROXIMITY TO A SIGN THAT PROMINENTLY DISPLAYS, THE FOLLOWING STATEMENT:~~

~~"WARNING: THIS PRODUCT HAS BEEN TREATED WITH NEONICOTINOID PESTICIDES, FOUND TO HARM OR IMPAIR NONTARGET ORGANISMS, INCLUDING BEES AND OTHER POLLINATORS, BIRDS, EARTHWORMS, AND AQUATIC INVERTEBRATES."~~

~~(B) (A) (1) THIS SUBSECTION AND SUBSECTION (C) OF THIS SECTION DO DOES NOT APPLY TO A FLEA OR TICK COLLAR THAT CONTAINS A NEONICOTINOID PESTICIDE:~~

(I) PET CARE PRODUCTS USED TO MITIGATE FLEAS, MITES, TICKS, HEARTWORMS, OR OTHER ANIMALS THAT ARE HARMFUL TO THE HEALTH OF A DOMESTICATED ANIMAL;

(II) PERSONAL CARE PRODUCTS USED TO MITIGATE LICE AND BEDBUGS; AND

**(III) INDOOR PEST CONTROL PRODUCTS USED TO MITIGATE INSECTS INDOORS, INCLUDING ANT BAIT.**

(2) ON OR AFTER JANUARY 1, ~~2017~~ 2018, A PERSON MAY NOT SELL AT RETAIL IN THE STATE A NEONICOTINOID PESTICIDE UNLESS THE PERSON ALSO SELLS A RESTRICTED USE PESTICIDE, AS DEFINED IN § 5-201 OF THIS TITLE.

~~(C)~~ (B) ON OR AFTER JANUARY 1, ~~2017~~ 2018, A PERSON MAY NOT USE A NEONICOTINOID PESTICIDE UNLESS THE PERSON IS:

(1) A CERTIFIED APPLICATOR OR A PERSON WORKING UNDER THE ~~DIRECT~~ SUPERVISION OF A CERTIFIED APPLICATOR, AS DEFINED IN § 5-201 OF THIS TITLE;

(2) A FARMER, OR A PERSON WORKING UNDER THE ~~DIRECT~~ SUPERVISION OF A FARMER, WHO USES THE PESTICIDE FOR AGRICULTURAL PURPOSES, INCLUDING CROP PRODUCTION, LIVESTOCK, POULTRY, EQUINE, AND NONCROP AGRICULTURAL FIELDS; OR

(3) A VETERINARIAN.

**5-2A-03.**

**THE DEPARTMENT SHALL INCORPORATE POLLINATOR HABITAT EXPANSION AND ENHANCEMENT PRACTICES INTO THE STATE'S MANAGED POLLINATOR PROTECTION PLAN DEVELOPED IN COORDINATION WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY.**

**5-2A-04.**

(A) ON COMPLETION OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S POLLINATOR RISK ASSESSMENT OF THE NEONICOTINOID PESTICIDES IMIDACLOPRID, ~~CLOTHIANIDIN~~ CLOTHIANIDIN, THIAMETHOXAM, AND DINOTEFURAN, THE DEPARTMENT SHALL REVIEW THE STATE'S PESTICIDE LAWS AND REGULATIONS AND MAKE RECOMMENDATIONS FOR ANY CHANGES NECESSARY TO ENSURE STATE LAWS AND REGULATIONS ARE ~~CONSISTENT WITH~~ PROTECTIVE OF POLLINATORS, TAKING INTO ACCOUNT THE U.S. ENVIRONMENTAL PROTECTION AGENCY RECOMMENDATIONS.

(B) WITHIN 6 MONTHS OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S COMPLETED POLLINATOR RISK ASSESSMENT OF NEONICOTINOID PESTICIDES, THE DEPARTMENT SHALL REPORT ITS FINDINGS AND

RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

5-2A-05.

A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY OF ~~\$50~~ \$250.

12-101.

Any person who violates any provision of this article is guilty of a misdemeanor. Unless another penalty specifically is provided elsewhere in this article, the person, upon conviction, is subject to a fine not exceeding \$500, or imprisonment not exceeding three months, or both, with costs imposed in the discretion of the court.

12-102.

Unless another penalty specifically is provided elsewhere in this article, any person found guilty of a second or subsequent violation of any provision of the same title, is subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court. For the purposes of this section, a second or subsequent violation is one which has occurred within two years of any prior violation of this title and which arises out of a separate set of circumstances.

12-103.

In addition to any administrative penalty provided in this article, violation of any rule or regulation adopted by the Secretary pursuant to the provisions of this article is a misdemeanor and is punishable as provided in §§ 12-101 and 12-102 of this subtitle.

12-104.

This title does not apply to a violation of:

- (1) Title 1, Subtitle 3 of this article; AND
- (2) TITLE 5, SUBTITLE 2A OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.

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**Chapter 662****(House Bill 211)**

AN ACT concerning

**Neonicotinoid Pesticides – ~~Labeling, Signage, and~~ Restrictions on Sales and Use  
(Pollinator Protection Act of 2016)**

FOR the purpose of ~~prohibiting a person from selling at retail in the State certain seeds, material, or plants that have been treated with a neonicotinoid pesticide unless the seeds, material, or plants bear a label with, or are in close proximity to a sign that displays in a certain manner, a certain statement;~~ prohibiting a person from selling at retail in the State, on or after a certain date, a neonicotinoid pesticide unless the person also sells a restricted use pesticide; prohibiting a person from using a neonicotinoid pesticide on or after a certain date unless the person is a certified applicator or a person working under the supervision of a certified applicator, a farmer or a person working under the supervision of a farmer who uses the product for a certain purpose, or a veterinarian; ~~establishing certain civil penalties for a violation of this Act;~~ requiring the Department of Agriculture to incorporate certain practices into a certain pollinator protection plan; requiring the Department to review certain laws and regulations and make recommendations regarding certain matters; requiring the Department to report its findings and recommendations to the Governor and General Assembly within a certain period of time after the publication of a certain pollinator risk assessment; establishing a certain civil penalty for a violation of this Act; exempting this Act from certain provisions of law; providing for the application of certain provisions of this Act; defining a certain term ~~terms~~ term; and generally relating to neonicotinoid pesticides.

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 5–201(a), (c), and (r), 12–101, 12–102, and 12–103

Annotated Code of Maryland

(2007 Replacement Volume and 2015 Supplement)

BY adding to

Article – Agriculture

Section ~~5–2A–01 and 5–2A–02~~ through 5–2A–03 5–2A–04 5–2A–05 to be under the new subtitle “Subtitle 2A. Neonicotinoid Pesticides”

Annotated Code of Maryland

(2007 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,Article – AgricultureSection 12–104Annotated Code of Maryland(2007 Replacement Volume and 2015 Supplement)

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

**Article – Agriculture**

5–201.

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

(c) “Certified applicator” means a person who is certified by the Secretary under this subtitle.

(r) “Restricted use pesticide” means a pesticide so classified by the provisions in this title or by the federal government or the Secretary of Agriculture, State of Maryland.

**SUBTITLE 2A. NEONICOTINOID PESTICIDES.**

5–2A–01.

~~(A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(B) “NEONICOTINOID PESTICIDE” MEANS ANY PESTICIDE CONTAINING A CHEMICAL BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS, INCLUDING:~~

~~(1) IMIDACLOPRID;~~

~~(2) NITHIAZINE;~~

~~(3) ACETAMIPRID;~~

~~(4) CLOTHIANIDIN;~~

~~(5) DINOTEFURAN;~~

~~(6) THIAACLOPRID;~~

~~(7) THIAMETHOXAM; AND~~

~~(8) ANY OTHER CHEMICAL DESIGNATED BY THE DEPARTMENT AS BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS.~~

~~(C) “NURSERY STOCK” MEANS:~~

~~(1) ANY HARDY PLANT OR PLANT THAT SURVIVES MARYLAND WINTERS, INCLUDING A DECIDUOUS OR EVERGREEN TREE, SHRUB, OR WOODY VINE, WHETHER CULTIVATED, NATIVE, OR WILD, AND ALL VIABLE PARTS OF THE PLANT;~~

~~(2) ANY NONHARDY PLANT OR PLANT PART TO BE DISTRIBUTED IN ANOTHER STATE THAT REQUIRES PLANT INSPECTION AND CERTIFICATION BEFORE ENTERING THAT STATE; OR~~

~~(3) ANY OTHER PLANT INCLUDED BY THE SECRETARY, IF REGULATING ITS MOVEMENT IS NECESSARY TO CONTROL ANY DANGEROUSLY INJURIOUS PLANT PEST.~~

5-2A-02.

~~(A) A PERSON MAY NOT SELL AT RETAIL IN THE STATE ANY SEED, PLANT MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT THAT HAS BEEN TREATED WITH A NEONICOTINOID PESTICIDE UNLESS THE SEED, PLANT MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT BEARS A LABEL WITH, OR IS IN CLOSE PROXIMITY TO A SIGN THAT PROMINENTLY DISPLAYS, THE FOLLOWING STATEMENT:~~

~~“WARNING: THIS PRODUCT HAS BEEN TREATED WITH NEONICOTINOID PESTICIDES, FOUND TO HARM OR IMPAIR NONTARGET ORGANISMS, INCLUDING BEES AND OTHER POLLINATORS, BIRDS, EARTHWORMS, AND AQUATIC INVERTEBRATES.”~~

~~(B) (A) (1) THIS SUBSECTION AND SUBSECTION (C) OF THIS SECTION DO DOES NOT APPLY TO A FLEA OR TICK COLLAR THAT CONTAINS A NEONICOTINOID PESTICIDE;~~

(I) PET CARE PRODUCTS USED TO MITIGATE FLEAS, MITES, TICKS, HEARTWORMS, OR OTHER ANIMALS THAT ARE HARMFUL TO THE HEALTH OF A DOMESTICATED ANIMAL;

(II) PERSONAL CARE PRODUCTS USED TO MITIGATE LICE AND BEDBUGS; AND

(III) INDOOR PEST CONTROL PRODUCTS USED TO MITIGATE INSECTS INDOORS, INCLUDING ANT BAIT.

(2) ON OR AFTER JANUARY 1, ~~2017~~ 2018, A PERSON MAY NOT SELL AT RETAIL IN THE STATE A NEONICOTINOID PESTICIDE UNLESS THE PERSON ALSO SELLS A RESTRICTED USE PESTICIDE, AS DEFINED IN § 5-201 OF THIS TITLE.

~~(C)~~ **(B)** ON OR AFTER JANUARY 1, ~~2017~~ **2018**, A PERSON MAY NOT USE A NEONICOTINOID PESTICIDE UNLESS THE PERSON IS:

**(1)** A CERTIFIED APPLICATOR OR A PERSON WORKING UNDER THE SUPERVISION OF A CERTIFIED APPLICATOR, AS DEFINED IN § 5-201 OF THIS TITLE;

**(2)** A FARMER, OR A PERSON UNDER THE SUPERVISION OF A FARMER, WHO USES THE PESTICIDE FOR AGRICULTURAL PURPOSES, INCLUDING CROP PRODUCTION, LIVESTOCK, POULTRY, EQUINE, AND NONCROP AGRICULTURAL FIELDS; OR

**(3)** A VETERINARIAN.

5-2A-03.

~~A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY OF \$250.~~

THE DEPARTMENT SHALL INCORPORATE POLLINATOR HABITAT EXPANSION AND ENHANCEMENT PRACTICES INTO THE STATE'S MANAGED POLLINATOR PROTECTION PLAN DEVELOPED IN COORDINATION WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

5-2A-04.

(A) ON COMPLETION OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S POLLINATOR RISK ASSESSMENT OF THE NEONICOTINOID PESTICIDES IMIDACLOPRID, CLOTHIANIDIN, THIAMETHOXAM, AND DINOTEFURAN, THE DEPARTMENT SHALL REVIEW THE STATE'S PESTICIDE LAWS AND REGULATIONS AND MAKE RECOMMENDATIONS FOR ANY CHANGES NECESSARY TO ENSURE STATE LAWS AND REGULATIONS ARE PROTECTIVE OF POLLINATORS, TAKING INTO ACCOUNT THE U.S. ENVIRONMENTAL PROTECTION AGENCY RECOMMENDATIONS.

(B) WITHIN 6 MONTHS OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S COMPLETED POLLINATOR RISK ASSESSMENT OF NEONICOTINOID PESTICIDES, THE DEPARTMENT SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

5-2A-05.

A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY OF \$250.

12-101.

Any person who violates any provision of this article is guilty of a misdemeanor. Unless another penalty specifically is provided elsewhere in this article, the person, upon conviction, is subject to a fine not exceeding \$500, or imprisonment not exceeding three months, or both, with costs imposed in the discretion of the court.

12-102.

Unless another penalty specifically is provided elsewhere in this article, any person found guilty of a second or subsequent violation of any provision of the same title, is subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court. For the purposes of this section, a second or subsequent violation is one which has occurred within two years of any prior violation of this title and which arises out of a separate set of circumstances.

12-103.

In addition to any administrative penalty provided in this article, violation of any rule or regulation adopted by the Secretary pursuant to the provisions of this article is a misdemeanor and is punishable as provided in §§ 12-101 and 12-102 of this subtitle.

12-104.

This title does not apply to a violation of:

- (1) Title 1, Subtitle 3 of this article; AND
- (2) TITLE 5, SUBTITLE 2A OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.

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**Chapter 663**

**(Senate Bill 266)**

AN ACT concerning

~~Natural Resources – Poaching Restitution Act of 2016~~  
~~Hunting – Deer – Penalties~~  
Natural Resources – Poaching Restitution Act of 2016

FOR the purpose of requiring a court to order a person convicted of ~~poaching deer on violating certain provisions involving certain~~ poaching deer on any land in the State privately owned land any land in the State to pay the State ~~restitution certain fines restitution and perform community service in accordance with certain requirements under certain circumstances and to perform community service under certain circumstances;~~ restitution ~~restitution fines~~ restitution collected to be credited to the State Wildlife Management and Protection Fund; requiring the Department of Natural Resources to adopt certain regulations; encouraging the Department and the ~~Office of Administrative Hearings~~ Office of the Courts to develop a certain database; requiring the Department and the ~~Office of Administrative Hearings~~ Office of the Courts to report to certain committees of the General Assembly on or before a certain date; encouraging the Department to work with local law enforcement agencies in developing certain protocols and strategies; defining a certain term; providing for the application of certain provisions of this Act; and generally relating to penalties for ~~poaching illegally hunting, killing, or taking poaching~~ poaching deer on privately owned any land in the State.

~~BY renumbering~~

~~Article – Natural Resources  
Section 10–101(q) through (cc), respectively  
to be Section 10–101(r) through (dd), respectively  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)~~

BY renumbering

Article – Natural Resources  
Section 10–101(q) through (cc), respectively  
to be Section 10–101(r) through (dd), respectively  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Natural Resources  
Section 10–101(q) and 10–101(e) and 10–1101.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 10–212(a) and 10–212(a) and 10–1102  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

WHEREAS, Maryland's nationally acclaimed Wildlife Poaching Prevention Act enhanced the State's ability to suspend and revoke hunting privileges for those individuals found guilty of a State or federal hunting violation; and

WHEREAS, The Wildlife Poaching Prevention Act focused exclusively on the loss of hunting privileges in order to help deter crimes against nature consistent with the tenets of the public trust doctrine, but was silent on financial restitution to further deter wildlife poaching, especially deer poaching on those lands referenced in the Act; and

WHEREAS, This Act not only declares Maryland's disdain for poaching, but imposes mandatory restitution for deer poaching on privately owned lands that, when such restitution is combined with the potential loss of hunting privileges for up to 5 years, as set forth in the Wildlife Poaching Prevention Act, will measurably deter future deer poaching in Maryland and promote Maryland as a national leader in its zero tolerance for poaching; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, *That Section(s) 10-101(q) through (cc), respectively, of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 10-101(r) through (dd), respectively. That Section(s) 10-101(q) through (cc), respectively, of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 10-101(r) through (dd), respectively.*

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

### Article – Natural Resources

#### 10-101.

(Q) “POACHING” MEANS THE ILLEGAL HUNTING, KILLING, OR TAKING OF GAME.

#### 10-212.

(a) The General Assembly finds and declares that:

(1) Hunting is an important and traditional activity in which 14,000,000 Americans who are at least 16 years old participate;

(2) Hunters have been and continue to be among the foremost supporters of sound wildlife management and conservation practices in the United States;

(3) Hunters and hunting organizations provide direct assistance to wildlife managers and enforcement officers of federal, state, and local governments;

(4) Fees for hunting licenses, permits, and stamps, and taxes on goods used by hunters, have generated billions of dollars for wildlife conservation, research, and management;

(5) Hunting is an essential component of effective wildlife management, as it is an important tool for reducing conflicts between people and wildlife and provides incentives for the conservation of wildlife, habitats, and ecosystems on which wildlife depends; [and]

(6) Hunting is an environmentally acceptable activity that occurs and can be provided for on State public lands without adverse effects on other uses of the lands; AND

(7) POACHING, AS DEFINED IN § 10-101 OF THIS TITLE, IS NOT ONLY A VIOLATION OF THE PUBLIC TRUST DOCTRINE, BUT ALSO VIOLATES THE TENETS OF SOUND WILDLIFE MANAGEMENT AND CONSERVATION PRACTICES STRICTLY ADHERED TO BY LAW-ABIDING SPORTSMEN AND SPORTSWOMEN WHO DEEM THE ACT INTOLERABLE.

~~10-101.~~

~~(q) (1) "POACHING" MEANS THE ILLEGAL HUNTING, KILLING, OR TAKING OF GAME, KNOWINGLY OR WILLFULLY.~~

~~(2) "POACHING" INCLUDES HUNTING, KILLING, OR TAKING OF GAME WHILE TRESPASSING ON ANOTHER'S PROPERTY.~~

~~10-212.~~

~~(a) The General Assembly finds and declares that:~~

~~(1) Hunting is an important and traditional activity in which 14,000,000 Americans who are at least 16 years old participate;~~

~~(2) Hunters have been and continue to be among the foremost supporters of sound wildlife management and conservation practices in the United States;~~

~~(3) Hunters and hunting organizations provide direct assistance to wildlife managers and enforcement officers of federal, state, and local governments;~~

~~(4) Fees for hunting licenses, permits, and stamps, and taxes on goods used by hunters, have generated billions of dollars for wildlife conservation, research, and management;~~

~~(5) Hunting is an essential component of effective wildlife management, as it is an important tool for reducing conflicts between people and wildlife and provides~~

~~incentives for the conservation of wildlife, habitats, and ecosystems on which wildlife depends; [and]~~

~~(6) Hunting is an environmentally acceptable activity that occurs and can be provided for on State public lands without adverse effects on other uses of the lands; AND~~

~~(7) POACHING, AS DEFINED IN § 10-101 OF THIS TITLE, IS NOT ONLY A VIOLATION OF THE PUBLIC TRUST DOCTRINE, BUT ALSO VIOLATES THE TENETS OF SOUND WILDLIFE MANAGEMENT AND CONSERVATION PRACTICES STRICTLY ADHERED TO BY LAW ABIDING SPORTSMEN AND SPORTSWOMEN WHO DEEM THE ACT INTOLERABLE.~~

~~10-1101.1.~~

~~(A) NOTWITHSTANDING § 10-1101 OF THIS SUBTITLE, A PERSON CONVICTED OF POACHING DEER ON PRIVATELY OWNED LAND ANY LAND IN THE STATE SHALL PAY THE STATE RESTITUTION IN ACCORDANCE WITH THIS SECTION.~~

~~(B) (1) FOR EACH SIKA DEER, ANTLERLESS WHITE TAILED DEER, OR ANTLERED WHITE TAILED DEER THAT OBTAINS A SCORE OF 150 GROSS INCHES OR LESS, AS MEASURED BY THE BOONE AND CROCKETT CLUB'S SCORING SYSTEM FOR WHITE TAILED DEER, A PERSON CONVICTED OF POACHING DEER ON PRIVATELY OWNED LAND SHALL:~~

~~(i) PAY RESTITUTION OF NOT LESS THAN \$2,000 BUT NOT EXCEEDING \$5,000, IN AN AMOUNT DEEMED REASONABLE BY THE COURT; AND~~

~~(ii) PERFORM 80 HOURS OF COMMUNITY SERVICE.~~

~~(2) INSTEAD OF THE COMMUNITY SERVICE REQUIRED UNDER PARAGRAPH (1)(ii) OF THIS SUBSECTION, A PERSON CONVICTED OF POACHING DEER MAY PAY RESTITUTION OF NOT LESS THAN \$4,000 BUT NOT EXCEEDING \$10,000, IN AN AMOUNT THAT IS DEEMED REASONABLE BY THE COURT.~~

~~(3)(2) FOR EACH ANTLERED WHITE TAILED DEER THAT OBTAINS A SCORE OF MORE THAN 150 GROSS INCHES, AS MEASURED BY THE BOONE AND CROCKETT CLUB'S SCORING SYSTEM FOR WHITE TAILED DEER, A PERSON CONVICTED OF POACHING DEER ON PRIVATELY OWNED LAND SHALL:~~

~~(i) PAY RESTITUTION OF NOT LESS THAN \$5,000 BUT NOT EXCEEDING \$10,000, IN AN AMOUNT DEEMED REASONABLE BY THE COURT; AND~~

~~(ii) PERFORM 80 HOURS OF COMMUNITY SERVICE.~~

~~(4) INSTEAD OF THE COMMUNITY SERVICE REQUIRED UNDER PARAGRAPH (3)(H) OF THIS SUBSECTION, A PERSON CONVICTED OF POACHING DEER MAY PAY RESTITUTION OF NOT LESS THAN \$10,000 BUT NOT EXCEEDING \$20,000, IN AN AMOUNT THAT IS DEEMED REASONABLE BY THE COURT.~~

~~(A) FOR PURPOSES OF THIS SECTION, EACH DEER HUNTED, KILLED, OR TAKEN CONSTITUTES A SEPARATE OFFENSE.~~

~~(B) A PERSON MAY NOT KNOWINGLY AND WILLFULLY HUNT, KILL, OR TAKE, IN VIOLATION OF THIS TITLE:~~

~~(1) SIKA DEER;~~

~~(2) ANTLERLESS WHITE-TAILED DEER; OR~~

~~(3) ANTLERED WHITE-TAILED DEER.~~

~~(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SECTION AND IN ADDITION TO ANY PENALTIES PROVIDED UNDER § 10-1101 OF THIS SUBTITLE, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000.~~

~~(2) IN ADDITION TO ANY PENALTIES PROVIDED UNDER § 10-1101 OF THIS SUBTITLE, A PERSON WHO VIOLATES SUBSECTION (B)(3) OF THIS SECTION INVOLVING AN ANTLERED WHITE-TAILED DEER THAT OBTAINS A SCORE OF MORE THAN 150 GROSS INCHES, AS MEASURED BY THE BOONE AND CROCKETT CLUB'S SCORING SYSTEM FOR WHITE-TAILED DEER, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.~~

~~(C) (D) THE RESTITUTION FINE COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE STATE WILDLIFE MANAGEMENT AND PROTECTION FUND, ESTABLISHED UNDER § 10-209 OF THIS TITLE.~~

~~(D) (E)~~

10-1101.1.

