

SENATE BILL 209

Unofficial Copy  
E4

2001 Regular Session  
(11r0181)

**ENROLLED BILL**  
-- Judicial Proceedings/Judiciary --

Introduced by **The President (Administration) and Senators Blount, Conway, Currie, Forehand, Hoffman, Hollinger, Kelley, Lawlah, McFadden, Pinsky, Ruben, and Teitelbaum**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Bulletproof Body Armor - Restrictions on Possession, Use, and Sale**  
3 **Purchase by Convicted Felons Prohibitions**

4 FOR the purpose of ~~restricting~~ prohibiting a person from wearing or possessing  
5 bulletproof body armor during certain drug trafficking crimes under certain  
6 circumstances; restricting the possession, use, and ~~sale~~ purchase of certain  
7 bulletproof body armor by certain persons ~~convicted of a felony under certain~~  
8 ~~circumstances~~; providing for criminal penalties; ~~authorizing the Secretary of the~~  
9 ~~State Police to issue, deny, or impose certain conditions or limitations on a~~  
10 ~~permit to possess, purchase, or own bulletproof body armor~~ authorizing a certain  
11 person to file a certain petition with the Secretary of State Police for a certain  
12 exemption from the prohibition against the possession, use, or purchase of  
13 bulletproof body armor under certain circumstances; authorizing the Secretary  
14 to grant a certain exemption or impose certain reasonable conditions on the  
15 possession, use, or purchase of bulletproof body armor under certain

1 ~~circumstances; requiring certain persons to maintain on their person certain~~  
 2 ~~permission to possess, use, and purchase bulletproof body armor; authorizing~~  
 3 ~~the Secretary to revoke a certain exemption; authorizing a certain petitioner to~~  
 4 ~~request a certain review of a decision of the Secretary under certain~~  
 5 ~~circumstances; requiring the Secretary to conduct a certain review and provide~~  
 6 ~~certain notice of a certain decision under certain circumstances authorizing the~~  
 7 ~~Secretary of the State Police to issue, deny, or impose certain conditions or~~  
 8 ~~limitations on a permit to possess, purchase, or use bulletproof body armor;~~  
 9 ~~establishing certain procedures for application, consideration, renewal, review,~~  
 10 ~~and appeals relating to permits; requiring the Secretary to adopt certain~~  
 11 ~~regulations; defining a certain term certain terms; and generally relating to~~  
 12 ~~bulletproof body armor.~~

13 ~~BY repealing and reenacting, with amendments, adding to repealing and reenacting,~~  
 14 ~~with amendments,~~

15 Article 27 - Crimes and Punishments  
 16 Section ~~27A~~ ~~27B~~ 27A  
 17 Annotated Code of Maryland  
 18 (1996 Replacement Volume and 2000 Supplement)

19 BY adding to  
 20 Article 27 - Crimes and Punishments  
 21 Section 27C  
 22 Annotated Code of Maryland  
 23 (1996 Replacement Volume and 2000 Supplement)

24 BY repealing and reenacting, without amendments,  
 25 Article 27 - Crimes and Punishments  
 26 Section 281A(a)(2)  
 27 Annotated Code of Maryland  
 28 (1996 Replacement Volume and 2000 Supplement)

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

31 **Article 27 - Crimes and Punishments**

32 ~~27A.~~

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

34 (2) ~~"Ammunition" means any cartridge, shell, or other device containing~~  
 35 ~~explosive or incendiary material designed and intended for use in a firearm.~~

36 (3) ~~"Bulletproof body armor" means any material or object that is~~  
 37 ~~designed to cover or be worn on any part of the body to prevent, deflect, or slow down~~  
 38 ~~the penetration of ammunition.~~

1 (4) "Crime of violence" has the meaning stated in § 643B(a) of this  
2 article.

3 (5) "Firearm" includes:

4 (i) A handgun, antique firearm, rifle, shotgun, short barreled  
5 shotgun, or short barreled rifle, as defined in § 36F of this article;

6 (ii) A machine gun, as defined in § 372 of this article;

7 (iii) A regulated firearm as defined in § 441 of this article; and

8 (iv) An assault pistol, as defined in § 36H 1 of this article.

