
By: **The President (Department of Legislative Services - Code Revision)**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure Article - Cross-References and Corrections**

3 FOR the purpose of correcting certain cross-references to the Criminal Procedure

4 Article in the Annotated Code of Maryland; correcting a certain obsolete
5 reference and certain cross-references in the Criminal Procedure Article;
6 making stylistic changes; and generally relating to the Criminal Procedure
7 Article.

8 BY repealing and reenacting, with amendments,

9 Article 1 - Rules of Interpretation
10 Section 25
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article 2B - Alcoholic Beverages
15 Section 10-103(d)(3) and (4)
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2000 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article 10 - Legal Officials
20 Section 41B(a)(7) and 41D(f)
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 2000 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article 27 - Crimes and Punishments
25 Section 36D(c), 111(f)(3), 139D(c)(2) and (3)(ii), 151A(d)(2) and (3)(ii), 151C(d)(2)
26 and (3)(ii), 231(e), 255C(e)(4)(ii) and (iii)2., 286(g)(3), 298(e) and (f)(1), and
27 445B
28 Annotated Code of Maryland
29 (1996 Replacement Volume and 2000 Supplement)

- 1 BY repealing and reenacting, with amendments,
 - 2 Article 27A - Public Defender
 - 3 Section 4(b)(3)
 - 4 Annotated Code of Maryland
 - 5 (1997 Replacement Volume and 2000 Supplement)

- 6 BY repealing and reenacting, with amendments,
 - 7 Article 28 - Maryland-National Capital Park and Planning Commission
 - 8 Section 5-114(a)
 - 9 Annotated Code of Maryland
 - 10 (1997 Replacement Volume and 2000 Supplement)

- 11 BY repealing and reenacting, with amendments,
 - 12 Article 38A - Fires and Investigations
 - 13 Section 7A(a)
 - 14 Annotated Code of Maryland
 - 15 (1997 Replacement Volume and 2000 Supplement)

- 16 BY repealing and reenacting, with amendments,
 - 17 Article 41 - Governor - Executive and Administrative Departments
 - 18 Section 1-501(b)
 - 19 Annotated Code of Maryland
 - 20 (1997 Replacement Volume and 2000 Supplement)

- 21 BY repealing and reenacting, with amendments,
 - 22 Article 83C - Juvenile Justice
 - 23 Section 2-132(a)(2) and (b)(3)
 - 24 Annotated Code of Maryland
 - 25 (1998 Replacement Volume and 2000 Supplement)

- 26 BY repealing and reenacting, with amendments,
 - 27 Article 88B - Department of State Police
 - 28 Section 12A(o)(1) and (2)
 - 29 Annotated Code of Maryland
 - 30 (1998 Replacement Volume and 2000 Supplement)

- 31 BY repealing and reenacting, with amendments,
 - 32 Article - Agriculture
 - 33 Section 9-805(b)(2)(iii) and (3)
 - 34 Annotated Code of Maryland
 - 35 (1999 Replacement Volume and 2000 Supplement)

- 36 BY repealing and reenacting, with amendments,

1 Article - Business Occupations and Professions
2 Section 20-305(d)(3) and 20-401(b)
3 Annotated Code of Maryland
4 (2000 Replacement Volume and 2000 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Business Regulation
7 Section 12-204(e)(2) and 17-20A-04(e)(1) and (3)
8 Annotated Code of Maryland
9 (1998 Replacement Volume and 2000 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Commercial Law
12 Section 12-626(e)(3)
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Correctional Services
17 Section 3-216, 3-405(3), 3-412(b)(2), 3-902(a)(2)(i) and (ii)1., 4-305(b)(1) and
18 (2), 6-106(a)(3), 6-112(b)(3) and (c)(2), 7-301(d)(1) and (2), 7-304(a),
19 7-505(b), 7-701(b) and (c), 7-801(b)(1)(i), 7-803(a), 7-804, 7-805(b),
20 8-703(2)(i), and 11-802
21 Annotated Code of Maryland
22 (1999 Volume and 2000 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Courts and Judicial Proceedings
25 Section 2-608(a)(10), 3-804(e)(1), (4), and (5), 3-811(b), 3-817(c), 3-820(d)(3),
26 3-828(b)(2) and (4) and (g), 3-829, 3-836, 4-401(9), 5-610 through 5-612,
27 7-203(a), 7-301(f), 7-405, 8-211(e), 9-106(b)(4)(i), 9-205(a)(2), 10-917,
28 12-302(c)(3)(v) and (f), and 13-101(e)(1)
29 Annotated Code of Maryland
30 (1998 Replacement Volume and 2000 Supplement)

31 BY repealing and reenacting, with amendments,
32 Article - Criminal Procedure
33 Section 2-101(c)(13), 11-203, and 11-811(a)(4)
34 Annotated Code of Maryland
35 (As enacted by Chapter ___ (S.B.1) of the Acts of the General Assembly of 2001)

36 BY repealing and reenacting, with amendments,
37 Article - Education
38 Section 7-301(e)(3)

- 1 Annotated Code of Maryland
2 (1999 Replacement Volume and 2000 Supplement)
- 3 BY repealing and reenacting, with amendments,
4 Article - Estates and Trusts
5 Section 13-101(l)
6 Annotated Code of Maryland
7 (1991 Replacement Volume and 2000 Supplement)
- 8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 5-561(g)(3) and 10-113.1(g-1)(2)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2000 Supplement)
- 13 BY repealing and reenacting, with amendments,
14 Article - Health - General
15 Section 8-401(a)(3)(ii)1., 12-106, 12-122(a)(1) and (c)(1)(ii), 18-336(b), and
16 19-1901(j)
17 Annotated Code of Maryland
18 (2000 Replacement Volume)
- 19 BY repealing and reenacting, with amendments,
20 Article - Insurance
21 Section 10-302
22 Annotated Code of Maryland
23 (1997 Volume and 2000 Supplement)
- 24 BY repealing and reenacting, with amendments,
25 Article - Public Utility Companies
26 Section 10-101(b) and (c), 10-102(e)(2)(ii), (3)(i), and (6), and 10-104(b)(1)(ii)
27 and (6)(i)
28 Annotated Code of Maryland
29 (1998 Volume and 2000 Supplement)
- 30 BY repealing and reenacting, with amendments,
31 Article - State Finance and Procurement
32 Section 4-605(c)
33 Annotated Code of Maryland
34 (1995 Replacement Volume and 2000 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article - State Government
37 Section 9-120(a)(2), 9-122(b)(1), 9-124(c)(2) and (3), 9-1607.1(a)(2)(iii), and

1 10-616(q)(5)(iii)8. and 9.
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2000 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - State Personnel and Pensions
6 Section 2-306(a)(2)
7 Annotated Code of Maryland
8 (1997 Replacement Volume and 2000 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - Tax - General
11 Section 13-912(c)(1)(ii) and (d)(2)
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 23-106(b)(3) and 27-107(b)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2000 Supplement)

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

21 **Article 1 - Rules of Interpretation**

22 25.

23 (a) Unnumbered revised articles of the Annotated Code of Maryland may be
24 cited as stated in this section.

25 (b) A section of the Agriculture Article may be cited as: "§ of the
26 Agriculture Article".

27 (c) A section of the Business Occupations and Professions Article may be cited
28 as: "§ of the Business Occupations and Professions Article".