(A) (1) NOTWITHSTANDING § 10-1101 OF THIS SUBTITLE, IF A PERSON IS CONVICTED OF POACHING DEER ON ANY LAND IN THE STATE, THE COURT SHALL ORDER THE PERSON TO PAY THE STATE RESTITUTION IN ACCORDANCE WITH THIS SECTION.

(2) FOR AN ACT OF POACHING THAT INVOLVES TRESPASSING ON ANOTHER'S PROPERTY, THIS SECTION APPLIES WITH RESPECT TO THE TRESPASS VIOLATION ONLY IF THE PERSON TRESPASSES IN A KNOWING OR WILLFUL MANNER.

(B) (1) FOR EACH SIKA DEER OR ANTLERED WHITE-TAILED DEER THAT OBTAINS A SCORE OF 150 GROSS INCHES OR LESS, AS MEASURED BY THE BOONE AND CROCKETT CLUB'S SCORING SYSTEM FOR WHITE-TAILED DEER, A PERSON CONVICTED OF POACHING DEER SHALL:

(I) PAY RESTITUTION OF NOT LESS THAN \$2,000 BUT NOT EXCEEDING \$5,000, IN AN AMOUNT DEEMED REASONABLE BY THE COURT; AND

(II) PERFORM 80 HOURS OF COMMUNITY SERVICE.

(2) FOR EACH ANTLERED WHITE-TAILED DEER THAT OBTAINS A SCORE OF MORE THAN 150 GROSS INCHES, AS MEASURED BY THE BOONE AND CROCKETT CLUB'S SCORING SYSTEM FOR WHITE-TAILED DEER, A PERSON CONVICTED OF POACHING DEER SHALL:

(I) PAY RESTITUTION OF NOT LESS THAN \$5,000 BUT NOT EXCEEDING \$10,000, IN AN AMOUNT DEEMED REASONABLE BY THE COURT; AND

(II) PERFORM 80 HOURS OF COMMUNITY SERVICE.

(3) FOR EACH ANTLERLESS WHITE-TAILED DEER, A PERSON CONVICTED OF POACHING DEER SHALL:

(I) PAY RESTITUTION OF NOT LESS THAN \$300 BUT NOT EXCEEDING \$500, IN AN AMOUNT DEEMED REASONABLE BY THE COURT; OR

(II) PERFORM 40 HOURS OF COMMUNITY SERVICE.

(C) THE RESTITUTION COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE STATE WILDLIFE MANAGEMENT AND PROTECTION FUND, ESTABLISHED UNDER § 10-209 OF THIS TITLE.

(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

10-1102.

(a) If any fine is imposed by the District Court for a violation of any provision of this title, the fine shall be collected pursuant to the provisions of law of the District Court system, ~~WITH THE EXCEPTION OF RESTITUTION FINE~~ RESTITUTION PAYMENTS MADE

UNDER § 10–1101.1 OF THIS SUBTITLE THAT ARE CREDITED TO THE STATE WILDLIFE MANAGEMENT AND PROTECTION FUND, ESTABLISHED UNDER § 10–209 OF THIS TITLE.

(b) If any fine is imposed by the circuit court of any county, the fine, less the costs of collection, shall be paid to the State Wildlife Management and Protection Fund, unless otherwise provided for.

SECTION ~~3~~ ~~2~~ 3. AND BE IT FURTHER ENACTED, That the General Assembly encourages the Department of Natural Resources and the ~~Office of Administrative Hearings~~ Office of the Courts to develop a database that accounts for the disposition of proceeds derived from confiscated property used in the commission of a wildlife offense as set forth in § 10–1106 of the Natural Resources Article. On or before December 1, 2016, a report on these efforts shall be made to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee, in accordance with § 2–1246 of the State Government Article.

SECTION ~~4~~ ~~3~~ 4. AND BE IT FURTHER ENACTED, That the General Assembly encourages the Department of Natural Resources to work with local law enforcement agencies in developing protocols and strategies that facilitate a coordinated time-sensitive approach to investigate reports of deer poaching, including the authority to legally charge individuals suspected of poaching and to confiscate the property used in the commission of the offense.

SECTION ~~5~~ ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.**

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## Chapter 664

(House Bill 410)

AN ACT concerning

### Natural Resources – Poaching Restitution Act of 2016

FOR the purpose of requiring a court to order a person convicted of poaching deer on ~~privately owned land~~ any land in the State to pay the State certain restitution ~~in accordance with certain requirements~~ under certain circumstances and to perform community service under certain circumstances; ~~authorizing a person convicted of poaching deer on privately owned land to pay a certain amount of restitution instead of performing community service under certain circumstances~~; requiring certain restitution collected to be credited to the State Wildlife Management and Protection Fund; requiring the Department of Natural Resources to adopt certain regulations;

encouraging the Department and the ~~Office of Administrative Hearings~~ Office of the Courts to develop a certain database; requiring the Department and the ~~Office of Administrative Hearings~~ Office of the Courts to report to certain committees of the General Assembly on or before a certain date; encouraging the Department to work with local law enforcement agencies in developing certain protocols and strategies; defining a certain term; providing for the application of certain provisions of this Act; and generally relating to penalties for poaching deer on ~~privately owned~~ any land in the State.

BY renumbering

Article – Natural Resources  
Section 10–101(q) through (cc), respectively  
to be Section 10–101(r) through (dd), respectively  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Natural Resources  
Section 10–101(q) and 10–1101.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 10–212(a) and 10–1102  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

#### Preamble

WHEREAS, Maryland’s nationally acclaimed Wildlife Poaching Prevention Act enhanced the State’s ability to suspend and revoke hunting privileges for those individuals found guilty of a State or federal hunting violation; and

WHEREAS, The Wildlife Poaching Prevention Act focused exclusively on the loss of hunting privileges in order to help deter crimes against nature consistent with the tenets of the public trust doctrine, but was silent on financial restitution to further deter wildlife poaching, especially deer poaching on those lands referenced in the Act; and

WHEREAS, This Act not only declares Maryland’s disdain for poaching, but imposes mandatory restitution for deer poaching on privately owned lands that, when such restitution is combined with the potential loss of hunting privileges for up to 5 years, as set forth in the Wildlife Poaching Prevention Act, will measurably deter future deer poaching in Maryland and promote Maryland as a national leader in its zero tolerance for poaching; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 10–101(q) through (cc), respectively, of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 10–101(r) through (dd), respectively.

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

### Article – Natural Resources

10–101.

**(Q) “POACHING” MEANS THE ILLEGAL HUNTING, KILLING, OR TAKING OF GAME.**

10–212.

(a) The General Assembly finds and declares that:

(1) Hunting is an important and traditional activity in which 14,000,000 Americans who are at least 16 years old participate;

(2) Hunters have been and continue to be among the foremost supporters of sound wildlife management and conservation practices in the United States;

(3) Hunters and hunting organizations provide direct assistance to wildlife managers and enforcement officers of federal, state, and local governments;

(4) Fees for hunting licenses, permits, and stamps, and taxes on goods used by hunters, have generated billions of dollars for wildlife conservation, research, and management;

(5) Hunting is an essential component of effective wildlife management, as it is an important tool for reducing conflicts between people and wildlife and provides incentives for the conservation of wildlife, habitats, and ecosystems on which wildlife depends; [and]

(6) Hunting is an environmentally acceptable activity that occurs and can be provided for on State public lands without adverse effects on other uses of the lands; **AND**

**(7) POACHING, AS DEFINED IN § 10–101 OF THIS TITLE, IS NOT ONLY A VIOLATION OF THE PUBLIC TRUST DOCTRINE, BUT ALSO VIOLATES THE TENETS OF SOUND WILDLIFE MANAGEMENT AND CONSERVATION PRACTICES STRICTLY ADHERED TO BY LAW-ABIDING SPORTSMEN AND SPORTSWOMEN WHO DEEM THE ACT INTOLERABLE.**

## 10-1101.1.

(A) (1) NOTWITHSTANDING § 10-1101 OF THIS SUBTITLE, IF A PERSON IS CONVICTED OF POACHING DEER ON PRIVATELY OWNED LAND ANY LAND IN THE STATE, THE COURT SHALL ORDER THE PERSON TO PAY THE STATE RESTITUTION IN ACCORDANCE WITH THIS SECTION.

(2) FOR AN ACT OF POACHING THAT INVOLVES TRESPASSING ON ANOTHER'S PROPERTY, THIS SECTION APPLIES WITH RESPECT TO THE TRESPASS VIOLATION ONLY IF THE PERSON TRESPASSES IN A KNOWING OR WILLFUL MANNER.

(B) (1) FOR EACH SIKA DEER, ~~ANTLERLESS WHITE TAILED DEER~~, OR ANTLERED WHITE-TAILED DEER THAT OBTAINS A SCORE OF 150 GROSS INCHES OR LESS, AS MEASURED BY THE BOONE AND CROCKETT CLUB'S SCORING SYSTEM FOR WHITE-TAILED DEER, A PERSON CONVICTED OF POACHING DEER ~~ON PRIVATELY OWNED LAND~~ SHALL:

(I) PAY RESTITUTION OF NOT LESS THAN \$2,000 BUT NOT EXCEEDING \$5,000, IN AN AMOUNT DEEMED REASONABLE BY THE COURT; AND

(II) PERFORM 80 HOURS OF COMMUNITY SERVICE.

~~(2) INSTEAD OF THE COMMUNITY SERVICE REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, A PERSON CONVICTED OF POACHING DEER MAY PAY RESTITUTION OF NOT LESS THAN \$4,000 BUT NOT EXCEEDING \$10,000, IN AN AMOUNT THAT IS DEEMED REASONABLE BY THE COURT.~~

~~(3)~~ (2) FOR EACH ANTLERED WHITE-TAILED DEER THAT OBTAINS A SCORE OF MORE THAN 150 GROSS INCHES, AS MEASURED BY THE BOONE AND CROCKETT CLUB'S SCORING SYSTEM FOR WHITE-TAILED DEER, A PERSON CONVICTED OF POACHING DEER ~~ON PRIVATELY OWNED LAND~~ SHALL:

(I) PAY RESTITUTION OF NOT LESS THAN \$5,000 BUT NOT EXCEEDING \$10,000, IN AN AMOUNT DEEMED REASONABLE BY THE COURT; AND

(II) PERFORM 80 HOURS OF COMMUNITY SERVICE.

~~(4) INSTEAD OF THE COMMUNITY SERVICE REQUIRED UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION, A PERSON CONVICTED OF POACHING DEER MAY PAY RESTITUTION OF NOT LESS THAN \$10,000 BUT NOT EXCEEDING \$20,000, IN AN AMOUNT THAT IS DEEMED REASONABLE BY THE COURT.~~

**(3) FOR EACH ANTLERLESS WHITE-TAILED DEER, A PERSON CONVICTED OF POACHING DEER SHALL:**

**(I) PAY RESTITUTION OF NOT LESS THAN \$300 BUT NOT EXCEEDING \$500, IN AN AMOUNT DEEMED REASONABLE BY THE COURT; OR**

**(II) PERFORM 40 HOURS OF COMMUNITY SERVICE.**

**(C) THE RESTITUTION COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE STATE WILDLIFE MANAGEMENT AND PROTECTION FUND, ESTABLISHED UNDER § 10-209 OF THIS TITLE.**

**(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

10-1102.

(a) If any fine is imposed by the District Court for a violation of any provision of this title, the fine shall be collected pursuant to the provisions of law of the District Court system, **WITH THE EXCEPTION OF RESTITUTION PAYMENTS MADE UNDER § 10-1101.1 OF THIS SUBTITLE THAT ARE CREDITED TO THE STATE WILDLIFE MANAGEMENT AND PROTECTION FUND, ESTABLISHED UNDER § 10-209 OF THIS TITLE.**

(b) If any fine is imposed by the circuit court of any county, the fine, less the costs of collection, shall be paid to the State Wildlife Management and Protection Fund, unless otherwise provided for.

SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly encourages the Department of Natural Resources and the ~~Office of Administrative Hearings~~ Office of the Courts to develop a database that accounts for the disposition of proceeds derived from confiscated property used in the commission of a wildlife offense as set forth in § 10-1106 of the Natural Resources Article. On or before December 1, 2016, a report on these efforts shall be made to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee, in accordance with § 2-1246 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That the General Assembly encourages the Department of Natural Resources to work with local law enforcement agencies in developing protocols and strategies that facilitate a coordinated time-sensitive approach to investigate reports of deer poaching, including the authority to legally charge individuals suspected of poaching and to confiscate the property used in the commission of the offense.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.

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**Chapter 665**

**(Senate Bill 271)**

AN ACT concerning

**Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms – Funding**

FOR the purpose of altering the amount of money, beginning in a certain fiscal year, the Governor is required to provide in the State budget for the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms each fiscal year; altering a certain reporting date; and generally relating to funding for the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 5–313  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 10–645(l)  
Annotated Code of Maryland  
(2008 Volume and 2015 Supplement)

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

**Article – Education**

5–313.

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

(2) “Program” means the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

(3) “Significant enrollment growth” means full-time equivalent enrollment growth in a local school system that has exceeded 150% of the statewide average over the past 5 years.

(4) “Significant number of relocatable classrooms” means an average of more than 300 relocatable classrooms in a local school system over the past 5 years.

(b) (1) There is a Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

(2) The purpose of the Program is to provide grants for public school construction in local school systems that are experiencing significant enrollment growth or a significant number of relocatable classrooms.

(c) (1) The Program shall be implemented and administered by the Interagency Committee on School Construction in accordance with this section.

(2) Grants awarded by the Interagency Committee under the Program:

(i) Shall be matched by local funds equal to the required local cost-share established in accordance with § 5-301(d)(3) of this subtitle; and

(ii) Shall be approved by the Board of Public Works.

(d) The Interagency Committee shall:

(1) Provide grants from State funds dedicated for the Program to county boards for public school construction in local school systems that are experiencing significant enrollment growth or a significant number of relocatable classrooms;

(2) Develop a procedure for a county board to apply for a grant under the Program;

(3) Develop eligibility requirements for a county board to receive a grant under the Program, including a requirement for a county board to provide funds to match a grant award; and

(4) Develop a process to allocate grant awards under the Program that allocate funds based on each eligible county board’s proportionate share of the total full-time equivalent enrollment of the county boards that are eligible to participate in the Program.

(e) [Beginning in fiscal year 2016 and each fiscal year thereafter, in] **IN** addition to the annual amount otherwise provided in the capital improvement program of the Public School Construction Program, the Governor **ANNUALLY** shall provide [an additional \$20,000,000 annually] **AN ADDITIONAL AMOUNT AS FOLLOWS** in the capital

improvement program of the Public School Construction Program that may be used only to award grants under the Program:

(1) IN FISCAL YEAR 2016, \$20,000,000; AND

(2) IN FISCAL YEAR 2017 AND EACH FISCAL YEAR THEREAFTER, \$40,000,000.

(f) The State funding provided under the Program is supplemental to and is not intended to take the place of funding that would otherwise be appropriated for public school construction purposes to a county board from any other source.

(g) The Interagency Committee shall adopt procedures necessary to implement this section.

### Article – Economic Development

10–645.

(1) On October 1, 2013, and each [October 1] JANUARY 15 thereafter, the Authority, Baltimore City, the Baltimore City Board of School Commissioners, and the Interagency Committee on School Construction jointly shall report to the Governor, the Board of Public Works and, in accordance with § 2–1246 of the State Government Article, the fiscal committees of the General Assembly, on the progress of replacements, renovations, and maintenance of Baltimore City public school facilities, including actions:

(1) taken during the previous fiscal year; and

(2) planned for the current fiscal year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.**

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## **Chapter 666**

**(House Bill 722)**

AN ACT concerning

**Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms – Funding**

FOR the purpose of altering the amount of money, beginning in a certain fiscal year, the Governor is required to provide in the State budget for the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms each fiscal year; altering a certain reporting date; and generally relating to funding for the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 5–313  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 10–645(l)  
Annotated Code of Maryland  
(2008 Volume and 2015 Supplement)

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

### **Article – Education**

5–313.

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

(2) “Program” means the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

(3) “Significant enrollment growth” means full–time equivalent enrollment growth in a local school system that has exceeded 150% of the statewide average over the past 5 years.

(4) “Significant number of relocatable classrooms” means an average of more than 300 relocatable classrooms in a local school system over the past 5 years.

(b) (1) There is a Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

(2) The purpose of the Program is to provide grants for public school construction in local school systems that are experiencing significant enrollment growth or a significant number of relocatable classrooms.

(c) (1) The Program shall be implemented and administered by the Interagency Committee on School Construction in accordance with this section.

(2) Grants awarded by the Interagency Committee under the Program:

(i) Shall be matched by local funds equal to the required local cost-share established in accordance with § 5-301(d)(3) of this subtitle; and

(ii) Shall be approved by the Board of Public Works.

(d) The Interagency Committee shall:

(1) Provide grants from State funds dedicated for the Program to county boards for public school construction in local school systems that are experiencing significant enrollment growth or a significant number of relocatable classrooms;

(2) Develop a procedure for a county board to apply for a grant under the Program;

(3) Develop eligibility requirements for a county board to receive a grant under the Program, including a requirement for a county board to provide funds to match a grant award; and

(4) Develop a process to allocate grant awards under the Program that allocate funds based on each eligible county board's proportionate share of the total full-time equivalent enrollment of the county boards that are eligible to participate in the Program.

(e) [Beginning in fiscal year 2016 and each fiscal year thereafter, in] **IN** addition to the annual amount otherwise provided in the capital improvement program of the Public School Construction Program, the Governor **ANNUALLY** shall provide [an additional \$20,000,000 annually] **AN ADDITIONAL AMOUNT AS FOLLOWS** in the capital improvement program of the Public School Construction Program that may be used only to award grants under the Program:

**(1) IN FISCAL YEAR 2016, \$20,000,000; AND**

**(2) IN FISCAL YEAR 2017 AND EACH FISCAL YEAR THEREAFTER, \$40,000,000.**

(f) The State funding provided under the Program is supplemental to and is not intended to take the place of funding that would otherwise be appropriated for public school construction purposes to a county board from any other source.

(g) The Interagency Committee shall adopt procedures necessary to implement this section.

**Article – Economic Development**

10-645.

(l) On October 1, 2013, and each [October 1] JANUARY 15 thereafter, the Authority, Baltimore City, the Baltimore City Board of School Commissioners, and the Interagency Committee on School Construction jointly shall report to the Governor, the Board of Public Works and, in accordance with § 2-1246 of the State Government Article, the fiscal committees of the General Assembly, on the progress of replacements, renovations, and maintenance of Baltimore City public school facilities, including actions:

- (1) taken during the previous fiscal year; and
- (2) planned for the current fiscal year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.**

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## Chapter 667

(Senate Bill 322)

AN ACT concerning

### Homeowners' Property Tax Credit Program – Eligibility Awareness Campaign

FOR the purpose of requiring, on or before a certain date, the State Department of Assessments and Taxation to provide the Comptroller information identifying certain residential property owners who failed to claim a certain homeowners' property tax credit; requiring the Comptroller to review certain information, identify certain individuals who may be eligible for but failed to claim the credit, and provide the Department the contact information of those individuals; requiring the Comptroller to cooperate with and assist the Department in auditing credit applications and to provide certain information to the Department under certain circumstances; requiring, on or before a certain date, the Department to contact certain individuals identified under this Act by mail for certain purposes; repealing certain provisions of law requiring the Department and the Comptroller to provide certain notices about the credit; and generally relating to the homeowners' property tax credit program.

BY repealing

Article – Tax – Property

Section 9-104(e) and (f)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Tax – Property

Section ~~9–104(w)~~ 9–104(e)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY renumbering

Article – Tax – Property

Section 9–104(g) through (v), respectively

to be Section 9–104(f) through (u), respectively

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9–104(e) and (f) of Article – Tax – Property of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 9–104(g) through (v), respectively, of Article – Tax – Property of the Annotated Code of Maryland be renumbered to be Section(s) 9–104(f) through (u), respectively.

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

### **Article – Tax – Property**

9–104.

~~(w)~~ **(E)** (1) ON OR BEFORE MAY 1 OF EACH YEAR, THE DEPARTMENT SHALL PROVIDE THE COMPTROLLER INFORMATION IDENTIFYING OWNERS OF RESIDENTIAL PROPERTIES WITH AN ASSESSED VALUE NOT EXCEEDING \$300,000 WHO, DURING THE PRECEDING 3 YEARS, FAILED TO CLAIM THE PROPERTY TAX CREDIT UNDER THIS SECTION.

**(2) THE COMPTROLLER SHALL:**

**(I) REVIEW THE INFORMATION PROVIDED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION AND INFORMATION THAT THE COMPTROLLER MAINTAINS REGARDING FILERS OF INCOME TAX RETURNS;**

**(II) IDENTIFY THE INDIVIDUALS WHO MAY BE ELIGIBLE FOR BUT FAILED TO CLAIM THE PROPERTY TAX CREDIT UNDER THIS SECTION; AND**

(III) PROVIDE THE DEPARTMENT THE CONTACT INFORMATION OF THE INDIVIDUALS IDENTIFIED UNDER ITEM (II) OF THIS PARAGRAPH.

**(3) (1) FOR INCOME VERIFICATION, THE COMPTROLLER SHALL:**

**1. COOPERATE WITH THE DEPARTMENT IN ADOPTING A PROCEDURE TO AUDIT THE APPLICATION FORMS; AND**

**2. NOTWITHSTANDING § 13-202 OF THE TAX – GENERAL ARTICLE, SUPPLY THE DEPARTMENT WITH ADDITIONAL INFORMATION.**

**(II) THE COMPTROLLER SHALL ASSIST THE DEPARTMENT IN A POSTAUDIT OF EACH APPLICATION.**

~~(3)~~ **(4)** ON OR BEFORE AUGUST 1 OF EACH YEAR, THE DEPARTMENT SHALL CONTACT EACH INDIVIDUAL IDENTIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION BY MAIL TO INFORM THE INDIVIDUAL THAT THE INDIVIDUAL MAY BE ELIGIBLE FOR THE PROPERTY TAX CREDIT UNDER THIS SECTION AND HOW TO APPLY FOR THE CREDIT.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.

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## Chapter 668

(House Bill 378)

AN ACT concerning

### Homeowners' Property Tax Credit Program – Eligibility Awareness Campaign

FOR the purpose of requiring, on or before a certain date, the State Department of Assessments and Taxation to provide the Comptroller information identifying certain residential property owners who failed to claim a certain homeowners' property tax credit; requiring the Comptroller to review certain information, identify certain individuals who may be eligible for but failed to claim the credit, and provide the Department the contact information of those individuals; requiring the Comptroller to cooperate with and assist the Department in auditing credit applications and to provide certain information to the Department under certain circumstances; requiring, on or before a certain date, the Department to contact certain individuals identified under this Act by mail for certain purposes; repealing certain provisions of law requiring the Department and the Comptroller to provide

*certain notices about the credit;* and generally relating to the homeowners' property tax credit program.

