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

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2001

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CHAPTER \_\_\_\_\_

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 terms~~ and certain cross-references in the Criminal Procedure Article;  
6 clarifying that certain rights of victims also apply to victims' representatives;  
7 specifying that certain notification requirements apply when an investigation or  
8 enforcement action is on property of the Maryland Aviation Administration;  
9 clarifying the duties of the trier of fact when determining the level of proof  
10 needed to prove criminal responsibility; specifying that the right of a defendant  
11 to a preliminary hearing is subject to the Maryland Rules; restoring to former,  
12 unrevised language certain provisions concerning powers of District Court  
13 judges; repealing a certain provision authorizing the Governor to remove  
14 members of the State Commission on Criminal Sentencing Policy; restoring to  
15 former, unrevised language provisions concerning the expungement of certain  
16 records based on a full and unconditional pardon by the Governor; restoring to  
17 former, unrevised language a provision concerning the amount to be paid under  
18 a certain earnings withholding order; clarifying certain definitions; restoring a  
19 certain definition to former, unrevised language; repealing a certain definition;  
20 making certain technical corrections; making stylistic changes; and generally  
21 relating to the Criminal Procedure Article.

22 BY repealing and reenacting, with amendments,  
23 Article 1 - Rules of Interpretation  
24 Section 25  
25 Annotated Code of Maryland  
26 (1998 Replacement Volume and 2000 Supplement)

- 1 BY repealing and reenacting, with amendments,  
2 Article 2B - Alcoholic Beverages  
3 Section 10-103(d)(3) and (4)  
4 Annotated Code of Maryland  
5 (1998 Replacement Volume and 2000 Supplement)
- 6 BY repealing and reenacting, with amendments,  
7 Article 10 - Legal Officials  
8 Section 41B(a)(7) and 41D(f)  
9 Annotated Code of Maryland  
10 (1998 Replacement Volume and 2000 Supplement)
- 11 BY repealing and reenacting, with amendments,  
12 Article 27 - Crimes and Punishments  
13 Section 36D(c), 111(f)(3), 139D(c)(2) and (3)(ii), 151A(d)(2) and (3)(ii), 151C(d)(2)  
14 and (3)(ii), 231(e), 255C(e)(4)(ii) and (iii)2., 286(g)(3), 298(e) and (f)(1), and  
15 445B  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume and 2000 Supplement)
- 18 BY repealing and reenacting, with amendments,  
19 Article 27A - Public Defender  
20 Section 4(b)(3)  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 2000 Supplement)
- 23 BY repealing and reenacting, with amendments,  
24 Article 28 - Maryland-National Capital Park and Planning Commission  
25 Section 5-114(a)  
26 Annotated Code of Maryland  
27 (1997 Replacement Volume and 2000 Supplement)
- 28 BY repealing and reenacting, with amendments,  
29 Article 38A - Fires and Investigations  
30 Section 7A(a)  
31 Annotated Code of Maryland  
32 (1997 Replacement Volume and 2000 Supplement)
- 33 BY repealing and reenacting, with amendments,  
34 Article 41 - Governor - Executive and Administrative Departments  
35 Section 1-501(b)  
36 Annotated Code of Maryland  
37 (1997 Replacement Volume and 2000 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article 83C - Juvenile Justice  
3 Section 2-132(a)(2) and (b)(3)  
4 Annotated Code of Maryland  
5 (1998 Replacement Volume and 2000 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article 88B - Department of State Police  
8 Section 12A(o)(1) and (2)  
9 Annotated Code of Maryland  
10 (1998 Replacement Volume and 2000 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - Agriculture  
13 Section 9-805(b)(2)(iii) and (3)  
14 Annotated Code of Maryland  
15 (1999 Replacement Volume and 2000 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Business Occupations and Professions  
18 Section 20-305(d)(3) and 20-401(b)  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2000 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Business Regulation  
23 Section 12-204(e)(2) and 17-20A-04(e)(1) and (3)  
24 Annotated Code of Maryland  
25 (1998 Replacement Volume and 2000 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article - Commercial Law  
28 Section 12-626(e)(3)  
29 Annotated Code of Maryland  
30 (2000 Replacement Volume and 2000 Supplement)

31 BY repealing and reenacting, with amendments,  
32 Article - Correctional Services  
33 Section 3-216, 3-405(3), 3-412(b)(2), 3-902(a)(2)(i) and (ii)1., 4-305(b)(1) and  
34 (2), 6-106(a)(3), 6-112(b)(3) and (c)(2), 7-301(d)(1) and (2), 7-304(a),  
35 7-505(b), 7-701(b) and (c), 7-801(b)(1)(i), 7-803(a), 7-804, 7-805(b),  
36 8-703(2)(i), and 11-802  
37 Annotated Code of Maryland

1 (1999 Volume and 2000 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Courts and Judicial Proceedings

4 Section 2-608(a)(10), 3-804(e)(1), (4), and (5), 3-811(b), 3-817(c), 3-820(d)(3),  
5 3-828(b)(2) and (4) and (g), 3-829, 3-836, 4-401(9), 5-610 through 5-612,  
6 7-203(a), 7-301(f), 7-405, 8-211(e), 9-106(b)(4)(i), 9-205(a)(2), 10-917,  
7 12-302(c)(3)(v) and (f), and 13-101(e)(1)

8 Annotated Code of Maryland

9 (1998 Replacement Volume and 2000 Supplement)