29 (d) A section of the Business Regulation Article may be cited as: "§ of the
30 Business Regulation Article".

31 (e) A section of the Commercial Law Article may be cited as: "§ of the
32 Commercial Law Article".

33 (f) A section of the Corporations and Associations Article may be cited as:
34 "§ of the Corporations and Associations Article".

1 (g) A section of the Correctional Services Article may be cited as: "§ of
2 the Correctional Services Article".

3 (h) A section of the Courts and Judicial Proceedings Article may be cited as:
4 "§ of the Courts Article".

5 (I) A SECTION OF THE CRIMINAL PROCEDURE ARTICLE MAY BE CITED AS:
6 "§ OF THE CRIMINAL PROCEDURE ARTICLE".

7 [(i)] (J) A section of the Education Article may be cited as: "§ of the
8 Education Article".

9 [(j)] (K) A section of the Environment Article may be cited as: "§ of the
10 Environment Article".

11 [(k)] (L) A section of the Estates and Trusts Article may be cited as: "§ of
12 the Estates and Trusts Article".

13 [(l)] (M) A section of the Family Law Article may be cited as: "§ of the
14 Family Law Article".

15 [(m)] (N) A section of the Financial Institutions Article may be cited as:
16 "§ of the Financial Institutions Article".

17 [(n)] (O) A section of the Health - General Article may be cited as: "§ of
18 the Health - General Article".

19 [(o)] (P) A section of the Health Occupations Article may be cited as: "§
20 of the Health Occupations Article".

21 [(p)] (Q) A section of the Insurance Article may be cited as: "§ of the
22 Insurance Article".

23 [(q)] (R) A section of the Labor and Employment Article may be cited as:
24 "§ of the Labor and Employment Article".

25 [(r)] (S) A section of the Natural Resources Article may be cited as: "§ of
26 the Natural Resources Article".

27 [(s)] (T) A section of the Public Utility Companies Article may be cited as:
28 "§ of the Public Utility Companies Article".

29 [(t)] (U) A section of the Real Property Article may be cited as: "§ of the
30 Real Property Article".

31 [(u)] (V) A section of the State Finance and Procurement Article may be cited
32 as: "§ of the State Finance and Procurement Article".

33 [(v)] (W) A section of the State Government Article may be cited as: "§ of
34 the State Government Article".

1 [(w)] (X) A section of the State Personnel and Pensions Article may be cited as:
2 "§ of the State Personnel and Pensions Article".

3 [(x)] (Y) A section of the Tax - General Article may be cited as: "§ of the
4 Tax - General Article".

5 [(y)] (Z) A section of the Tax - Property Article may be cited as: "§ of the
6 Tax - Property Article".

7 [(z)] (AA) A section of the Transportation Article may be cited as: "§ of the
8 Transportation Article".

9 **Article 2B - Alcoholic Beverages**

10 10-103.

11 (d) (3) For each license applicant, the Board shall:

12 (i) Apply to the Criminal Justice Information System Central
13 Repository of the Department of Public Safety and Correctional Services for a State
14 and national criminal history records check; and

15 (ii) Submit as part of an application for a criminal history records
16 check:

17 1. Two complete sets of the applicant's legible fingerprints
18 taken on forms approved by the Director of the Criminal Justice Information System
19 Central Repository and the Director of the Federal Bureau of Investigation;

20 2. The mandatory processing fee required by the Federal
21 Bureau of Investigation for a national criminal history records check; and

22 3. The fee authorized under [Article 27, § 746(b)(8) of the
23 Code] § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE for access to Maryland
24 criminal history records.

25 (4) The Criminal Justice Information System Central Repository of the
26 Department of Public Safety and Correctional Services shall provide the requested
27 information in accordance with [Article 27, §§ 742 through 755 of the code] TITLE 10,
28 SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE.

29 **Article 10 - Legal Officials**

30 41B.

31 (a) The State's Attorneys' Coordinator has the following duties and
32 responsibilities:

33 (7) To administer the Victim and Witness Protection and Relocation
34 Program established under [Article 27, § 835 of the Code] § 11-902 OF THE CRIMINAL

1 PROCEDURE ARTICLE, including consideration and approval of the release of any
2 moneys from the Program; and

3 41D.

4 (f) The Council shall adopt regulations, after consultation with the State
5 Board of Victim Services, governing the administration of the Victim and Witness
6 Protection and Relocation Program established under [Article 27, § 835 of the Code]
7 § 11-902 OF THE CRIMINAL PROCEDURE ARTICLE.

8

Article 27 - Crimes and Punishments

9 36D.

10 (c) Nothing in this section shall be construed to limit the right of any law
11 enforcement officer to make any other type of search, seizure, and arrest which may
12 be permitted by law, and the provisions hereof shall be in addition to and not in
13 substitution of or limited by the provisions of [§ 594B of this article] TITLE 2 OF THE
14 CRIMINAL PROCEDURE ARTICLE.

15 111.

16 (f) (3) Except as otherwise provided by this section, the provisions of
17 [§ 807 of this article] TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE
18 apply to an order of restitution under this section.

19 139D.

20 (c) (2) This subsection may not be construed to limit the right of a person to
21 restitution under [§ 807 of this article] TITLE 11, SUBTITLE 6 OF THE CRIMINAL
22 PROCEDURE ARTICLE.

23 (3) (ii) Except as otherwise provided in this section, the provisions of [§
24 807 of this article] TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE
25 apply to an order of restitution under this paragraph.

26 151A.

27 (d) (2) This subsection may not be construed to limit the right of a person to
28 restitution under [§ 807 of this article] TITLE 11, SUBTITLE 6 OF THE CRIMINAL
29 PROCEDURE ARTICLE.

30 (3) (ii) Except as otherwise provided in this section, the provisions of
31 [§ 807 of this article] TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE
32 apply to an order of restitution under this paragraph.

1 151C.

2 (d) (2) This subsection may not be construed to limit the right of a person to
3 restitution under[§ 807 of this article] TITLE 11, SUBTITLE 6 OF THE CRIMINAL
4 PROCEDURE ARTICLE.

5 (3) (ii) Except as otherwise provided in this section, the provisions of
6 [§ 807 of this article] TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE
7 apply to an order of restitution under this paragraph.

8 231.

9 (e) In addition to the restitution provided under [§ 807 of this article] TITLE
10 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE, a court may order a person
11 who pleads guilty or nolo contendere or is found guilty under this section to make
12 restitution to the victim for reasonable costs incurred, including reasonable attorney's
13 fees:

14 (1) For clearing the victim's credit history or credit rating; and

15 (2) In connection with any civil or administrative proceeding to satisfy a
16 debt, lien, judgment, or other obligation of the victim that arose as a result of the
17 violation of this section.

18 255C.

19 (e) (4) (ii) The Criminal Justice Information System Central Repository
20 shall provide the requested information in accordance with [§§ 742 through 755 of
21 this article] TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE.

22 (iii) As part of the application for a criminal history records check,
23 the County agency shall submit to the Criminal Justice Information System Central
24 Repository:

25 2. The fee authorized under [§ 746(b)(8) of this article] §
26 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE for access to Maryland criminal
27 history records.

28 286.

29 (g) (3) The provisions of [§ 641 of this article] § 6-220 OF THE CRIMINAL
30 PROCEDURE ARTICLE are not applicable to a conviction under this subsection.

