

HOUSE BILL 312

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1999 Regular Session
9lr0563
CF 9lr0359

By: **Delegates Burns, Vallario, and Doory**
Introduced and read first time: February 4, 1999
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 16, 1999

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law - Offenses Involving Destructive Devices - Penalties -**
3 **Suspension of Driving Privileges and Parental Restitution**

4 FOR the purpose of ~~authorizing the court to order the Motor Vehicle Administration~~
5 ~~to suspend the driving privilege of a child convicted of a crime or found to have~~
6 ~~committed a delinquent act involving a destructive device; specifying that a~~
7 ~~court may order a child found to have committed a delinquent act involving a~~
8 ~~destructive device to pay restitution to certain entities and persons; authorizing~~
9 ~~a court to order a child, the child's parent, or both to pay restitution for offenses~~
10 ~~involving a destructive device under certain circumstances; establishing that,~~
11 ~~except under certain circumstances, a certain provision of law regarding~~
12 ~~restitution for offenses committed by a child applies to an order of restitution~~
13 ~~under this Act; establishing procedures for the suspension of a child's driving~~
14 ~~privilege under certain circumstances; requiring a county superintendent of~~
15 ~~schools to suspend or expel a student convicted of a crime or found to have~~
16 ~~committed a delinquent act involving a destructive device; establishing~~
17 ~~procedures for the suspension or expulsion of certain students under certain~~
18 ~~circumstances; authorizing a county superintendent to require a student or a~~
19 ~~student's parent to make certain restitution under certain circumstances;~~
20 ~~defining a certain term; and generally relating to penalties restitution for~~
21 ~~offenses involving destructive devices.~~

22 BY repealing and reenacting, with amendments,
23 Article 27 - Crimes and Punishments
24 Section 139A, 139D, 151A, and 151C
25 Annotated Code of Maryland
26 (1996 Replacement Volume and 1998 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article 27 - Crimes and Punishments
3 Section 139C
4 Annotated Code of Maryland
5 (1996 Replacement Volume and 1998 Supplement)

6 ~~BY repealing and reenacting, with amendments,
7 Article Courts and Judicial Proceedings
8 Section 3-820(d)
9 Annotated Code of Maryland
10 (1998 Replacement Volume)~~

11 ~~BY repealing and reenacting, with amendments,
12 Article Education
13 Section 7-305
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 1998 Supplement)~~

16 ~~BY repealing and reenacting, with amendments,
17 Article Transportation
18 Section 16-206(a) and (d)
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 1998 Supplement)
21 (As enacted by Chapter 483 of the Acts of the General Assembly of 1998)~~

22 ~~BY repealing and reenacting, without amendments,
23 Article Transportation
24 Section 16-206(e)
25 Annotated Code of Maryland
26 (1998 Replacement Volume and 1998 Supplement)~~

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

29 **Article 27 - Crimes and Punishments**

30 139A.

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

32 (B) "CHILD" MEANS A PERSON UNDER THE AGE OF 18 YEARS.

33 [(b)] (C) (1) "Destructive device" means explosive, incendiary, or toxic
34 material that has been combined with a delivery or detonating apparatus so as to be
35 capable of inflicting injury to persons or damage to property.

1 (2) "Destructive device" includes:

2 (i) Devices which are primarily designed and manufactured for
3 military purposes as instrumentalities of destruction, including any bomb, grenade,
4 mine, shell, missile, flamethrower, or poison gas; and

5 (ii) Any explosive, incendiary, or toxic material which has been
6 deliberately modified, containerized or otherwise equipped with any sort of special
7 delivery, activation or detonation component so as to give it the destructive
8 characteristics of a military ordnance, including a Molotov cocktail, pipe bomb, or
9 petroleum soaked ammonium nitrate.

10 [(c)] (D) (1) "Explosive material" means material which explodes when
11 detonated and has a destructive capability.