*BY repealing*

*Article – Tax – Property*

*Section 9–104(e) and (f)*

*Annotated Code of Maryland*

*(2012 Replacement Volume and 2015 Supplement)*

BY adding to

Article – Tax – Property

Section ~~9–104(w)~~ 9–104(e)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

*BY renumbering*

*Article – Tax – Property*

*Section 9–104(g) through (v), respectively*

*to be Section 9–104(f) through (u), respectively*

*Annotated Code of Maryland*

*(2012 Replacement Volume and 2015 Supplement)*

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9–104(e) and (f) of Article – Tax – Property of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 9–104(g) through (v), respectively, of Article – Tax – Property of the Annotated Code of Maryland be renumbered to be Section(s) 9–104(f) through (u), respectively.

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

**Article – Tax – Property**

9–104.

~~(w)~~ **(E)** (1) ON OR BEFORE MAY 1 OF EACH YEAR, THE DEPARTMENT SHALL PROVIDE THE COMPTROLLER INFORMATION IDENTIFYING OWNERS OF RESIDENTIAL PROPERTIES WITH AN ASSESSED VALUE NOT EXCEEDING \$300,000 WHO, DURING THE PRECEDING 3 YEARS, FAILED TO CLAIM THE PROPERTY TAX CREDIT UNDER THIS SECTION.

**(2) THE COMPTROLLER SHALL:**

(I) REVIEW THE INFORMATION PROVIDED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION AND INFORMATION THAT THE COMPTROLLER MAINTAINS REGARDING FILERS OF INCOME TAX RETURNS;

(II) IDENTIFY THE INDIVIDUALS WHO MAY BE ELIGIBLE FOR BUT FAILED TO CLAIM THE PROPERTY TAX CREDIT UNDER THIS SECTION; AND

(III) PROVIDE THE DEPARTMENT THE CONTACT INFORMATION OF THE INDIVIDUALS IDENTIFIED UNDER ITEM (II) OF THIS PARAGRAPH.

**(3) (I) FOR INCOME VERIFICATION, THE COMPTROLLER SHALL:**

**1. COOPERATE WITH THE DEPARTMENT IN ADOPTING A PROCEDURE TO AUDIT THE APPLICATION FORMS; AND**

**2. NOTWITHSTANDING § 13-202 OF THE TAX – GENERAL ARTICLE, SUPPLY THE DEPARTMENT WITH ADDITIONAL INFORMATION.**

**(II) THE COMPTROLLER SHALL ASSIST THE DEPARTMENT IN A POSTAUDIT OF EACH APPLICATION.**

~~(3)~~ **(4) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE DEPARTMENT SHALL CONTACT EACH INDIVIDUAL IDENTIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION BY MAIL TO INFORM THE INDIVIDUAL THAT THE INDIVIDUAL MAY BE ELIGIBLE FOR THE PROPERTY TAX CREDIT UNDER THIS SECTION AND HOW TO APPLY FOR THE CREDIT.**

SECTION ~~2~~ 4 AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.

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## Chapter 669

(Senate Bill 390)

AN ACT concerning

### Charles County Sheriff – Salaries and Collective Bargaining

FOR the purpose of requiring that the salary schedule for deputy sheriffs of Charles County correspond to the Department of State Police salary schedule; requiring that the salary schedule for the deputy sheriffs of Charles County be revised to reflect any

revision made to the Department of State Police salary schedule; requiring the County Commissioners of Charles County to appropriate certain funds to provide certain salaries of the deputy sheriffs except under certain circumstances; providing that the County Commissioners are not required to grant certain step increases to the deputy sheriffs; providing that certain step increases are subject to appropriations by the Board; authorizing certain sworn law enforcement officers and correctional officers in Charles County to collectively bargain with the County Commissioners of Charles County, in addition to the Sheriff, with respect to certain matters; prohibiting the resolution or adjustment of a certain dispute from being inconsistent with the terms of a certain collective bargaining agreement; prohibiting the County Commissioners from recognizing an exclusive representative except under certain circumstances; providing for the decertification of a certain exclusive representative under certain circumstances; altering the maximum number of individuals that the Sheriff and the exclusive representative may designate to represent the Sheriff or the exclusive representative in collective bargaining; authorizing the County Commissioners to designate a certain number of individuals to represent the County Commissioners in collective bargaining under certain circumstances; altering the date by which negotiations for the collective bargaining agreement shall begin; altering the time period during which an exclusive bargaining agreement may be valid; requiring an agreement involving the County Commissioners as a party, or a modification to that agreement, to be signed and ratified by the County Commissioners in order to be effective or valid; requiring that the terms of a collective bargaining agreement prevail in a certain conflict except under certain circumstances; authorizing any party to collective bargaining to seek mediation under certain circumstances; requiring the party seeking mediation to provide certain notice to certain persons; authorizing any party to a certain collective bargaining agreement to declare a bargaining impasse under certain circumstances; establishing procedures and timelines for the mediation and arbitration of collective bargaining disputes involving the exclusive representative of certain sworn law enforcement officers or correctional officers in the Charles County Sheriff's Office; providing that certain recommendations of the arbitrator are not binding; authorizing the Sheriff or the County Commissioners to adopt or reject certain recommendations under certain circumstances; requiring the parties to accept or reject the recommendations within a certain period of time; establishing a certain method of distributing the costs of the mediation and arbitration; authorizing the parties to reach a voluntary settlement on unresolved issues at any time; providing that the terms and conditions of a certain collective bargaining agreement shall remain in effect under certain circumstances until a certain time; requiring the Sheriff and the County Commissioners, under certain circumstances, to recognize certain exclusive representatives as of a certain date as the exclusive representatives of certain employees; making a conforming change; and generally relating to the salaries and collective bargaining rights of sworn law enforcement officers and correctional officers of the Charles County Sheriff's Office.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 2–309(a) and (a–1)

Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–309(j)(3) and (5)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 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.

(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.

(a–1) The government of each county shall furnish an office for the sheriff and pay the necessary expenses for telephones, stationery and for other purposes, and unless otherwise provided by law, shall provide for the necessary traveling expenses of the sheriff for conveying prisoners to any penal institution in the State and other necessary traveling expenses.

(j) (3) **(I)** The Sheriff, in accordance with rules and regulations developed by the Board of County Commissioners and the Sheriff, shall appoint the number of deputy sheriffs that the Board of County Commissioners of Charles County and the Sheriff consider necessary.

**(II) THE SALARY SCHEDULE FOR THE DEPUTY SHERIFFS, BASED ON RANK AND LENGTH OF SERVICE, SHALL CORRESPOND TO THE DEPARTMENT OF STATE POLICE SALARY SCHEDULE, INCLUDING LONGEVITY STEPS.**

**(III) THE SALARY SCHEDULE FOR THE DEPUTY SHERIFFS SHALL BE REVISED TO REFLECT ANY REVISIONS MADE TO THE DEPARTMENT OF STATE POLICE SALARY SCHEDULE.**

**(IV) 1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL APPROPRIATE THE FUNDS NECESSARY TO PROVIDE THE SALARIES FOR DEPUTY SHERIFFS SPECIFIED IN THE SALARY SCHEDULE UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH UNLESS THE COUNTY COMMISSIONERS DECLARE A FISCAL EMERGENCY UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH.**

**2. AFTER A DISCUSSION AMONG THE COUNTY COMMISSIONERS OF CHARLES COUNTY, THE SHERIFF, AND THE EXCLUSIVE REPRESENTATIVES OF THE BARGAINING UNITS OF SWORN LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS OF THE CHARLES COUNTY SHERIFF'S OFFICE, THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY DECLARE A FISCAL EMERGENCY BY A MAJORITY VOTE OF THE COUNTY COMMISSIONERS FOLLOWING A PUBLIC HEARING.**

**(v) 1. IF THE DEPARTMENT OF STATE POLICE GRANTS STEP INCREASES TO ITS EMPLOYEES, THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE NOT REQUIRED UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH TO GRANT STEP INCREASES TO THE DEPUTY SHERIFFS.**

**2. STEP INCREASES FOR THE DEPUTY SHERIFFS ARE SUBJECT TO APPROPRIATIONS BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY.**

(5) (i) This paragraph applies to all full-time, merit system sworn law enforcement officers and correctional officers in the Charles County Sheriff's Office at a rank of sergeant or below.

(ii) This paragraph does not apply to the following employees in the Charles County Sheriff's Office:

1. Sworn law enforcement officers or correctional officers in the Charles County Sheriff's Office at a rank of lieutenant or above;
2. Employees in appointed positions;
3. Civilian merit system employees;
4. Full-time reduced hours employees;
5. Part-time employees;
6. Contractual employees;
7. Temporary employees;
8. Emergency employees; or
9. Employees whose employment is administered under the county policies and procedures manual.

(iii) 1. A sworn law enforcement officer or correctional officer subject to this paragraph has the right to:

- A. Take part in or refrain from taking part in forming, joining, supporting, or participating in any employee organization or its lawful activities;
- B. Be represented by an exclusive representative, if any, in collective bargaining; and
- C. Engage in other concerted activities for the purpose of collective bargaining.

2. Sworn law enforcement officers and correctional officers subject to this paragraph may seek recognition in order to organize and bargain collectively in good faith with the Sheriff or the Sheriff's designee concerning the following matters:

- A. Compensation, excluding salary, wages, and those benefits determined, offered, administered, controlled, or managed by the County Commissioners of Charles County;
- B. Leave, holidays, and vacations; and
- C. Hours, working conditions, and job security.

**3. A. SWORN LAW ENFORCEMENT OFFICERS SUBJECT TO THIS PARAGRAPH MAY SEEK RECOGNITION IN ORDER TO ORGANIZE AND BARGAIN COLLECTIVELY IN GOOD FAITH WITH THE COUNTY COMMISSIONERS OF CHARLES COUNTY AND THE SHERIFF, OR THE SHERIFF'S DESIGNEE, CONCERNING MERIT STEP INCREASES AND THOSE BENEFITS DETERMINED, OFFERED, ADMINISTERED, CONTROLLED, OR MANAGED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY.**

**B. CORRECTIONAL OFFICERS SUBJECT TO THIS PARAGRAPH MAY SEEK RECOGNITION IN ORDER TO ORGANIZE AND BARGAIN COLLECTIVELY IN GOOD FAITH WITH THE COUNTY COMMISSIONERS OF CHARLES COUNTY AND THE SHERIFF, OR THE SHERIFF'S DESIGNEE, CONCERNING SALARY, WAGES, AND THOSE BENEFITS DETERMINED, OFFERED, ADMINISTERED, CONTROLLED, OR MANAGED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY.**

4. A. A sworn law enforcement officer or correctional officer who is a member of a bargaining unit with an exclusive representative may discuss any matter with the employer without the intervention of the exclusive representative.

**B. IF A DISCUSSION UNDER SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH LEADS TO A RESOLUTION OR ADJUSTMENT OF A**

**DISPUTE, THE RESOLUTION OR ADJUSTMENT MAY NOT BE INCONSISTENT WITH THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT THEN IN EFFECT.**

[4.] 5. A sworn law enforcement officer or correctional officer who is not a member of a bargaining unit with an exclusive representative may be required to pay a proportional service fee for costs associated with the administration and enforcement of any agreement that benefits the affected employees. An exclusive representative shall be selected in accordance with the procedures set forth in subparagraph (v) of this paragraph.

[5.] 6. This paragraph does not require that sworn law enforcement officers and correctional officers be represented by the same exclusive representative.

(iv) The Sheriff and the Office of the Sheriff for Charles County, through their appropriate officers and employees, may:

1. Determine the:
  - A. Mission;
  - B. Budget;
  - C. Organization;
  - D. Numbers, types, and grades of employees assigned;
  - E. Work projects, tours of duty, and methods, means, and personnel by which its operations are conducted;
  - F. Technology needs;
  - G. Internal security practices; and
  - H. Relocation of its facilities;
2. Maintain and improve the efficiency and effectiveness of governmental operations;
3. Determine the services to be rendered, operations to be performed, and technology to be used;
4. Determine the overall methods, processes, means, and classes of work or personnel by which governmental operations are to be conducted;
5. Hire, direct, supervise, and assign employees;

6. A. Promote, demote, discipline, discharge, retain, and lay off employees; and

B. Terminate employment because of lack of funds, lack of work, a determination by the employer that continued work would be inefficient or nonproductive, or for other legitimate reasons;

7. Set the qualifications of employees for appointment and promotions;

8. Set standards of conduct;

9. Adopt office rules, regulations, and procedures;

10. Provide a system of merit employment according to a standard of business efficiency; and

11. Take actions, not otherwise specified in this paragraph, to carry out the mission of the Office of the Sheriff of Charles County.

(v) 1. Except as provided in subparagraph 2 of this subparagraph, an exclusive representative may not be recognized by **THE COUNTY COMMISSIONERS OF CHARLES COUNTY OR** the Sheriff unless that representative is selected and certified by the Department of Labor, Licensing, and Regulation.

2. Any petition to be recognized that is submitted on behalf of the sworn law enforcement officers shall be accompanied by a showing of interest supported by at least 51% of the sworn law enforcement officers indicating their desire to be exclusively represented by the petitioner for the purpose of collective bargaining.

3. Any petition to be recognized that is submitted on behalf of the correctional officers shall be accompanied by a showing of interest supported by at least 51% of the correctional officers indicating their desire to be exclusively represented by the petitioner for the purpose of collective bargaining.

**4. A. EXCEPT AS PROVIDED IN SUBSUBSUBPARAGRAPH B OF THIS SUBSUBPARAGRAPH, AN EXCLUSIVE REPRESENTATIVE SHALL BE DEEMED DECERTIFIED IF A PETITION IS SUBMITTED TO THE COUNTY COMMISSIONERS OF CHARLES COUNTY AND THE SHERIFF THAT IS SIGNED BY 51% OF THE SWORN LAW ENFORCEMENT OFFICERS OR CORRECTIONAL OFFICERS INDICATING THEIR DESIRE TO DECERTIFY THE EXCLUSIVE REPRESENTATIVE.**

**B. IF THE EXCLUSIVE REPRESENTATIVE WISHES TO CHALLENGE THE VALIDITY OF A PETITION SUBMITTED UNDER SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH, WITHIN 20 DAYS AFTER**

**SUBMISSION OF THE PETITION, THE EXCLUSIVE REPRESENTATIVE MAY REQUEST A SECRET BALLOT ELECTION.**

**C. THE SECRET BALLOT ELECTION SHALL BE CONDUCTED BY AN IMPARTIAL UMPIRE SELECTED JOINTLY BY THE PARTICIPATING PARTIES FROM A LIST OF UMPIRES PROVIDED BY THE AMERICAN ARBITRATION ASSOCIATION.**

**D. THE COSTS ASSOCIATED WITH THE APPOINTMENT OF THE IMPARTIAL UMPIRE SHALL BE SHARED EQUALLY BY THE EXCLUSIVE REPRESENTATIVE AND CHARLES COUNTY.**

**E. IF AT LEAST 51% OF THE EMPLOYEES IN THE BARGAINING UNIT VOTE IN FAVOR OF DECERTIFICATION DURING THE SECRET BALLOT ELECTION, THE EXCLUSIVE REPRESENTATIVE SHALL BE DECERTIFIED.**

(vi) 1. A. The Sheriff may designate at least one, but not more than [three] **FOUR**, individuals to represent the Sheriff in collective bargaining.

**B. IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE A PARTY TO COLLECTIVE BARGAINING, THE COUNTY COMMISSIONERS MAY DESIGNATE AT LEAST ONE, BUT NOT MORE THAN FOUR, INDIVIDUALS TO REPRESENT THE COUNTY COMMISSIONERS IN COLLECTIVE BARGAINING.**

**C.** The exclusive representative shall designate at least one, but not more than [three] **FOUR**, individuals to represent the exclusive representative in collective bargaining.

2. The parties shall meet at reasonable times and engage in collective bargaining in good faith.

3. Negotiations or matters relating to negotiations shall be considered closed sessions under § 3–305 of the General Provisions Article.

4. The parties shall make every reasonable effort to conclude negotiations in a timely manner for inclusion by the Sheriff and the Office of the Sheriff of Charles County in its budget request to the County Commissioners of Charles County.

5. Negotiations for an agreement shall begin on or before each [July] **SEPTEMBER** 1 of the year before the expiration of any existing agreement.

(vii) To the extent that any matters negotiated between the Sheriff, **THE COUNTY COMMISSIONERS OF CHARLES COUNTY**, and the collective bargaining unit require legislative approval or the appropriation of funds, the matters shall be

recommended to the General Assembly for the approval of legislation or to the County Commissioners for the appropriation of funds.

(viii) An agreement is not valid if it extends for less than 1 year or for more than [2] 4 years.

(ix) 1. An agreement shall contain all matters of agreement reached in the collective bargaining process.

2. An agreement may contain a grievance procedure for binding arbitration of the interpretation of contract terms and clauses.

3. A. An agreement reached in accordance with this paragraph shall be in writing and signed by the designated representatives of the Sheriff and the exclusive representative involved in the collective bargaining negotiations.

**B. IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE A PARTY TO THE AGREEMENT, THE AGREEMENT SHALL BE SIGNED BY THE COUNTY COMMISSIONERS IN ADDITION TO THE SIGNATORIES REQUIRED UNDER SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH.**

4. An agreement is not effective until it is ratified by [the]:

A. **THE** Sheriff;

**B. IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE A PARTY TO THE COLLECTIVE BARGAINING, THE COUNTY COMMISSIONERS; and**

C. [a] A majority of the votes cast by the employees in the bargaining unit.

5. A modification to an existing agreement is not valid unless it is in writing and ratified by [the]:

A. **THE** Sheriff;

**B. IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE A PARTY TO THE COLLECTIVE BARGAINING, THE COUNTY COMMISSIONERS; and**

C. [a] A majority of the votes cast by the employees in the bargaining unit.

**(X) IF THERE IS A CONFLICT BETWEEN AN EXISTING COLLECTIVE BARGAINING AGREEMENT AND A RULE OR REGULATION ADOPTED BY CHARLES COUNTY, INCLUDING MERIT SYSTEM OR OTHER PERSONNEL REGULATIONS, THE TERMS OF THE AGREEMENT SHALL PREVAIL UNLESS OTHERWISE PROHIBITED BY LAW.**

**(XI) 1. IF THE EXCLUSIVE REPRESENTATIVE, THE SHERIFF, AND, IF A PARTY TO COLLECTIVE BARGAINING, THE COUNTY COMMISSIONERS ARE UNABLE TO REACH AN AGREEMENT ON OR BEFORE JANUARY 15, ANY PARTY MAY SEEK MEDIATION THROUGH THE FEDERAL MEDIATION AND CONCILIATION SERVICE.**

**2. A PARTY SEEKING MEDIATION UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL PROVIDE WRITTEN NOTICE TO THE OTHER PARTIES AND THE FEDERAL MEDIATION AND CONCILIATION SERVICE AT LEAST 15 DAYS BEFORE THE ANTICIPATED FIRST MEDIATION MEETING.**

**3. THE PARTIES SHALL SHARE THE COSTS OF THE SERVICES OF THE MEDIATOR AS FOLLOWS:**

**A. THE EXCLUSIVE REPRESENTATIVE SHALL PAY HALF OF THE COSTS;**

**B. IF THE COUNTY COMMISSIONERS AND THE SHERIFF ARE BOTH PARTIES TO THE NEGOTIATIONS GIVING RISE TO THE MEDIATION, THE COUNTY COMMISSIONERS AND THE SHERIFF SHALL EACH PAY ONE-QUARTER OF THE COSTS; AND**

**C. IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE NOT A PARTY TO THE NEGOTIATIONS GIVING RISE TO THE MEDIATION, THE SHERIFF SHALL PAY HALF OF THE COSTS.**

**4. COSTS INCURRED BY A PARTY TO PREPARE, APPEAR, OR SECURE REPRESENTATION, EXPERT WITNESSES, OR EVIDENCE OF ANY KIND SHALL BE BORNE EXCLUSIVELY BY THAT PARTY.**

**5. THE PARTIES SHALL ENGAGE IN MEDIATION FOR AT LEAST 30 DAYS UNLESS THE PARTIES MUTUALLY AGREE IN WRITING TO THE TERMINATION OR EXTENSION OF THE MEDIATION OR REACH AN AGREEMENT.**

**6. THE CONTENTS OF A MEDIATION PROCEEDING UNDER THIS SUBPARAGRAPH MAY NOT BE DISCLOSED BY THE PARTIES OR THE MEDIATOR.**

(XII) 1. IF THE EXCLUSIVE REPRESENTATIVE, THE SHERIFF, AND, IF A PARTY TO COLLECTIVE BARGAINING, THE COUNTY COMMISSIONERS OF CHARLES COUNTY HAVE NOT REACHED AN AGREEMENT ON OR BEFORE MARCH 1, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES:

A. ANY PARTY MAY DECLARE A BARGAINING IMPASSE;

B. THE PARTY DECLARING A BARGAINING IMPASSE UNDER ITEM A OF THIS SUBSUBPARAGRAPH SHALL ~~CHOOSE~~ REQUEST A LIST OF ARBITRATORS TO BE PROVIDED TO THE PARTIES BY THE FEDERAL MEDIATION AND CONCILIATION SERVICE OR UNDER THE LABOR ARBITRATION RULES OF THE AMERICAN ARBITRATION ASSOCIATION; AND

C. WITHIN 3 DAYS AFTER THE PARTIES' RECEIPT OF THE LIST ~~CHOSEN~~ PROVIDED UNDER ITEM B OF THIS SUBSUBPARAGRAPH, THE PARTIES SHALL SELECT AN ARBITRATOR BY ALTERNATIVE STRIKING OF NAMES FROM THE LIST.

2. ON OR BEFORE MARCH 15, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES, THE PARTIES SHALL SUBMIT TO THE ARBITRATOR:

A. A JOINT MEMORANDUM LISTING ALL ITEMS TO WHICH THE PARTIES PREVIOUSLY AGREED; AND

B. A SEPARATE PROPOSED MEMORANDUM OF EACH PARTY'S FINAL OFFER PRESENTED IN NEGOTIATIONS ON ALL ITEMS TO WHICH THE PARTIES PREVIOUSLY DID NOT AGREE.

3. A. ON OR BEFORE MARCH 30, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES, THE ARBITRATOR SHALL HOLD A CLOSED HEARING ON THE PARTIES' PROPOSALS AT A TIME, DATE, AND PLACE WITHIN CHARLES COUNTY SELECTED BY THE ARBITRATOR.

B. AT A HEARING, EACH PARTY MAY SUBMIT EVIDENCE AND MAKE ORAL AND WRITTEN ARGUMENTS IN SUPPORT OF THE PARTY'S LAST FINAL OFFER.