31 298.

32 (e) Notwithstanding any provision of law to the contrary, the Department of
33 State Police may initiate investigations and otherwise enforce the provisions of §§ 276
34 through 302 of this article throughout the State AND TITLE 12 OF THE CRIMINAL
35 PROCEDURE ARTICLE without any limitation as to activities within municipal
36 corporations or other subdivisions.

1 (f) (1) Notwithstanding any provision of law to the contrary, law
2 enforcement officers of the Maryland Transportation Authority Police, the Maryland
3 Port Administration Police, or any municipality, or county of this State may conduct
4 investigations and otherwise enforce the provisions of §§ 276 through 302 of this
5 article throughout the State AND TITLE 12 OF THE CRIMINAL PROCEDURE ARTICLE
6 without any limitations as to jurisdiction, to the same extent as a police employee of
7 the Department of State Police. This authority may only be exercised in accordance
8 with regulations adopted by the Secretary of the State Police. Such regulations are
9 not subject to the provisions of Title 10, Subtitle 1 of the State Government Article.

10 445B.

11 Any regulated firearm sold, rented, transferred, possessed, received or
12 purchased in violation of this subheading may be seized by a law enforcement agency
13 as contraband and, after a finding of guilt, disposed of in accordance with [§ 36C of
14 this article] TITLE 13, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE.

15 **Article 27A - Public Defender**

16 4.

17 (b) Legal representation shall be provided indigent defendants or parties in
18 the following proceedings:

19 (3) Postconviction proceedings [under Article 27, Annotated Code of
20 Maryland], when the defendant has a right to counsel pursuant to [§ 645A of that
21 article] TITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;

22 **Article 28 - Maryland-National Capital Park and Planning Commission**

23 5-114.

24 (a) The Commission may appoint whatever park police officers as may be
25 necessary to provide protection for the Commission's activities and property. In
26 connection with the responsibility to provide that protection, it is the responsibility of
27 the park police to prevent crime, apprehend criminals, enforce the criminal and motor
28 vehicle laws of the State, enforce park regulations and perform whatever other
29 related duties as are imposed by the Commission. They have concurrent general
30 police jurisdiction with the Montgomery and Prince George's County police within the
31 parks and other areas and within buildings under the jurisdiction of the Commission,
32 and that portion of all roads and sidewalks immediately adjacent to any property
33 under the jurisdiction of the Commission. They possess all the powers and authority
34 vested by existing law in the Montgomery and Prince George's County police; but they
35 are responsible to and under the supervision of the Commission and shall exercise
36 supervisory jurisdiction over the park system. They shall have whatever jurisdiction
37 off park property that may be provided by any reciprocal agreement entered into
38 pursuant to [Article 27, § 602B of this Code] § 2-105 OF THE CRIMINAL PROCEDURE
39 ARTICLE. The reciprocal agreement shall specify the circumstances under which a
40 park police officer may make arrests off of park property. The agreement may allow

1 such arrests in emergency or nonemergency situations, notwithstanding [Article 27,
2 § 602B of the Code] § 2-105 OF THE CRIMINAL PROCEDURE ARTICLE. The
3 Montgomery and Prince George's County police have the same general police
4 jurisdiction and responsibility for the apprehension of criminals and detection of
5 crime within the parks and other areas and buildings under the Commission's
6 jurisdiction as they have elsewhere in their respective counties.

7 **Article 38A - Fires and Investigations**

8 7A.

9 (a) Subject to the provisions of [Article 27, §§ 742 through 755 of the Code]
10 TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, fire departments and
11 rescue squads of the State or any of its political subdivisions, volunteer fire companies
12 and rescue squads, and any ambulance service licensed under § 13-515 of the
13 Education Article may request the State Fire Marshal or other authorized agency
14 that has access to the Criminal Justice Information System Central Repository in the
15 Department of Public Safety and Correctional Services to conduct an initial criminal
16 history records check on an applicant for employment or appointment as a volunteer
17 or paid fire fighter, rescue squad member, or paramedic on a form prescribed by the
18 State Fire Marshal.

19 **Article 41 - Governor - Executive and Administrative Departments**

20 1-501.

21 (b) "Controlled dangerous substance offense" means:

22 (1) An offense under Article 27, §§ 277 through 303 of the Code;

23 (2) AN OFFENSE UNDER TITLE 12 OF THE CRIMINAL PROCEDURE
24 ARTICLE; or

25 [(2)] (3) A violation of the law of any other jurisdiction if the prohibited
26 conduct would be a violation of Article 27, §§ 277 through 303 of the Code OR TITLE 12
27 OF THE CRIMINAL PROCEDURE ARTICLE if committed in this State.

28 **Article 83C - Juvenile Justice**

29 2-132.

30 (a) (2) The Criminal Justice Information System Central Repository shall
31 provide the requested information in accordance with [Article 27, §§ 742 through 755
32 of the Code] TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE.

33 (b) As part of the application for a criminal history records check, the
34 Department shall submit to the Criminal Justice Information System Central
35 Repository:

1 (3) The fee authorized under [Article 27, § 746(b)(8) of the Code] §
2 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE for access to Maryland criminal
3 history records.

4 **Article 88B - Department of State Police**

5 12A.

6 (o) (1) A person whose DNA record or profile has been included in the
7 statewide DNA data base system and whose DNA sample is stored in the statewide
8 DNA repository may request that information be expunged on the grounds that the
9 conviction [which] THAT resulted in the inclusion of the person's DNA record or
10 profile in the statewide DNA data base system or the inclusion of the person's DNA
11 sample in the statewide DNA repository meets the expungement criteria specified in
12 [Article 27, § 737 of the Code] § 10-105 OR § 10-106 OF THE CRIMINAL PROCEDURE
13 ARTICLE.

14 (2) Expungement proceedings shall be conducted in accordance with
15 [Article 27, § 737 of the Code] § 10-105 OR § 10-106 OF THE CRIMINAL PROCEDURE
16 ARTICLE.

17 **Article - Agriculture**

18 9-805.

19 (b) (2) As part of the application for a criminal history records check, the
20 Department shall submit to the Criminal Justice Information System Central
21 Repository:

22 (iii) The fee authorized under [Article 27, § 746(b)(8) of the Code] §
23 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE for access to Maryland criminal
24 history records.

25 (3) In accordance with [Article 27, §§ 742 through 755 of the Code]
26 TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, the Central
27 Repository shall forward to the individual and the Department the individual's
28 criminal history record information.

29 **Article - Business Occupations and Professions**

30 20-305.

31 (d) An individual applying for State and national criminal history records
32 checks shall submit to the Central Repository:

33 (3) the fee authorized under [Article 27, § 746(b)(8) of the Code] §
34 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE for access to Maryland criminal
35 history records.

1 20-401.

2 (b) (1) Upon determining that a defendant subject to private home detention
3 monitoring under the provisions of [Article 27, § 616 1/2(m) of the Code] § 5-201(B) OF
4 THE CRIMINAL PROCEDURE ARTICLE has been missing for 24 hours, the private home
5 detention monitoring agency responsible for monitoring the defendant shall, on the
6 next business day, notify the court that ordered private home detention monitoring as
7 a condition of the defendant's pretrial release.