12 (2) "Explosive material" includes:

13 (i) Explosives as defined in Article 38A, § 26 of the Code; and

14 (ii) Dynamite for construction work, ammonium nitrate, natural
15 gas in pipelines and storage tanks, ether, and cannisterized oxygen for health care
16 facilities.

17 (3) "Explosive material" does not include those items excluded as
18 explosives in Article 38A, § 26 of the Code when those items are used in their original
19 configuration.

20 [(d)] (E) (1) "Incendiary material" means a flammable or combustible liquid.

21 (2) "Incendiary material" includes gasoline, acetone, benzene, butane, jet
22 fuel, fuel oil, kerosene, and diesel fuel.

23 [(e)] (F) (1) "Toxic material" means material which is capable of causing
24 death or serious bodily injury almost immediately on being absorbed through the
25 skin, inhaled, or ingested.

26 (2) "Toxic material" includes nerve gas, mustard gas, cyanide gas,
27 chlorine gas, and sulphuric acid.

28 139C.

29 A person may not knowingly:

30 (1) Manufacture, transport, possess, control, store, sell, distribute, or use
31 a destructive device; or

32 (2) Possess any explosive, incendiary, or toxic material with intent to
33 create a destructive device.

1 139D.

2 (a) A person who violates the provisions of this subheading is guilty of a felony
3 and on conviction is subject to a fine of not more than \$250,000 or by imprisonment
4 for not more than 25 years or both.

5 (b) The sentence imposed under this section may be imposed separate from
6 and consecutive to or concurrent with a sentence for an offense based on the act or
7 acts establishing the violation of this subheading.

8 (c) (1) In addition to the penalty provided in this section, a person convicted
9 ~~or found to have committed a delinquent act~~ OR FOUND TO HAVE COMMITTED A
10 DELINQUENT ACT under this subheading may be ordered by the court to pay
11 restitution to:

12 (i) The State, county, municipal corporation, bicounty agency, or
13 special taxing district for actual costs reasonably incurred due to the placement,
14 delivery, or detonation of a destructive device, including the search for, removal of,
15 and damages caused by a destructive device; and

16 (ii) The owner or tenant of a property for the actual value of any
17 goods, services, or income lost as a result of the evacuation of the property or damage
18 sustained due to the placement, delivery, or detonation of a destructive device.

19 (2) This subsection may not be construed to limit the right of a person to
20 restitution under § 807 of this article.

21 (3) (I) IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A
22 DELINQUENT ACT UNDER THIS SUBHEADING IS A CHILD, THE COURT MAY ORDER
23 THE CHILD, THE CHILD'S PARENT, OR BOTH TO PAY THE RESTITUTION DESCRIBED IN
24 PARAGRAPH (1) OF THIS SUBSECTION.

25 (II) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
26 PROVISIONS OF ~~§ 807(A)(3)~~ § 807 OF THIS ARTICLE APPLY TO AN ORDER OF
27 RESTITUTION UNDER THIS PARAGRAPH.

28 ~~(D) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, IF THE~~
29 ~~PERSON CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER~~
30 ~~THIS SUBHEADING IS A CHILD, THE COURT MAY ORDER THE MOTOR VEHICLE~~
31 ~~ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MOTOR VEHICLE LAWS, TO~~
32 ~~SUSPEND THE DRIVING PRIVILEGE OF THE CHILD FOR A SPECIFIED PERIOD NOT TO~~
33 ~~EXCEED:~~

34 ~~(1) FOR A FIRST OFFENSE, 6 MONTHS; AND~~

35 ~~(2) FOR A SECOND OR SUBSEQUENT OFFENSE, 1 YEAR OR UNTIL THE~~
36 ~~PERSON IS 21 YEARS OLD, WHICHEVER IS LONGER.~~

1 151A.

2 (A) IN THIS SECTION, "CHILD" MEANS A PERSON UNDER THE AGE OF 18
3 YEARS.