4. THE ARBITRATOR MAY:

A. GIVE NOTICE AND HOLD HEARINGS IN ACCORDANCE WITH THE MARYLAND ADMINISTRATIVE PROCEDURE ACT;

**B. ADMINISTER OATHS AND TAKE TESTIMONY AND OTHER EVIDENCE; AND**

**C. ISSUE SUBPOENAS.**

**5. ONCE THE PARTIES HAVE SUBMITTED THEIR POSITIONS INTO THE RECORD, EACH PARTY SHALL HAVE AN OPPORTUNITY TO ~~REVIEW~~ REVISE ITS FINAL POSITION BEFORE THE RECORD IS CLOSED AND THE MATTER IS SUBMITTED TO THE ARBITRATOR FOR A DETERMINATION.**

**6. ON OR BEFORE APRIL 15, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES, THE ARBITRATOR SHALL ISSUE A REPORT:**

**A. SELECTING THE FINAL OFFER SUBMITTED BY THE PARTIES THAT THE ARBITRATOR DETERMINES TO BE MORE REASONABLE WHEN VIEWED AS A WHOLE; AND**

**B. STATING THE REASONS THAT THE ARBITRATOR FOUND THE FINAL OFFER TO BE MORE REASONABLE.**

**7. IN DETERMINING WHICH FINAL OFFER IS MORE REASONABLE UNDER SUBSUBPARAGRAPH 6 OF THIS SUBPARAGRAPH, THE ARBITRATOR MAY CONSIDER ONLY:**

**A. PAST COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE PARTIES, INCLUDING THE BARGAINING HISTORY THAT LED TO THE COLLECTIVE BARGAINING AGREEMENT AND THE PRECOLLECTIVE BARGAINING HISTORY OF EMPLOYEE WAGES, HOURS, BENEFITS, AND OTHER WORKING CONDITIONS;**

**B. IN AN ARBITRATION TO WHICH THE EXCLUSIVE REPRESENTATIVE OF SWORN LAW ENFORCEMENT OFFICERS IS A PARTY, A COMPARISON OF WAGES, HOURS, BENEFITS, AND OTHER CONDITIONS OF EMPLOYMENT OF LAW ENFORCEMENT OFFICERS EMPLOYED IN OTHER JURISDICTIONS IN THE STATE;**

**C. IN AN ARBITRATION TO WHICH THE EXCLUSIVE REPRESENTATIVE OF SWORN LAW ENFORCEMENT OFFICERS IS A PARTY, A COMPARISON OF WAGES, HOURS, BENEFITS, AND OTHER CONDITIONS OF EMPLOYMENT OF LAW ENFORCEMENT OFFICERS FROM THE PRIMARY POLICE OR SHERIFF'S DEPARTMENTS IN ALL COUNTIES IN THE STATE;**

**D. IN AN ARBITRATION TO WHICH THE EXCLUSIVE REPRESENTATIVE OF CORRECTIONAL OFFICERS IS A PARTY, A COMPARISON OF WAGES, HOURS, BENEFITS, AND OTHER CONDITIONS OF EMPLOYMENT OF CORRECTIONAL OFFICERS EMPLOYED IN OTHER JURISDICTIONS IN THE STATE;**

**E. A COMPARISON OF WAGES, HOURS, BENEFITS, AND OTHER CONDITIONS OF EMPLOYMENT OF EMPLOYEES WORKING FOR CHARLES COUNTY;**

**F. THE COSTS OF THE RESPECTIVE PROPOSALS OF THE PARTIES;**

**G. THE CONDITION OF THE GENERAL OPERATING FUND OF CHARLES COUNTY, THE ABILITY OF THE SHERIFF AND CHARLES COUNTY TO FINANCE ANY ECONOMIC ADJUSTMENTS REQUIRED UNDER THE PROPOSED COLLECTIVE BARGAINING AGREEMENT, AND THE POTENTIAL IMPACT OF THE PARTIES' FINAL OFFERS ON THE BOND RATING OF CHARLES COUNTY;**

**H. THE ANNUAL INCREASE OR DECREASE IN CONSUMER PRICES FOR GOODS AND SERVICES AS REFLECTED IN THE MOST RECENT CONSUMER PRICE INDEX FOR THE WASHINGTON-ARLINGTON-ALEXANDRIA, DC-VA-MD-WV METROPOLITAN STATISTICAL AREA PUBLISHED BY THE FEDERAL BUREAU OF LABOR STATISTICS;**

**I. THE ANNUAL INCREASE OR DECREASE IN THE COST OF LIVING IN THE STATISTICAL AREAS DESCRIBED IN ITEM H OF THIS SUBSUBPARAGRAPH AS COMPARED TO THE NATIONAL AVERAGE AND TO OTHER COMPARABLE METROPOLITAN AREAS;**

**J. THE ANNUAL INCREASE OR DECREASE IN THE COST OF LIVING IN CHARLES COUNTY;**

**K. RECRUITMENT AND RETENTION DATA;**

**L. THE SPECIAL NATURE OF THE WORK PERFORMED BY THE EMPLOYEES IN THE BARGAINING UNIT, INCLUDING HAZARDS OF EMPLOYMENT, PHYSICAL REQUIREMENTS, EDUCATIONAL QUALIFICATIONS, JOB TRAINING AND SKILLS, SHIFT ASSIGNMENTS, AND THE DEMANDS PLACED ON THOSE EMPLOYEES AS COMPARED TO OTHER CHARLES COUNTY SHERIFF EMPLOYEES;**

**M. THE INTEREST AND WELFARE OF THE PUBLIC AND THE EMPLOYEES IN THE BARGAINING UNIT; AND**

N. STIPULATIONS OF THE PARTIES REGARDING ANY OF THE ITEMS UNDER THIS SUBSUBPARAGRAPH.

8. THE ARBITRATOR MAY NOT:

A. RECEIVE OR CONSIDER THE HISTORY OF COLLECTIVE BARGAINING RELATED TO THE IMMEDIATE DISPUTE, INCLUDING ANY OFFERS OF SETTLEMENT NOT CONTAINED IN THE FINAL OFFER SUBMITTED TO THE ARBITRATOR, UNLESS THE PARTIES MUTUALLY AGREE OTHERWISE;

B. COMBINE FINAL OFFERS OR ALTER THE FINAL OFFER THAT THE ARBITRATOR SELECTS, UNLESS THE PARTIES MUTUALLY AGREE OTHERWISE; OR

C. SELECT AN OFFER IN WHICH THE CONDITIONS OF EMPLOYMENT OR THE COMPENSATION, SALARIES, FEES, OR WAGES TO BE PAID ARE UNREASONABLE.

9. A. THE ARBITRATOR SHALL SUBMIT THE REPORT ISSUED UNDER SUBSUBPARAGRAPH 6 OF THIS SUBPARAGRAPH TO THE COUNTY COMMISSIONERS, THE SHERIFF, AND THE EXCLUSIVE REPRESENTATIVE.

B. THE RECOMMENDATIONS OF THE ARBITRATOR ARE NOT BINDING ON THE COUNTY COMMISSIONERS, THE SHERIFF, OR THE EXCLUSIVE REPRESENTATIVE.

C. EXCEPT AS PROVIDED IN SUBSUBSUBPARAGRAPH D OF THIS SUBSUBPARAGRAPH, THE SHERIFF AND, IF A PARTY TO COLLECTIVE BARGAINING, THE COUNTY COMMISSIONERS MAY ADOPT OR REJECT A RECOMMENDATION OF THE ARBITRATOR.

D. ~~IF~~ SUBJECT TO SUBSUBSUBPARAGRAPH E OF THIS SUBSUBPARAGRAPH, IF A RECOMMENDATION OF THE ARBITRATOR REQUIRES AN APPROPRIATION OF FUNDS, ONLY THE COUNTY COMMISSIONERS MAY ADOPT OR REJECT THE RECOMMENDATION.

E. THE COUNTY COMMISSIONERS MAY NOT ACCEPT A RECOMMENDATION OF THE ARBITRATOR THAT REQUIRES AN APPROPRIATION OF FUNDS UNLESS THE COUNTY COMMISSIONERS AND THE SHERIFF FIRST AGREE ON THE FUNDING SOURCE FOR THE APPROPRIATION.

F. THE PARTIES SHALL ACCEPT OR REJECT THE ARBITRATOR'S RECOMMENDATIONS WITHIN 30 DAYS AFTER THE SUBMISSION OF

THE REPORT TO THE PARTIES UNDER SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH.

10. THE PARTIES SHALL SHARE THE COSTS OF THE SERVICES OF THE ARBITRATOR AS FOLLOWS:

A. THE EXCLUSIVE REPRESENTATIVE SHALL PAY HALF OF THE COSTS;

B. IF THE COUNTY COMMISSIONERS AND THE SHERIFF ARE BOTH PARTIES TO THE NEGOTIATIONS GIVING RISE TO THE ARBITRATION, THE COUNTY COMMISSIONERS AND THE SHERIFF SHALL EACH PAY ONE-QUARTER OF THE COSTS; AND

C. IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE NOT A PARTY TO THE NEGOTIATIONS GIVING RISE TO THE ARBITRATION, THE SHERIFF SHALL PAY HALF OF THE COSTS.

11. COSTS INCURRED BY A PARTY TO PREPARE, APPEAR, OR SECURE REPRESENTATION, EXPERT WITNESSES, OR EVIDENCE OF ANY KIND SHALL BE BORNE EXCLUSIVELY BY THAT PARTY.

12. NOTHING IN THIS SUBPARAGRAPH SHALL BE CONSTRUED TO PROHIBIT THE PARTIES FROM REACHING A VOLUNTARY SETTLEMENT ON ANY UNRESOLVED ISSUES AT ANY TIME BEFORE OR AFTER THE ISSUANCE OF THE RECOMMENDATIONS BY THE ARBITRATOR.

(XIII) IF A COLLECTIVE BARGAINING AGREEMENT EXPIRES AFTER THE EXCLUSIVE REPRESENTATIVE HAS GIVEN NOTICE OF ITS DESIRE TO ENTER INTO COLLECTIVE BARGAINING FOR A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT, THE TERMS AND CONDITIONS OF THE PRIOR COLLECTIVE BARGAINING AGREEMENT SHALL REMAIN IN EFFECT UNTIL THE EARLIER OF:

1. THE PARTIES REACHING A NEW AGREEMENT; OR

2. 180 DAYS FROM THE DATE THE PARTY OR PARTIES REJECT THE ARBITRATOR'S RECOMMENDATIONS.

(XIV) IF THE PARTIES FAIL TO REACH A NEW AGREEMENT WITHIN THE 180-DAY TIME PERIOD UNDER SUBPARAGRAPH (XIII)2 OF THIS PARAGRAPH, THE TERMS AND CONDITIONS OF THE PRIOR COLLECTIVE BARGAINING AGREEMENT SHALL CEASE TO BE EFFECTIVE.

[(x)] ~~(xiv)~~ (xv) This paragraph does not authorize a sworn law enforcement officer or correctional officer to engage in a strike as defined in § 3–303 of the State Personnel and Pensions Article.

[(xi)] ~~(xv)~~ (xvi) Nothing in this paragraph shall be construed as subjecting disciplinary matters or the disciplinary process to negotiation as part of the collective bargaining process.

SECTION 2. AND BE IT FURTHER ENACTED, That, if the sworn law enforcement officers or correctional officers of Charles County seek to collectively bargain under § 2–309(j)(5)(iii)3 of the Courts Article, as enacted by Section 1 of this Act, the Sheriff and the County Commissioners of Charles County shall recognize the exclusive representative of the sworn law enforcement officers or the exclusive representative of correctional officers as of September 30, 2016, as the exclusive representative of those respective employees unless the exclusive representative is decertified in accordance with § 2–309(j)(5)(v)4 of the Courts Article, as enacted by Section 1 of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.**

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## Chapter 670

### (House Bill 505)

AN ACT concerning

### **Charles County Sheriff – Salaries and Collective Bargaining**

FOR the purpose of requiring that the salary schedule for deputy sheriffs of Charles County correspond to the Department of State Police salary schedule; requiring that the salary schedule for the deputy sheriffs of Charles County be revised to reflect any revision made to the Department of State Police salary schedule; requiring the County Commissioners of Charles County to appropriate certain funds to provide certain salaries of the deputy sheriffs except under certain circumstances; providing that the County Commissioners are not required to grant certain step increases to the deputy sheriffs; providing that certain step increases are subject to appropriations by the Board; authorizing certain sworn law enforcement officers and correctional officers in Charles County to collectively bargain with the County Commissioners of Charles County, in addition to the Sheriff, with respect to certain matters; prohibiting the resolution or adjustment of a certain dispute from being inconsistent with the terms of a certain collective bargaining agreement; prohibiting the County Commissioners from recognizing an exclusive representative except under certain circumstances; providing for the decertification of a certain exclusive

representative under certain circumstances; altering the maximum number of individuals that the Sheriff and the exclusive representative may designate to represent the Sheriff or the exclusive representative in collective bargaining; authorizing the County Commissioners to designate a certain number of individuals to represent the County Commissioners in collective bargaining under certain circumstances; altering the date by which negotiations for the collective bargaining agreement shall begin; altering the time period during which an exclusive bargaining agreement may be valid; requiring an agreement involving the County Commissioners as a party, or a modification to that agreement, to be signed and ratified by the County Commissioners in order to be effective or valid; requiring that the terms of a collective bargaining agreement prevail in a certain conflict except under certain circumstances; authorizing any party to collective bargaining to seek mediation under certain circumstances; requiring the party seeking mediation to provide certain notice to certain persons; authorizing any party to a certain collective bargaining agreement to declare a bargaining impasse under certain circumstances; establishing procedures and timelines for the mediation and arbitration of collective bargaining disputes involving the exclusive representative of certain sworn law enforcement officers or correctional officers in the Charles County Sheriff's Office; providing that certain recommendations of the arbitrator are not binding; authorizing the Sheriff or the County Commissioners to adopt or reject certain recommendations under certain circumstances; requiring the parties to accept or reject the recommendations within a certain period of time; establishing a certain method of distributing the costs of the mediation and arbitration; authorizing the parties to reach a voluntary settlement on unresolved issues at any time; providing that the terms and conditions of a certain collective bargaining agreement shall remain in effect under certain circumstances until a certain time; requiring the Sheriff and the County Commissioners, under certain circumstances, to recognize certain exclusive representatives as of a certain date as the exclusive representatives of certain employees; making a conforming change; and generally relating to the salaries and collective bargaining rights of sworn law enforcement officers and correctional officers of the Charles County Sheriff's Office.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 2–309(a) and (a–1)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–309(j)(3) and (5)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 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.

(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.

(a–1) The government of each county shall furnish an office for the sheriff and pay the necessary expenses for telephones, stationery and for other purposes, and unless otherwise provided by law, shall provide for the necessary traveling expenses of the sheriff for conveying prisoners to any penal institution in the State and other necessary traveling expenses.

(j) (3) (I) The Sheriff, in accordance with rules and regulations developed by the Board of County Commissioners and the Sheriff, shall appoint the number of deputy sheriffs that the Board of County Commissioners of Charles County and the Sheriff consider necessary.

**(II) THE SALARY SCHEDULE FOR THE DEPUTY SHERIFFS, BASED ON RANK AND LENGTH OF SERVICE, SHALL CORRESPOND TO THE DEPARTMENT OF STATE POLICE SALARY SCHEDULE, INCLUDING LONGEVITY STEPS.**

**(III) THE SALARY SCHEDULE FOR THE DEPUTY SHERIFFS SHALL BE REVISED TO REFLECT ANY REVISIONS MADE TO THE DEPARTMENT OF STATE POLICE SALARY SCHEDULE.**

**(IV) 1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL APPROPRIATE THE FUNDS NECESSARY TO PROVIDE THE SALARIES FOR DEPUTY SHERIFFS SPECIFIED IN THE SALARY SCHEDULE UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH UNLESS THE COUNTY COMMISSIONERS DECLARE A FISCAL EMERGENCY UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH.**

**2. AFTER A DISCUSSION AMONG THE COUNTY COMMISSIONERS OF CHARLES COUNTY, THE SHERIFF, AND THE EXCLUSIVE REPRESENTATIVES OF THE BARGAINING UNITS OF SWORN LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS OF THE CHARLES COUNTY SHERIFF'S OFFICE, THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY DECLARE A FISCAL EMERGENCY BY A MAJORITY VOTE OF THE COUNTY COMMISSIONERS FOLLOWING A PUBLIC HEARING.**

**(V) 1. IF THE DEPARTMENT OF STATE POLICE GRANTS STEP INCREASES TO ITS EMPLOYEES, THE COUNTY COMMISSIONERS OF CHARLES**

COUNTY ARE NOT REQUIRED UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH TO GRANT STEP INCREASES TO THE DEPUTY SHERIFFS.

**2. STEP INCREASES FOR THE DEPUTY SHERIFFS ARE SUBJECT TO APPROPRIATIONS BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY.**

(5) (i) This paragraph applies to all full-time, merit system sworn law enforcement officers and correctional officers in the Charles County Sheriff's Office at a rank of sergeant or below.

(ii) This paragraph does not apply to the following employees in the Charles County Sheriff's Office:

1. Sworn law enforcement officers or correctional officers in the Charles County Sheriff's Office at a rank of lieutenant or above;
2. Employees in appointed positions;
3. Civilian merit system employees;
4. Full-time reduced hours employees;
5. Part-time employees;
6. Contractual employees;
7. Temporary employees;
8. Emergency employees; or
9. Employees whose employment is administered under the county policies and procedures manual.

(iii) 1. A sworn law enforcement officer or correctional officer subject to this paragraph has the right to:

- A. Take part in or refrain from taking part in forming, joining, supporting, or participating in any employee organization or its lawful activities;
- B. Be represented by an exclusive representative, if any, in collective bargaining; and
- C. Engage in other concerted activities for the purpose of collective bargaining.

2. Sworn law enforcement officers and correctional officers subject to this paragraph may seek recognition in order to organize and bargain collectively in good faith with the Sheriff or the Sheriff's designee concerning the following matters:

A. Compensation, excluding salary, wages, and those benefits determined, offered, administered, controlled, or managed by the County Commissioners of Charles County;

B. Leave, holidays, and vacations; and

C. Hours, working conditions, and job security.

**3. A. SWORN LAW ENFORCEMENT OFFICERS SUBJECT TO THIS PARAGRAPH MAY SEEK RECOGNITION IN ORDER TO ORGANIZE AND BARGAIN COLLECTIVELY IN GOOD FAITH WITH THE COUNTY COMMISSIONERS OF CHARLES COUNTY AND THE SHERIFF, OR THE SHERIFF'S DESIGNEE, CONCERNING MERIT STEP INCREASES AND THOSE BENEFITS DETERMINED, OFFERED, ADMINISTERED, CONTROLLED, OR MANAGED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY.**

**B. CORRECTIONAL OFFICERS SUBJECT TO THIS PARAGRAPH MAY SEEK RECOGNITION IN ORDER TO ORGANIZE AND BARGAIN COLLECTIVELY IN GOOD FAITH WITH THE COUNTY COMMISSIONERS OF CHARLES COUNTY AND THE SHERIFF, OR THE SHERIFF'S DESIGNEE, CONCERNING SALARY, WAGES, AND THOSE BENEFITS DETERMINED, OFFERED, ADMINISTERED, CONTROLLED, OR MANAGED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY.**

4. A. A sworn law enforcement officer or correctional officer who is a member of a bargaining unit with an exclusive representative may discuss any matter with the employer without the intervention of the exclusive representative.

**B. IF A DISCUSSION UNDER SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH LEADS TO A RESOLUTION OR ADJUSTMENT OF A DISPUTE, THE RESOLUTION OR ADJUSTMENT MAY NOT BE INCONSISTENT WITH THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT THEN IN EFFECT.**

[4.] 5. A sworn law enforcement officer or correctional officer who is not a member of a bargaining unit with an exclusive representative may be required to pay a proportional service fee for costs associated with the administration and enforcement of any agreement that benefits the affected employees. An exclusive representative shall be selected in accordance with the procedures set forth in subparagraph (v) of this paragraph.

[5.] 6. This paragraph does not require that sworn law enforcement officers and correctional officers be represented by the same exclusive representative.

(iv) The Sheriff and the Office of the Sheriff for Charles County, through their appropriate officers and employees, may:

1. Determine the:
  - A. Mission;
  - B. Budget;
  - C. Organization;
  - D. Numbers, types, and grades of employees assigned;
  - E. Work projects, tours of duty, and methods, means, and personnel by which its operations are conducted;
  - F. Technology needs;
  - G. Internal security practices; and
  - H. Relocation of its facilities;
2. Maintain and improve the efficiency and effectiveness of governmental operations;
3. Determine the services to be rendered, operations to be performed, and technology to be used;
4. Determine the overall methods, processes, means, and classes of work or personnel by which governmental operations are to be conducted;
5. Hire, direct, supervise, and assign employees;
6.
  - A. Promote, demote, discipline, discharge, retain, and lay off employees; and
  - B. Terminate employment because of lack of funds, lack of work, a determination by the employer that continued work would be inefficient or nonproductive, or for other legitimate reasons;
7. Set the qualifications of employees for appointment and promotions;

8. Set standards of conduct;
9. Adopt office rules, regulations, and procedures;
10. Provide a system of merit employment according to a standard of business efficiency; and
11. Take actions, not otherwise specified in this paragraph, to carry out the mission of the Office of the Sheriff of Charles County.

(v) 1. Except as provided in subparagraph 2 of this subparagraph, an exclusive representative may not be recognized by **THE COUNTY COMMISSIONERS OF CHARLES COUNTY OR** the Sheriff unless that representative is selected and certified by the Department of Labor, Licensing, and Regulation.

2. Any petition to be recognized that is submitted on behalf of the sworn law enforcement officers shall be accompanied by a showing of interest supported by at least 51% of the sworn law enforcement officers indicating their desire to be exclusively represented by the petitioner for the purpose of collective bargaining.

3. Any petition to be recognized that is submitted on behalf of the correctional officers shall be accompanied by a showing of interest supported by at least 51% of the correctional officers indicating their desire to be exclusively represented by the petitioner for the purpose of collective bargaining.

**4. A. EXCEPT AS PROVIDED IN SUBSUBSUBPARAGRAPH B OF THIS SUBSUBPARAGRAPH, AN EXCLUSIVE REPRESENTATIVE SHALL BE DEEMED DECERTIFIED IF A PETITION IS SUBMITTED TO THE COUNTY COMMISSIONERS OF CHARLES COUNTY AND THE SHERIFF THAT IS SIGNED BY 51% OF THE SWORN LAW ENFORCEMENT OFFICERS OR CORRECTIONAL OFFICERS INDICATING THEIR DESIRE TO DECERTIFY THE EXCLUSIVE REPRESENTATIVE.**

**B. IF THE EXCLUSIVE REPRESENTATIVE WISHES TO CHALLENGE THE VALIDITY OF A PETITION SUBMITTED UNDER SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH, WITHIN 20 DAYS AFTER SUBMISSION OF THE PETITION, THE EXCLUSIVE REPRESENTATIVE MAY REQUEST A SECRET BALLOT ELECTION.**

**C. THE SECRET BALLOT ELECTION SHALL BE CONDUCTED BY AN IMPARTIAL UMPIRE SELECTED JOINTLY BY THE PARTICIPATING PARTIES FROM A LIST OF UMPIRES PROVIDED BY THE AMERICAN ARBITRATION ASSOCIATION.**

**D. THE COSTS ASSOCIATED WITH THE APPOINTMENT OF THE IMPARTIAL UMPIRE SHALL BE SHARED EQUALLY BY THE EXCLUSIVE REPRESENTATIVE AND CHARLES COUNTY.**

**E. IF AT LEAST 51% OF THE EMPLOYEES IN THE BARGAINING UNIT VOTE IN FAVOR OF DECERTIFICATION DURING THE SECRET BALLOT ELECTION, THE EXCLUSIVE REPRESENTATIVE SHALL BE DECERTIFIED.**

(vi) 1. A. The Sheriff may designate at least one, but not more than [three] **FOUR**, individuals to represent the Sheriff in collective bargaining.