10 BY repealing and reenacting, with amendments,

11 Article - Criminal Procedure

12 ~~Section 2-101(e)(13), 11-203, and 11-811(a)(4)~~

13 Section 2-101(c)(8), (10), and (13), 2-102(b)(3), 2-104(b)(2) and (c)(1), 3-110(c),

14 4-103(c)(3), 4-204(b)(2) and (c), 5-101(b)(1), 5-205(a), 5-208(e)(1)(ii)3, and

15 (2)(iii), 6-103(b), 6-104(a)(2), 6-202(3), 6-208(b)(2), 6-209(b)(2), 6-217(a),

16 6-218(b)(1), 6-219(c)(2), 6-220(a)(1), 9-101(c)(2), 10-105(a)(8), (c)(3), and

17 (e)(4), 10-221(b)(4), 11-111(a)(2), 11-203, 11-607(c)(3), 11-617(e)(1),

18 11-625(a), 11-701(c), 11-704(7)(i), 11-705(a), 11-706(a)(3), (4), and (5),

19 11-709(c)(2), 11-712(a), 11-715(a)(2), 11-811(a)(4), 11-816(c), 11-910(f),

20 and 11-1003(b)(2)

21 Annotated Code of Maryland

22 (As enacted by Chapter \_\_\_\_ (S.B.1) of the Acts of the General Assembly of 2001)

23 BY repealing

24 Article - Criminal Procedure

25 Section 6-204(c) and 11-910(g)

26 Annotated Code of Maryland

27 (As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2001)

28 BY repealing and reenacting, with amendments,

29 Article - Education

30 Section 7-301(e)(3)

31 Annotated Code of Maryland

32 (1999 Replacement Volume and 2000 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article - Estates and Trusts

35 Section 13-101(l)

36 Annotated Code of Maryland

37 (1991 Replacement Volume and 2000 Supplement)

38 BY repealing and reenacting, with amendments,

39 Article - Family Law

- 1 Section 5-561(g)(3) and 10-113.1(g-1)(2)  
2 Annotated Code of Maryland  
3 (1999 Replacement Volume and 2000 Supplement)
- 4 BY repealing and reenacting, with amendments,  
5 Article - Health - General  
6 Section 8-401(a)(3)(ii)1., ~~12-106, 12-122(a)(1) and (c)(1)(ii)~~, 18-336(b), and  
7 19-1901(j)  
8 Annotated Code of Maryland  
9 (2000 Replacement Volume)
- 10 BY repealing and reenacting, with amendments,  
11 Article - Insurance  
12 Section 10-302  
13 Annotated Code of Maryland  
14 (1997 Volume and 2000 Supplement)
- 15 BY repealing and reenacting, with amendments,  
16 Article - Public Utility Companies  
17 Section 10-101(b) and (c), 10-102(e)(2)(ii), (3)(i), and (6), and 10-104(b)(1)(ii)  
18 and (6)(i)  
19 Annotated Code of Maryland  
20 (1998 Volume and 2000 Supplement)
- 21 BY repealing and reenacting, with amendments,  
22 Article - State Finance and Procurement  
23 Section 4-605(c)  
24 Annotated Code of Maryland  
25 (1995 Replacement Volume and 2000 Supplement)
- 26 BY repealing and reenacting, with amendments,  
27 Article - State Government  
28 Section 9-120(a)(2), 9-122(b)(1), 9-124(c)(2) and (3), 9-1607.1(a)(2)(iii), and  
29 10-616(q)(5)(iii)8. and 9.  
30 Annotated Code of Maryland  
31 (1999 Replacement Volume and 2000 Supplement)
- 32 BY repealing and reenacting, with amendments,  
33 Article - State Personnel and Pensions  
34 Section 2-306(a)(2)  
35 Annotated Code of Maryland  
36 (1997 Replacement Volume and 2000 Supplement)
- 37 BY repealing and reenacting, with amendments,

1 Article - Tax - General  
2 Section 13-912(c)(1)(ii) and (d)(2)  
3 Annotated Code of Maryland  
4 (1997 Replacement Volume and 2000 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article - Transportation  
7 Section 23-106(b)(3) and 27-107(b)  
8 Annotated Code of Maryland  
9 (1999 Replacement Volume and 2000 Supplement)

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

12 **Article 1 - Rules of Interpretation**

13 25.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Article 2B - Alcoholic Beverages**

10-103.

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

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

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

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

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

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

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

**Article 10 - Legal Officials**

41B.

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

(7) To administer the Victim and Witness Protection and Relocation Program established under [Article 27, § 835 of the Code] § 11-902 OF THE CRIMINAL PROCEDURE ARTICLE, including consideration and approval of the release of any moneys from the Program; and

41D.

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



**Article 27 - Crimes and Punishments**

2 36D.

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

8 111.

9 (f) (3) Except as otherwise provided by this section, the provisions of  
10 [§ 807 of this article] TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE  
11 apply to an order of restitution under this section.

12 139D.

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

16 (3) (ii) Except as otherwise provided in 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 paragraph.

19 151A.

20 (d) (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 151C.

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.

33 231.

34 (e) In addition to the restitution provided under [§ 807 of this article] TITLE  
35 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE, a court may order a person  
36 who pleads guilty or nolo contendere or is found guilty under this section to make

1 restitution to the victim for reasonable costs incurred, including reasonable attorney's  
2 fees:

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

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

7 255C.

