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**By: Delegates Genn and Doory**

Introduced and read first time: February 21, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes and Motor Vehicle Accidents - Diplomatic Immunity**

3 FOR the purpose of requiring certain criminal justice agencies to gather data pertaining  
4 to any unlawful activity that otherwise would be sufficient for an action or  
5 proceeding to be taken against an individual who is entitled to diplomatic privileges  
6 and immunities; requiring the criminal justice agencies to report the data to a  
7 certain bureau of the U.S. Department of State; requiring the Secretary of Public  
8 Safety and Correctional Services to adopt certain regulations; requiring the Motor  
9 Vehicle Administration to send a copy of each accident report of an accident  
10 involving an individual who is entitled to diplomatic privileges and immunities to a  
11 certain bureau of the U.S. Department of State; and generally relating to the  
12 gathering of data and submitting reports to the U.S. Department of State about  
13 crimes or accidents involving individuals with diplomatic immunity.

14 BY repealing and reenacting, without amendments,  
15 Article 27 - Crimes and Punishments  
16 Section 743(a), (f), and (j) and 747(b) and (c)  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume)

19 BY adding to  
20 Article 27 - Crimes and Punishments  
21 Section 747(g)  
22 Annotated Code of Maryland  
23 (1996 Replacement Volume)

24 BY repealing and reenacting, without amendments,  
25 Article - Transportation  
26 Section 11-102 and 16-117(a) and (b)(1)  
27 Annotated Code of Maryland  
28 (1992 Replacement Volume and 1996 Supplement)

29 BY adding to  
30 Article - Transportation  
31 Section 16-117(d)

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1 Annotated Code of Maryland  
2 (1992 Replacement Volume and 1996 Supplement)

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

5 **Article 27 - Crimes and Punishments**

6 743.

7 (a) As used in this subtitle, the following words have the meanings indicated.

8 (f) "Criminal justice agency" means any government agency or subunit of any  
9 such agency which is authorized by law to exercise the power of arrest, detention,  
10 prosecution, adjudication, correctional supervision, custodial treatment or confinement  
11 under Title 12 of the Health - General Article, rehabilitation, or release of persons  
12 suspected, charged, or convicted of a crime or relieved of criminal punishment by a  
13 verdict of not criminally responsible, or is responsible for criminal identification activities  
14 and the collection, storage, and dissemination of criminal history record information, and  
15 which allocates a substantial portion of its annual budget to any of these functions. The  
16 term does not include the Department of Juvenile Justice or a juvenile court, except as  
17 provided under § 747(a)(21) and § 747A of this subtitle, but it does include the following  
18 agencies, when exercising jurisdiction over criminal matters or alternative dispositions of  
19 criminal matters, or criminal history record information:

20 (1) State, county, and municipal police departments and agencies, sheriffs'  
21 offices, correctional facilities, jails, and detention centers;

22 (2) Any agency required to report to the central repository under § 12-107  
23 or § 12-112 of the Health - General Article;

24 (3) The offices of the Attorney General, the State's Attorneys, and any  
25 other person authorized by law to prosecute persons accused of criminal offenses; or

26 (4) The Administrative Office of the Courts, the Court of Appeals, the  
27 Court of Special Appeals, the circuit courts, the District Court of Maryland, and the  
28 offices of the clerks of these courts.

29 (j) "Secretary" means the Secretary of Public Safety and Correctional Services.

30 747.

31 (b) (1) There is a criminal justice information system central repository in the  
32 Department of Public Safety and Correctional Services.

33 (2) The repository is under the administrative control of the Secretary and  
34 shall be operated as directed by the Secretary with the advice of the Advisory Board.

35 (c) Every criminal justice agency shall report criminal history record information,  
36 whether collected manually or by means of an automated system, to the central  
37 repository, in accordance with the following provisions:

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1 (1) Data pertaining to an arrest or the issuance of an arrest warrant shall be  
2 reported within 72 hours after the arrest is made or the warrant is issued whichever first  
3 occurs;

4 (2) Data pertaining to the release of a person after arrest without the filing  
5 of a charge shall be reported within 30 days after the person is released;

6 (3) Data pertaining to any other reportable event shall be reported within  
7 60 days after occurrence of the event; [and]

8 (4) DATA PERTAINING TO ANY REPORTABLE EVENT THAT WOULD BE  
9 SUFFICIENT FOR AN ACTION OR PROCEEDING TO BE TAKEN AGAINST AN  
10 INDIVIDUAL WHO IS ENTITLED TO DIPLOMATIC PRIVILEGES AND IMMUNITIES  
11 UNDER TITLE 22, CHAPTER 6 OF THE UNITED STATES CODE; AND

12 [(4)] (5) The time requirements in this subsection may be reduced by rules  
13 adopted by the Secretary or the Court of Appeals.

14 (G) (1) THE SECRETARY SHALL REPORT THE DATA REQUIRED BY  
15 SUBSECTION (C)(4) OF THIS SECTION TO THE BUREAU OF DIPLOMATIC SECURITY,  
16 OFFICE OF FOREIGN MISSIONS, OF THE U.S. DEPARTMENT OF STATE.

17 (2) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS  
18 SUBSECTION.

19 **Article - Transportation**

20 11-102.

21 "Administration" means the Motor Vehicle Administration.

22 16-117.

23 (a) The Administration shall keep a record of:

24 (1) Each driver's license application that it receives;

25 (2) Each driver's license that it issues; and

26 (3) Each licensee whose license to drive the Administration has suspended  
27 or revoked, and the reasons for the action.

28 (b) (1) The Administration shall file each accident report and abstract of court  
29 disposition records that it receives under the laws of this State.

30 (D) THE ADMINISTRATION SHALL SEND A COPY OF EACH ACCIDENT REPORT  
31 OF AN ACCIDENT INVOLVING AN INDIVIDUAL WHO IS ENTITLED TO DIPLOMATIC  
32 PRIVILEGES AND IMMUNITIES UNDER TITLE 22, CHAPTER 6 OF THE UNITED STATES  
33 CODE TO THE BUREAU OF DIPLOMATIC SECURITY, OFFICE OF FOREIGN MISSIONS,  
34 OF THE U.S. DEPARTMENT OF STATE.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 1997.