**B. IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE A PARTY TO COLLECTIVE BARGAINING, THE COUNTY COMMISSIONERS MAY DESIGNATE AT LEAST ONE, BUT NOT MORE THAN FOUR, INDIVIDUALS TO REPRESENT THE COUNTY COMMISSIONERS IN COLLECTIVE BARGAINING.**

**C.** The exclusive representative shall designate at least one, but not more than [three] **FOUR**, individuals to represent the exclusive representative in collective bargaining.

2. The parties shall meet at reasonable times and engage in collective bargaining in good faith.

3. Negotiations or matters relating to negotiations shall be considered closed sessions under § 3-305 of the General Provisions Article.

4. The parties shall make every reasonable effort to conclude negotiations in a timely manner for inclusion by the Sheriff and the Office of the Sheriff of Charles County in its budget request to the County Commissioners of Charles County.

5. Negotiations for an agreement shall begin on or before each [July] **SEPTEMBER** 1 of the year before the expiration of any existing agreement.

(vii) To the extent that any matters negotiated between the Sheriff, **THE COUNTY COMMISSIONERS OF CHARLES COUNTY**, and the collective bargaining unit require legislative approval or the appropriation of funds, the matters shall be recommended to the General Assembly for the approval of legislation or to the County Commissioners for the appropriation of funds.

(viii) An agreement is not valid if it extends for less than 1 year or for more than [2] **4** years.

(ix) 1. An agreement shall contain all matters of agreement reached in the collective bargaining process.

2. An agreement may contain a grievance procedure for binding arbitration of the interpretation of contract terms and clauses.

3. **A.** An agreement reached in accordance with this paragraph shall be in writing and signed by the designated representatives of the Sheriff and the exclusive representative involved in the collective bargaining negotiations.

**B. IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE A PARTY TO THE AGREEMENT, THE AGREEMENT SHALL BE SIGNED BY THE COUNTY COMMISSIONERS IN ADDITION TO THE SIGNATORIES REQUIRED UNDER SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH.**

4. An agreement is not effective until it is ratified by [the]:

**A. THE Sheriff;**

**B. IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE A PARTY TO THE COLLECTIVE BARGAINING, THE COUNTY COMMISSIONERS; and**

**C. [a] A majority of the votes cast by the employees in the bargaining unit.**

5. A modification to an existing agreement is not valid unless it is in writing and ratified by [the]:

**A. THE Sheriff;**

**B. IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE A PARTY TO THE COLLECTIVE BARGAINING, THE COUNTY COMMISSIONERS; and**

**C. [a] A majority of the votes cast by the employees in the bargaining unit.**

**(X) IF THERE IS A CONFLICT BETWEEN AN EXISTING COLLECTIVE BARGAINING AGREEMENT AND A RULE OR REGULATION ADOPTED BY CHARLES COUNTY, INCLUDING MERIT SYSTEM OR OTHER PERSONNEL REGULATIONS, THE TERMS OF THE AGREEMENT SHALL PREVAIL UNLESS OTHERWISE PROHIBITED BY LAW.**

**(XI) 1. IF THE EXCLUSIVE REPRESENTATIVE, THE SHERIFF, AND, IF A PARTY TO COLLECTIVE BARGAINING, THE COUNTY COMMISSIONERS ARE UNABLE TO REACH AN AGREEMENT ON OR BEFORE JANUARY 15, ANY PARTY MAY**

SEEK MEDIATION THROUGH THE FEDERAL MEDIATION AND CONCILIATION SERVICE.

2. A PARTY SEEKING MEDIATION UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL PROVIDE WRITTEN NOTICE TO THE OTHER PARTIES AND THE FEDERAL MEDIATION AND CONCILIATION SERVICE AT LEAST 15 DAYS BEFORE THE ANTICIPATED FIRST MEDIATION MEETING.

3. THE PARTIES SHALL SHARE THE COSTS OF THE SERVICES OF THE MEDIATOR AS FOLLOWS:

A. THE EXCLUSIVE REPRESENTATIVE SHALL PAY HALF OF THE COSTS;

B. IF THE COUNTY COMMISSIONERS AND THE SHERIFF ARE BOTH PARTIES TO THE NEGOTIATIONS GIVING RISE TO THE MEDIATION, THE COUNTY COMMISSIONERS AND THE SHERIFF SHALL EACH PAY ONE-QUARTER OF THE COSTS; AND

C. IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE NOT A PARTY TO THE NEGOTIATIONS GIVING RISE TO THE MEDIATION, THE SHERIFF SHALL PAY HALF OF THE COSTS.

4. COSTS INCURRED BY A PARTY TO PREPARE, APPEAR, OR SECURE REPRESENTATION, EXPERT WITNESSES, OR EVIDENCE OF ANY KIND SHALL BE BORNE EXCLUSIVELY BY THAT PARTY.

5. THE PARTIES SHALL ENGAGE IN MEDIATION FOR AT LEAST 30 DAYS UNLESS THE PARTIES MUTUALLY AGREE IN WRITING TO THE TERMINATION OR EXTENSION OF THE MEDIATION OR REACH AN AGREEMENT.

6. THE CONTENTS OF A MEDIATION PROCEEDING UNDER THIS SUBPARAGRAPH MAY NOT BE DISCLOSED BY THE PARTIES OR THE MEDIATOR.

(XII) 1. IF THE EXCLUSIVE REPRESENTATIVE, THE SHERIFF, AND, IF A PARTY TO COLLECTIVE BARGAINING, THE COUNTY COMMISSIONERS OF CHARLES COUNTY HAVE NOT REACHED AN AGREEMENT ON OR BEFORE MARCH 1, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES:

A. ANY PARTY MAY DECLARE A BARGAINING IMPASSE;

B. THE PARTY DECLARING A BARGAINING IMPASSE UNDER ITEM A OF THIS SUBSUBPARAGRAPH SHALL ~~CHOOSE~~ REQUEST A LIST OF

**ARBITRATORS TO BE PROVIDED TO THE PARTIES BY THE FEDERAL MEDIATION AND CONCILIATION SERVICE OR UNDER THE LABOR ARBITRATION RULES OF THE AMERICAN ARBITRATION ASSOCIATION; AND**

**C. WITHIN 3 DAYS AFTER THE PARTIES' RECEIPT OF THE LIST ~~CHOSEN~~ PROVIDED UNDER ITEM B OF THIS SUBSUBPARAGRAPH, THE PARTIES SHALL SELECT AN ARBITRATOR BY ALTERNATIVE STRIKING OF NAMES FROM THE LIST.**

**2. ON OR BEFORE MARCH 15, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES, THE PARTIES SHALL SUBMIT TO THE ARBITRATOR:**

**A. A JOINT MEMORANDUM LISTING ALL ITEMS TO WHICH THE PARTIES PREVIOUSLY AGREED; AND**

**B. A SEPARATE PROPOSED MEMORANDUM OF EACH PARTY'S FINAL OFFER PRESENTED IN NEGOTIATIONS ON ALL ITEMS TO WHICH THE PARTIES PREVIOUSLY DID NOT AGREE.**

**3. A. ON OR BEFORE MARCH 30, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES, THE ARBITRATOR SHALL HOLD A CLOSED HEARING ON THE PARTIES' PROPOSALS AT A TIME, DATE, AND PLACE WITHIN CHARLES COUNTY SELECTED BY THE ARBITRATOR.**

**B. AT A HEARING, EACH PARTY MAY SUBMIT EVIDENCE AND MAKE ORAL AND WRITTEN ARGUMENTS IN SUPPORT OF THE PARTY'S LAST FINAL OFFER.**

**4. THE ARBITRATOR MAY:**

**A. GIVE NOTICE AND HOLD HEARINGS IN ACCORDANCE WITH THE MARYLAND ADMINISTRATIVE PROCEDURE ACT;**

**B. ADMINISTER OATHS AND TAKE TESTIMONY AND OTHER EVIDENCE; AND**

**C. ISSUE SUBPOENAS.**

**5. ONCE THE PARTIES HAVE SUBMITTED THEIR POSITIONS INTO THE RECORD, EACH PARTY SHALL HAVE AN OPPORTUNITY TO ~~REVIEW~~ REVISE ITS FINAL POSITION BEFORE THE RECORD IS CLOSED AND THE MATTER IS SUBMITTED TO THE ARBITRATOR FOR A DETERMINATION.**

6. ON OR BEFORE APRIL 15, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES, THE ARBITRATOR SHALL ISSUE A REPORT:

A. SELECTING THE FINAL OFFER SUBMITTED BY THE PARTIES THAT THE ARBITRATOR DETERMINES TO BE MORE REASONABLE WHEN VIEWED AS A WHOLE; AND

B. STATING THE REASONS THAT THE ARBITRATOR FOUND THE FINAL OFFER TO BE MORE REASONABLE.

7. IN DETERMINING WHICH FINAL OFFER IS MORE REASONABLE UNDER SUBSUBPARAGRAPH 6 OF THIS SUBPARAGRAPH, THE ARBITRATOR MAY CONSIDER ONLY:

A. PAST COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE PARTIES, INCLUDING THE BARGAINING HISTORY THAT LED TO THE COLLECTIVE BARGAINING AGREEMENT AND THE PRECOLLECTIVE BARGAINING HISTORY OF EMPLOYEE WAGES, HOURS, BENEFITS, AND OTHER WORKING CONDITIONS;

B. IN AN ARBITRATION TO WHICH THE EXCLUSIVE REPRESENTATIVE OF SWORN LAW ENFORCEMENT OFFICERS IS A PARTY, A COMPARISON OF WAGES, HOURS, BENEFITS, AND OTHER CONDITIONS OF EMPLOYMENT OF LAW ENFORCEMENT OFFICERS EMPLOYED IN OTHER JURISDICTIONS IN THE STATE;

C. IN AN ARBITRATION TO WHICH THE EXCLUSIVE REPRESENTATIVE OF SWORN LAW ENFORCEMENT OFFICERS IS A PARTY, A COMPARISON OF WAGES, HOURS, BENEFITS, AND OTHER CONDITIONS OF EMPLOYMENT OF LAW ENFORCEMENT OFFICERS FROM THE PRIMARY POLICE OR SHERIFF'S DEPARTMENTS IN ALL COUNTIES IN THE STATE;

D. IN AN ARBITRATION TO WHICH THE EXCLUSIVE REPRESENTATIVE OF CORRECTIONAL OFFICERS IS A PARTY, A COMPARISON OF WAGES, HOURS, BENEFITS, AND OTHER CONDITIONS OF EMPLOYMENT OF CORRECTIONAL OFFICERS EMPLOYED IN OTHER JURISDICTIONS IN THE STATE;

E. A COMPARISON OF WAGES, HOURS, BENEFITS, AND OTHER CONDITIONS OF EMPLOYMENT OF EMPLOYEES WORKING FOR CHARLES COUNTY;

F. THE COSTS OF THE RESPECTIVE PROPOSALS OF THE PARTIES;

**G. THE CONDITION OF THE GENERAL OPERATING FUND OF CHARLES COUNTY, THE ABILITY OF THE SHERIFF AND CHARLES COUNTY TO FINANCE ANY ECONOMIC ADJUSTMENTS REQUIRED UNDER THE PROPOSED COLLECTIVE BARGAINING AGREEMENT, AND THE POTENTIAL IMPACT OF THE PARTIES' FINAL OFFERS ON THE BOND RATING OF CHARLES COUNTY;**

**H. THE ANNUAL INCREASE OR DECREASE IN CONSUMER PRICES FOR GOODS AND SERVICES AS REFLECTED IN THE MOST RECENT CONSUMER PRICE INDEX FOR THE WASHINGTON–ARLINGTON–ALEXANDRIA, DC–VA–MD–WV METROPOLITAN STATISTICAL AREA PUBLISHED BY THE FEDERAL BUREAU OF LABOR STATISTICS;**

**I. THE ANNUAL INCREASE OR DECREASE IN THE COST OF LIVING IN THE STATISTICAL AREAS DESCRIBED IN ITEM H OF THIS SUBSUBPARAGRAPH AS COMPARED TO THE NATIONAL AVERAGE AND TO OTHER COMPARABLE METROPOLITAN AREAS;**

**J. THE ANNUAL INCREASE OR DECREASE IN THE COST OF LIVING IN CHARLES COUNTY;**

**K. RECRUITMENT AND RETENTION DATA;**

**L. THE SPECIAL NATURE OF THE WORK PERFORMED BY THE EMPLOYEES IN THE BARGAINING UNIT, INCLUDING HAZARDS OF EMPLOYMENT, PHYSICAL REQUIREMENTS, EDUCATIONAL QUALIFICATIONS, JOB TRAINING AND SKILLS, SHIFT ASSIGNMENTS, AND THE DEMANDS PLACED ON THOSE EMPLOYEES AS COMPARED TO OTHER CHARLES COUNTY SHERIFF EMPLOYEES;**

**M. THE INTEREST AND WELFARE OF THE PUBLIC AND THE EMPLOYEES IN THE BARGAINING UNIT; AND**

**N. STIPULATIONS OF THE PARTIES REGARDING ANY OF THE ITEMS UNDER THIS SUBSUBPARAGRAPH.**

**8. THE ARBITRATOR MAY NOT:**

**A. RECEIVE OR CONSIDER THE HISTORY OF COLLECTIVE BARGAINING RELATED TO THE IMMEDIATE DISPUTE, INCLUDING ANY OFFERS OF SETTLEMENT NOT CONTAINED IN THE FINAL OFFER SUBMITTED TO THE ARBITRATOR, UNLESS THE PARTIES MUTUALLY AGREE OTHERWISE;**

**B. COMBINE FINAL OFFERS OR ALTER THE FINAL OFFER THAT THE ARBITRATOR SELECTS, UNLESS THE PARTIES MUTUALLY AGREE OTHERWISE; OR**

**C. SELECT AN OFFER IN WHICH THE CONDITIONS OF EMPLOYMENT OR THE COMPENSATION, SALARIES, FEES, OR WAGES TO BE PAID ARE UNREASONABLE.**

**9. A. THE ARBITRATOR SHALL SUBMIT THE REPORT ISSUED UNDER SUBSUBPARAGRAPH 6 OF THIS SUBPARAGRAPH TO THE COUNTY COMMISSIONERS, THE SHERIFF, AND THE EXCLUSIVE REPRESENTATIVE.**

**B. THE RECOMMENDATIONS OF THE ARBITRATOR ARE NOT BINDING ON THE COUNTY COMMISSIONERS, THE SHERIFF, OR THE EXCLUSIVE REPRESENTATIVE.**

**C. EXCEPT AS PROVIDED IN SUBSUBSUBPARAGRAPH D OF THIS SUBSUBPARAGRAPH, THE SHERIFF AND, IF A PARTY TO COLLECTIVE BARGAINING, THE COUNTY COMMISSIONERS MAY ADOPT OR REJECT A RECOMMENDATION OF THE ARBITRATOR.**

**D. ~~IF~~ SUBJECT TO SUBSUBSUBPARAGRAPH E OF THIS SUBSUBPARAGRAPH, IF A RECOMMENDATION OF THE ARBITRATOR REQUIRES AN APPROPRIATION OF FUNDS, ONLY THE COUNTY COMMISSIONERS MAY ADOPT OR REJECT THE RECOMMENDATION.**

**E. THE COUNTY COMMISSIONERS MAY NOT ACCEPT A RECOMMENDATION OF THE ARBITRATOR THAT REQUIRES AN APPROPRIATION OF FUNDS UNLESS THE COUNTY COMMISSIONERS AND THE SHERIFF FIRST AGREE ON THE FUNDING SOURCE FOR THE APPROPRIATION.**

**F. THE PARTIES SHALL ACCEPT OR REJECT THE ARBITRATOR'S RECOMMENDATIONS WITHIN 30 DAYS AFTER THE SUBMISSION OF THE REPORT TO THE PARTIES UNDER SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH.**

**10. THE PARTIES SHALL SHARE THE COSTS OF THE SERVICES OF THE ARBITRATOR AS FOLLOWS:**

**A. THE EXCLUSIVE REPRESENTATIVE SHALL PAY HALF OF THE COSTS;**

**B. IF THE COUNTY COMMISSIONERS AND THE SHERIFF ARE BOTH PARTIES TO THE NEGOTIATIONS GIVING RISE TO THE ARBITRATION, THE**

COUNTY COMMISSIONERS AND THE SHERIFF SHALL EACH PAY ONE-QUARTER OF THE COSTS; AND

C. IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE NOT A PARTY TO THE NEGOTIATIONS GIVING RISE TO THE ARBITRATION, THE SHERIFF SHALL PAY HALF OF THE COSTS.

11. COSTS INCURRED BY A PARTY TO PREPARE, APPEAR, OR SECURE REPRESENTATION, EXPERT WITNESSES, OR EVIDENCE OF ANY KIND SHALL BE BORNE EXCLUSIVELY BY THAT PARTY.

12. NOTHING IN THIS SUBPARAGRAPH SHALL BE CONSTRUED TO PROHIBIT THE PARTIES FROM REACHING A VOLUNTARY SETTLEMENT ON ANY UNRESOLVED ISSUES AT ANY TIME BEFORE OR AFTER THE ISSUANCE OF THE RECOMMENDATIONS BY THE ARBITRATOR.

(XIII) IF A COLLECTIVE BARGAINING AGREEMENT EXPIRES AFTER THE EXCLUSIVE REPRESENTATIVE HAS GIVEN NOTICE OF ITS DESIRE TO ENTER INTO COLLECTIVE BARGAINING FOR A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT, THE TERMS AND CONDITIONS OF THE PRIOR COLLECTIVE BARGAINING AGREEMENT SHALL REMAIN IN EFFECT UNTIL THE EARLIER OF:

1. THE PARTIES REACHING A NEW AGREEMENT; OR
2. 180 DAYS FROM THE DATE THE PARTY OR PARTIES REJECT THE ARBITRATOR'S RECOMMENDATIONS.

(XIV) IF THE PARTIES FAIL TO REACH A NEW AGREEMENT WITHIN THE 180-DAY TIME PERIOD UNDER SUBPARAGRAPH (XIII)2 OF THIS PARAGRAPH, THE TERMS AND CONDITIONS OF THE PRIOR COLLECTIVE BARGAINING AGREEMENT SHALL CEASE TO BE EFFECTIVE.

[(x)] ~~(xiv)~~ (xv) This paragraph does not authorize a sworn law enforcement officer or correctional officer to engage in a strike as defined in § 3-303 of the State Personnel and Pensions Article.

[(xi)] ~~(xv)~~ (xvi) Nothing in this paragraph shall be construed as subjecting disciplinary matters or the disciplinary process to negotiation as part of the collective bargaining process.

SECTION 2. AND BE IT FURTHER ENACTED, That, if the sworn law enforcement officers or correctional officers of Charles County seek to collectively bargain under § 2-309(j)(5)(iii)3 of the Courts Article, as enacted by Section 1 of this Act, the Sheriff and the County Commissioners of Charles County shall recognize the exclusive representative of the sworn law enforcement officers or the exclusive representative of correctional officers

as of September 30, 2016, as the exclusive representative of those respective employees unless the exclusive representative is decertified in accordance with § 2-309(j)(5)(v)4 of the Courts Article, as enacted by Section 1 of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.**

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## Chapter 671

(Senate Bill 422)

AN ACT concerning

### Education – Maryland School for the Blind – Funding

FOR the purpose of requiring teachers and professional personnel at the Maryland School for the Blind to be paid an annual salary at least equal to a certain amount paid in Baltimore County to certain personnel; requiring the Governor to appropriate a certain amount for certain services; adding to a certain calculation one-half of the average number of children served by the School for the Blind for a certain program; requiring the School for the Blind to submit certain information in a certain form; reorganizing and recodifying without substantive change provisions of law relating to the Maryland School for the Deaf; making stylistic changes; repealing obsolete provisions of law; making conforming changes; and generally relating to funding for the Maryland School for the Blind and reorganizing and recodifying provisions of law for the Maryland School for the Deaf.

BY repealing

Article – Education

Section 8-304, 8-305, 8-310.1 through 8-310.3, 8-312, and 8-313

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 7-101(b)(4); and 8-301 through 8-303, 8-306, 8-307, 8-307.1, and 8-308 through 8-310, 8-311, and 8-314 through 8-319 to be under the amended subtitle “Subtitle 3. Education of Blind Children”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY adding to

Article – Education

Section 8–3A–01 through 8–3A–11 to be under the new subtitle “Subtitle 3A. Education of Deaf Children”  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–304, 8–305, 8–310.1 through 8–310.3, 8–312, and 8–313 of the Education Article of the Annotated Code of Maryland be repealed.

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

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7–101.

(b) (4) Nothing in this section alters the requirements for out-of-county placements contained in § 4–122 and Title 8, Subtitles 3, **3A**, and 4 of this article or in any other State or federal law.

#### Subtitle 3. [Deaf and] Education of Blind Children.

8–301.

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

(b) “Blind], “**BLIND** child” means a child 6 years old or older and under 19 who has a visual impairment and because of that impairment cannot progress satisfactorily in an ordinary public or private school.

[(c) “Deaf child” means a child 6 years old or older and under 19 who has a hearing impairment and because of that impairment cannot progress satisfactorily in an ordinary public or private school.]

8–302.

(a) This section does not apply to a child whose physical condition makes [his] **THE CHILD’S** instruction under this section inexpedient or impracticable.

(b) Each [deaf or] blind child shall attend a school or classes for the [deaf or] blind during the school year unless the child otherwise is receiving regular, thorough instruction during the school year in studies usually taught in the public schools to children of the same age.

(c) A superintendent or principal of a school for the [deaf or] blind or an individual authorized by a superintendent or principal may excuse a [deaf or] blind child for a necessary absence.

(d) Each person who has a [deaf or] blind child under [his] **THE PERSON'S** control shall see that the child attends school or receives instruction as required by this section.

8-303.

The Department, each county board, [the Maryland School for the Deaf,] and the Maryland School for the Blind shall work together to meet the educational needs of [deaf and] blind children.

**[8-306.] 8-304.**

(a) The Maryland School for the Blind shall adopt written standards for the admission and dismissal of students.

(b) The standards and any amendments shall be submitted to the State Board for approval under § 2-206 of this article.

(c) The State Board may require modifications to the standards as it considers necessary.