4 [(a)] (B) A person is guilty of a felony if, knowing the statement or rumor to be
5 false, he circulates or transmits to another or others, with intent that it be acted
6 upon, a statement or rumor, written, printed, by any electronic means, or by word of
7 mouth, concerning the location or possible detonation of a destructive device, as
8 defined in § 139A of this article. An offense under this section committed by the use of
9 a telephone or by other electronic means may be deemed to have been committed
10 either at the place at which the telephone call or calls were made or the electronic
11 communication originated or at the place at which the telephone call or calls or
12 electronic communication were received.

13 [(b)] (C) A person convicted of violating this section is subject to a fine not
14 exceeding \$10,000 or to imprisonment not exceeding 10 years, or to both such fine and
15 imprisonment in the discretion of the court. This section does not apply to any
16 statement or rumor made or circulated by an officer, employee, or agent of a bona fide
17 civilian defense organization or agency, if made in the regular course of his duties
18 with that organization or agency.

19 [(c)] (D) (1) In addition to the penalty provided in subsection [(b)] (C) of this
20 section, a person convicted OR FOUND TO HAVE COMMITTED A DELINQUENT ACT
21 under this section may be ordered by the court to pay restitution to:

22 (i) The State, county, municipal corporation, bicounty agency, or
23 special taxing district for actual costs reasonably incurred due to the response to a
24 location and search for a destructive device caused by the false statement or rumor of
25 a destructive device; and

26 (ii) The owner or tenant of a property for the actual value of any
27 goods, services, or income lost as a result of the evacuation of the property in response
28 to the false statement or rumor of a destructive device.

29 (2) This subsection may not be construed to limit the right of a person to
30 restitution under § 807 of this article.

31 (3) (I) IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A
32 DELINQUENT ACT UNDER THIS SECTION IS A CHILD, THE COURT MAY ORDER THE
33 CHILD, THE CHILD'S PARENT, OR BOTH TO PAY THE RESTITUTION DESCRIBED IN
34 PARAGRAPH (1) OF THIS SUBSECTION.

35 (II) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
36 PROVISIONS OF ~~§ 807(A)(3)~~ § 807 OF THIS ARTICLE APPLY TO AN ORDER OF
37 RESTITUTION UNDER THIS PARAGRAPH.

38 ~~(E) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, IF THE~~
39 ~~PERSON CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER~~
40 ~~THIS SECTION IS A CHILD, THE COURT MAY ORDER THE MOTOR VEHICLE~~

~~1 ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MOTOR VEHICLE LAWS, TO
2 SUSPEND THE DRIVING PRIVILEGE OF THE CHILD FOR A SPECIFIED PERIOD NOT TO
3 EXCEED:~~

~~4 (1) FOR A FIRST OFFENSE, 6 MONTHS; AND~~

~~5 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, 1 YEAR OR UNTIL THE
6 PERSON IS 21 YEARS OLD, WHICHEVER IS LONGER.~~

7 151C.

8 (A) IN THIS SECTION, "CHILD" MEANS A PERSON UNDER THE AGE OF 18
9 YEARS.

10 [(a)] (B) A person may not manufacture, possess, transport, or place a device
11 that is constructed to represent a destructive device, as defined in § 139A of this
12 article, with the intent to terrorize, frighten, intimidate, threaten, or harass.

13 [(b)] (C) A person who violates this section is guilty of a felony and on
14 conviction, is subject to imprisonment for not more than 10 years or a fine of not more
15 than \$10,000 or both.

16 [(c)] (D) (1) In addition to the penalty provided in subsection [(b)] (C) of this
17 section, a person convicted OR FOUND TO HAVE COMMITTED A DELINQUENT ACT
18 under this section may be ordered by the court to pay restitution to:

19 (i) The State, county, municipal corporation, bicounty agency, or
20 special taxing district for actual costs reasonably incurred in the search for and
21 removal of any devices representing destructive devices; and

22 (ii) The owner or tenant of a property for the actual value of any
23 goods, services, or income lost as a result of the evacuation of the property in response
24 to the representation of a destructive device.

