11r2798

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By: Delegates Gordon and Brinkley Introduced and read first time: February 19, 2001 Assigned to: Rules and Executive Nominations A BILL ENTITLED 1 AN ACT concerning 2 **Ethics Law - Lobbyist Violations - Intent** 3 FOR the purpose of altering certain prohibitions relating to violations of the Ethics Law by regulated lobbyists; eliminating the element of intent from certain 4 5 offenses and penalties; making this Act subject to a certain contingency; 6 providing for a delayed effective date; and generally relating to penalty provisions relating to the acts of regulated lobbyists under the Maryland Public 7 8 Ethics Law. 9 BY repealing and reenacting, with amendments, Article - State Government 10 Section 15-405(e)(1), 15-713(5) and (12), 15-715(k), and 15-903 11 12 Annotated Code of Maryland (1999 Replacement Volume and 2000 Supplement) 13 14 (As enacted by Chapter____(S.B.75/H.B.2) of the Acts of the General Assembly of 15 2001) 16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 17 MARYLAND, That the Laws of Maryland read as follows: 18 **Article - State Government** 19 15-405. If the Ethics Commission determines it necessary to protect the 20 (e) 21 public interest and the integrity of the governmental process, the Ethics Commission 22 may issue an order to: 23 suspend the registration of an individual regulated lobbyist if (i) 24 the Ethics Commission determines that the individual regulated lobbyist: 25 1. has [knowingly and willfully] violated Subtitle 7 of this

26 title; or

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1 2	2. has been convicted of a criminal offense arising from lobbying activities; or
5	(ii) revoke the registration of an individual regulated lobbyist if the Ethics Commission determines that, based on acts arising from lobbying activities, the individual regulated lobbyist has been convicted of bribery, theft, or other crime involving moral turpitude.
7	15-713.
8	A regulated lobbyist may not:
	(5) while engaging in lobbying activities, [knowingly] make to an official or employee a statement of material fact relating to lobbying activity that the regulated lobbyist knows to be false;
12 13	(12) while engaging in lobbying activities on behalf of an entity, [knowingly] conceal from an official or employee, the identity of the entity;
14	15-715.
	(k) (1) A person who [knowingly and willfully] fails to comply with the requirements of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.
20	(2) If a person in violation of this section is a business entity, each officer and partner of a business entity who [knowingly] authorized or participated in the violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.
22	15-903.
25	(a) Except as provided in § 15-715 of this title, a person who [knowingly and willfully] violates Subtitle 7 of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 1 year or both.
29	(b) If the person is not an individual, each officer or partner who [knowingly] authorizes or participates in a violation of Subtitle 7 of this title is guilty of a misdemeanor and on conviction is subject to the penalty specified in subsection (a) of this section.
33 34	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect November 1, 2001, contingent on the taking effect of Chapter(S.B.75/H.B.2) of the Acts of the General Assembly of 2001, and if Chapter does not become effective, this Act shall be null and void without the necessity of further action by the General Assembly.