**[8-307.] 8-305.**

(a) If the Maryland School for the Blind refuses to admit a child or dismisses a child, a parent or guardian of the child may make a written request to the Office of Administrative Hearings that a review be conducted to determine if the decision was appropriate.

(b) A review shall be conducted pursuant to the provisions of § 8-413 of this title.

**[8-307.1.] 8-306.**

Each local education agency in the State shall notify the parents or guardians of each blind or visually impaired child, including children with multiple disabilities, of the availability of the educational programs offered by the Maryland School for the Blind.

**[8-308.] 8-307.**

Under § 2-206 of this article, [the Maryland School for the Deaf and] the Maryland School for the Blind shall keep the State Board fully informed as to the educational program and administrative policies of the schools under their jurisdiction.

**[8–309.] 8–308.**

Teachers and any other professional personnel at the Maryland School for the Blind shall be paid an annual salary that is at least equal to the salary received by public school teachers and professional personnel of similar training and experience in [the county in which the school is located] **BALTIMORE COUNTY**.

**[8–310.] 8–309.**

(a) (1) Each county board shall pay the Maryland School for the Blind an amount equal to the local share of the basic cost, as defined in § 8–415(d)(1) of this title, for each blind child who is sent to the school from the county each year to support the cost of instructional programming.

(2) Each county governing body shall include a child sent to the Maryland School for the Blind under paragraph (1) of this subsection in the full-time equivalent enrollment used for calculating the required local funds appropriated under § 5–202(d) of this article.

(b) The Board of Directors of the Maryland School for the Blind shall give each county board on April 1 and October 1 of each year a statement that contains:

- (1) The number of blind children who are attending from the county; and
- (2) The name of each blind child from the county and charged to the county.

**[8–314.] 8–310.**

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

(2) “Board” means the Board of Directors of the Maryland School for the Blind.

(3) “Superintendent” means the State Superintendent of Schools.

(b) The Maryland School for the Blind, a body corporate of the State the charter of which was established on May 19, 1853, shall be governed by the Board.

(c) (1) The Board consists of 25 members.

(2) Of the 25 members of the Board:

(i) Subject to confirmation by the Senate of Maryland, five members, including one member of the Senate of Maryland and one member of the Maryland House of Delegates, shall be appointed jointly by the Governor and the Superintendent, with recommendations from the Chairman of the Board; and

(ii) 20 members shall be elected according to the charter and bylaws of the Maryland School for the Blind.

(3) (i) The term of a member is 3 years.

(ii) No member of the Board appointed after June 1, 1999, except the Chairman, may be reappointed for more than 2 additional terms.

(iii) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(iv) Any vacancy shall be filled in the same manner in which the vacating member was appointed.

**[8-315.] 8-311.**

(a) The Maryland School for the Blind shall establish and operate a program of enhanced services for blind students who have other severe disabilities.

(b) The Maryland School for the Blind shall include a description of the program in the written agreement with the Department of Education required under § [8-316] **8-312** of this subtitle.

(c) The costs of providing enhanced services to a child under the program shall be shared by the State and by the county in which the child is domiciled as provided in subsection (d) of this section.

(d) (1) (i) Subject to [subparagraphs (ii) and (iii)] **SUBPARAGRAPH (II)** of this paragraph, the Department, in consultation with the Maryland School for the Blind, shall determine on an individual basis those students who are eligible for the enhanced program described in this section.

(ii) Students served in the enhanced program shall be students who are at risk of requiring nonpublic placement in an out-of-state special education facility, including students who are blind/deaf or students with other severe and multiple disabilities.

[(iii) For fiscal year 1999, the number of students enrolled in the enhanced program shall not exceed 20 Maryland students.]

(2) (i) The county in which a child placed in the enhanced program is domiciled shall pay the local share of the "basic cost", as defined in § 8-415(d)(1) of this title, of the education for that child.

(ii) A county which pays the local share of the “basic cost” as provided in subparagraph (i) of this paragraph shall not pay the tuition required in § [8–310] **8–309** of this subtitle.

(3) [(i) Subject to subparagraph (ii) of this paragraph, the] **THE** State shall pay the cost of serving a student in the enhanced program based on an individual cost sheet completed by the Department for each student enrolled in the program.

[(ii) For fiscal year 1999, the State’s share of the total cost of the enhanced program shall not exceed \$750,000.]

**(E) IN ADDITION TO THE FUNDING PROVIDED FOR ENHANCED SERVICES UNDER THIS SECTION, THE GOVERNOR SHALL ANNUALLY INCLUDE AT LEAST \$1,000,000 IN THE STATE BUDGET FOR THE COST OF PROVIDING RESIDENTIAL SERVICES.**

**[8–316.] 8–312.**

(a) The Department of Education and the Maryland School for the Blind shall enter into a written agreement.

(b) The agreement shall provide for monitoring and review by the Department of the Maryland School for the Blind, including:

(1) Review by the Department of the annual budget approved by the Board of the Maryland School for the Blind;

(2) Monitoring by the Department of the Maryland School for the Blind’s program of enhanced services for blind students who have severe disabilities, including the criteria approved by the Board of the Maryland School for the Blind for the admission of students to the program;

(3) Consultation between the Department and the Maryland School for the Blind on issues of blind education;

(4) Assistance from the Department in developing agreements between the Maryland School for the Blind and local school systems and other State and local agencies for provision of services to blind children; and

(5) Monitoring by and assistance from the Department regarding other aspects of the Maryland School for the Blind’s educational program and services to blind children as required by federal or State law.

(c) (1) The Maryland School for the Blind may enter into written agreements with State and local agencies, including local school systems, for the purpose of providing services to blind children.

(2) This subsection in no way abrogates the obligation of the local school systems to provide alternative programs for blind students.

**[8-317.] 8-313.**

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

(2) “4-year average annual full-time equivalent enrollment” means:

(i) The average number of students enrolled annually in grades prekindergarten through grade 12 at the Maryland School for the Blind during 4 consecutive school years as determined by dividing the aggregate monthly enrollment during the 4-year period by the number of months school is in session during the 4-year period; [and]

(ii) One-half the average number of children served annually by the Maryland School for the Blind’s Early Intervention Program during 4 consecutive school years as determined by dividing the Program’s aggregate monthly enrollment during the 4-year period by the number of months school is in session during the 4-year period; **AND**

**(III) ONE-HALF THE AVERAGE NUMBER OF CHILDREN SERVED ANNUALLY BY THE MARYLAND SCHOOL FOR THE BLIND’S OUTREACH PROGRAM DURING 4 CONSECUTIVE FISCAL YEARS AS DETERMINED BY DIVIDING THE PROGRAM’S AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD BY THE NUMBER OF MONTHS THE PROGRAM OPERATES DURING THE 4-YEAR PERIOD.**

(3) “Growth in the **TARGET** per pupil [basic current expense figure] **FOUNDATION AMOUNT**” means the change in the per pupil [basic current expense figure] **AMOUNT** from the prior fiscal year to the current fiscal year divided by the per pupil [basic current expense figure] **AMOUNT** from the prior fiscal year.

(4) [“Per pupil basic current expense figure”] **“TARGET PER PUPIL FOUNDATION AMOUNT”** means the figure calculated for each fiscal year by the Department in accordance with § 5-202 of this article.

(5) [Except as provided in subsection (c) of this section, “prior] **“PRIOR year appropriation”** means the State appropriation to the Maryland School for the Blind in the prior fiscal year less any funding provided under § [8-315] **8-311(D)** of this subtitle in the prior fiscal year.

(6) “Weighted enrollment growth” means the product of 0.2 times the change in the 4-year average annual full-time equivalent enrollment from the 3rd through the 6th prior school years to the 2nd through the 5th prior school years divided by the

4–year average annual full–time equivalent enrollment from the 3rd through the 6th prior school years.

(b) (1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Maryland School for the Blind shall receive an appropriation equal to or greater than the sum of:

(i) 75% of the prior year appropriation multiplied by the product of:

1. The sum of the weighted enrollment growth plus one; and
2. The sum of the growth in the **TARGET** per pupil [basic current expense figure] **FOUNDATION AMOUNT** plus one; and

(ii) 25% of the prior year appropriation multiplied by the sum of the weighted enrollment growth plus one.

(2) The minimum appropriation required under paragraph (1) of this subsection may be reduced to the extent reductions are made to the administrative expenses of the Maryland School for the Blind.

[(c) The “prior year appropriation” used to calculate the fiscal year 2000 appropriation to the Maryland School for the Blind shall be \$11,585,436.]

[8–318.] **8–314.**

For information purposes, the budget submitted by the Governor to the General Assembly shall include a detailed account of the operating and administrative budget for the Maryland School for the Blind **IN ACCORDANCE WITH § 5–101 OF THIS ARTICLE**, which shall include a complete list of revenue sources and expenditures for:

- (1) Salaries, wages, and fringe benefits;
- (2) Technical and special fees;
- (3) Communications;
- (4) Travel;
- (5) Contractual services;
- (6) Supplies and materials;
- (7) Equipment;
- (8) Fixed charges; and

- (9) Other expenses.

**[8-319.] 8-315.**

(a) Notwithstanding § 4-114 of this article and subject to regulations adopted by the Board of Public Works, for fiscal years 2013 through 2028, the Maryland School for the Blind shall be eligible for funding under the Public School Construction Program in accordance with Title 5, Subtitle 3 of this article.

(b) The Board of Public Works shall adopt regulations for funding school construction and school capital improvements at the Maryland School for the Blind in accordance with the requirements set forth in Title 5, Subtitle 3 of this article that apply to school construction and school capital improvement projects funded for county boards of education.

**[8-311.] 8-316.**

(a) Any person who has a [deaf or] blind child under [his] **THE PERSON'S** control and who violates any provision of § 8-302 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5 for each offense.

(b) Any person who induces or attempts to induce a [deaf or] blind child to **BE** absent [himself] unlawfully from school, or who employs or harbors a [deaf or] blind child who is absent unlawfully from school, while the school is in session, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50 for each offense.

(c) (1) Before a State's Attorney enforces this section, the State's Attorney shall have the child examined by two physicians to determine whether the child is unable to progress satisfactorily on account of the child's [hearing or] sight impairment or from some other cause.

- (2) One of the physicians shall be an appropriate specialist.

(3) If the examination by the physicians indicates that the failure to progress satisfactorily in school is due to a [hearing or] sight impairment, the State's Attorney shall enforce the provisions of this section.

(4) These medical examinations shall be paid for by the county in which the child who is examined resides.

**SUBTITLE 3A. EDUCATION OF DEAF CHILDREN.**

**8-3A-01.**

IN THIS SUBTITLE, “DEAF CHILD” MEANS A CHILD AT LEAST 6 YEARS OLD AND UNDER THE AGE OF 19 YEARS WHO HAS A HEARING IMPAIRMENT, AND BECAUSE OF THAT IMPAIRMENT CANNOT PROGRESS SATISFACTORILY IN AN ORDINARY PUBLIC OR PRIVATE SCHOOL.

**8-3A-02.**

(A) THIS SECTION DOES NOT APPLY TO A CHILD WHOSE PHYSICAL CONDITION MAKES THE CHILD’S INSTRUCTION UNDER THIS SECTION INEXPEDIENT OR IMPRACTICABLE.

(B) EACH DEAF CHILD SHALL ATTEND A SCHOOL OR CLASSES FOR THE DEAF DURING THE SCHOOL YEAR UNLESS THE CHILD OTHERWISE IS RECEIVING REGULAR, THOROUGH INSTRUCTION DURING THE SCHOOL YEAR IN STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS TO CHILDREN OF THE SAME AGE.

(C) A SUPERINTENDENT OR PRINCIPAL OF A SCHOOL FOR THE DEAF OR AN INDIVIDUAL AUTHORIZED BY A SUPERINTENDENT OR PRINCIPAL MAY EXCUSE A DEAF CHILD FOR A NECESSARY ABSENCE.

(D) EACH PERSON WHO HAS A DEAF CHILD UNDER THE PERSON’S CONTROL SHALL SEE THAT THE CHILD ATTENDS SCHOOL OR RECEIVES INSTRUCTION AS REQUIRED BY THIS SECTION.

**8-3A-03.**

THE DEPARTMENT, EACH COUNTY BOARD, AND THE MARYLAND SCHOOL FOR THE DEAF SHALL WORK TOGETHER TO MEET THE EDUCATIONAL NEEDS OF DEAF CHILDREN.

**8-3A-04.**

(A) THERE IS A MARYLAND SCHOOL FOR THE DEAF.

(B) THE GOVERNANCE OF THE MARYLAND SCHOOL FOR THE DEAF IS VESTED IN THE BOARD OF TRUSTEES OF THE MARYLAND SCHOOL FOR THE DEAF.

(C) (1) THE BOARD OF TRUSTEES SHALL CONSIST OF 19 MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

(2) OF THE 19 MEMBERS, AT LEAST 6 MEMBERS SHALL BE DEAF.

(3) EACH MEMBER OF THE BOARD SHALL:

(I) BE A RESIDENT OF THE STATE;

(II) BE A MEMBER OF THE GENERAL PUBLIC; AND

(III) HAVE DEMONSTRATED AN ACTIVE INTEREST IN THE EDUCATION OF DEAF CHILDREN.

(4) EACH GEOGRAPHIC REGION OF THE STATE SHALL BE REPRESENTED BY AT LEAST ONE MEMBER OF THE BOARD.

(D) (1) THE TERM OF A MEMBER IS 6 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR THE MEMBERS OF THE BOARD ON OCTOBER 1, 1992.

(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 TERMS.

(E) THE BOARD MAY:

(1) APPLY FOR, ACCEPT, AND SPEND ANY GIFT OR GRANT FROM THE FEDERAL GOVERNMENT, ANY FOUNDATION, OR ANY OTHER PERSON; AND

(2) MAINTAIN, MANAGE, AND INVEST ANY GIFTS OR GRANTS THAT IT ACCEPTS.

(F) THE BOARD SHALL ESTABLISH AN ANNUAL OPERATING BUDGET.

(G) (1) THERE IS A BRANCH OF THE MARYLAND SCHOOL FOR THE DEAF.

(2) THIS BRANCH SHALL BE LOCATED NEAR THE POPULATION CENTER OF THE STATE.

(3) THE BRANCH SHALL BE ADMINISTERED AND OPERATED AS PART OF AND IS SUBJECT TO THE MARYLAND SCHOOL FOR THE DEAF.

(H) (1) THE MARYLAND SCHOOL FOR THE DEAF SHALL ADOPT WRITTEN STANDARDS FOR THE ADMISSION OF STUDENTS.

(2) THE STANDARDS SHALL DEFINE AND DISTINGUISH BETWEEN STUDENTS WHO ARE BONA FIDE MARYLAND RESIDENTS AND THOSE WHO ARE OUT-OF-STATE STUDENTS, FOR PURPOSES OF ADMISSION AND TUITION.

(I) THE MARYLAND SCHOOL FOR THE DEAF SHALL ADMIT STUDENTS FREE OF CHARGE WHO:

(1) ARE BONA FIDE MARYLAND RESIDENTS; AND

(2) MEET THE ADMISSION STANDARDS OF THE MARYLAND SCHOOL FOR THE DEAF.

(J) (1) THE MARYLAND SCHOOL FOR THE DEAF MAY ADMIT OUT-OF-STATE STUDENTS FOR TUITION WHO MEET THE ADMISSION STANDARDS OF THE MARYLAND SCHOOL FOR THE DEAF.

(2) THE MARYLAND SCHOOL FOR THE DEAF SHALL ESTABLISH TUITION RATES ON AN ANNUAL BASIS.

#### 8-3A-05.

EACH LOCAL EDUCATION AGENCY IN THE STATE SHALL NOTIFY THE PARENTS OR GUARDIANS OF EACH HEARING-IMPAIRED CHILD OF THE AVAILABILITY OF THE EDUCATIONAL PROGRAMS OFFERED BY THE MARYLAND SCHOOL FOR THE DEAF.

#### 8-3A-06.

UNDER § 2-206 OF THIS ARTICLE, THE MARYLAND SCHOOL FOR THE DEAF SHALL KEEP THE STATE BOARD FULLY INFORMED AS TO THE EDUCATIONAL PROGRAM AND ADMINISTRATIVE POLICIES OF THE SCHOOLS UNDER THEIR JURISDICTION.

#### 8-3A-07.

(A) THE MARYLAND SCHOOL FOR THE DEAF SHALL ESTABLISH AND OPERATE A PROGRAM OF ENHANCED SERVICES FOR DEAF STUDENTS WHO HAVE OTHER MODERATE TO SEVERE DISABILITIES.

(B) THE MARYLAND SCHOOL FOR THE DEAF SHALL INCLUDE A DESCRIPTION OF THE PROGRAM IN THE WRITTEN AGREEMENT WITH THE DEPARTMENT REQUIRED UNDER § 8-3A-08 OF THIS SUBTITLE.

(C) THE COSTS OF PROVIDING ENHANCED SERVICES TO A CHILD UNDER THE PROGRAM SHALL BE PAID TO THE SCHOOL AND BE PROVIDED JOINTLY BY THE

STATE AND BY THE COUNTY IN WHICH THE CHILD IS DOMICILED AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.

(D) (1) THE CHILD SHALL BE JOINTLY PLACED IN THE ENHANCED PROGRAM, IN ACCORDANCE WITH PROCEDURES FOR STUDENTS WITH DISABILITIES, BY THE LOCAL SCHOOL SYSTEM AND THE MARYLAND SCHOOL FOR THE DEAF.

(2) THE COUNTY IN WHICH A CHILD PLACED IN THE ENHANCED PROGRAM IS DOMICILED SHALL PAY THE LOCAL SHARE OF THE "BASIC COST", AS DEFINED IN § 8-415(D)(1) OF THIS TITLE, OF THE EDUCATION FOR THAT CHILD.

(3) THE STATE SHALL PAY THE REMAINING COST OF PROVIDING SERVICES UNDER THE PROGRAM TO THE CHILD.

8-3A-08.

(A) THE DEPARTMENT AND THE MARYLAND SCHOOL FOR THE DEAF SHALL ENTER INTO A WRITTEN AGREEMENT.

(B) THE AGREEMENT SHALL PROVIDE FOR MONITORING AND REVIEW OF THE MARYLAND SCHOOL FOR THE DEAF BY THE DEPARTMENT, INCLUDING:

(1) REVIEW BY THE DEPARTMENT OF THE ANNUAL BUDGET APPROVED BY THE BOARD OF THE MARYLAND SCHOOL FOR THE DEAF;

(2) MONITORING OF THE MARYLAND SCHOOL FOR THE DEAF'S PROGRAM OF ENHANCED SERVICES FOR DEAF STUDENTS BY THE DEPARTMENT WHO HAVE OTHER MODERATE TO SEVERE DISABILITIES, INCLUDING THE CRITERIA APPROVED BY THE BOARD OF THE MARYLAND SCHOOL FOR THE DEAF FOR THE ADMISSION OF STUDENTS TO THE PROGRAM;

(3) CONSULTATION BETWEEN THE DEPARTMENT AND THE MARYLAND SCHOOL FOR THE DEAF ON ISSUES OF DEAF EDUCATION;

(4) ASSISTANCE FROM THE DEPARTMENT IN DEVELOPING AGREEMENTS BETWEEN THE MARYLAND SCHOOL FOR THE DEAF AND LOCAL SCHOOL SYSTEMS AND OTHER STATE AND LOCAL AGENCIES FOR PROVISION OF SERVICES TO DEAF CHILDREN; AND

(5) MONITORING BY AND ASSISTANCE FROM THE DEPARTMENT REGARDING OTHER ASPECTS OF THE MARYLAND SCHOOL FOR THE DEAF'S EDUCATIONAL PROGRAM AND SERVICES TO DEAF CHILDREN AS REQUIRED BY FEDERAL OR STATE LAW.

(C) (1) THE MARYLAND SCHOOL FOR THE DEAF MAY ENTER INTO WRITTEN AGREEMENTS WITH STATE AND LOCAL AGENCIES, INCLUDING LOCAL SCHOOL SYSTEMS, FOR THE PURPOSE OF PROVIDING SERVICES TO DEAF CHILDREN.

(2) THIS SUBSECTION IN NO WAY ABROGATES THE OBLIGATION OF THE LOCAL SCHOOL SYSTEMS TO PROVIDE ALTERNATIVE PROGRAMS FOR DEAF AND HEARING-IMPAIRED STUDENTS.

8-3A-09.

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

(2) “4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT ENROLLMENT” MEANS:

(I) THE AVERAGE NUMBER OF STUDENTS ENROLLED ANNUALLY IN GRADES PREKINDERGARTEN THROUGH GRADE 12 AT THE MARYLAND SCHOOL FOR THE DEAF DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY DIVIDING THE AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD BY THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD; AND

(II) ONE-HALF THE AVERAGE NUMBER OF CHILDREN SERVED ANNUALLY BY THE MARYLAND SCHOOL FOR THE DEAF’S EARLY INTERVENTION PROGRAM DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY DIVIDING THE PROGRAM’S AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD BY THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD.

(3) “GROWTH IN THE TARGET PER PUPIL FOUNDATION AMOUNT” MEANS THE CHANGE IN THE PER PUPIL AMOUNT FROM THE PRIOR FISCAL YEAR TO THE CURRENT FISCAL YEAR DIVIDED BY THE PER PUPIL AMOUNT FROM THE PRIOR FISCAL YEAR.

(4) “TARGET PER PUPIL FOUNDATION AMOUNT” MEANS THE FIGURE CALCULATED FOR EACH FISCAL YEAR BY THE DEPARTMENT IN ACCORDANCE WITH § 5-202 OF THIS ARTICLE.

(5) “WEIGHTED ENROLLMENT GROWTH” MEANS THE PRODUCT OF 0.2 TIMES THE CHANGE IN THE 4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT ENROLLMENT FROM THE 3RD THROUGH THE 6TH PRIOR SCHOOL YEARS TO THE 2ND THROUGH THE 5TH PRIOR SCHOOL YEARS DIVIDED BY THE 4-YEAR AVERAGE

ANNUAL FULL-TIME EQUIVALENT ENROLLMENT FROM THE 3RD THROUGH THE 6TH PRIOR SCHOOL YEARS.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE MARYLAND SCHOOL FOR THE DEAF SHALL RECEIVE AN APPROPRIATION EQUAL TO OR GREATER THAN THE SUM OF:

(I) 75% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE PRODUCT OF:

1. THE SUM OF THE WEIGHTED ENROLLMENT GROWTH PLUS 1; AND

2. THE SUM OF THE GROWTH IN THE TARGET PER PUPIL FOUNDATION AMOUNT PLUS 1; AND

(II) 25% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE SUM OF THE WEIGHTED ENROLLMENT GROWTH PLUS 1.

(2) THE MINIMUM APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE REDUCED TO THE EXTENT REDUCTIONS ARE MADE TO THE ADMINISTRATIVE EXPENSES OF THE MARYLAND SCHOOL FOR THE DEAF.

8-3A-10.