8 (2) If the court that ordered private detention monitoring as a condition
9 of a defendant's pretrial release under the provisions of [Article 27, § 616 1/2(m) of
10 the Code] § 5-201(B) OF THE CRIMINAL PROCEDURE ARTICLE requests that it be
11 notified if the defendant violates any other conditions of pretrial release, the private
12 home detention monitoring agency responsible for monitoring the defendant shall
13 provide the court with the requested notice.

14 **Article - Business Regulation**

15 12-204.

16 (e) An individual requiring a criminal history records check under subsection
17 (b) of this section shall pay:

18 (2) the fee authorized under [Article 27, § 746(b)(8) of the Code] §
19 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE for access to Maryland criminal
20 history records.

21 17-20A-04.

22 (e) (1) On disposition of a charge resulting in acquittal, dismissal, a stet, a
23 nolle prosequi, or probation under [Article 27, § 641 of the Code] § 6-220 OF THE
24 CRIMINAL PROCEDURE ARTICLE, a vendor claiming that the seized property is not
25 contraband of law under subsection (c) of this section and should be returned to the
26 vendor may apply, within 1 year after the date the judgment or order was entered or
27 the action was taken that constituted the disposition and on giving 10 days' prior
28 written notice to the State Treasurer or appropriate local fiscal officer, to the
29 appropriate court for a determination that the property is the property of the
30 claimant and for an order that it be returned.

31 (3) A conviction, plea of guilty or of nolo contendere, or probation under
32 the provisions of [Article 27, § 641 of the Code] § 6-220 OF THE CRIMINAL
33 PROCEDURE ARTICLE is prima facie evidence that the property is contraband.

34 **Article - Commercial Law**

35 12-626.

36 (e) (3) After application of the proceeds and deposit in accordance with
37 paragraph (2) of this subsection, any remaining balance shall be paid to the buyer,
38 unless the sale occurred because of the seizure of the goods by a police department,

1 bureau, or force, in which event the remaining balance shall be paid to the police
2 department, bureau, or force that seized the goods, to be disposed of in accordance
3 with the provisions of [§ 297 of Article 27 of the Code] TITLE 12 OF THE CRIMINAL
4 PROCEDURE ARTICLE or any other law that applies to the seizure and forfeiture of the
5 goods.

6

Article - Correctional Services

7 3-216.

8 (a) The Commissioner shall designate correctional officers employed in each
9 correctional facility in the Division who have the power to make arrests under
10 [Article 27, § 594B of the Code] § 2-207 OF THE CRIMINAL PROCEDURE ARTICLE.

11 (b) A correctional officer who is authorized to make arrests under [Article 27,
12 § 594B of the Code] § 2-207 OF THE CRIMINAL PROCEDURE ARTICLE shall:

13 (1) meet the minimum qualifications required by the Maryland Police
14 Training Commission; and

15 (2) complete satisfactorily the training prescribed by the Maryland
16 Police Training Commission.

17 3-405.

18 An inmate may be placed in the program if:

19 (3) the inmate has served any statutorily imposed minimum sentence,
20 less the allowances for diminution of the inmate's term of confinement provided under
21 Subtitle 7 of this title and [Article 27, § 638C of the Code] § 6-218 OF THE CRIMINAL
22 PROCEDURE ARTICLE.

23 3-412.

24 (b) A correctional employee designated to monitor inmates in the program
25 may:

26 (2) make arrests as authorized under [Article 27, § 594B(m) of the Code]
27 § 2-207 OF THE CRIMINAL PROCEDURE ARTICLE.

28 3-902.

29 (a) (2) (i) "State postconviction review process" means the initial
30 adjudication of a postconviction petition filed under [Article 27, § 645A(a)(2)(i) of the
31 Code] § 7-103 OF THE CRIMINAL PROCEDURE ARTICLE, including any appellate
32 review of the postconviction proceeding.

33 (ii) "State postconviction review process" does not include:

1 1. a postconviction proceeding that has been reopened under
2 [Article 27, § 645A(a)(2)(iii) of the Code] § 7-104 OF THE CRIMINAL PROCEDURE
3 ARTICLE or any appellate review of the proceeding; or

4 4-305.

5 (b) (1) Except as provided in paragraph (2) of this subsection, an inmate
6 sentenced to life imprisonment is not eligible for parole consideration until the inmate
7 has served 15 years or the equivalent of 15 years when considering allowances for
8 diminution of the inmate's period of confinement as provided under Title 3, Subtitle 7
9 of this article and [Article 27, § 638C of the Code] § 6-218 OF THE CRIMINAL
10 PROCEDURE ARTICLE.

11 (2) An inmate sentenced to life imprisonment as a result of a proceeding
12 under Article 27, § 413 is not eligible for parole consideration until the inmate has
13 served 25 years or the equivalent of 25 years when considering allowances for
14 diminution of the inmate's period of confinement as provided under Title 3, Subtitle 7
15 of this article and [Article 27, § 638C of the Code] § 6-218 OF THE CRIMINAL
16 PROCEDURE ARTICLE.

17 6-106.

18 (a) The Director may authorize parole and probation employees of the Division
19 to:

20 (3) arrest offenders in the program as authorized under [Article 27, §
21 594B of the Code] § 2-207 OF THE CRIMINAL PROCEDURE ARTICLE.

22 6-112.

23 (b) (3) If required under [Article 27, § 781 of the Code] § 11-402 OF THE
24 CRIMINAL PROCEDURE ARTICLE, the report shall include a victim impact statement.

25 (c) (2) The report shall include a victim impact statement as provided under
26 [Article 27, § 781 of the Code] § 11-402 OF THE CRIMINAL PROCEDURE ARTICLE.

27 7-301.

28 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
29 inmate who has been sentenced to life imprisonment is not eligible for parole
30 consideration until the inmate has served 15 years or the equivalent of 15 years
31 considering the allowances for diminution of the inmate's term of confinement under
32 [Article 27, § 638C of the Code] § 6-218 OF THE CRIMINAL PROCEDURE ARTICLE and
33 Title 3, Subtitle 7 of this article.

34 (2) An inmate who has been sentenced to life imprisonment as a result of
35 a proceeding under Article 27, § 413 is not eligible for parole consideration until the
36 inmate has served 25 years or the equivalent of 25 years considering the allowances
37 for diminution of the inmate's term of confinement under [Article 27, § 638C of the

1 Code] § 6-218 OF THE CRIMINAL PROCEDURE ARTICLE and Title 3, Subtitle 7 of this
2 article.

3 7-304.

4 (a) A parole hearing before the Commission or a hearing examiner shall be
5 open to the public if a victim, as defined in § 7-801 of this [subtitle] TITLE:

6 (1) makes a written request for notification under § 7-801(b)(1)(ii) of this
7 title or files a notification request form under [Article 27, § 770 of the Code] § 11-104
8 OF THE CRIMINAL PROCEDURE ARTICLE; and

9 (2) within a reasonable amount of time before a scheduled hearing,
10 makes a written request that the hearing be open to the public.

11 7-505.