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

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

14 2. The fee authorized under [ § 746(b)(8) of this article] §  
15 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE for access to Maryland criminal  
16 history records.

17 286.

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

20 298.

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

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

35 445B.

36 Any regulated firearm sold, rented, transferred, possessed, received or  
37 purchased in violation of this subheading may be seized by a law enforcement agency

1 as contraband and, after a finding of guilt, disposed of in accordance with [§ 36C of  
2 this article] TITLE 13, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE.

3

#### **Article 27A - Public Defender**

4 4.

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

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

10

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

11 5-114.

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

35

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

36 7A.

37 (a) Subject to the provisions of [Article 27, §§ 742 through 755 of the Code]  
38 TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, fire departments and  
39 rescue squads of the State or any of its political subdivisions, volunteer fire companies

1 and rescue squads, and any ambulance service licensed under § 13-515 of the  
2 Education Article may request the State Fire Marshal or other authorized agency  
3 that has access to the Criminal Justice Information System Central Repository in the  
4 Department of Public Safety and Correctional Services to conduct an initial criminal  
5 history records check on an applicant for employment or appointment as a volunteer  
6 or paid fire fighter, rescue squad member, or paramedic on a form prescribed by the  
7 State Fire Marshal.

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

9 1-501.

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

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

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

14 [(2)] (3) A violation of the law of any other jurisdiction if the prohibited  
15 conduct would be a violation of Article 27, §§ 277 through 303 of the Code OR TITLE 12  
16 OF THE CRIMINAL PROCEDURE ARTICLE if committed in this State.

17 **Article 83C - Juvenile Justice**

18 2-132.

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

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

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

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

29 12A.

30 (o) (1) A person whose DNA record or profile has been included in the  
31 statewide DNA data base system and whose DNA sample is stored in the statewide  
32 DNA repository may request that information be expunged on the grounds that the  
33 conviction [which] THAT resulted in the inclusion of the person's DNA record or  
34 profile in the statewide DNA data base system or the inclusion of the person's DNA  
35 sample in the statewide DNA repository meets the expungement criteria specified in

1 [Article 27, § 737 of the Code] § 10-105 OR § 10-106 OF THE CRIMINAL PROCEDURE  
2 ARTICLE.

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

6 **Article - Agriculture**

7 9-805.

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

11 (iii) The fee authorized under [Article 27, § 746(b)(8) of the Code] §  
12 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE for access to Maryland criminal  
13 history records.

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

18 **Article - Business Occupations and Professions**

19 20-305.

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

22 (3) 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 20-401.

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

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

1

**Article - Business Regulation**

2 12-204.

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

5 (2) 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 Maryland criminal  
7 history records.

8 17-20A-04.

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

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

21

**Article - Commercial Law**

22 12-626.

23 (e) (3) After application of the proceeds and deposit in accordance with  
24 paragraph (2) of this subsection, any remaining balance shall be paid to the buyer,  
25 unless the sale occurred because of the seizure of the goods by a police department,  
26 bureau, or force, in which event the remaining balance shall be paid to the police  
27 department, bureau, or force that seized the goods, to be disposed of in accordance  
28 with the provisions of [§ 297 of Article 27 of the Code] TITLE 12 OF THE CRIMINAL  
29 PROCEDURE ARTICLE or any other law that applies to the seizure and forfeiture of the  
30 goods.

31

**Article - Correctional Services**

32 3-216.

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

36 (b) A correctional officer who is authorized to make arrests under [Article 27,  
37 § 594B of the Code] § 2-207 OF THE CRIMINAL PROCEDURE ARTICLE shall:

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

3 (2) complete satisfactorily the training prescribed by the Maryland  
4 Police Training Commission.

5 3-405.

6 An inmate may be placed in the program if:

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

11 3-412.

12 (b) A correctional employee designated to monitor inmates in the program  
13 may:

14 (2) make arrests as authorized under [Article 27, § 594B(m) of the Code]  
15 § 2-207 OF THE CRIMINAL PROCEDURE ARTICLE.

16 3-902.

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

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

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

25 4-305.

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

32 (2) An inmate sentenced to life imprisonment as a result of a proceeding  
33 under Article 27, § 413 is not eligible for parole consideration until the inmate has  
34 served 25 years or the equivalent of 25 years when considering allowances for  
35 diminution of the inmate's period of confinement as provided under Title 3, Subtitle 7

1 of this article and [Article 27, § 638C of the Code] § 6-218 OF THE CRIMINAL  
2 PROCEDURE ARTICLE.

3 6-106.

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

6 (3) arrest offenders in the program as authorized under [Article 27, §  
7 594B of the Code] § 2-207 OF THE CRIMINAL PROCEDURE ARTICLE.

8 6-112.

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

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

13 7-301.

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

20 (2) An inmate who has been sentenced to life imprisonment as a result of  
21 a proceeding under Article 27, § 413 is not eligible for parole consideration until the  
22 inmate has served 25 years or the equivalent of 25 years considering the allowances  
23 for diminution of the inmate's term of confinement under [Article 27, § 638C of the  
24 Code] § 6-218 OF THE CRIMINAL PROCEDURE ARTICLE and Title 3, Subtitle 7 of this  
25 article.

26 7-304.