(A) THERE SHALL BE A SINGLE, UNIFORM PAY PLAN FOR TEACHERS AND OTHER PROFESSIONAL PERSONNEL AT THE CAMPUSES OF THE MARYLAND SCHOOL FOR THE DEAF. THE PAY PLAN SHALL BE ESTABLISHED BY THE SECRETARY OF BUDGET AND MANAGEMENT AFTER CONSIDERING RECOMMENDATIONS FROM THE BOARD OF TRUSTEES OF THE MARYLAND SCHOOL FOR THE DEAF. THE SECRETARY SHALL INCLUDE IN THE PAY PLAN CLASSIFICATIONS AND PAY GRADES BASED ON THE DUTIES, RESPONSIBILITIES, EDUCATION, AND TRAINING REQUIRED.

(B) IN DETERMINING ITS RECOMMENDATIONS FOR THE PAY PLAN, THE BOARD OF TRUSTEES, IN CONSULTATION WITH THE FACULTY AND STAFF OF THE MARYLAND SCHOOL FOR THE DEAF, SHALL REVIEW THE SALARIES OF PUBLIC SCHOOL TEACHERS AND OTHER PROFESSIONAL PERSONNEL IN FREDERICK AND HOWARD COUNTIES AND SHALL RECOMMEND TO THE SECRETARY OF BUDGET AND MANAGEMENT SALARIES THAT WILL BE ADEQUATE TO RECRUIT AND RETAIN QUALIFIED TEACHERS AND PROFESSIONAL PERSONNEL AT THE MARYLAND SCHOOL FOR THE DEAF.

(C) THE BOARD OF TRUSTEES SHALL PROVIDE THEIR RECOMMENDATIONS TO THE SECRETARY OF BUDGET AND MANAGEMENT ON OR BEFORE THE JUNE 1 PRIOR TO THE JULY 1 OF THE FIRST FISCAL YEAR IN WHICH THE PAY PLAN WILL TAKE EFFECT.

(D) BEGINNING WITH THE THIRD FISCAL YEAR THE PAY PLAN IS IN EFFECT AND IN EVERY THIRD FISCAL YEAR THEREAFTER, THE SECRETARY OF BUDGET AND MANAGEMENT SHALL ADJUST THE PAY PLAN, IF NECESSARY, TO ENSURE THAT SALARIES IN THE PAY PLAN ARE ADEQUATE TO RECRUIT AND RETAIN QUALIFIED EDUCATORS AND OTHER PROFESSIONAL PERSONNEL.

(E) ON OR BEFORE THE SEPTEMBER 1 PRECEDING THE BEGINNING OF THE FISCAL YEAR FOR WHICH ADJUSTMENTS TO THE PAY PLAN MAY BE MADE UNDER THIS SUBSECTION, THE BOARD OF TRUSTEES OF THE MARYLAND SCHOOL FOR THE DEAF SHALL REVIEW THE SALARIES OF PUBLIC SCHOOL TEACHERS AND OTHER PROFESSIONAL PERSONNEL IN FREDERICK AND HOWARD COUNTIES AND SHALL RECOMMEND ADJUSTMENTS TO THE PAY PLAN TO THE SECRETARY OF BUDGET AND MANAGEMENT.

(F) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL REVIEW THE RECOMMENDATIONS OF THE BOARD OF TRUSTEES PRIOR TO MAKING ADJUSTMENTS TO THE PAY PLAN AUTHORIZED BY THIS ACT.

(G) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL INCORPORATE THESE ADJUSTMENTS INTO THE BUDGET RECOMMENDATIONS FOR THE GOVERNOR'S REVIEW AND APPROVAL FOR INCLUSION IN THE ANNUAL BUDGET REQUEST.

#### 8-3A-11.

(A) ANY PERSON WHO HAS A DEAF CHILD UNDER THE PERSON'S CONTROL AND WHO VIOLATES ANY PROVISION OF § 8-3A-02 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5 FOR EACH OFFENSE.

(B) ANY PERSON WHO INDUCES OR ATTEMPTS TO INDUCE A DEAF CHILD TO BE ABSENT UNLAWFULLY FROM SCHOOL, OR WHO EMPLOYS OR HARBORS A DEAF CHILD WHO IS ABSENT UNLAWFULLY FROM SCHOOL, WHILE THE SCHOOL IS IN SESSION, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50 FOR EACH OFFENSE.

(C) (1) BEFORE A STATE'S ATTORNEY ENFORCES THIS SECTION, THE STATE'S ATTORNEY SHALL HAVE THE CHILD EXAMINED BY TWO PHYSICIANS TO

DETERMINE WHETHER THE CHILD IS UNABLE TO PROGRESS SATISFACTORILY ON ACCOUNT OF THE CHILD'S HEARING IMPAIRMENT OR FROM SOME OTHER CAUSE.

(2) ONE OF THE PHYSICIANS SHALL BE AN APPROPRIATE SPECIALIST.

(3) IF THE EXAMINATION BY THE PHYSICIANS INDICATES THAT THE FAILURE TO PROGRESS SATISFACTORILY IN SCHOOL IS DUE TO A HEARING IMPAIRMENT, THE STATE'S ATTORNEY SHALL ENFORCE THE PROVISIONS OF THIS SECTION.

(4) THESE MEDICAL EXAMINATIONS SHALL BE PAID FOR BY THE COUNTY IN WHICH THE CHILD WHO IS EXAMINED RESIDES.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.

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## Chapter 672

(House Bill 709)

AN ACT concerning

### Education – Maryland School for the Blind – Funding

FOR the purpose of requiring teachers and professional personnel at the Maryland School for the Blind to be paid an annual salary at least equal to a certain amount paid in Baltimore County to certain personnel; requiring the Governor to appropriate a certain amount for certain services; adding to a certain calculation one-half of the average number of children served by the School for the Blind for a certain program; requiring the School for the Blind to submit certain information in a certain form; reorganizing and recodifying without substantive change provisions of law relating to the Maryland School for the Deaf; making stylistic changes; repealing obsolete provisions of law; making conforming changes; and generally relating to funding for the Maryland School for the Blind and reorganizing and recodifying provisions of law for the Maryland School for the Deaf.

BY repealing

Article – Education

Section 8–304, 8–305, 8–310.1 through 8–310.3, 8–312, and 8–313

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 7–101(b)(4); and 8–301 through 8–303, 8–306, 8–307, 8–307.1, and 8–308 through 8–310, 8–311, and 8–314 through 8–319 to be under the amended subtitle “Subtitle 3. Education of Blind Children”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY adding to

Article – Education

Section 8–3A–01 through 8–3A–11 to be under the new subtitle “Subtitle 3A. Education of Deaf Children”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–304, 8–305, 8–310.1 through 8–310.3, 8–312, and 8–313 of the Education Article of the Annotated Code of Maryland be repealed.

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

### Article – Education

7–101.

(b) (4) Nothing in this section alters the requirements for out-of-county placements contained in § 4–122 and Title 8, Subtitles 3, **3A**, and 4 of this article or in any other State or federal law.

Subtitle 3. [Deaf and] **EDUCATION OF** Blind Children.

8–301.

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

(b) “Blind], “**BLIND** child” means a child 6 years old or older and under 19 who has a visual impairment and because of that impairment cannot progress satisfactorily in an ordinary public or private school.

[(c) “Deaf child” means a child 6 years old or older and under 19 who has a hearing impairment and because of that impairment cannot progress satisfactorily in an ordinary public or private school.]

8–302.

(a) This section does not apply to a child whose physical condition makes [his] **THE CHILD'S** instruction under this section inexpedient or impracticable.

(b) Each [deaf or] blind child shall attend a school or classes for the [deaf or] blind during the school year unless the child otherwise is receiving regular, thorough instruction during the school year in studies usually taught in the public schools to children of the same age.

(c) A superintendent or principal of a school for the [deaf or] blind or an individual authorized by a superintendent or principal may excuse a [deaf or] blind child for a necessary absence.

(d) Each person who has a [deaf or] blind child under [his] **THE PERSON'S** control shall see that the child attends school or receives instruction as required by this section.

8-303.

The Department, each county board, [the Maryland School for the Deaf,] and the Maryland School for the Blind shall work together to meet the educational needs of [deaf and] blind children.

**[8-306.] 8-304.**

(a) The Maryland School for the Blind shall adopt written standards for the admission and dismissal of students.

(b) The standards and any amendments shall be submitted to the State Board for approval under § 2-206 of this article.

(c) The State Board may require modifications to the standards as it considers necessary.

**[8-307.] 8-305.**

(a) If the Maryland School for the Blind refuses to admit a child or dismisses a child, a parent or guardian of the child may make a written request to the Office of Administrative Hearings that a review be conducted to determine if the decision was appropriate.

(b) A review shall be conducted pursuant to the provisions of § 8-413 of this title.

**[8-307.1.] 8-306.**

Each local education agency in the State shall notify the parents or guardians of each blind or visually impaired child, including children with multiple disabilities, of the availability of the educational programs offered by the Maryland School for the Blind.

**[8–308.] 8–307.**

Under § 2–206 of this article, [the Maryland School for the Deaf and] the Maryland School for the Blind shall keep the State Board fully informed as to the educational program and administrative policies of the schools under their jurisdiction.

**[8–309.] 8–308.**

Teachers and any other professional personnel at the Maryland School for the Blind shall be paid an annual salary that is at least equal to the salary received by public school teachers and professional personnel of similar training and experience in [the county in which the school is located] **BALTIMORE COUNTY**.

**[8–310.] 8–309.**

(a) (1) Each county board shall pay the Maryland School for the Blind an amount equal to the local share of the basic cost, as defined in § 8–415(d)(1) of this title, for each blind child who is sent to the school from the county each year to support the cost of instructional programming.

(2) Each county governing body shall include a child sent to the Maryland School for the Blind under paragraph (1) of this subsection in the full-time equivalent enrollment used for calculating the required local funds appropriated under § 5–202(d) of this article.

(b) The Board of Directors of the Maryland School for the Blind shall give each county board on April 1 and October 1 of each year a statement that contains:

- (1) The number of blind children who are attending from the county; and
- (2) The name of each blind child from the county and charged to the county.

**[8–314.] 8–310.**

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Board” means the Board of Directors of the Maryland School for the Blind.
  - (3) “Superintendent” means the State Superintendent of Schools.

(b) The Maryland School for the Blind, a body corporate of the State the charter of which was established on May 19, 1853, shall be governed by the Board.

(c) (1) The Board consists of 25 members.

(2) Of the 25 members of the Board:

(i) Subject to confirmation by the Senate of Maryland, five members, including one member of the Senate of Maryland and one member of the Maryland House of Delegates, shall be appointed jointly by the Governor and the Superintendent, with recommendations from the Chairman of the Board; and

(ii) 20 members shall be elected according to the charter and bylaws of the Maryland School for the Blind.

(3) (i) The term of a member is 3 years.

(ii) No member of the Board appointed after June 1, 1999, except the Chairman, may be reappointed for more than 2 additional terms.

(iii) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(iv) Any vacancy shall be filled in the same manner in which the vacating member was appointed.

**[8-315.] 8-311.**

(a) The Maryland School for the Blind shall establish and operate a program of enhanced services for blind students who have other severe disabilities.

(b) The Maryland School for the Blind shall include a description of the program in the written agreement with the Department of Education required under § [8-316] **8-312** of this subtitle.

(c) The costs of providing enhanced services to a child under the program shall be shared by the State and by the county in which the child is domiciled as provided in subsection (d) of this section.

(d) (1) (i) Subject to [subparagraphs (ii) and (iii)] **SUBPARAGRAPH (II)** of this paragraph, the Department, in consultation with the Maryland School for the Blind, shall determine on an individual basis those students who are eligible for the enhanced program described in this section.

(ii) Students served in the enhanced program shall be students who are at risk of requiring nonpublic placement in an out-of-state special education facility,

including students who are blind/deaf or students with other severe and multiple disabilities.

[(iii) For fiscal year 1999, the number of students enrolled in the enhanced program shall not exceed 20 Maryland students.]

(2) (i) The county in which a child placed in the enhanced program is domiciled shall pay the local share of the “basic cost”, as defined in § 8–415(d)(1) of this title, of the education for that child.

(ii) A county which pays the local share of the “basic cost” as provided in subparagraph (i) of this paragraph shall not pay the tuition required in § [8–310] **8–309** of this subtitle.

(3) [(i) Subject to subparagraph (ii) of this paragraph, the] **THE** State shall pay the cost of serving a student in the enhanced program based on an individual cost sheet completed by the Department for each student enrolled in the program.

[(ii) For fiscal year 1999, the State’s share of the total cost of the enhanced program shall not exceed \$750,000.]

**(E) IN ADDITION TO THE FUNDING PROVIDED FOR ENHANCED SERVICES UNDER THIS SECTION, THE GOVERNOR SHALL ANNUALLY INCLUDE AT LEAST \$1,000,000 IN THE STATE BUDGET FOR THE COST OF PROVIDING RESIDENTIAL SERVICES.**

**[8–316.] 8–312.**

(a) The Department of Education and the Maryland School for the Blind shall enter into a written agreement.

(b) The agreement shall provide for monitoring and review by the Department of the Maryland School for the Blind, including:

(1) Review by the Department of the annual budget approved by the Board of the Maryland School for the Blind;

(2) Monitoring by the Department of the Maryland School for the Blind’s program of enhanced services for blind students who have severe disabilities, including the criteria approved by the Board of the Maryland School for the Blind for the admission of students to the program;

(3) Consultation between the Department and the Maryland School for the Blind on issues of blind education;

(4) Assistance from the Department in developing agreements between the Maryland School for the Blind and local school systems and other State and local agencies for provision of services to blind children; and

(5) Monitoring by and assistance from the Department regarding other aspects of the Maryland School for the Blind's educational program and services to blind children as required by federal or State law.

(c) (1) The Maryland School for the Blind may enter into written agreements with State and local agencies, including local school systems, for the purpose of providing services to blind children.

(2) This subsection in no way abrogates the obligation of the local school systems to provide alternative programs for blind students.

**[8-317.] 8-313.**

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

(2) "4-year average annual full-time equivalent enrollment" means:

(i) The average number of students enrolled annually in grades prekindergarten through grade 12 at the Maryland School for the Blind during 4 consecutive school years as determined by dividing the aggregate monthly enrollment during the 4-year period by the number of months school is in session during the 4-year period; [and]

(ii) One-half the average number of children served annually by the Maryland School for the Blind's Early Intervention Program during 4 consecutive school years as determined by dividing the Program's aggregate monthly enrollment during the 4-year period by the number of months school is in session during the 4-year period; **AND**

**(III) ONE-HALF THE AVERAGE NUMBER OF CHILDREN SERVED ANNUALLY BY THE MARYLAND SCHOOL FOR THE BLIND'S OUTREACH PROGRAM DURING 4 CONSECUTIVE FISCAL YEARS AS DETERMINED BY DIVIDING THE PROGRAM'S AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD BY THE NUMBER OF MONTHS THE PROGRAM OPERATES DURING THE 4-YEAR PERIOD.**

(3) "Growth in the **TARGET** per pupil [basic current expense figure] **FOUNDATION AMOUNT**" means the change in the per pupil [basic current expense figure] **AMOUNT** from the prior fiscal year to the current fiscal year divided by the per pupil [basic current expense figure] **AMOUNT** from the prior fiscal year.

(4) ["Per pupil basic current expense figure"] "**TARGET PER PUPIL FOUNDATION AMOUNT**" means the figure calculated for each fiscal year by the Department in accordance with § 5-202 of this article.

(5) [Except as provided in subsection (c) of this section, “prior] **“PRIOR year appropriation”** means the State appropriation to the Maryland School for the Blind in the prior fiscal year less any funding provided under § [8–315] **8–311(D)** of this subtitle in the prior fiscal year.

(6) “Weighted enrollment growth” means the product of 0.2 times the change in the 4–year average annual full–time equivalent enrollment from the 3rd through the 6th prior school years to the 2nd through the 5th prior school years divided by the 4–year average annual full–time equivalent enrollment from the 3rd through the 6th prior school years.

(b) (1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Maryland School for the Blind shall receive an appropriation equal to or greater than the sum of:

(i) 75% of the prior year appropriation multiplied by the product of:

1. The sum of the weighted enrollment growth plus one; and
2. The sum of the growth in the **TARGET** per pupil [basic current expense figure] **FOUNDATION AMOUNT** plus one; and

(ii) 25% of the prior year appropriation multiplied by the sum of the weighted enrollment growth plus one.

(2) The minimum appropriation required under paragraph (1) of this subsection may be reduced to the extent reductions are made to the administrative expenses of the Maryland School for the Blind.

[(c) The “prior year appropriation” used to calculate the fiscal year 2000 appropriation to the Maryland School for the Blind shall be \$11,585,436.]

**[8–318.] 8–314.**

For information purposes, the budget submitted by the Governor to the General Assembly shall include a detailed account of the operating and administrative budget for the Maryland School for the Blind **IN ACCORDANCE WITH § 5–101 OF THIS ARTICLE**, which shall include a complete list of revenue sources and expenditures for:

- (1) Salaries, wages, and fringe benefits;
- (2) Technical and special fees;
- (3) Communications;

- (4) Travel;
- (5) Contractual services;
- (6) Supplies and materials;
- (7) Equipment;
- (8) Fixed charges; and
- (9) Other expenses.

**[8-319.] 8-315.**

(a) Notwithstanding § 4-114 of this article and subject to regulations adopted by the Board of Public Works, for fiscal years 2013 through 2028, the Maryland School for the Blind shall be eligible for funding under the Public School Construction Program in accordance with Title 5, Subtitle 3 of this article.

(b) The Board of Public Works shall adopt regulations for funding school construction and school capital improvements at the Maryland School for the Blind in accordance with the requirements set forth in Title 5, Subtitle 3 of this article that apply to school construction and school capital improvement projects funded for county boards of education.

**[8-311.] 8-316.**

(a) Any person who has a [deaf or] blind child under [his] **THE PERSON'S** control and who violates any provision of § 8-302 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5 for each offense.

(b) Any person who induces or attempts to induce a [deaf or] blind child to **BE** absent [himself] unlawfully from school, or who employs or harbors a [deaf or] blind child who is absent unlawfully from school, while the school is in session, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50 for each offense.

(c) (1) Before a State's Attorney enforces this section, the State's Attorney shall have the child examined by two physicians to determine whether the child is unable to progress satisfactorily on account of the child's [hearing or] sight impairment or from some other cause.

(2) One of the physicians shall be an appropriate specialist.

(3) If the examination by the physicians indicates that the failure to progress satisfactorily in school is due to a [hearing or] sight impairment, the State's Attorney shall enforce the provisions of this section.

(4) These medical examinations shall be paid for by the county in which the child who is examined resides.

### **SUBTITLE 3A. EDUCATION OF DEAF CHILDREN.**

#### **8-3A-01.**

**IN THIS SUBTITLE, “DEAF CHILD” MEANS A CHILD AT LEAST 6 YEARS OLD AND UNDER THE AGE OF 19 YEARS WHO HAS A HEARING IMPAIRMENT, AND BECAUSE OF THAT IMPAIRMENT CANNOT PROGRESS SATISFACTORILY IN AN ORDINARY PUBLIC OR PRIVATE SCHOOL.**

#### **8-3A-02.**

**(A) THIS SECTION DOES NOT APPLY TO A CHILD WHOSE PHYSICAL CONDITION MAKES THE CHILD’S INSTRUCTION UNDER THIS SECTION INEXPEDIENT OR IMPRACTICABLE.**

**(B) EACH DEAF CHILD SHALL ATTEND A SCHOOL OR CLASSES FOR THE DEAF DURING THE SCHOOL YEAR UNLESS THE CHILD OTHERWISE IS RECEIVING REGULAR, THOROUGH INSTRUCTION DURING THE SCHOOL YEAR IN STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS TO CHILDREN OF THE SAME AGE.**

**(C) A SUPERINTENDENT OR PRINCIPAL OF A SCHOOL FOR THE DEAF OR AN INDIVIDUAL AUTHORIZED BY A SUPERINTENDENT OR PRINCIPAL MAY EXCUSE A DEAF CHILD FOR A NECESSARY ABSENCE.**

**(D) EACH PERSON WHO HAS A DEAF CHILD UNDER THE PERSON’S CONTROL SHALL SEE THAT THE CHILD ATTENDS SCHOOL OR RECEIVES INSTRUCTION AS REQUIRED BY THIS SECTION.**

#### **8-3A-03.**

**THE DEPARTMENT, EACH COUNTY BOARD, AND THE MARYLAND SCHOOL FOR THE DEAF SHALL WORK TOGETHER TO MEET THE EDUCATIONAL NEEDS OF DEAF CHILDREN.**

#### **8-3A-04.**

**(A) THERE IS A MARYLAND SCHOOL FOR THE DEAF.**

**(B) THE GOVERNANCE OF THE MARYLAND SCHOOL FOR THE DEAF IS VESTED IN THE BOARD OF TRUSTEES OF THE MARYLAND SCHOOL FOR THE DEAF.**

**(C) (1) THE BOARD OF TRUSTEES SHALL CONSIST OF 19 MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.**

**(2) OF THE 19 MEMBERS, AT LEAST 6 MEMBERS SHALL BE DEAF.**

**(3) EACH MEMBER OF THE BOARD SHALL:**

**(I) BE A RESIDENT OF THE STATE;**

**(II) BE A MEMBER OF THE GENERAL PUBLIC; AND**

**(III) HAVE DEMONSTRATED AN ACTIVE INTEREST IN THE EDUCATION OF DEAF CHILDREN.**

**(4) EACH GEOGRAPHIC REGION OF THE STATE SHALL BE REPRESENTED BY AT LEAST ONE MEMBER OF THE BOARD.**

**(D) (1) THE TERM OF A MEMBER IS 6 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR THE MEMBERS OF THE BOARD ON OCTOBER 1, 1992.**

**(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 TERMS.**

**(E) THE BOARD MAY:**

**(1) APPLY FOR, ACCEPT, AND SPEND ANY GIFT OR GRANT FROM THE FEDERAL GOVERNMENT, ANY FOUNDATION, OR ANY OTHER PERSON; AND**

**(2) MAINTAIN, MANAGE, AND INVEST ANY GIFTS OR GRANTS THAT IT ACCEPTS.**

**(F) THE BOARD SHALL ESTABLISH AN ANNUAL OPERATING BUDGET.**

**(G) (1) THERE IS A BRANCH OF THE MARYLAND SCHOOL FOR THE DEAF.**

**(2) THIS BRANCH SHALL BE LOCATED NEAR THE POPULATION CENTER OF THE STATE.**

**(3) THE BRANCH SHALL BE ADMINISTERED AND OPERATED AS PART OF AND IS SUBJECT TO THE MARYLAND SCHOOL FOR THE DEAF.**

**(H) (1) THE MARYLAND SCHOOL FOR THE DEAF SHALL ADOPT WRITTEN STANDARDS FOR THE ADMISSION OF STUDENTS.**

**(2) THE STANDARDS SHALL DEFINE AND DISTINGUISH BETWEEN STUDENTS WHO ARE BONA FIDE MARYLAND RESIDENTS AND THOSE WHO ARE OUT-OF-STATE STUDENTS, FOR PURPOSES OF ADMISSION AND TUITION.**