12 (b) If an inmate who was convicted of a violent crime is released on mandatory
13 supervision and the victim, AS DEFINED IN § 7-801 OF THIS TITLE, made a written
14 request for notification under § 7-801(b)(1)(ii) of this title or filed a notification
15 request form under [Article 27, § 770 of the Code] § 11-104 OF THE CRIMINAL
16 PROCEDURE ARTICLE, the Department shall notify the victim:

17 (1) if a warrant or subpoena is issued by the Commission for an alleged
18 violation of a condition of mandatory supervision;

19 (2) if the individual has been found guilty or not guilty of violating a
20 condition of mandatory supervision; and

21 (3) of any punishment imposed for the individual's violation of a
22 condition of mandatory supervision.

23 7-701.

24 (b) Except as provided in subsection (c) of this section, a pardon, partial
25 pardon, conditional pardon, commutation of sentence, or parole does not affect any
26 judgment entered under [Article 27, § 807 of the Code] TITLE 11, SUBTITLE 6 OF THE
27 CRIMINAL PROCEDURE ARTICLE.

28 (c) If the Governor orders a pardon and states as a part of the order that the
29 defendant was convicted in error, the order discharges any judgment against the
30 defendant under [Article 27, § 807 of the Code] TITLE 11, SUBTITLE 6 OF THE
31 CRIMINAL PROCEDURE ARTICLE.

32 7-801.

33 (b) (1) At least 90 days before an inmate's parole release hearing, the
34 Department shall notify the victim or the victim's designated representative in
35 writing, directed to the most current address on file, that the parole release hearing
36 has been scheduled if:

1 (i) the victim filed a notification request form under [Article 27, §
2 770 of the Code] § 11-104 OF THE CRIMINAL PROCEDURE ARTICLE; or

3 7-803.

4 (a) If a victim, AS DEFINED IN § 7-801 OF THIS SUBTITLE, has filed a
5 notification request form under [Article 27, § 770 of the Code] § 11-104 OF THE
6 CRIMINAL PROCEDURE ARTICLE, the Commission, if practicable, shall notify the
7 victim in writing at least 90 days before entering into or signing a predetermined
8 parole release agreement with an inmate.

9 7-804.

10 If an individual was convicted of a violent crime and the victim, AS DEFINED IN
11 § 7-801 OF THIS SUBTITLE, made a written request for notification under §
12 7-801(b)(1)(ii) of this subtitle or filed a notification request form under [Article 27, §
13 770 of the Code] § 11-104 OF THE CRIMINAL PROCEDURE ARTICLE, the Department
14 shall notify the victim:

15 (1) that a warrant or subpoena was issued by the Commission for the
16 individual's alleged violation of a condition of parole;

17 (2) that the individual has been found guilty or not guilty of violating a
18 condition of parole; and

19 (3) of the punishment imposed on the individual for violating a condition
20 of parole.

21 7-805.

22 (b) If the victim, AS DEFINED IN § 7-801 OF THIS SUBTITLE, made a written
23 request to the Department for notification and maintains a current address on file
24 with the Department or the victim filed a notification request form under [Article 27,
25 § 770 of the Code] § 11-104 OF THE CRIMINAL PROCEDURE ARTICLE, the Department
26 shall notify the victim or the victim's designated representative in writing that an
27 inmate sentenced to the Division of Correction is being considered for a:

28 (1) commutation of sentence;

29 (2) pardon; or

30 (3) remission of sentence.

31 8-703.

32 Except as otherwise provided, a court may order a juvenile who is charged with
33 the commission of a delinquent act or a criminal defendant who has not been
34 convicted of a crime of violence to perform community service and assign the juvenile
35 or defendant to a particular work project:

36 (2) as a condition of:

1 (i) probation, whether granted under [Article 27, § 641 or § 641A of
2 the Code] § 6-220 OR § 6-225 OF THE CRIMINAL PROCEDURE ARTICLE or otherwise;

3 11-802.

4 (a) Subject to subsection (b) of this section, the managing official of a local
5 correctional facility may designate correctional officers employed by the local
6 correctional facility to have the power to make arrests as authorized by [Article 27, §
7 594B(r) of the Code] § 2-207(D) OF THE CRIMINAL PROCEDURE ARTICLE.

8 (b) Correctional officers designated by a managing official to make arrests as
9 authorized under [Article 27, § 594B(r) of the Code] § 2-207(D) OF THE CRIMINAL
10 PROCEDURE ARTICLE shall meet the minimum qualifications and satisfactorily
11 complete the training required by the Maryland Police Training Commission.

12 **Article - Courts and Judicial Proceedings**

13 2-608.

14 (a) (10) "Law enforcement officer" means a law enforcement officer as
15 defined in Article 27, § 727(b) of the Code or any federal law enforcement officer who
16 exercises the powers set forth in [Article 27, § 594B(h) of the Code] § 2-104 OF THE
17 CRIMINAL PROCEDURE ARTICLE.

18 3-804.

19 (e) The court does not have jurisdiction over:

20 (1) A child at least 14 years old alleged to have done an act which, if
21 committed by an adult, would be a crime punishable by death or life imprisonment, as
22 well as all other charges against the child arising out of the same incident, unless an
23 order removing the proceeding to the court has been filed under [Article 27, § 594A of
24 the Code] § 4-202 OF THE CRIMINAL PROCEDURE ARTICLE;

25 (4) A child at least 16 years old alleged to have committed any of the
26 following crimes, as well as all other charges against the child arising out of the same
27 incident, unless an order removing the proceeding to the court has been filed under
28 [Article 27, § 594A of the Code] § 4-202 OF THE CRIMINAL PROCEDURE ARTICLE:

29 (i) Abduction;

30 (ii) Kidnapping;

31 (iii) Second degree murder;

32 (iv) Manslaughter, except involuntary manslaughter;

33 (v) Second degree rape;

34 (vi) Robbery under Article 27, § 487 of the Code;

- 1 (vii) Second degree sexual offense in violation of Article 27, §
2 464A(a)(1) of the Code;
- 3 (viii) Third degree sexual offense in violation of Article 27, §
4 464B(a)(1) of the Code;
- 5 (ix) A crime in violation of Article 27, § 36B, § 373, § 374, § 445, §
6 446, or § 481C of the Code;
- 7 (x) Using, wearing, carrying, or transporting of firearm during and
8 in relation to a drug trafficking crime in violation of Article 27, § 281A of the Code;
- 9 (xi) Use of a firearm in violation of Article 27, § 291A of the Code;
- 10 (xii) Carjacking or armed carjacking in violation of Article 27, § 348A
11 of the Code;
- 12 (xiii) Assault in the first degree in violation of Article 27, § 12A-1 of
13 the Code;
- 14 (xiv) Attempted murder in the second degree in violation of Article
15 27, § 411A of the Code;
- 16 (xv) Attempted rape or attempted sexual offense in the second
17 degree under Article 27, § 464F of the Code; or
- 18 (xvi) Attempted robbery under Article 27, § 487 of the Code;
- 19 (5) A child who previously has been convicted as an adult of a felony and
20 is subsequently alleged to have committed an act that would be a felony if committed
21 by an adult, unless an order removing the proceeding to the court has been filed
22 under [Article 27, § 594A of the Code] § 4-202 OF THE CRIMINAL PROCEDURE
23 ARTICLE; or
- 24 3-811.
- 25 (b) Any information secured or statement made by a participant during a
26 preliminary or further inquiry pursuant to § 3-810 of this subtitle or a study
27 pursuant to § 3-818 of this subtitle may not be admitted in evidence in any
28 adjudicatory hearing or peace order proceeding except on the issue of respondent's
29 competence to participate in the proceedings and responsibility for his conduct as
30 provided in [§ 12-108 of the Health - General Article] § 3-109 OF THE CRIMINAL
31 PROCEDURE ARTICLE where a petition alleging delinquency has been filed, or in a
32 criminal proceeding prior to conviction.
- 33 3-817.
- 34 (c) (1) Notice of the waiver hearing shall be given to a victim as provided
35 under [Article 27, § 770 of the Code] § 11-104 OF THE CRIMINAL PROCEDURE
36 ARTICLE.