27 (a) A parole hearing before the Commission or a hearing examiner shall be  
28 open to the public if:

29 (1) (I) a victim, as defined in § 7-801 of this [subtitle] TITLE,;

30 (II) makes a written request for notification under § 7-801(b)(1)(ii) of this  
31 title; or

32 (II) A VICTIM OR A VICTIM'S REPRESENTATIVE files a notification  
33 request form under [Article 27, § 770 of the Code] § 11-104 OF THE CRIMINAL  
34 PROCEDURE ARTICLE; and

35 (2) within a reasonable amount of time before a scheduled hearing, THE  
36 VICTIM makes a written request that the hearing be open to the public.



1 7-505.

2 (b) If an inmate who was convicted of a violent crime is released on mandatory  
3 supervision and the victim, ~~AS DEFINED IN § 7-801 OF THIS TITLE~~, made a written  
4 request for notification under § 7-801(b)(1)(ii) of this title or IF THE VICTIM OR THE  
5 VICTIM'S REPRESENTATIVE filed a notification request form under [Article 27, § 770  
6 of the Code] § 11-104 OF THE CRIMINAL PROCEDURE ARTICLE, the Department shall  
7 notify the victim OR VICTIM'S REPRESENTATIVE:

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

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

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

14 7-701.

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

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

23 7-801.

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

28 (i) the victim OR THE VICTIM'S REPRESENTATIVE filed a  
29 notification request form under [Article 27, § 770 of the Code] § 11-104 OF THE  
30 CRIMINAL PROCEDURE ARTICLE; or

31 7-803.

32 (a) If a victim, ~~AS DEFINED IN § 7-801 OF THIS SUBTITLE, OR A VICTIM'S~~  
33 REPRESENTATIVE has filed a notification request form under [Article 27, § 770 of the  
34 Code] § 11-104 OF THE CRIMINAL PROCEDURE ARTICLE, the Commission, if  
35 practicable, shall notify the victim in writing at least 90 days before entering into or  
36 signing a predetermined parole release agreement with an inmate.

1 7-804.

2 If an individual was convicted of a violent crime and the victim, ~~AS DEFINED IN~~  
3 ~~§ 7-801 OF THIS SUBTITLE~~, made a written request for notification under §  
4 7-801(b)(1)(ii) of this subtitle or IF THE VICTIM OR THE VICTIM'S REPRESENTATIVE  
5 filed a notification request form under [Article 27, § 770 of the Code] § 11-104 OF THE  
6 CRIMINAL PROCEDURE ARTICLE, the Department shall notify the victim OR THE  
7 VICTIM'S REPRESENTATIVE:

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

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

12 (3) of the punishment imposed on the individual for violating a condition  
13 of parole.

14 7-805.

15 (b) If the victim, ~~AS DEFINED IN § 7-801 OF THIS SUBTITLE~~, made a written  
16 request to the Department for notification and maintains a current address on file  
17 with the Department or the victim OR THE VICTIM'S REPRESENTATIVE filed a  
18 notification request form under [Article 27, § 770 of the Code] § 11-104 OF THE  
19 CRIMINAL PROCEDURE ARTICLE, the Department shall notify the victim or the  
20 victim's designated representative in writing that an inmate sentenced to the Division  
21 of Correction is being considered for a:

22 (1) commutation of sentence;

23 (2) pardon; or

24 (3) remission of sentence.

25 8-703.

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

30 (2) as a condition of:

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

33 11-802.

34 (a) Subject to subsection (b) of this section, the managing official of a local  
35 correctional facility may designate correctional officers employed by the local

1 correctional facility to have the power to make arrests as authorized by [Article 27, §  
2 594B(r) of the Code] § 2-207(D) OF THE CRIMINAL PROCEDURE ARTICLE.

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

7 **Article - Courts and Judicial Proceedings**

8 2-608.

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

13 3-804.

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

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

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

24 (i) Abduction;

25 (ii) Kidnapping;

26 (iii) Second degree murder;

27 (iv) Manslaughter, except involuntary manslaughter;

28 (v) Second degree rape;

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

30 (vii) Second degree sexual offense in violation of Article 27, §  
31 464A(a)(1) of the Code;

32 (viii) Third degree sexual offense in violation of Article 27, §  
33 464B(a)(1) of the Code;

1 (ix) A crime in violation of Article 27, § 36B, § 373, § 374, § 445, §  
2 446, or § 481C of the Code;

3 (x) Using, wearing, carrying, or transporting of firearm during and  
4 in relation to a drug trafficking crime in violation of Article 27, § 281A of the Code;

5 (xi) Use of a firearm in violation of Article 27, § 291A of the Code;

6 (xii) Carjacking or armed carjacking in violation of Article 27, § 348A  
7 of the Code;

8 (xiii) Assault in the first degree in violation of Article 27, § 12A-1 of  
9 the Code;

10 (xiv) Attempted murder in the second degree in violation of Article  
11 27, § 411A of the Code;

12 (xv) Attempted rape or attempted sexual offense in the second  
13 degree under Article 27, § 464F of the Code; or

14 (xvi) Attempted robbery under Article 27, § 487 of the Code;

15 (5) A child who previously has been convicted as an adult of a felony and  
16 is subsequently alleged to have committed an act that would be a felony if committed  
17 by an adult, unless an order removing the proceeding to the court has been filed  
18 under [Article 27, § 594A of the Code] § 4-202 OF THE CRIMINAL PROCEDURE  
19 ARTICLE; or

20 3-811.