9 (6) ~~"SECRETARY" MEANS THE SECRETARY OF THE STATE POLICE OR THE~~  
10 ~~SECRETARY'S DESIGNEE.~~

11 ~~(B) EXCEPT AS PROVIDED IN SECTION (C) OF THIS SECTION, ANY PERSON WHO~~  
12 ~~PURCHASES, OWNS, OR POSSESSES BULLETPROOF BODY ARMOR IS GUILTY OF A~~  
13 ~~MISDEMEANOR AND UPON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN~~  
14 ~~\$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.~~

15 ~~(C) THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION DO NOT APPLY TO:~~

16 ~~(1) PERSONNEL OF THE UNITED STATES GOVERNMENT OR ANY AGENCY~~  
17 ~~OR DEPARTMENT OF THE UNITED STATES, MEMBERS OF THE ARMED FORCES OF THE~~  
18 ~~UNITED STATES OR OF THE NATIONAL GUARD, OR LAW ENFORCEMENT PERSONNEL~~  
19 ~~OF THIS STATE OR ANY LOCAL AGENCY IN THE STATE;~~

20 ~~(2) LAW ENFORCEMENT PERSONNEL OF SOME OTHER STATE OR~~  
21 ~~SUBDIVISION OF ANOTHER STATE TEMPORARILY IN THIS STATE ON OFFICIAL~~  
22 ~~BUSINESS;~~

23 ~~(3) ANY PERSON TO WHOM A PERMIT TO CARRY A WEAPON HAS BEEN~~  
24 ~~ISSUED UNDER SECTION 36E OF THIS ARTICLE;~~

25 ~~(4) AN EMPLOYEE OF THE DIVISION OF CORRECTION, THE PATUXENT~~  
26 ~~INSTITUTION, THE DIVISION OF PRETRIAL DETENTION AND SERVICES, THE DIVISION~~  
27 ~~OF PAROLE AND PROBATION, ANY COUNTY JAIL OR DETENTION CENTER, OR ANY~~  
28 ~~BOOKING FACILITY WHILE ACTING WITHIN THE COURSE AND SCOPE OF THEIR~~  
29 ~~EMPLOYMENT;~~

30 ~~(5) ANY EMERGENCY MEDICAL SERVICES PROVIDER WHILE ACTING~~  
31 ~~WITHIN THE COURSE AND SCOPE OF THEIR EMPLOYMENT;~~

32 ~~(6) HOLDERS OF SPECIAL POLICE COMMISSIONS ISSUED UNDER~~  
33 ~~ARTICLE 41, TITLE 4, SUBTITLE 9 OF THE CODE;~~

34 ~~(7) UNIFORMED SECURITY GUARDS, SPECIAL RAILWAY POLICE, AND~~  
35 ~~WATCHMEN WHO HAVE BEEN CLEARED FOR SUCH EMPLOYMENT BY THE~~  
36 ~~DEPARTMENT OF STATE POLICE;~~

1           (8)     GUARDS IN THE EMPLOY OF A BANK, SAVINGS AND LOAN  
2 ASSOCIATION, BUILDING AND LOAN ASSOCIATION, OR EXPRESS OR ARMORED CAR  
3 AGENCY;

4           (9)     PRIVATE DETECTIVES AND EMPLOYEES OF PRIVATE DETECTIVES  
5 PREVIOUSLY LICENSED UNDER FORMER ARTICLE 56, § 90A OF THE CODE; AND

6           (10)    ANY PERSON WHOSE EMPLOYMENT, LIVELIHOOD, OR PERSONAL  
7 SAFETY MAY BE DEPENDENT ON THE ABILITY TO LEGALLY POSSESS AND USE BODY  
8 ARMOR, AND WHO HAS BEEN ISSUED A PERMIT UNDER SUBSECTION (D) OF THIS  
9 SECTION.

10         (D)     (1)     THE SECRETARY HAS THE AUTHORITY TO ISSUE, DENY, OR IMPOSE  
11 CERTAIN CONDITIONS OR LIMITATIONS ON A PERMIT TO POSSESS, PURCHASE, OR  
12 OWN BULLETPROOF BODY ARMOR.

13           (2)     A PERMIT TO POSSESS, PURCHASE, OR OWN BULLETPROOF BODY  
14 ARMOR SHALL BE ISSUED WITHIN A REASONABLE TIME BY THE SECRETARY, UPON  
15 APPLICATION UNDER OATH THEREFOR, TO ANY PERSON WHO THE SECRETARY  
16 FINDS:

17                   (I)     IS LIKELY TO USE BODY ARMOR IN A SAFE AND LAWFUL  
18 MANNER; AND

19                   (II)    HAS A REASONABLE NEED FOR SUCH PROTECTION UNDER THE  
20 INDIVIDUAL'S CIRCUMSTANCES.