1 (2) (i) A victim may submit a victim impact statement to the court as
2 provided in [Article 27, § 781 of the Code] § 11-402 OF THE CRIMINAL PROCEDURE
3 ARTICLE.

4 (ii) This paragraph does not preclude a victim who has not filed a
5 notification request form under [Article 27, § 770 of the Code] § 11-104 OF THE
6 CRIMINAL PROCEDURE ARTICLE from submitting a victim impact statement to the
7 court.

8 (iii) The court may consider a victim impact statement in
9 determining whether to waive jurisdiction under this section.

10 3-820.

11 (d) (3) The court shall consider any oral address made in accordance with
12 [Article 27, § 780 of the Code] § 11-403 OF THE CRIMINAL PROCEDURE ARTICLE or
13 any victim impact statement, as described in [Article 27, § 781 of the Code] § 11-402
14 OF THE CRIMINAL PROCEDURE ARTICLE, in determining an appropriate disposition
15 on a petition.

16 3-828.

17 (b) (2) This subsection does not prohibit access to and the use of the court
18 record or fingerprints of a child described under [the Criminal Justice Information
19 System subtitle of Article 27 of the Code] TITLE 10, SUBTITLE 2 OF THE CRIMINAL
20 PROCEDURE ARTICLE in a proceeding in the court involving the child, by personnel of
21 the court, the State's Attorney, counsel for the child, a court-appointed special
22 advocate for the child, or authorized personnel of the Department of Juvenile Justice,
23 or, in a proceeding involving a child alleged to be in need of assistance, by authorized
24 personnel of the Social Services Administration and local departments of social
25 services of the Department of Human Resources in order to conduct a child abuse or
26 neglect investigation or to comply with requirements imposed under Title IV-E of the
27 Social Security Act.

28 (4) (i) Except as provided in subparagraph (ii) of this paragraph, this
29 subsection does not prohibit access to and confidential use of the court record or
30 fingerprints of a child described under [the Criminal Justice Information System
31 subtitle of Article 27 of the Code] TITLE 10, SUBTITLE 2 OF THE CRIMINAL
32 PROCEDURE ARTICLE in an investigation and prosecution by a law enforcement
33 agency.

34 (ii) The court record or fingerprints of a child described under [Article
35 27, §§ 747(a)(21) and (22) and 747A of the Code] §§ 10-215(A)(21) AND 10-216 OF THE
36 CRIMINAL PROCEDURE ARTICLE may not be disclosed to:

- 37 1. A federal criminal justice agency or information center; or
- 38 2. Any law enforcement agency other than a law enforcement
39 agency of the State or a political subdivision of the State.

1 (g) This section does not prohibit a victim OR VICTIM'S REPRESENTATIVE who
2 has filed a notification request form from being notified of proceedings and events
3 involving the defendant or child as provided in this article, THE CRIMINAL
4 PROCEDURE ARTICLE, or Article 27 of the Code.

5 3-829.

6 The court may enter a judgment of restitution against the parent of a child, the
7 child, or both as provided under [Article 27, § 807 of the Code] TITLE 11, SUBTITLE 6
8 OF THE CRIMINAL PROCEDURE ARTICLE.

9 3-836.

10 The guidelines provided under [Article 27, § 851 of the Code] § 11-1003 OF THE
11 CRIMINAL PROCEDURE ARTICLE apply to victims and witnesses of delinquent acts.

12 4-401.

13 Except as provided in § 4-402 of this subtitle, and subject to the venue
14 provisions of Title 6 of this article, the District Court has exclusive original civil
15 jurisdiction in:

16 (9) Proceedings under [Article 27, § 264 or § 297 of the Code] TITLE 12
17 OR TITLE 13 OF THE CRIMINAL PROCEDURE ARTICLE for the forfeiture or return of
18 moneys involved in a gambling or controlled dangerous substances seizure where the
19 amount involved, excluding any interest and attorney's fees, if attorney's fees are
20 recoverable by law or contract, does not exceed \$20,000;

21 5-610.

22 A law enforcement officer who responds to a request under [Article 27, § 798 of
23 the Code] § 4-502 OF THE FAMILY LAW ARTICLE for assistance by an individual who
24 alleges to have been a victim of spousal assault shall be immune from civil liability in
25 complying with the request if the law enforcement officer acts in good faith and in a
26 reasonable manner.

27 5-611.

28 A federal law enforcement officer who exercises the powers set forth under
29 [Article 27, § 594B of the Code] § 2-104 OF THE CRIMINAL PROCEDURE ARTICLE has
30 the same legal status and immunity from suit as a State Police officer.

31 5-612.

32 The police officers and other officers, agents, and employees of any county or
33 municipal corporation, when acting under the authority of [Article 27, § 602B of the
34 Code] § 2-105 OF THE CRIMINAL PROCEDURE ARTICLE or other lawful authority,
35 beyond the territorial limits of the county or municipal corporation within the State
36 shall have all the immunities from liability enjoyed by them while performing their
37 respective duties within the territorial limits of the county or municipal corporation.

1 7-203.

2 (a) In this section, the term "not guilty" does not include a finding of probation
3 before judgment under [Article 27, § 641 of the Code] § 6-220 OF THE CRIMINAL
4 PROCEDURE ARTICLE.

5 7-301.

6 (f) The Comptroller shall annually pay from the court costs collected by the
7 District Court under subsections (a) and (b)(1) of this section:

8 (1) \$500,000 into the Criminal Injuries Compensation Fund established
9 under [Article 27, § 831 of the Code] § 11-819 OF THE CRIMINAL PROCEDURE
10 ARTICLE; and

11 (2) \$125,000 into the Victim and Witness Protection and Relocation Fund
12 established under [Article 27, § 836 of the Code] § 11-905 OF THE CRIMINAL
13 PROCEDURE ARTICLE.

14 7-405.

15 The District Court or a circuit court in a criminal case may not waive any court
16 costs imposed under [Article 27, § 830 of the Code] § 7-409 OF THIS SUBTITLE unless
17 the defendant establishes indigency as provided in the Maryland Rules.

18 8-211.

19 (e) The procedures prescribed in this section are the exclusive means by which
20 a person accused of a crime, the State's Attorney, or a party in a civil case may
21 challenge any jury on the ground that the jury was not selected in conformity with the
22 provisions of this title. Except as to constitutional questions, nothing contained in this
23 title constitutes grounds for postconviction relief under the provisions of [Article 27,
24 §§ 645A-645J of the Code] TITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.

25 9-106.

26 (b) (4) The separate record specified under paragraph (3) of this subsection:

27 (i) Is not subject to expungement under [Article 27, §§ 735 through
28 741 of the Code] TITLE 10, SUBTITLE 1 OF THE CRIMINAL PROCEDURE ARTICLE; and

29 9-205.