21 (b) Any information secured or statement made by a participant during a  
22 preliminary or further inquiry pursuant to § 3-810 of this subtitle or a study  
23 pursuant to § 3-818 of this subtitle may not be admitted in evidence in any  
24 adjudicatory hearing or peace order proceeding except on the issue of respondent's  
25 competence to participate in the proceedings and responsibility for his conduct as  
26 provided in [§ 12-108 of the Health - General Article] § 3-109 OF THE CRIMINAL  
27 PROCEDURE ARTICLE where a petition alleging delinquency has been filed, or in a  
28 criminal proceeding prior to conviction.

29 3-817.

30 (c) (1) Notice of the waiver hearing shall be given to a victim as provided  
31 under [Article 27, § 770 of the Code] § 11-104 OF THE CRIMINAL PROCEDURE  
32 ARTICLE.

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

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

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

7 3-820.

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

13 3-828.

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

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

31 (ii) The court record or fingerprints of a child described under [Article  
32 27, §§ 747(a)(21) and (22) and 747A of the Code] §§ 10-215(A)(21) AND 10-216 OF THE  
33 CRIMINAL PROCEDURE ARTICLE may not be disclosed to:

34 1. A federal criminal justice agency or information center; or

35 2. Any law enforcement agency other than a law enforcement  
36 agency of the State or a political subdivision of the State.

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

1 3-829.

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

5 3-836.

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

8 4-401.

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

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

17 5-610.

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

23 5-611.

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

27 5-612.

28 The police officers and other officers, agents, and employees of any county or  
29 municipal corporation, when acting under the authority of [Article 27, § 602B of the  
30 Code] § 2-105 OF THE CRIMINAL PROCEDURE ARTICLE or other lawful authority,  
31 beyond the territorial limits of the county or municipal corporation within the State  
32 shall have all the immunities from liability enjoyed by them while performing their  
33 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 (8) a special [policeman] POLICE OFFICER who is appointed to enforce  
27 the law and maintain order on or protect property of the State or any of its units;

28 (10) the sheriff of a county [and] whose usual duties include the making  
29 of arrests;

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

32 2-102.

33 (b) (3) A police officer may exercise the powers granted by this section when:



- 1                   (i)    1.    the police officer is participating in a joint investigation  
 2 with officials from another state, federal, or local law enforcement unit, at least one of  
 3 which has local jurisdiction;
- 4                   2.    the police officer is [helping] RENDERING ASSISTANCE TO  
 5 another police officer;
- 6                   3.    the police officer is acting at the request of a police officer  
 7 or State Police officer; or
- 8                   4.    an emergency exists; and
- 9                   (ii)   the police officer is acting in accordance with regulations  
 10 adopted by the police officer's employing unit to carry out this section.

11 2-104.

12   (b)   (2)   A federal law enforcement officer may exercise the powers granted by  
 13 this subsection when:

- 14                   (i)    the federal law enforcement officer is participating in a joint  
 15 investigation with officials from a State or local law enforcement unit;
- 16                   (ii)   the federal law enforcement officer is [helping] RENDERING  
 17 ASSISTANCE TO a police officer;
- 18                   (iii)   the federal law enforcement officer is acting at the request of a  
 19 local police officer or State Police officer; or
- 20                   (iv)   an emergency exists.

21   (c)   (1)   A federal law enforcement officer who acts under the authority  
 22 granted by this section shall notify the following persons of an investigation or  
 23 enforcement action:

- 24                   (i)    1.    the chief of police, if any, or chief's designee, when in a  
 25 municipal corporation;
- 26                   2.    the police commissioner or police commissioner's designee,  
 27 when in Baltimore City;
- 28                   3.    the chief of police or chief's designee, when in a county  
 29 with a county police department, except Baltimore City;
- 30                   4.    the sheriff or sheriff's designee, when in a county without  
 31 a county police department;
- 32                   5.    the Secretary of Natural Resources or Secretary's  
 33 designee, when on property owned, leased, operated by, or under the control of the  
 34 Department of Natural Resources; or

1                                   6.       the respective chief of police or chief's designee, when on  
2 property owned, leased, operated by, or under the control of the Maryland  
3 Transportation Authority, MARYLAND AVIATION ADMINISTRATION, or Maryland Port  
4 Administration; and

5                                   (ii)       the Department of State Police barrack commander or  
6 commander's designee, unless there is an agreement otherwise with the Department  
7 of State Police.

8 3-110.

9       (c)       If the trier of fact finds that the State has proved beyond a reasonable  
10 doubt that the defendant committed the criminal act charged, then, if the defendant  
11 has pleaded not criminally responsible, the trier of fact separately shall [find, by a  
12 preponderance of the evidence, whether] FIND WHETHER THE DEFENDANT HAS  
13 ESTABLISHED, BY A PREPONDERANCE OF THE EVIDENCE, THAT the defendant was at  
14 the time criminally responsible or not criminally responsible by reason of insanity  
15 under the test for criminal responsibility in § 3-109 of this title.

16 4-103.

17       (c)       (3)       In any other case, the right of a defendant to a preliminary hearing is  
18 not absolute, but on motion of the State's Attorney or the defendant, AND SUBJECT TO  
19 THE MARYLAND RULES, the court may allow the defendant to have a preliminary  
20 hearing.

21 4-204.

22       (b)       Except for a sentencing proceeding under Article 27, § 413 of the Code:

23                   (2)       an accessory before the fact may be charged, tried, [and] convicted,  
24 and sentenced as a principal.