25 (2) This subsection may not be construed to limit the right of a person to
26 restitution under § 807 of this article.

27 (3) (I) IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A
28 DELINQUENT ACT IN VIOLATION OF THIS SECTION IS A CHILD, THE COURT MAY
29 ORDER THE CHILD, THE CHILD'S PARENT, OR BOTH TO PAY THE RESTITUTION
30 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

31 (II) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
32 PROVISIONS OF ~~§ 807(A)(3)~~ § 807 OF THIS ARTICLE APPLY TO AN ORDER OF
33 RESTITUTION UNDER THIS PARAGRAPH.

34 ~~(E) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, IF THE
35 PERSON CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER
36 THIS SECTION IS A CHILD, THE COURT MAY ORDER THE MOTOR VEHICLE
37 ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MOTOR VEHICLE LAWS, TO~~

1 ~~1. IF THE CHILD IS AT AN AGE THAT IS ELIGIBLE TO OBTAIN~~
2 ~~THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION, ON THE DATE OF THE~~
3 ~~DISPOSITION; OR~~

4 ~~2. IF THE CHILD IS YOUNGER THAN AN AGE THAT IS~~
5 ~~ELIGIBLE TO OBTAIN THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION,~~
6 ~~ON THE DATE THE CHILD IS ELIGIBLE TO OBTAIN DRIVING PRIVILEGES.~~

7 **~~Article—Education~~**

8 ~~7-305.~~

9 (a) (1) ~~In accordance with the rules and regulations of the county board,~~
10 ~~each principal of a public school may suspend for cause, for not more than 10 school~~
11 ~~days, any student in the school who is under the direction of the principal.~~

12 (2) ~~The student or his parent or guardian promptly shall be given a~~
13 ~~conference with the principal and any other appropriate personnel during the~~
14 ~~suspension period.~~

15 (b) ~~At the request of a principal, a county superintendent may suspend a~~
16 ~~student for more than 10 school days or expel him.~~

17 (c) (1) ~~If a principal finds that a suspension of more than 10 school days or~~
18 ~~expulsion is warranted, he immediately shall report the matter in writing to the~~
19 ~~county superintendent.~~

20 (2) ~~The county superintendent or his designated representative promptly~~
21 ~~shall make a thorough investigation of the matter.~~

22 (3) ~~If after the investigation the county superintendent finds that a~~
23 ~~longer suspension or expulsion is warranted, he or his designated representative~~
24 ~~promptly shall arrange a conference with the student and his parent or guardian.~~

25 (4) ~~If after the conference the county superintendent or his designated~~
26 ~~representative finds that a suspension of more than 10 school days or expulsion is~~
27 ~~warranted, the student or his parent or guardian may:~~

28 (i) ~~Appeal to the county board within 10 days after the~~
29 ~~determination;~~

30 (ii) ~~Be heard before the county board, its designated committee, or~~
31 ~~a hearing examiner, in accordance with the procedures established under § 6-203 of~~
32 ~~this article; and~~

33 (iii) ~~Bring counsel and witnesses to the hearing.~~

34 (5) ~~Unless a public hearing is requested by the parent or guardian of the~~
35 ~~student, a hearing shall be held out of the presence of all individuals except those~~
36 ~~whose presence is considered necessary or desirable by the board.~~