**(I) THE MARYLAND SCHOOL FOR THE DEAF SHALL ADMIT STUDENTS FREE OF CHARGE WHO:**

**(1) ARE BONA FIDE MARYLAND RESIDENTS; AND**

**(2) MEET THE ADMISSION STANDARDS OF THE MARYLAND SCHOOL FOR THE DEAF.**

**(J) (1) THE MARYLAND SCHOOL FOR THE DEAF MAY ADMIT OUT-OF-STATE STUDENTS FOR TUITION WHO MEET THE ADMISSION STANDARDS OF THE MARYLAND SCHOOL FOR THE DEAF.**

**(2) THE MARYLAND SCHOOL FOR THE DEAF SHALL ESTABLISH TUITION RATES ON AN ANNUAL BASIS.**

**8-3A-05.**

**EACH LOCAL EDUCATION AGENCY IN THE STATE SHALL NOTIFY THE PARENTS OR GUARDIANS OF EACH HEARING-IMPAIRED CHILD OF THE AVAILABILITY OF THE EDUCATIONAL PROGRAMS OFFERED BY THE MARYLAND SCHOOL FOR THE DEAF.**

**8-3A-06.**

**UNDER § 2-206 OF THIS ARTICLE, THE MARYLAND SCHOOL FOR THE DEAF SHALL KEEP THE STATE BOARD FULLY INFORMED AS TO THE EDUCATIONAL PROGRAM AND ADMINISTRATIVE POLICIES OF THE SCHOOLS UNDER THEIR JURISDICTION.**

**8-3A-07.**

**(A) THE MARYLAND SCHOOL FOR THE DEAF SHALL ESTABLISH AND OPERATE A PROGRAM OF ENHANCED SERVICES FOR DEAF STUDENTS WHO HAVE OTHER MODERATE TO SEVERE DISABILITIES.**

**(B) THE MARYLAND SCHOOL FOR THE DEAF SHALL INCLUDE A DESCRIPTION OF THE PROGRAM IN THE WRITTEN AGREEMENT WITH THE DEPARTMENT REQUIRED UNDER § 8-3A-08 OF THIS SUBTITLE.**

**(C) THE COSTS OF PROVIDING ENHANCED SERVICES TO A CHILD UNDER THE PROGRAM SHALL BE PAID TO THE SCHOOL AND BE PROVIDED JOINTLY BY THE STATE AND BY THE COUNTY IN WHICH THE CHILD IS DOMICILED AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.**

**(D) (1) THE CHILD SHALL BE JOINTLY PLACED IN THE ENHANCED PROGRAM, IN ACCORDANCE WITH PROCEDURES FOR STUDENTS WITH DISABILITIES, BY THE LOCAL SCHOOL SYSTEM AND THE MARYLAND SCHOOL FOR THE DEAF.**

**(2) THE COUNTY IN WHICH A CHILD PLACED IN THE ENHANCED PROGRAM IS DOMICILED SHALL PAY THE LOCAL SHARE OF THE “BASIC COST”, AS DEFINED IN § 8-415(D)(1) OF THIS TITLE, OF THE EDUCATION FOR THAT CHILD.**

**(3) THE STATE SHALL PAY THE REMAINING COST OF PROVIDING SERVICES UNDER THE PROGRAM TO THE CHILD.**

**8-3A-08.**

**(A) THE DEPARTMENT AND THE MARYLAND SCHOOL FOR THE DEAF SHALL ENTER INTO A WRITTEN AGREEMENT.**

**(B) THE AGREEMENT SHALL PROVIDE FOR MONITORING AND REVIEW OF THE MARYLAND SCHOOL FOR THE DEAF BY THE DEPARTMENT, INCLUDING:**

**(1) REVIEW BY THE DEPARTMENT OF THE ANNUAL BUDGET APPROVED BY THE BOARD OF THE MARYLAND SCHOOL FOR THE DEAF;**

**(2) MONITORING OF THE MARYLAND SCHOOL FOR THE DEAF’S PROGRAM OF ENHANCED SERVICES FOR DEAF STUDENTS BY THE DEPARTMENT WHO HAVE OTHER MODERATE TO SEVERE DISABILITIES, INCLUDING THE CRITERIA APPROVED BY THE BOARD OF THE MARYLAND SCHOOL FOR THE DEAF FOR THE ADMISSION OF STUDENTS TO THE PROGRAM;**

**(3) CONSULTATION BETWEEN THE DEPARTMENT AND THE MARYLAND SCHOOL FOR THE DEAF ON ISSUES OF DEAF EDUCATION;**

**(4) ASSISTANCE FROM THE DEPARTMENT IN DEVELOPING AGREEMENTS BETWEEN THE MARYLAND SCHOOL FOR THE DEAF AND LOCAL**

**SCHOOL SYSTEMS AND OTHER STATE AND LOCAL AGENCIES FOR PROVISION OF SERVICES TO DEAF CHILDREN; AND**

**(5) MONITORING BY AND ASSISTANCE FROM THE DEPARTMENT REGARDING OTHER ASPECTS OF THE MARYLAND SCHOOL FOR THE DEAF'S EDUCATIONAL PROGRAM AND SERVICES TO DEAF CHILDREN AS REQUIRED BY FEDERAL OR STATE LAW.**

**(c) (1) THE MARYLAND SCHOOL FOR THE DEAF MAY ENTER INTO WRITTEN AGREEMENTS WITH STATE AND LOCAL AGENCIES, INCLUDING LOCAL SCHOOL SYSTEMS, FOR THE PURPOSE OF PROVIDING SERVICES TO DEAF CHILDREN.**

**(2) THIS SUBSECTION IN NO WAY ABROGATES THE OBLIGATION OF THE LOCAL SCHOOL SYSTEMS TO PROVIDE ALTERNATIVE PROGRAMS FOR DEAF AND HEARING-IMPAIRED STUDENTS.**

**8-3A-09.**

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

**(2) "4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT ENROLLMENT" MEANS:**

**(I) THE AVERAGE NUMBER OF STUDENTS ENROLLED ANNUALLY IN GRADES PREKINDERGARTEN THROUGH GRADE 12 AT THE MARYLAND SCHOOL FOR THE DEAF DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY DIVIDING THE AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD BY THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD; AND**

**(II) ONE-HALF THE AVERAGE NUMBER OF CHILDREN SERVED ANNUALLY BY THE MARYLAND SCHOOL FOR THE DEAF'S EARLY INTERVENTION PROGRAM DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY DIVIDING THE PROGRAM'S AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD BY THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD.**

**(3) "GROWTH IN THE TARGET PER PUPIL FOUNDATION AMOUNT" MEANS THE CHANGE IN THE PER PUPIL AMOUNT FROM THE PRIOR FISCAL YEAR TO THE CURRENT FISCAL YEAR DIVIDED BY THE PER PUPIL AMOUNT FROM THE PRIOR FISCAL YEAR.**

(4) “TARGET PER PUPIL FOUNDATION AMOUNT” MEANS THE FIGURE CALCULATED FOR EACH FISCAL YEAR BY THE DEPARTMENT IN ACCORDANCE WITH § 5-202 OF THIS ARTICLE.

(5) “WEIGHTED ENROLLMENT GROWTH” MEANS THE PRODUCT OF 0.2 TIMES THE CHANGE IN THE 4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT ENROLLMENT FROM THE 3RD THROUGH THE 6TH PRIOR SCHOOL YEARS TO THE 2ND THROUGH THE 5TH PRIOR SCHOOL YEARS DIVIDED BY THE 4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT ENROLLMENT FROM THE 3RD THROUGH THE 6TH PRIOR SCHOOL YEARS.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE MARYLAND SCHOOL FOR THE DEAF SHALL RECEIVE AN APPROPRIATION EQUAL TO OR GREATER THAN THE SUM OF:

(I) 75% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE PRODUCT OF:

1. THE SUM OF THE WEIGHTED ENROLLMENT GROWTH PLUS 1; AND

2. THE SUM OF THE GROWTH IN THE TARGET PER PUPIL FOUNDATION AMOUNT PLUS 1; AND

(II) 25% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE SUM OF THE WEIGHTED ENROLLMENT GROWTH PLUS 1.

(2) THE MINIMUM APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE REDUCED TO THE EXTENT REDUCTIONS ARE MADE TO THE ADMINISTRATIVE EXPENSES OF THE MARYLAND SCHOOL FOR THE DEAF.

8-3A-10.

(A) THERE SHALL BE A SINGLE, UNIFORM PAY PLAN FOR TEACHERS AND OTHER PROFESSIONAL PERSONNEL AT THE CAMPUSES OF THE MARYLAND SCHOOL FOR THE DEAF. THE PAY PLAN SHALL BE ESTABLISHED BY THE SECRETARY OF BUDGET AND MANAGEMENT AFTER CONSIDERING RECOMMENDATIONS FROM THE BOARD OF TRUSTEES OF THE MARYLAND SCHOOL FOR THE DEAF. THE SECRETARY SHALL INCLUDE IN THE PAY PLAN CLASSIFICATIONS AND PAY GRADES BASED ON THE DUTIES, RESPONSIBILITIES, EDUCATION, AND TRAINING REQUIRED.

(B) IN DETERMINING ITS RECOMMENDATIONS FOR THE PAY PLAN, THE BOARD OF TRUSTEES, IN CONSULTATION WITH THE FACULTY AND STAFF OF THE

**MARYLAND SCHOOL FOR THE DEAF, SHALL REVIEW THE SALARIES OF PUBLIC SCHOOL TEACHERS AND OTHER PROFESSIONAL PERSONNEL IN FREDERICK AND HOWARD COUNTIES AND SHALL RECOMMEND TO THE SECRETARY OF BUDGET AND MANAGEMENT SALARIES THAT WILL BE ADEQUATE TO RECRUIT AND RETAIN QUALIFIED TEACHERS AND PROFESSIONAL PERSONNEL AT THE MARYLAND SCHOOL FOR THE DEAF.**

**(C) THE BOARD OF TRUSTEES SHALL PROVIDE THEIR RECOMMENDATIONS TO THE SECRETARY OF BUDGET AND MANAGEMENT ON OR BEFORE THE JUNE 1 PRIOR TO THE JULY 1 OF THE FIRST FISCAL YEAR IN WHICH THE PAY PLAN WILL TAKE EFFECT.**

**(D) BEGINNING WITH THE THIRD FISCAL YEAR THE PAY PLAN IS IN EFFECT AND IN EVERY THIRD FISCAL YEAR THEREAFTER, THE SECRETARY OF BUDGET AND MANAGEMENT SHALL ADJUST THE PAY PLAN, IF NECESSARY, TO ENSURE THAT SALARIES IN THE PAY PLAN ARE ADEQUATE TO RECRUIT AND RETAIN QUALIFIED EDUCATORS AND OTHER PROFESSIONAL PERSONNEL.**

**(E) ON OR BEFORE THE SEPTEMBER 1 PRECEDING THE BEGINNING OF THE FISCAL YEAR FOR WHICH ADJUSTMENTS TO THE PAY PLAN MAY BE MADE UNDER THIS SUBSECTION, THE BOARD OF TRUSTEES OF THE MARYLAND SCHOOL FOR THE DEAF SHALL REVIEW THE SALARIES OF PUBLIC SCHOOL TEACHERS AND OTHER PROFESSIONAL PERSONNEL IN FREDERICK AND HOWARD COUNTIES AND SHALL RECOMMEND ADJUSTMENTS TO THE PAY PLAN TO THE SECRETARY OF BUDGET AND MANAGEMENT.**

**(F) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL REVIEW THE RECOMMENDATIONS OF THE BOARD OF TRUSTEES PRIOR TO MAKING ADJUSTMENTS TO THE PAY PLAN AUTHORIZED BY THIS ACT.**

**(G) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL INCORPORATE THESE ADJUSTMENTS INTO THE BUDGET RECOMMENDATIONS FOR THE GOVERNOR'S REVIEW AND APPROVAL FOR INCLUSION IN THE ANNUAL BUDGET REQUEST.**

**8-3A-11.**

**(A) ANY PERSON WHO HAS A DEAF CHILD UNDER THE PERSON'S CONTROL AND WHO VIOLATES ANY PROVISION OF § 8-3A-02 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5 FOR EACH OFFENSE.**

(B) ANY PERSON WHO INDUCES OR ATTEMPTS TO INDUCE A DEAF CHILD TO BE ABSENT UNLAWFULLY FROM SCHOOL, OR WHO EMPLOYS OR HARBORS A DEAF CHILD WHO IS ABSENT UNLAWFULLY FROM SCHOOL, WHILE THE SCHOOL IS IN SESSION, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50 FOR EACH OFFENSE.

(C) (1) BEFORE A STATE'S ATTORNEY ENFORCES THIS SECTION, THE STATE'S ATTORNEY SHALL HAVE THE CHILD EXAMINED BY TWO PHYSICIANS TO DETERMINE WHETHER THE CHILD IS UNABLE TO PROGRESS SATISFACTORILY ON ACCOUNT OF THE CHILD'S HEARING IMPAIRMENT OR FROM SOME OTHER CAUSE.

(2) ONE OF THE PHYSICIANS SHALL BE AN APPROPRIATE SPECIALIST.

(3) IF THE EXAMINATION BY THE PHYSICIANS INDICATES THAT THE FAILURE TO PROGRESS SATISFACTORILY IN SCHOOL IS DUE TO A HEARING IMPAIRMENT, THE STATE'S ATTORNEY SHALL ENFORCE THE PROVISIONS OF THIS SECTION.

(4) THESE MEDICAL EXAMINATIONS SHALL BE PAID FOR BY THE COUNTY IN WHICH THE CHILD WHO IS EXAMINED RESIDES.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.

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## Chapter 673

(Senate Bill 426)

AN ACT concerning

### Maryland Emergency Management Assistance Compact – City of Annapolis

FOR the purpose of authorizing the City of Annapolis to participate in the Maryland Emergency Management Assistance Compact; and generally relating to the Maryland Emergency Management Assistance Compact.

BY repealing and reenacting, without amendments,  
 Article – Public Safety  
 Section 14–801(a) and 14–803(1) and (2)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 14–801(e)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

**Article – Public Safety**

14–801.

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

(e) “Jurisdictions” means the 23 counties within Maryland, Baltimore City, **THE CITY OF ANNAPOLIS**, and Ocean City.

14–803.

(1) Article 1. Purpose.

(a) (1) The purpose of this Compact is to provide for mutual assistance between the jurisdictions entering into this Compact in managing an emergency.

(2) This Compact also shall provide for mutual cooperation in emergency–related exercises, testing, or other training activities using equipment or personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions during emergencies.

(2) Article 2. Requests for Assistance.

(b) (1) The senior elected official of each jurisdiction shall designate an authorized representative. The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction.

(2) The provisions of this Compact shall apply only to requests for assistance made by and to authorized representatives.

(3) Requests may be verbal or in writing.

(4) If verbal, the request shall be confirmed in writing at the earliest possible date, but no later than 10 calendar days following the verbal request.

(5) Written requests shall provide the following information:

(i) A description of the emergency support function for which assistance is needed;

(ii) The emergency support function shall include, but not be limited to, fire services, law enforcement, emergency medical services, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;

(iii) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed; and

(iv) The specific place and time for staging of the assisting party's response and a point of contact at that location.

(6) There shall be frequent consultations between the Maryland Emergency Management Agency and appropriate representatives of the party jurisdictions with free exchange of information and plans generally relating to emergency capabilities.

(7) A senior elected official or an authorized representative will advise the Maryland Emergency Management Agency of verbal requests and provide copies of written requests.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.**

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## **Chapter 674**

### **(House Bill 383)**

AN ACT concerning

#### **Maryland Emergency Management Assistance Compact – City of Annapolis**

FOR the purpose of authorizing the City of Annapolis to participate in the Maryland Emergency Management Assistance Compact; and generally relating to the Maryland Emergency Management Assistance Compact.

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 14–801(a) and 14–803(1) and (2)

Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 14–801(e)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

### Article – Public Safety

14–801.

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

(e) “Jurisdictions” means the 23 counties within Maryland, Baltimore City, **THE CITY OF ANNAPOLIS**, and Ocean City.

14–803.

(1) Article 1. Purpose.

(a) (1) The purpose of this Compact is to provide for mutual assistance between the jurisdictions entering into this Compact in managing an emergency.

(2) This Compact also shall provide for mutual cooperation in emergency–related exercises, testing, or other training activities using equipment or personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions during emergencies.

(2) Article 2. Requests for Assistance.

(b) (1) The senior elected official of each jurisdiction shall designate an authorized representative. The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction.

(2) The provisions of this Compact shall apply only to requests for assistance made by and to authorized representatives.

(3) Requests may be verbal or in writing.

(4) If verbal, the request shall be confirmed in writing at the earliest possible date, but no later than 10 calendar days following the verbal request.

(5) Written requests shall provide the following information:

(i) A description of the emergency support function for which assistance is needed;

(ii) The emergency support function shall include, but not be limited to, fire services, law enforcement, emergency medical services, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;

(iii) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed; and

(iv) The specific place and time for staging of the assisting party's response and a point of contact at that location.

(6) There shall be frequent consultations between the Maryland Emergency Management Agency and appropriate representatives of the party jurisdictions with free exchange of information and plans generally relating to emergency capabilities.

(7) A senior elected official or an authorized representative will advise the Maryland Emergency Management Agency of verbal requests and provide copies of written requests.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.**

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## **Chapter 675**

**(Senate Bill 480)**

AN ACT concerning

### **Public Utilities – Maryland Underground Facilities Damage Prevention Authority – Funding**

FOR the purpose of authorizing the Maryland Underground Facilities Damage Prevention Authority to collect an assessment or a charge not exceeding a certain amount per ticket under certain circumstances; specifying the circumstances under which the Authority may collect an assessment or a charge; providing for an exception to a

certain limitation regarding sources of operational funding for the Authority; and generally relating to the Maryland Underground Facilities Damage Prevention Authority.

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 12–101(a), (b), (i), (j), (k), and (m)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 12–111

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

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

### **Article – Public Utilities**

12–101.

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

(b) “Authority” means the Maryland Underground Facilities Damage Prevention Authority.

(i) “One–call system” means a communications system in the State that:

(1) allows a person to notify owner–members of planned excavation or demolition by:

(i) calling a toll–free number or abbreviated dialing code; or

(ii) initiating an interactive Internet ticket request; and

(2) maintains an underground facilities information exchange system.

(j) (1) “Owner” means a person that:

(i) owns or operates an underground facility; and

(ii) has the right to bury an underground facility.

(2) “Owner” includes:

- (i) a public utility;
- (ii) a telecommunications corporation;
- (iii) a cable television corporation;
- (iv) a political subdivision;
- (v) a municipal corporation;
- (vi) a steam heating company;
- (vii) an authority; and
- (viii) a unit of the State.

(k) “Owner–member” means an owner that participates as a member in a one–call system.

(m) “Ticket” means a numbered document issued by a one–call system to notify owner–members that:

(1) a person intends to perform an excavation or demolition; or

(2) a designer has requested information on the location of underground facilities under § 12–131 of this subtitle.

12–111.

(a) The Authority may obtain funding for its operational expenses from:

(1) a federal or State grant;

(2) filing fees and administrative fees for complaints heard by the Authority as authorized under § 12–112(b)(1) of this subtitle; [and]

(3) **AN ADDITIONAL ASSESSMENT OR CHARGE PER TICKET AS AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION; AND**

(4) any other source.

(b) **THE AUTHORITY MAY COLLECT AN ASSESSMENT OR A CHARGE NOT EXCEEDING 5 CENTS PER TICKET FROM AN OWNER–MEMBER IF THE ASSESSMENT OR CHARGE:**

(1) IS NOT IMPOSED ON A COUNTY OR A MUNICIPAL CORPORATION;  
AND

(2) IS APPROVED BY A TWO-THIRDS VOTE OF ALL MEMBERS OF THE  
AUTHORITY.

(C) Except as provided in [subsection] SUBSECTIONS (a)(2) AND (B) of this section, the Authority may not impose a charge or assessment against any person, directly or indirectly, to obtain funding for its operational expenses.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.**

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## Chapter 676

(House Bill 696)

AN ACT concerning

### **Public Utilities – Maryland Underground Facilities Damage Prevention Authority – Funding**

FOR the purpose of authorizing the Maryland Underground Facilities Damage Prevention Authority to collect an assessment or a charge not exceeding a certain amount per ticket under certain circumstances; specifying the circumstances under which the Authority may collect an assessment or a charge; providing for an exception to a certain limitation regarding sources of operational funding for the Authority; and generally relating to the Maryland Underground Facilities Damage Prevention Authority.

BY repealing and reenacting, without amendments,  
Article – Public Utilities  
Section 12–101(a), (b), (i), (j), (k), and (m)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 12–111  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

**Article – Public Utilities**

12–101.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Authority” means the Maryland Underground Facilities Damage Prevention Authority.
- (i) “One–call system” means a communications system in the State that:
  - (1) allows a person to notify owner–members of planned excavation or demolition by:
    - (i) calling a toll–free number or abbreviated dialing code; or
    - (ii) initiating an interactive Internet ticket request; and
  - (2) maintains an underground facilities information exchange system.
- (j) (1) “Owner” means a person that:
  - (i) owns or operates an underground facility; and
  - (ii) has the right to bury an underground facility.
- (2) “Owner” includes:
  - (i) a public utility;
  - (ii) a telecommunications corporation;
  - (iii) a cable television corporation;
  - (iv) a political subdivision;
  - (v) a municipal corporation;
  - (vi) a steam heating company;
  - (vii) an authority; and
  - (viii) a unit of the State.

(k) “Owner–member” means an owner that participates as a member in a one–call system.

(m) “Ticket” means a numbered document issued by a one–call system to notify owner–members that:

(1) a person intends to perform an excavation or demolition; or

(2) a designer has requested information on the location of underground facilities under § 12–131 of this subtitle.

12–111.

(a) The Authority may obtain funding for its operational expenses from:

(1) a federal or State grant;

(2) filing fees and administrative fees for complaints heard by the Authority as authorized under § 12–112(b)(1) of this subtitle; [and]

(3) **AN ADDITIONAL ASSESSMENT OR CHARGE PER TICKET AS AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION; AND**

(4) any other source.

(b) **THE AUTHORITY MAY COLLECT AN ASSESSMENT OR A CHARGE NOT EXCEEDING 5 CENTS PER TICKET FROM AN OWNER–MEMBER IF THE ASSESSMENT OR CHARGE:**

(1) **IS NOT IMPOSED ON A COUNTY OR A MUNICIPAL CORPORATION;**  
**AND**

(2) **IS APPROVED BY A TWO–THIRDS VOTE OF ALL MEMBERS OF THE AUTHORITY.**

(c) Except as provided in [subsection] **SUBSECTIONS (a)(2) AND (B)** of this section, the Authority may not impose a charge or assessment against any person, directly or indirectly, to obtain funding for its operational expenses.

**SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect June 1, 2016.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.**

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