25       (c)       An accessory before the fact may be charged, tried, [and] convicted, and  
26 sentenced for a crime regardless of whether a principal in the crime has been:

27                   (1)       charged with the crime;

28                   (2)       acquitted of the crime; or

29                   (3)       convicted of a lesser or different crime.

30 5-101.

31       (b)       (1)       Except as provided in subsection (c) of this section, if, from all the  
32 circumstances, the court believes that a minor or adult defendant in a criminal case  
33 will appear as required for trial before verdict or pending [a new] trial, the defendant  
34 may be released on personal recognizance.

1 5-205.

2 (a) A District Court judge may:

3 (1) set bond or bail;

4 (2) release a defendant on personal recognizance or on a personal or  
5 other bail bond;

6 (3) commit a defendant to a correctional facility in default of a bail bond;  
7 [and]

8 (4) order a bail bond forfeited if the defendant fails to meet the  
9 conditions of the bond; AND

10 (5) EXERCISE ALL OF THE POWERS OF A JUSTICE OF THE PEACE UNDER  
11 THE CONSTITUTION OF 1867.

12 5-208.

13 (e) (1) A court exercising criminal jurisdiction may not order a forfeiture of  
14 the bail bond or collateral posted by a surety and shall give back the bail bond or  
15 collateral to the surety if:

16 (ii) the surety produces evidence, within the time limits established  
17 under subsection (b) of this section, that:

18 3. the surety agrees in writing to defray the expense of  
19 returning the defendant to the jurisdiction in accordance with subsection [(b)] (C) of  
20 this section.

21 (2) A court exercising criminal jurisdiction that has ordered forfeiture of  
22 a bail bond or collateral after expiration of the time limits established under  
23 subsection (b) of this section for a surety to return a defendant shall give back the  
24 forfeited bail bond or collateral if, within 10 years after the date the bail bond or  
25 collateral was posted, the surety produces evidence that:

26 (iii) the surety agrees in writing to defray the expense of returning  
27 the defendant to the jurisdiction in accordance with subsection [(b)] (C) of this  
28 section.

29 6-103.

30 (b) For good cause shown, the COUNTY administrative judge [of a county] or  
31 a designee of the judge may grant a change of the trial date in a circuit court:

32 (1) on a motion of a party; or

33 (2) on the initiative of the circuit court.

1 6-104.

2 (a) (2) Subject to paragraph (3) of this subsection, if the court denies the  
3 [move] MOTION for judgment of acquittal, the defendant may offer evidence on the  
4 defendant's behalf without having reserved the right to do so.

5 6-202.

6 The General Assembly intends that:

7 (3) sentencing policies should preserve MEANINGFUL judicial  
8 discretion and sufficient flexibility to allow individualized sentences;

9 6-204.

10 [(c) The Governor may remove a member for incompetence or misconduct.]

11 6-208.

12 (b) The sentencing guidelines for ordinary sentences shall call for sentences  
13 within the limits set by law and shall set forth:

14 (2) a range of INCREASED severity for defendants previously convicted of  
15 or adjudicated delinquent for a previous crime; and

16 6-209.

17 (b) (2) The Commission shall consider a sentence to a corrections options  
18 program to be within the sentencing guidelines if the sentence falls within a  
19 corrections options zone shown on the matrix [for property offenses, drug offenses, or  
20 offenses against persons].

21 6-217.

22 (a) When a sentence of confinement that is to be served is imposed for a  
23 violent crime AS DEFINED IN § 7-101 OF THE CORRECTIONAL SERVICES ARTICLE for  
24 which a defendant will be eligible for parole under § 7-301(c) or (d) of the Correctional  
25 Services Article, the court shall state in open court the minimum time the defendant  
26 must serve before becoming eligible for parole.

27 6-218.

28 (b) (1) A defendant who is convicted and sentenced shall receive credit  
29 against and a reduction of the term of a definite or life sentence, or the minimum and  
30 maximum terms of an indeterminate sentence, for all time spent in the custody of a  
31 [State correctional facility, local] correctional facility, hospital, facility for persons  
32 with mental disorders, or other unit because of:

33 (i) the charge for which the sentence is imposed; or

34 (ii) the conduct on which the charge is based.

1 6-219.

2 (c) (2) In Prince George's County, the court on conviction may sentence a  
3 defendant to the local correctional facility [or place of confinement under the  
4 jurisdiction of the sheriff], if:

5 (i) the sentence is to be performed during any 48-hour period in a  
6 7-day period, with each period of confinement to be not less than 2 days of the  
7 sentence imposed;

8 (ii) the crime leading to the conviction allows confinement in the  
9 local correctional facility; and

10 (iii) the total sentence does not exceed 30 [two-day] 2-DAY periods  
11 of confinement.

12 6-220.

13 (a) (1) When a defendant pleads guilty or nolo contendere or is found guilty  
14 of a crime, a court may stay the entering of judgment, defer further proceedings, and  
15 place the defendant on probation subject to reasonable conditions if:

16 (i) the court [is satisfied] FINDS that the best interests of the  
17 defendant and the public welfare would be served; and

18 (ii) the defendant gives written consent after determination of guilt  
19 or acceptance of a nolo contendere plea.

20 9-101.

21 (c) (2) "State" includes THE DISTRICT OF COLUMBIA AND any other  
22 state or territory of the United States of America.