21           (3)     THE SECRETARY SHALL ADOPT A PROCEDURE TO PROVIDE  
22 EMERGENCY APPROVAL FOR AN INDIVIDUAL WHO IS IN IMMEDIATE NEED TO USE  
23 BULLETPROOF BODY ARMOR.

24           (4)     IN MAKING THE DETERMINATION TO ISSUE A PERMIT TO POSSESS,  
25 PURCHASE, AND OWN BULLETPROOF BODY ARMOR, THE SECRETARY SHALL  
26 CONSIDER THE FOLLOWING:

27                   (I)     THE PERSON'S CONTINUED EMPLOYMENT, IF APPROPRIATE;

28                   (II)    THE INTEREST OF JUSTICE;

29                   (III)   ANY RELEVANT EVIDENCE; AND

30                   (IV)   THE TOTALITY OF THE CIRCUMSTANCES.

31           (5)     THE SECRETARY SHALL ADOPT REGULATIONS TO EXECUTE THE  
32 PROVISIONS OF THIS SECTION.

33           (6)     THE SECRETARY MAY, FOR ANY PERMIT ISSUED UNDER THIS  
34 SECTION, LIMIT THE GEOGRAPHIC AREA, CIRCUMSTANCES, OR TIMES DURING THE  
35 DAY, WEEK, MONTH, OR YEAR IN OR DURING WHICH THE PERMIT IS EFFECTIVE.

1           (7)     ~~THE SECRETARY SHALL REQUIRE, AS A CONDITION OF GRANTING A~~  
2 ~~PERMIT UNDER SUBSECTION (D) OF THIS SECTION, THAT THE PETITIONER FOR~~  
3 ~~BULLETPROOF BODY ARMOR AGREE TO MAINTAIN ON HIS OR HER PERSON A~~  
4 ~~CERTIFIED COPY OF THE PERMIT TO POSSESS AND USE BODY ARMOR, INCLUDING~~  
5 ~~ANY CONDITIONS OR LIMITATIONS.~~

6           (8)     ~~THE SECRETARY MAY REVOKE ANY PERMIT ISSUED AT ANY TIME~~  
7 ~~UPON A FINDING THAT:~~

8           (I)     ~~THE HOLDER NO LONGER SATISFIES THE QUALIFICATIONS SET~~  
9 ~~FORTH IN SUBSECTION (C) OF THIS SECTION; OR~~

10          (II)    ~~THE PERMIT HAS EXPIRED.~~

11    ~~[(b)] (E)     Any person who wears bulletproof body armor in the commission of a~~  
12 ~~crime of violence is guilty of a separate [misdemeanor] FELONY and on conviction, in~~  
13 ~~addition to any other sentence imposed by virtue of commission of the crime of~~  
14 ~~violence, is subject to a fine of not more than [\$5,000] \$10,000 or imprisonment for not~~  
15 ~~more than [5] 10 years or both.~~

16 ~~27B.~~

17    ~~(A)     IN THIS SECTION, "SECRETARY" MEANS THE SECRETARY OF STATE~~  
18 ~~POLICE.~~

19    ~~(B)     EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON~~  
20 ~~WHO WAS PREVIOUSLY CONVICTED OF A FELONY MAY NOT POSSESS, USE, OR~~  
21 ~~PURCHASE BULLETPROOF BODY ARMOR AS DEFINED IN § 27A OF THIS SUBHEADING.~~

22    ~~(C)     A PERSON WHO IS PROHIBITED FROM THE POSSESSION, USE, OR~~  
23 ~~PURCHASE OF BULLETPROOF BODY ARMOR UNDER SUBSECTION (B) OF THIS~~  
24 ~~SECTION WHOSE EMPLOYMENT, LIVELIHOOD, OR SAFETY IS DEPENDENT ON THE~~  
25 ~~ABILITY TO POSSESS, USE, OR PURCHASE BULLETPROOF BODY ARMOR MAY FILE A~~  
26 ~~PETITION WITH THE SECRETARY FOR AN EXEMPTION FROM THE PROVISIONS OF~~  
27 ~~SUBSECTION (B) OF THIS SECTION.~~