30 (a) An employer may not deprive an employee of the employee's job solely
31 because of job time lost by the employee as a result of:

32 (2) The employee's attendance at a proceeding that the employee has a
33 right to attend under [Article 27, § 773 or § 857 of the Code] § 11-102 OR § 11-302 OF
34 THE CRIMINAL PROCEDURE ARTICLE, or under § 3-812 of this article.

1 10-917.

2 A written statement of expenses or a bill shall be taken as prima facie evidence
3 at a restitution hearing as provided under [Article 27, § 808 of the Code] § 11-615 OF
4 THE CRIMINAL PROCEDURE ARTICLE.

5 12-302.

6 (c) In a criminal case, the State may appeal as provided in this subsection.

7 (3) (v) Pending the prosecution and determination of an appeal taken
8 under paragraph (1) or (3) of this subsection, the defendant shall be released on
9 personal recognizance bail. If the defendant fails to appear as required by the terms of
10 the recognizance bail, the trial court shall subject the defendant to the penalties
11 provided in [Article 27, § 12B] § 5-211 OF THE CRIMINAL PROCEDURE ARTICLE.

12 (f) Section 12-301 of this subtitle does not permit an appeal from the order of
13 a sentence review panel of a circuit court under [Article 27, §§ 645JA through 645JG
14 of the Code] TITLE 8 OF THE CRIMINAL PROCEDURE ARTICLE, unless the panel
15 increases the sentence.

16 13-101.

17 (e) The Administrative Office of the Courts shall:

18 (1) Keep a current list of alcoholism education or treatment programs
19 that the Department of Health and Mental Hygiene approves for use under [Article
20 27, § 639(b) or § 641(a)(1)(ii) of the Code] § 6-219(B) OR § 6-220(B) OF THE CRIMINAL
21 PROCEDURE ARTICLE; and

22 **Article - Criminal Procedure**

23 2-101.

24 (c) "Police officer" means a person who in an official capacity is authorized by
25 law to make arrests and is:

26 (13) an authorized employee of the [Investigative Services Unit] FIELD
27 ENFORCEMENT DIVISION of the Comptroller's Office;

28 11-203.

29 As provided under § 5-201 of this article OR § 3-815 OF THE COURTS ARTICLE,
30 the court, a juvenile intake officer, or a District Court commissioner shall consider the
31 safety of the alleged victim in setting conditions of:

32 (1) the pretrial release of a defendant charged with stalking or a felony;
33 or

1 (2) the prehearing release of a child respondent who is alleged to have
2 committed a delinquent act that would be stalking or a felony if committed by an
3 adult.

4 11-811.

5 (a) (4) Subject to the limitation under subsection (b)(3) of this section and §
6 11-812 of this [title] SUBTITLE, a person who is eligible for an award as the result of
7 the death of a victim or psychological injury may be eligible, under the regulations
8 that the Board adopts, to receive psychiatric, psychological, or mental health
9 counseling.

10 **Article - Education**

11 7-301.

12 (e) (3) As to any sentence imposed under this section, the court may
13 suspend the fine or the prison sentence and establish terms and conditions which
14 would promote the child's attendance. The suspension authority provided for in this
15 subsection is in addition to and not in limitation of the suspension authority under
16 [Article 27, § 641A of the Code] § 6-221 OF THE CRIMINAL PROCEDURE ARTICLE.

17 **Article - Estates and Trusts**

18 13-101.

19 (l) "Mental facility" means any place providing a clinic, hospital, day
20 residential or other programs, public or private, other than a veterans' hospital, which
21 purports to or does provide treatment for persons suffering from mental disorders as
22 defined in § 10-101(f) [or § 12-101(f) of the Health - General Article] OR § 3-101(G)
23 OF THE CRIMINAL PROCEDURE ARTICLE, mental retardation as defined in § 7-101(l)
24 of the Health - General Article, or drug addiction or for chronic alcoholics.

25 **Article - Family Law**

26 5-561.

27 (g) A person who is required to have a criminal history records check under
28 this Part VI of this subtitle shall pay for:

29 (3) the fee authorized under [Article 27, § 746(b)(8) of the Code] §
30 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE for access to Maryland criminal
31 history records.

32 10-113.1.

33 (g-1) The State Lottery Agency shall honor lottery prize interception requests in
34 the following order:

1 (2) an interception request under [Article 27, § 810 of the Code] § 11-618
2 OF THE CRIMINAL PROCEDURE ARTICLE.

3 **Article - Health - General**

4 8-401.

5 (a) The Administration shall:

6 (3) (ii) The Administration shall:

7 1. Review and, in accordance with regulations that the
8 Administration shall adopt, approve or disapprove each program that a public or
9 private agency wants to offer under [Article 27, § 639(b) or § 641(a)(1)(ii) of the Code]
10 § 6-219(B) OR § 6-220(B) OF THE CRIMINAL PROCEDURE ARTICLE;

11 12-106.

12 (a) Whether or not the defendant is confined, if the court considers that
13 resuming the criminal proceeding would be unjust because so much time has passed
14 since the defendant was found incompetent to stand trial, the court may dismiss the
15 charge. However, the court may not dismiss a charge:

16 (1) Without providing the State's Attorney and a victim who has filed a
17 notification request form under [Article 27, § 770 of the Code] § 11-104 OF THE
18 CRIMINAL PROCEDURE ARTICLE advance notice and an opportunity to be heard; and

19 (2) (i) Until 10 years after the defendant was found incompetent to
20 stand trial in any capital case; or

21 (ii) Until 5 years after the defendant was found incompetent to
22 stand trial in any other case where the penalty may be imprisonment in the State
23 penitentiary.

24 (b) If charges are dismissed under this section, the court shall notify:

25 (1) The victim of the crime charged who has filed a notification request
26 form under [Article 27, § 770 of the Code] § 11-104 OF THE CRIMINAL PROCEDURE
27 ARTICLE; and

28 (2) The Central Repository of the Criminal Justice Information System.

29 12-122.

30 (a) (1) In this section, "victim" means a victim of a crime of violence, as
31 defined in Article 27, § 643B of the Code or a victim who has filed a notification
32 request form under [Article 27, § 770 of the Code] § 11-104 OF THE CRIMINAL
33 PROCEDURE ARTICLE.

34 (c) (1) A victim may request notification under this section by:

1 (ii) Filing a notification request form under [Article 27, § 770 of the
2 Code] § 11-104 OF THE CRIMINAL PROCEDURE ARTICLE.

3 18-336.

4 (b) Except as provided in [Article 27, § 855 of the Code] TITLE 11, SUBTITLE 1,
5 PART II OF THE CRIMINAL PROCEDURE ARTICLE, before obtaining a fluid or tissue
6 sample from the body of an individual for the purpose of testing the fluid or tissue for
7 the presence of HIV infection, a health care provider shall:

8 (1) Obtain written informed consent from the individual on a uniform
9 HIV informed consent form that the Department shall develop consistent with the
10 requirements of the Department as established by regulations adopted by the
11 Department; and

12 (2) Provide the individual with pretest counseling, including:

13 (i) Education about HIV infection and methods for preventing
14 transmission;

15 (ii) Information about a physician's duty to warn; and

16 (iii) Assistance in accessing health care available to an individual
17 who tests positive for the HIV infection.

18 19-1901.