23 10-105.

24 (a) A person who has been charged with the commission of a crime, including  
25 a violation of the Transportation Article for which a term of imprisonment may be  
26 imposed, may file a petition listing relevant facts for expungement of a police record,  
27 court record, or other record maintained by the State or a political subdivision of the  
28 State if:

29 (8) the person:

30 (i) is convicted of only one criminal act, and that act is not a crime  
31 of violence; and

32 (ii) is granted a FULL AND UNCONDITIONAL pardon by the  
33 Governor.

1 (c) (3) A petition for expungement based on a FULL AND UNCONDITIONAL  
2 pardon by the Governor may not be filed earlier than 5 years or later than 10 years  
3 after the pardon was signed by the Governor.

4 (e) (4) The person is not entitled to expungement if:

5 (ii) the person:

6 1. since the FULL AND UNCONDITIONAL pardon or entry, has  
7 been convicted of a crime other than a minor traffic violation; or

8 2. is a defendant in a pending criminal proceeding.

9 10-221.

10 (b) Subject to Title 3, Subtitle 4 of the State Finance and Procurement Article,  
11 the regulations adopted by the Secretary under subsection (a)(1) of this section and  
12 the rules adopted by the Court of Appeals under subsection (a)(2) of this section shall:

13 (4) regulate the procedures for inspecting and challenging [of] criminal  
14 history record information;

15 11-111.

16 (a) (2) The [court shall notify both the] victim or victim's representative  
17 and the person charged with a prohibited exposure SHALL BE NOTIFIED of:

18 (i) the date, time, and location of the hearing; and

19 (ii) their right to be present at the hearing.

20 11-203.

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

24 (1) the pretrial release of a defendant charged with stalking or a felony;  
25 or

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

29 11-607.

30 (c) (3) If the court finds that the restitution obligor intentionally became  
31 impoverished to avoid payment of the restitution, the court may find the [defendant  
32 or child respondent] RESTITUTION OBLIGOR in contempt of court or in violation of  
33 probation.

1 11-617.

2 (e) (1) Subject to paragraphs (2) and (3) of this subsection, the payment  
3 amount under an earnings withholding order under this section is 20% of the  
4 earnings of a restitution obligor LESS OTHER DEDUCTIONS REQUIRED BY LAW TO BE  
5 PAID OUT OF ANY FUNDS EARNED UNDER A WORK RELEASE PLAN.

6 11-625.

7 (a) The Attorney General shall pay the defendant from the escrow account the  
8 money that a court of competent jurisdiction IN AN ORDER[:

9 (1) ] finds will be used to hire legal counsel at any stage of the criminal  
10 case, including an appeal]; and

11 (2) orders to be paid to the defendant].

12 11-701.

13 (c) "Local law enforcement unit" means the law enforcement unit in a county  
14 that has been designated by resolution of the county governing body [or created by  
15 law] as the primary law enforcement unit in the county.

16 11-704.

17 A person shall register with the person's supervising authority if the person is:

18 (7) a child sexual offender, offender, sexually violent offender, or sexually  
19 violent predator who is required to register in another state, who is not a resident of  
20 this State, and who enters this State:

21 (i) to carry on employment or a vocation that is full-time or  
22 part-time for a period exceeding 14 days or for an aggregate period exceeding 30 days  
23 during a calendar year, whether financially compensated, [voluntary]  
24 VOLUNTEERED, or for [a governmental] THE PURPOSE OF GOVERNMENT or  
25 educational benefit; or

26 11-705.

27 (a) In this section, "resident" means a person who lives in this State when the  
28 person:

29 (1) is released;

30 (2) is granted probation [before judgment];

31 (3) is granted probation after judgment];

32 [(4)] (3) is granted a suspended sentence; or

1            ~~[(5)]~~    (4)    receives a sentence that does not include a term of  
2 imprisonment.

3 11-706.

4        (a)    A registration statement shall include:

5            (3)    a description of the crime for which the registrant was convicted[,  
6 granted probation before judgment, or found not criminally responsible];

7            (4)    the date that the registrant was convicted[, granted probation before  
8 judgment, or found not criminally responsible];

9            (5)    the jurisdiction in which the registrant was convicted[, granted  
10 probation before judgment, or found not criminally responsible];

11 11-709.

12        (c)    A local law enforcement unit that receives a notice from a supervising  
13 authority under this section shall send a copy of the notice to the police department,  
14 if any, of a municipal corporation if the registrant:

15            (2)    escapes from a [correctional] facility but resided in the municipal  
16 corporation before being committed to the custody of a supervising authority.

17 11-712.

18        (a)    If a registrant escapes from a [correctional] facility, the supervising  
19 authority of the [correctional] facility by the most reasonable and expedient means  
20 available shall immediately notify:

21            (1)    the local law enforcement unit in the jurisdiction where the  
22 registrant resided before the registrant was committed to the custody of the  
23 supervising authority; and

24            (2)    each person who is entitled to receive notice under § 11-715(a) of this  
25 subtitle.

26 11-715.

27        (a)    (2)    Subject to [item] PARAGRAPH (3) of this subsection, the supervising  
28 authority shall send a copy of a registration statement to each:

29            (i)    victim of the crime for which the registrant was convicted; or

30            (ii)    [victim's representative as defined in § 11-104 of this title] IF  
31 THE VICTIM IS A MINOR, THE PARENTS OR LEGAL GUARDIAN OF THE VICTIM.