- 1 (6) The appeal to the county board does not stay the decision of the
2 county superintendent.
- 3 (7) The decision of the county board is final.
- 4 (4) (1) Any student expelled or suspended from school:
- 5 (i) ~~Shall remain away from the school premises during those hours~~
6 ~~each school day when the school the student attends is in session; and~~
- 7 (ii) ~~May not participate in school sponsored activities.~~
- 8 (2) The expelled or suspended student may return to the school premises
9 during the prohibited hours only for attendance at a previously scheduled
10 appointment, and if the student is a minor then only if accompanied by his parent or
11 guardian.
- 12 (3) Any person who violates paragraph (1) or (2) of this subsection is
13 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for
14 each violation.
- 15 (4) (i) If a student has been suspended or expelled, the principal or a
16 designee of the principal may not return the student to the classroom without
17 conferring with the teacher who referred the student to the principal, if the student
18 was referred by a teacher, other teachers as appropriate, other appropriate school
19 personnel, the student, and the student's parent or guardian.
- 20 (ii) If the disruptive behavior results in action less than suspension,
21 the principal or a designee of the principal shall confer with the teacher who referred
22 the student to the principal prior to returning the student to that teacher's classroom.
- 23 (5) A county superintendent may deny attendance to any student who is
24 currently expelled from another school system for a length of time equal to that
25 expulsion.
- 26 (6) A school system shall forward information to another school system
27 relating to the discipline of a student, including information on an expulsion of the
28 student, on receipt of the request for information.
- 29 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C.
30 § 921.
- 31 (2) Except as provided in paragraph (3) of this subsection, if the county
32 superintendent or the superintendent's designated representative finds that a
33 student has brought a firearm onto school property, the student shall be expelled for
34 a minimum of 1 year.
- 35 (3) The county superintendent may specify, on a case by case basis, a
36 shorter period of expulsion or an alternative educational setting, if alternative

1 educational settings have been approved by the county board, for a student who has
2 brought a firearm onto school property.

3 (4) The State Board shall adopt regulations to implement this
4 subsection.

5 (f) The discipline of a child with a disability, including the suspension,
6 expulsion, or interim alternative placement of the child for disciplinary reasons, shall
7 be conducted in conformance with the requirements of the Individuals with
8 Disabilities Education Act of the United States Code.

9 (g) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A STUDENT
10 HAS BEEN CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER
11 ARTICLE 27, § 139C, § 151A, OR § 151C OF THE CODE, THE COUNTY SUPERINTENDENT
12 SHALL EITHER:

13 (I) SUSPEND THE STUDENT FOR MORE THAN 10 DAYS; OR

14 (II) EXPEL THE STUDENT.

15 (2) (1) IF A STUDENT IS SUSPENDED OR EXPELLED UNDER
16 PARAGRAPH (1) OF THIS SUBSECTION, THE STUDENT OR THE STUDENT'S PARENT OR
17 GUARDIAN MAY:

18 1. APPEAL TO THE COUNTY BOARD WITHIN 10 DAYS AFTER
19 THE DETERMINATION;

20 2. BE HEARD BEFORE THE COUNTY BOARD, ITS DESIGNATED
21 COMMITTEE, OR A HEARING EXAMINER, IN ACCORDANCE WITH THE PROCEDURES
22 ESTABLISHED UNDER § 6-203 OF THIS ARTICLE; AND

23 3. BRING COUNSEL AND WITNESSES TO THE HEARING.

24 (II) UNLESS A PUBLIC HEARING IS REQUESTED BY THE PARENT OR
25 GUARDIAN OF THE STUDENT, A HEARING SHALL BE HELD OUT OF THE PRESENCE OF
26 ALL INDIVIDUALS EXCEPT THOSE WHOSE PRESENCE IS CONSIDERED NECESSARY OR
27 DESIRABLE BY THE BOARD.

28 (III) THE APPEAL TO THE COUNTY BOARD DOES NOT STAY THE
29 DECISION OF THE COUNTY SUPERINTENDENT.

30 (IV) THE DECISION OF THE COUNTY BOARD IS FINAL.