19 (j) "Criminal history records check" means a check of criminal history record
20 information, as defined in [Article 27, § 743 of the Code] § 10-201 OF THE CRIMINAL
21 PROCEDURE ARTICLE, by the Department of Public Safety and Correctional Services.

22 **Article - Insurance**

23 10-302.

24 This subtitle does not apply to bail bondsmen that provide bail bondsman
25 services under [Article 27, § 616 1/2(f) of the Code] § 5-203 OF THE CRIMINAL
26 PROCEDURE ARTICLE.

27 **Article - Public Utility Companies**

28 10-101.

29 (b) "Central Repository" has the meaning stated in [Article 27, § 743 of the
30 Code] § 10-201 OF THE CRIMINAL PROCEDURE ARTICLE.

31 (c) "Criminal Justice Information System" has the meaning stated in [Article
32 27, § 743 of the Code] § 10-201 OF THE CRIMINAL PROCEDURE ARTICLE.

1 10-102.

2 (e) (2) As part of the application for a State criminal history records check,
3 the driver employed or offered employment by the governmental unit or
4 not-for-profit organization shall submit to the Central Repository:

5 (ii) the fee authorized under [Article 27, § 746(b)(8) of the Code] §
6 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE for access to State criminal
7 history records.

8 (3) (i) In accordance with [Article 27, §§ 742 through 755 of the Code]
9 TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, the Central
10 Repository shall provide a printed statement listing the driver's criminal convictions
11 to:

12 1. the governmental unit or not-for-profit organization; and

13 2. the driver.

14 (6) In accordance with [Article 27, § 752 of the Code] § 10-223 OF THE
15 CRIMINAL PROCEDURE ARTICLE, a driver employed by a governmental unit or
16 not-for-profit organization may challenge the contents of a printed statement or
17 revised printed statement issued by the Central Repository.

18 10-104.

19 (b) (1) As part of the application for a criminal history records check, the
20 applicant shall submit to the Central Repository:

21 (ii) the fee authorized under [Article 27, § 746(b)(8) of the Code] §
22 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE for access to Maryland criminal
23 history records.

24 (6) (i) In addition to a State criminal history records check under this
25 subsection, and subject to [Article 27, §§ 742 through 755 of the Code] TITLE 10,
26 SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, the Commission may require an
27 applicant to obtain a criminal history records check from the Federal Bureau of
28 Investigation, through the Department of Public Safety and Correctional Services.

29 **Article - State Finance and Procurement**

30 4-605.

31 (c) A member of the security force has the same powers as a sheriff or police
32 officer under [Article 27, § 594B(g) of the Code] § 2-101 OF THE CRIMINAL
33 PROCEDURE ARTICLE only if the member:

34 (1) meets the legal requirements set forth by the Maryland Police
35 Training Commission; and

1 (2) is designated by the Department as a police officer.

2 **Article - State Government**

3 9-120.

4 (a) The Comptroller shall distribute the State Lottery Fund to pay:

5 (2) then, except as provided in § 10-113.1 of the Family Law Article
6 and [Article 27, § 810 of the Code] § 11-618 OF THE CRIMINAL PROCEDURE ARTICLE,
7 the holder of each winning ticket or share.

8 9-122.

9 (b) (1) Except as otherwise provided in this subsection, § 10-113.1 of the
10 Family Law Article, and [Article 27, § 810 of the Code] § 11-618 OF THE CRIMINAL
11 PROCEDURE ARTICLE, a prize won under this subtitle is not assignable.

12 9-124.

13 (c) (2) For prizes of over \$600, a licensed agent may not fail to determine,
14 through the Agency and prior to paying the prize whether a holder of a winning
15 lottery ticket has been certified under:

16 (i) [Article 27, § 809(b) of the Code] § 11-616(B) OF THE CRIMINAL
17 PROCEDURE ARTICLE; or

18 (ii) § 10-113.1(a) of the Family Law Article.

19 (3) A licensed agent may not pay a prize to a holder of a winning lottery
20 ticket if the Agency has notified the licensed agent that the holder has been certified
21 under:

22 (i) [Article 27, § 809(b) of the Code] § 11-616(B) OF THE CRIMINAL
23 PROCEDURE ARTICLE; or

24 (ii) § 10-113.1 of the Family Law Article.

25 9-1607.1.

26 (a) An individual who is not licensed to practice law in this State may
27 represent a party in a proceeding before the Office if:

28 (2) the individual is representing:

29 (iii) a health care facility, as defined in § 10-101 of the Health -
30 General Article, at a proceeding under the provisions of § 10-632, § 10-708, OR §
31 12-114[, or § 12-120] of the Health - General Article OR § 3-121 OF THE CRIMINAL
32 PROCEDURE ARTICLE; or

1 10-616.

2 (q) (5) The provisions of paragraphs (1) and (2) of this subsection may not be
3 construed to prohibit:

4 (iii) inspection of files and records, of a court pertaining to an
5 unserved arrest warrant and the charging document upon which the arrest warrant
6 was issued, by:

7 8. the Department of Public Safety and Correctional Services
8 or the Department of Juvenile Justice for the purpose of notification of a victim under
9 the provisions of [Article 27, § 788 of the Code] § 11-507 OF THE CRIMINAL
10 PROCEDURE ARTICLE; or

11 9. a federal, State, or local criminal justice agency described
12 under [Article 27, Subtitle V (Criminal Justice Information System) of the Code]
13 TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE.

14 **Article - State Personnel and Pensions**

15 2-306.

16 (a) (2) "Probation before judgment" means an entry of probation by a court
17 in accordance with [Article 27, § 641 of the Code] § 6-220 OF THE CRIMINAL
18 PROCEDURE ARTICLE.

19 **Article - Tax - General**

20 13-912.

21 (c) (1) "Debt" means:

22 (ii) a delinquent restitution account on a judgment of restitution
23 referred to the Unit for collection under [Article 27, § 809 of the Code] § 11-616 OF
24 THE CRIMINAL PROCEDURE ARTICLE.

25 (d) "Debtor" means:

26 (2) a defendant or liable parent in arrears of restitution payments whose
27 account has been referred to the Central Collection Unit under [Article 27, § 809 of
28 the Code] § 11-616 OF THE CRIMINAL PROCEDURE ARTICLE.

29 **Article - Transportation**

30 23-106.

31 (b) (3) If a used vehicle is transferred other than by voluntary transfer or is
32 transferred by a political subdivision of the State after that subdivision obtains the

1 vehicle by proceedings pursuant to [Article 27, § 297 of the Code] TITLE 12 OF THE
2 CRIMINAL PROCEDURE ARTICLE, the transferee shall obtain the inspection certificate
3 from an authorized inspection station. The inspection certificate shall be issued
4 without charge and attached to a window of the vehicle.

5 27-107.

6 (b) In addition to any other penalties provided in this title for a violation of
7 any of the provisions of § 21-902(a) of this article ("Driving while intoxicated"), or §
8 21-902(b) of this article ("Driving while under the influence of alcohol"), or in addition
9 to any other condition of probation, a court may prohibit a person who is convicted of,
10 or granted probation under [Article 27, § 641 of the Code] § 6-220 OF THE CRIMINAL
11 PROCEDURE ARTICLE for, a violation of § 21-902(a) or § 21-902(b) of this article from
12 operating for not more than 3 years a motor vehicle that is not equipped with an
13 ignition interlock system.

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