1 11-811.

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

7 11-816.

8 (c) In each case under this subtitle that provides for compensation TO AN  
9 EMPLOYEE OR THE EMPLOYEE'S DEPENDENT, the Board may convert the  
10 compensation to be paid in a partial or total lump sum without discount, if in the  
11 Board's opinion the facts and circumstances of the case warrant.

12 11-910.

13 (f) (1) "Victim" means a person who suffers direct or threatened physical,  
14 emotional, or financial harm as a direct result of a crime or of a violation of § 21-902  
15 of the Transportation Article.

16 (2) "VICTIM" INCLUDES A FAMILY MEMBER OF A MINOR, INCOMPETENT,  
17 OR HOMICIDE VICTIM.

18 [(g) "Victim's representative" includes a family member or guardian of a victim  
19 who is:

20 (1) a minor;

21 (2) deceased; or

22 (3) disabled.]

23 11-1003.

24 (b) A victim of a delinquent act, victim's representative, or witness:

25 (2) should be told in advance of dates and times of juvenile court  
26 proceedings in the case and should be told if the court proceedings to which the  
27 victim, VICTIM'S REPRESENTATIVE, or witness has been summoned will not proceed  
28 as scheduled;

29 **Article - Education**

30 7-301.

31 (e) (3) As to any sentence imposed under this section, the court may  
32 suspend the fine or the prison sentence and establish terms and conditions which  
33 would promote the child's attendance. The suspension authority provided for in this

1 subsection is in addition to and not in limitation of the suspension authority under  
 2 [Article 27, § 641A of the Code] § 6-221 OF THE CRIMINAL PROCEDURE ARTICLE.

3

**Article - Estates and Trusts**

4 13-101.

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

11

**Article - Family Law**

12 5-561.

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

15 (3) the fee authorized under [Article 27, § 746(b)(8) of the Code] §  
 16 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE for access to Maryland criminal  
 17 history records.

18 10-113.1.

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

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

23

**Article - Health - General**

24 8-401.

25 (a) The Administration shall:

26 (3) (ii) The Administration shall:

27 1. Review and, in accordance with regulations that the  
 28 Administration shall adopt, approve or disapprove each program that a public or  
 29 private agency wants to offer under [Article 27, § 639(b) or § 641(a)(1)(ii) of the Code]  
 30 § 6-219(B) OR § 6-220(B) OF THE CRIMINAL PROCEDURE ARTICLE;

31 ~~12-106.~~

32 (a) ~~Whether or not the defendant is confined, if the court considers that~~  
 33 ~~resuming the criminal proceeding would be unjust because so much time has passed~~

1 since the defendant was found incompetent to stand trial, the court may dismiss the  
2 charge. However, the court may not dismiss a charge:

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

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

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

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

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

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

16 ~~12-122.~~

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

21 (e) (1) A victim may request notification under this section by:

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

24 18-336.

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

29 (1) Obtain written informed consent from the individual on a uniform  
30 HIV informed consent form that the Department shall develop consistent with the  
31 requirements of the Department as established by regulations adopted by the  
32 Department; and

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

34 (i) Education about HIV infection and methods for preventing  
35 transmission;

- 1 (ii) Information about a physician's duty to warn; and  
2 (iii) Assistance in accessing health care available to an individual  
3 who tests positive for the HIV infection.

4 19-1901.

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

8 **Article - Insurance**

9 10-302.

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

13 **Article - Public Utility Companies**

14 10-101.

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

17 (c) "Criminal Justice Information System" has the meaning stated in [Article  
18 27, § 743 of the Code] § 10-201 OF THE CRIMINAL PROCEDURE ARTICLE.

19 10-102.

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

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

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

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

31 2. the driver.

32 (6) In accordance with [Article 27, § 752 of the Code] § 10-223 OF THE  
33 CRIMINAL PROCEDURE ARTICLE, a driver employed by a governmental unit or

1 not-for-profit organization may challenge the contents of a printed statement or  
2 revised printed statement issued by the Central Repository.

3 10-104.

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

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

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

#### 14 **Article - State Finance and Procurement**

15 4-605.

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

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

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

#### 22 **Article - State Government**

23 9-120.

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

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

28 9-122.

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

1 9-124.

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

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

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

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

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

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

14 9-1607.1.

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

17 (2) the individual is representing:

18 (iii) a health care facility, as defined in § 10-101 of the Health -  
19 General Article, at a proceeding under the provisions of § 10-632, § 10-708, OR §  
20 12-114[, or § 12-120] of the Health - General Article OR § 3-121 OF THE CRIMINAL  
21 PROCEDURE ARTICLE; or

22 10-616.

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

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

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

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

1

**Article - State Personnel and Pensions**

2 2-306.

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

6

**Article - Tax - General**

7 13-912.

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

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

12 (d) "Debtor" means:

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

16

**Article - Transportation**

17 23-106.

18 (b) (3) If a used vehicle is transferred other than by voluntary transfer or is  
19 transferred by a political subdivision of the State after that subdivision obtains the  
20 vehicle by proceedings pursuant to [Article 27, § 297 of the Code] TITLE 12 OF THE  
21 CRIMINAL PROCEDURE ARTICLE, the transferee shall obtain the inspection certificate  
22 from an authorized inspection station. The inspection certificate shall be issued  
23 without charge and attached to a window of the vehicle.

24 27-107.

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

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