31 (3) (1) IF A STUDENT HAS BEEN CONVICTED OR FOUND TO HAVE
32 COMMITTED A DELINQUENT ACT UNDER ARTICLE 27, § 139C, § 151A, OR § 151C OF THE
33 CODE AND DURING OR AS A RESULT OF THE COMMISSION OF THAT VIOLATION
34 DAMAGED, DESTROYED, OR SUBSTANTIALLY DECREASED THE VALUE OF SCHOOL
35 PROPERTY OR PROPERTY OF ANOTHER THAT WAS ON SCHOOL PROPERTY AT THE
36 TIME OF THE VIOLATION, OR OTHERWISE CAUSED AN ECONOMIC LOSS TO THE

1 SCHOOL, THE COUNTY SUPERINTENDENT MAY REQUIRE THE STUDENT OR THE
2 STUDENT'S PARENT TO MAKE RESTITUTION.

3 (H) THE RESTITUTION MAY BE IN THE FORM OF MONETARY
4 RESTITUTION NOT TO EXCEED THE LESSER OF THE FAIR MARKET VALUE OF THE
5 PROPERTY OR \$2,500, OR THE STUDENT'S ASSIGNMENT TO A SCHOOL WORK PROJECT,
6 OR BOTH.

7 (H) (1) This subsection does not apply if the student is referred to the
8 Department of Juvenile Justice.

9 (2) If a student violates a State or local law or regulation and during or
10 as a result of the commission of that violation damaged, destroyed, or substantially
11 decreased the value of school property or property of another that was on school
12 property at the time of the violation, as part of a conference on the matter with the
13 student, the student's parent or guardian and any other appropriate person, the
14 principal shall require the student or the student's parent to make restitution.

15 (3) The restitution may be in the form of monetary restitution not to
16 exceed the lesser of the fair market value of the property or \$2,500, or the student's
17 assignment to a school work project, or both.

18 **Article -- Transportation**

19 ~~16-206.~~

20 (a) (1) The Administration may suspend, revoke, or refuse to issue or renew
21 the license of any resident or the privilege to drive of any nonresident on a showing by
22 its records or other sufficient evidence that the applicant or licensee:

23 (i) Has been convicted of moving violations so often as to indicate
24 an intent to disregard the traffic laws and the safety of other persons on the
25 highways;

26 (ii) Is an unfit, unsafe, or habitually reckless or negligent driver of
27 a motor vehicle;

28 (iii) Has permitted an unlawful or fraudulent use of a license,
29 identification card, or a facsimile of a license or identification card;

30 (iv) Has used a license, identification card, or a facsimile of a license
31 or identification card in an unlawful or fraudulent manner, unless the applicant or
32 licensee is subject to the provisions of subsection (c) of this section;

33 (v) Has committed an offense in another state that, if committed in
34 this State, would be grounds for suspension or revocation; or

35 (vi) Has knowingly made a false certification of required security in
36 any application for a certificate of title or for the registration of a vehicle.

1 (2) The Administration may suspend a license to drive of an individual
2 who fails to attend:

3 (i) A driver improvement program or an alcohol education program
4 required under § 16-212 of this subtitle; or

5 (ii) A private alternative program or an alternative program that is
6 provided by a political subdivision of this State under § 16-212 of this subtitle.

7 (3) The Administration may suspend or revoke a provisional license
8 under § 16-213 of this subtitle.

9 (4) PURSUANT TO A COURT ORDER UNDER ARTICLE 27, § 139C, § 151A, OR
10 § 151C OF THE CODE, THE ADMINISTRATION:

11 (i) SHALL INITIATE AN ACTION TO SUSPEND THE DRIVING
12 LICENSE OR PRIVILEGE OF AN INDIVIDUAL FOR A TIME SPECIFIED BY THE COURT;
13 AND

14 (ii) MAY ISSUE A WORK RESTRICTED LICENSE OR
15 WORK RESTRICTED PRIVILEGE TO DRIVE.

16 (e) (1) Pursuant to a court order under § 3-820(d) of the Courts Article, the
17 Administration shall initiate an action to suspend the driving privilege of a child for
18 the time specified by the court.