28    ~~(D)     SUBJECT TO SUBSECTION (E) OF THIS SECTION, ON RECEIPT OF A~~  
29 ~~PETITION FILED UNDER SUBSECTION (C) OF THIS SECTION, THE SECRETARY MAY~~  
30 ~~GRANT A FULL EXEMPTION FROM THE PROHIBITION UNDER SUBSECTION (B) OF THIS~~  
31 ~~SECTION OR IMPOSE REASONABLE CONDITIONS ON THE POSSESSION, USE, OR~~  
32 ~~PURCHASE OF BULLETPROOF BODY ARMOR IF THE SECRETARY DETERMINES THAT~~  
33 ~~THE PETITIONER:~~

34           ~~(1)     IS LIKELY TO USE BODY ARMOR IN A SAFE AND LAWFUL MANNER;~~  
35 ~~AND~~

36           ~~(2)     HAS A REASONABLE NEED FOR THE PROTECTION OF BULLETPROOF~~  
37 ~~BODY ARMOR UNDER THE CIRCUMSTANCES.~~

1 ~~(E) IN MAKING A DETERMINATION TO GRANT A FULL OR CONDITIONED~~  
2 ~~EXEMPTION FROM THE PROHIBITION AGAINST THE POSSESSION, USE, OR PURCHASE~~  
3 ~~OF BULLETPROOF BODY ARMOR UNDER SUBSECTION (D) OF THIS SECTION, THE~~  
4 ~~SECRETARY SHALL EXAMINE:~~

5 ~~(1) THE EMPLOYMENT OF THE PETITIONER;~~

6 ~~(2) THE INTERESTS OF JUSTICE;~~

7 ~~(3) ANY RELEVANT EVIDENCE; AND~~

8 ~~(4) THE TOTALITY OF THE CIRCUMSTANCES.~~

9 ~~(F) IF THE SECRETARY GRANTS A FULL OR CONDITIONED EXEMPTION UNDER~~  
10 ~~SUBSECTION (D) OF THIS SECTION, THE PETITIONER SHALL, WHILE POSSESSING,~~  
11 ~~WEARING, OR PURCHASING BULLETPROOF BODY ARMOR, MAINTAIN ON THE PERSON~~  
12 ~~A CERTIFIED COPY OF THE SECRETARY'S PERMISSION TO POSSESS, USE, OR~~  
13 ~~PURCHASE BULLETPROOF BODY ARMOR.~~

14 ~~(G) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE~~  
15 ~~PROVISIONS OF THIS SECTION.~~

16 ~~(H) THE SECRETARY MAY REVOKE A GRANTED FULL OR CONDITIONED~~  
17 ~~EXEMPTION ON A FINDING THAT:~~

18 ~~(1) THE PETITIONER NO LONGER MEETS THE PROVISIONS OF~~  
19 ~~SUBSECTION (C) OF THIS SECTION; OR~~

20 ~~(2) THE REASONABLE CONDITIONS ESTABLISHED BY THE SECRETARY~~  
21 ~~UNDER SUBSECTION (D) OF THIS SECTION HAVE BEEN VIOLATED OR TERMINATED.~~

22 ~~(I) (1) IF A PETITION FOR EXEMPTION UNDER SUBSECTION (C) OF THIS~~  
23 ~~SECTION IS DENIED OR REVOKED BY THE SECRETARY, THE PETITIONER MAY~~  
24 ~~REQUEST IN WRITING, WITHIN 10 DAYS AFTER RECEIVING NOTICE OF THE DENIAL~~  
25 ~~OR REVOCATION BY THE SECRETARY, AN INFORMAL REVIEW OF THE DENIAL OR~~  
26 ~~REVOCATION TO BE CONDUCTED BY THE SECRETARY.~~

27 ~~(2) IF A PETITIONER REQUESTS AN INFORMAL REVIEW UNDER~~  
28 ~~PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL CONDUCT AN~~  
29 ~~INFORMAL REVIEW THAT MAY INCLUDE A PERSONAL INTERVIEW OF THE~~  
30 ~~PETITIONER.~~

31 ~~(3) AN INFORMAL REVIEW UNDER THIS SUBSECTION IS NOT SUBJECT~~  
32 ~~TO THE CONTESTED CASE REQUIREMENTS OF TITLE 10 OF THE STATE GOVERNMENT~~  
33 ~~ARTICLE.~~

34 ~~(4) AFTER AN INFORMAL REVIEW BY THE SECRETARY UNDER THIS~~  
35 ~~SUBSECTION, THE SECRETARY SHALL SUSTAIN, REVERSE, OR MODIFY THE INITIAL~~  
36 ~~DENIAL OR REVOCATION AND EXPLAIN THE REASONS IN WRITING TO THE~~

1 PETITIONER WITHIN 30 DAYS AFTER THE RECEIPT OF THE REQUEST FOR THE  
2 INFORMAL REVIEW.

3 ~~(J) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF~~  
4 ~~A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT~~  
5 ~~EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.~~

6 27A.

7 (a) [(1)] In this [section] SUBHEADING the following words have the  
8 meanings indicated.

9 [(2)] (B) "Ammunition" means any cartridge, shell, or other device  
10 containing explosive or incendiary material designed and intended for use in a  
11 firearm.

12 [(3)] (C) "Bulletproof body armor" means any material or object that is  
13 designed to cover or be worn on any part of the body to prevent, deflect, or slow down  
14 the penetration of ammunition.

15 [(4)] (D) "Crime of violence" has the meaning stated in § 643B(a) of this  
16 article.

17 (E) "DRUG TRAFFICKING CRIME" HAS THE MEANING STATED IN § 281A OF  
18 THIS ARTICLE.

19 [(5)] (F) "Firearm" includes:

20 [(i)] (1) A handgun, antique firearm, rifle, shotgun, short-barreled  
21 shotgun, or short-barreled rifle, as defined in § 36F of this article;

22 [(ii)] (2) A machine gun, as defined in § 372 of this article;

23 [(iii)] (3) A regulated firearm as defined in § 441 of this article; and

24 [(iv)] (4) An assault pistol, as defined in § 36H-1 of this article.

25 [(6)] (G) "SECRETARY" MEANS THE SECRETARY OF THE STATE POLICE  
26 OR THE SECRETARY'S DESIGNEE.

27 27B.

28 (A) (1) A PERSON MAY NOT WEAR BULLETPROOF BODY ARMOR IN THE  
29 COMMISSION OF A CRIME OF VIOLENCE.

30 (2) DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME, A  
31 PERSON MAY NOT WEAR OR POSSESS BULLETPROOF BODY ARMOR.

32 (b) [Any person who wears bulletproof body armor in the commission of a  
33 crime of violence] A PERSON WHO VIOLATES THIS SECTION is guilty of a separate  
34 misdemeanor and on conviction, in addition to any other sentence imposed by virtue of

1 commission of the crime of violence OR DRUG TRAFFICKING CRIME, is subject to a fine  
2 of not more than \$5,000 or imprisonment for not more than 5 years or both.

3 27C.

4 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY PERSON  
5 WHO WAS PREVIOUSLY CONVICTED OF A CRIME OF VIOLENCE OR A DRUG  
6 TRAFFICKING CRIME MAY NOT USE, POSSESS, OR PURCHASE BULLETPROOF BODY  
7 ARMOR.

8 (B) A PERSON WITH A PRIOR CONVICTION FOR A CRIME OF VIOLENCE OR A  
9 DRUG TRAFFICKING CRIME MAY FILE FOR GOOD CAUSE SHOWN A PETITION WITH  
10 THE SECRETARY FOR A PERMIT TO USE, POSSESS, AND PURCHASE BULLETPROOF  
11 BODY ARMOR.

12 (C) ON RECEIPT OF A PETITION UNDER SUBSECTION (B) OF THIS SECTION,  
13 THE SECRETARY MAY PERMIT THE PETITIONER TO USE, POSSESS, OR PURCHASE  
14 BULLETPROOF BODY ARMOR UNDER ANY TERMS, CONDITIONS, AND LIMITATIONS AS  
15 THE SECRETARY DETERMINES TO BE APPROPRIATE, BASED ON A DETERMINATION  
16 THAT THE PETITIONER:

17 (1) IS LIKELY TO USE OR POSSESS BULLETPROOF BODY ARMOR IN A  
18 SAFE AND LAWFUL MANNER; AND

19 (2) HAS GOOD CAUSE FOR THE USE, POSSESSION, OR PURCHASE OF  
20 BULLETPROOF BODY ARMOR.