19 (2) If a child subject to a suspension under § 3-820(d) of the Courts
20 Article does not hold a license to operate a motor vehicle on the date of the court order,
21 the suspension shall commence:

22 (i) If the child is at least 16 years of age on the date of the
23 disposition, on the date of the disposition; or

24 (ii) If the child is younger than 16 years of age on the date of the
25 disposition, on the date the child reaches the child's 16th birthday.

26 (3) On receipt of a notice described under Article 27, § 403(f) of the Code,
27 the Administration shall suspend the license of an individual described under Article
28 27, § 403(f) of the Code:

29 (i) For a first offense, for 6 months; and

30 (ii) For a second or subsequent offense, until the individual is 21
31 years old or for a period of 1 year, whichever is longer.

32 (4) If an individual subject to a suspension under paragraph (3) of this
33 subsection does not hold a license to operate a motor vehicle on the date that the
34 individual is found guilty of a Code violation, the suspension shall begin on the date
35 that the license is issued, or after the individual applies and becomes qualified to
36 receive a license, or on the individual's twenty first birthday, whichever occurs first.

1 (5) The Administration may modify a suspension under this subsection
2 or subsection (b) of this section or issue a restricted license if:

3 (i) The license is required for the purpose of attending an alcohol
4 education or alcoholic prevention or treatment program;

5 (ii) The child or individual is required to drive a motor vehicle in
6 the course of employment;

7 (iii) It finds that the individual's or child's employment would be
8 adversely affected because the individual or child has no reasonable alternative
9 means of transportation to or from a place of employment; or

10 (iv) It finds that the individual's or child's education would be
11 adversely affected because the individual or child has no reasonable alternative
12 means of transportation for educational purposes.

13 (4) (1) After the Administration refuses to issue a license under this section,
14 determines that a suspension should be imposed under subsection (a)(2) of this
15 section, or determines that a suspension or revocation should be imposed under
16 subsection (a)(3) of this section, the Administration immediately shall give written
17 notice to the applicant or licensee, and the applicant or licensee may request a
18 hearing as provided in Title 12, Subtitle 2 of this article.

19 (2) ~~AFTER THE ADMINISTRATION SUSPENDS THE DRIVING LICENSE OR~~
20 ~~PRIVILEGE OF AN INDIVIDUAL UNDER SUBSECTION (A)(4) OF THIS SECTION, THE~~
21 ~~ADMINISTRATION SHALL SEND WRITTEN NOTICE TO THE INDIVIDUAL, INCLUDING~~
22 ~~NOTICE OF THE INDIVIDUAL'S RIGHT TO CONTEST THE ACCURACY OF THE~~
23 ~~INFORMATION.~~

24 (3) ~~ANY CONTEST UNDER THIS SUBSECTION SHALL BE LIMITED TO:~~

25 (I) ~~WHETHER THE ADMINISTRATION HAS MISTAKEN THE~~
26 ~~IDENTITY OF THE INDIVIDUAL WHOSE LICENSE OR PRIVILEGE TO DRIVE HAS BEEN~~
27 ~~SUSPENDED; AND~~

28 (II) ~~WHETHER THE INDIVIDUAL MAY BE ISSUED A~~
29 ~~WORK-RESTRICTED LICENSE OR WORK-RESTRICTED PRIVILEGE TO DRIVE.~~

30 ~~{(2)}~~ (4) Except as otherwise provided in this section, the Administration
31 may suspend or revoke a license under this section only after a hearing under Title
32 12, Subtitle 2 of this article.

33 ~~{(3)}~~ (5) If the Administration determines that there is a likelihood of
34 substantial and immediate danger and harm to the licensee or others if the license is
35 continued pending a hearing, the Administration:

36 (i) Immediately may suspend the license;

1 (ii) ~~Within 7 days of a request for a hearing, shall grant the licensee~~
2 ~~a hearing as provided in Title 12, Subtitle 2 of this article; and~~

3 (iii) ~~After the hearing, render an immediate decision as to whether~~
4 ~~or not it should continue the suspension or revoke the license.~~

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 1999.