21 (D) IN MAKING A DETERMINATION UNDER SUBSECTION (C) OF THIS SECTION  
22 WITH RESPECT TO A PETITIONER, THE SECRETARY SHALL CONSIDER THE  
23 FOLLOWING:

24 (1) THE EFFECT OF THE DETERMINATION ON THE EMPLOYMENT OF  
25 THE PETITIONER;

26 (2) THE INTERESTS OF JUSTICE;

27 (3) THE SAFETY OF THE PETITIONER;

28 (4) ANY OTHER VALID REASON FOR THE PETITIONER TO USE, POSSESS,  
29 OR PURCHASE BULLETPROOF BODY ARMOR; AND

30 (5) THE TOTALITY OF THE CIRCUMSTANCES.

31 (E) THE SECRETARY SHALL REQUIRE, AS A CONDITION OF GRANTING ANY  
32 PERMIT TO A PETITIONER, THAT THE PETITIONER AGREE TO MAINTAIN IN THE  
33 PERSON'S POSSESSION A CERTIFIED COPY OF THE SECRETARY'S PERMIT TO USE,  
34 POSSESS, AND PURCHASE BULLETPROOF BODY ARMOR, INCLUDING ANY TERMS,  
35 CONDITIONS, OR LIMITATIONS.

1 (F) (1) A PERMIT UNDER THIS SECTION EXPIRES 5 YEARS FOLLOWING THE  
2 DATE OF ITS ISSUANCE.

3 (2) A PERMIT SHALL BE RENEWED FOR SUCCESSIVE PERIODS OF 5  
4 YEARS IF THE APPLICANT:

5 (I) FILES AN APPLICATION FOR RENEWAL AT ANY TIME DURING  
6 THE 3 MONTHS PRIOR TO THE EXPIRATION OF THE PERMIT; AND

7 (II) SATISFIES THE REQUIREMENTS OF THIS SECTION.

8 (G) THE SECRETARY MAY REVOKE ANY PERMIT ISSUED AT ANY TIME ON A  
9 FINDING THAT THE HOLDER NO LONGER SATISFIES THE QUALIFICATIONS SET  
10 FORTH IN SUBSECTION (C) OF THIS SECTION.

11 (H) (1) ANY PERSON WHOSE APPLICATION FOR A PERMIT OR RENEWAL OF A  
12 PERMIT HAS BEEN REJECTED OR WHOSE PERMIT HAS BEEN REVOKED OR LIMITED  
13 MAY REQUEST THE SECRETARY TO CONDUCT AN INFORMAL REVIEW BY FILING A  
14 WRITTEN REQUEST WITHIN 10 DAYS AFTER RECEIPT OF WRITTEN NOTICE OF THE  
15 SECRETARY'S INITIAL ACTION.

16 (2) THE INFORMAL REVIEW MAY INCLUDE A PERSONAL INTERVIEW OF  
17 THE APPLICANT.

18 (3) A REVIEW UNDER THIS SUBSECTION IS NOT SUBJECT TO THE  
19 ADMINISTRATIVE PROCEDURE ACT.

20 (4) PURSUANT TO THE INFORMAL REVIEW, THE SECRETARY SHALL  
21 SUSTAIN, REVERSE, OR MODIFY THE INITIAL ACTION TAKEN AND NOTIFY THE  
22 APPLICANT OF THE DECISION IN WRITING WITHIN 30 DAYS AFTER RECEIPT OF THE  
23 REQUEST FOR INFORMAL REVIEW.

24 (I) (1) A REQUEST FOR INFORMAL REVIEW UNDER SUBSECTION (H) OF  
25 THIS SECTION IS NOT A CONDITION PRECEDENT TO INSTITUTION OF PROCEEDINGS  
26 UNDER THIS SUBSECTION.

27 (2) ANY PERSON AGGRIEVED BY A DECISION OF THE SECRETARY MAY  
28 SEEK REVIEW UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

29 (J) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE  
30 PROVISIONS OF THIS SECTION.

31 (K) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
32 AND ON CONVICTION, IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A  
33 FINE NOT EXCEEDING \$5,000 OR BOTH.

34 281A.

35 (a) (2) "Drug trafficking crime" means:

1                   (i)       Any felony involving the possession, distribution, manufacture,  
2 or importation of a controlled dangerous substance under §§ 286 and 286A of this  
3 article; or

4                   (ii)       Conspiracy to commit any felony involving possession,  
5 distribution, manufacture, or importation of a controlled dangerous substance under §  
6 286 or § 286A of this article.

7       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2001.