

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 172

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after the first semicolon insert "transferring certain provisions of law to other articles;".

AMENDMENT NO. 2

On page 1, after line 11, insert:

"BY transferring

Article 2B - Alcoholic Beverages

Section 22-101 through 22-108 and the subtitle "Subtitle 1. General Provisions",  
respectively

Annotated Code of Maryland

(2001 Replacement Volume)

(As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002)

to be

Article - Criminal Law

Section 10-113 through 10-120 to be under the new part "Part II. Alcoholic Beverages  
Violations", respectively

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002)

BY renumbering

Article 2B - Alcoholic Beverages

Section 22-201 and the subtitle "Subtitle 2. Beverage Misrepresentation" to be  
Section 22-101 and the subtitle "Subtitle 1. Beverage Misrepresentation"

Annotated Code of Maryland

(2001 Replacement Volume)

(Over)

(As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002)

BY transferring

Article - Business Regulation

Section 11-1002 and 11-1003, respectively

Annotated Code of Maryland

(1998 Replacement Volume and 2001 Supplement)

(As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002)

to be

Article - Criminal Law

Section 8-804 and 8-805, respectively

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002)

BY renumbering

Article - Criminal Law

Section 5-1001 and the subtitle “Subtitle 10. Short Title” to be Section 5-1101 and the subtitle “Subtitle 11. Short Title”

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002)

BY transferring

Article - Health - General

Section 8-901 and 8-902 and the subtitle “Subtitle 9. Drug and Alcohol Grants Program and Fund”, respectively

Annotated Code of Maryland

(2000 Replacement Volume and 2001 Supplement)

to be

Article - Criminal Law

Section 5-1001 and 5-1002 and the subtitle “Subtitle 10. Drug and Alcohol Grants Program and Fund”, respectively

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002)”;

and strike in their entirety lines 17 through 23, inclusive.

On page 3, after line 19, insert:

“BY repealing and reenacting, without amendments,

Article - Business Regulation

Section 11-1001(a), to be under the amended subtitle “Subtitle 10. Prohibited Act”

Annotated Code of Maryland

(1998 Replacement Volume and 2001 supplement)

(As enacted by Ch. \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002)”.

On page 4, after line 17, insert:

“BY repealing and reenacting, without amendments,

Article - Criminal Law

Section 10-101(a) to be under the new part “Part I. In General”

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002)

BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 10-119(a), (b)(2), (e)(2), (f)(1), (h)(1), and (k)(3), and 10-120(a)

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002)

(As enacted by Section 1 of this Act)”.

### AMENDMENT NO. 3

On page 7, in line 6, after the comma insert “That Section(s) 22-101 through 22-108 and the subtitle “Subtitle 1. General Provisions”, respectively, of Article 2B - Alcoholic Beverages of the Annotated Code of Maryland (as enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002) be transferred to be Section(s) 10-113 through 10-120 to be under the new part “Part II. Alcoholic Beverages Violations”, respectively, of Article - Criminal Law of the Annotated Code of Maryland (as enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002).

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 22-201 and the subtitle

(Over)

“Subtitle 2. Beverage Misrepresentation”, respectively, of Article 2B - Alcoholic Beverages of the Annotated Code of Maryland (as enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002) be renumbered to be Section(s) 22-101 and the subtitle “Subtitle 1. Beverage Misrepresentation”.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 11-1002 and 11-1003, respectively, of Article - Business Regulation of the Annotated Code of Maryland (as enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002) be transferred to be Section(s) 8-804 and 8-805, respectively, of Article - Criminal Law of the Annotated Code of Maryland (as enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002).

SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 5-1001 and the subtitle “Subtitle 10. Short Title” of Article - Criminal Law of the Annotated Code of Maryland (as enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002) be renumbered to be Section(s) 5-1101 and the subtitle “Subtitle 11. Short Title”.

SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 8-901 and 8-902 and the subtitle “Subtitle 9. Drug and Alcohol Grants Program”, respectively, of Article - Health - General of the Annotated Code of Maryland (as enacted by Chapter \_\_\_\_\_ (H.B. 11) of the General Assembly of 2002) be transferred to be Section(s) 5-1001 and 5-1002 and the subtitle “Subtitle 10. Drug and Alcohol Grants Program and Fund”, respectively, of Article - Criminal Law (as enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002).

SECTION 6. AND BE IT FURTHER ENACTED.”.

AMENDMENT NO. 4

On page 7, in lines 13 and 16, in each instance, strike “§ 22-107 OF THIS ARTICLE” and substitute “§ 10-119 OF THE CRIMINAL LAW ARTICLE”; in lines 20, 29, and 30, in each instance, strike “TITLE 22, SUBTITLE 1 OF THIS ARTICLE” and substitute “TITLE 10, SUBTITLE 1, PART II OF THE CRIMINAL LAW ARTICLE”; in line 32, strike “[§ 16-408]” and substitute “§ 16-408”; in the same line, strike “§§ 16-408 AND 22-107”; and in line 33, after the bracket insert “ARTICLE AND § 10-119 OF THE CRIMINAL LAW”.

On page 8, in line 5, strike “§ 22-107 OF THIS” and substitute “§ 10-119 OF THE”

CRIMINAL LAW"; and strike in their entirety lines 6 through 18, inclusive.

On page 17, after line 31, insert:

"Subtitle 10. Prohibited [Acts] ACT.

11-1001.

(a) Except in accordance with a license, a person may not hold, or aid or abet in holding, a race meeting at which horses are raced for a purse, reward, or stake."

On page 27, strike in its entirety line 22 and substitute:

"(1) § 10-113, § 10-114, § 10-115, OR § 10-116 OF THE CRIMINAL LAW ARTICLE;".

On page 30, in line 21, strike "ARTICLE 2B, § 22-101 of the Code" and substitute "§ 10-113 OF THE CRIMINAL LAW ARTICLE".

On page 32, strike in its entirety line 23 and substitute "§ 10-113, § 10-114, § 10-115, OR § 10-116 OF THE CRIMINAL LAW ARTICLE;".

On page 35, in line 21, strike "ARTICLE 2B, § 22-107 of the Code" and substitute "§ 10-119 OF THE CRIMINAL LAW ARTICLE".

On page 39, in line 28, after "(2)" insert "(I) THIS PARAGRAPH APPLIES TO AN INTERCEPTION IN WHICH:

1. THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER OR OTHER PERSON IS A PARTY TO THE COMMUNICATION; OR

2. ONE OF THE PARTIES TO THE COMMUNICATION HAS GIVEN PRIOR CONSENT TO THE INTERCEPTION.

(Over)

(II)”;

and in lines 32, 33, and 39, strike “(I)”, “1.”, and “2.”, respectively, and substitute “1.”, “A.”, and “B.”, respectively.

On page 40, in lines 1, 2, 3, 4, 6, 7, 9, 11, 12, 13, 15, 17, 19, 22, 23, and 25, strike “3.”, “4.”, “5.”, “6.”, “7.”, “8.”, “9.”, “10.”, “11.”, “12.”, “13.”, “14.”, “15.”, “(II)”, “1.”, and “2.”, respectively, and substitute “C.”, “D.”, “E.”, “F.”, “G.”, “H.”, “I.”, “J.”, “K.”, “L.”, “M.”, “N.”, “O.”, “2.”, “A.”, and “B.”, respectively; in line 20, strike “SUBITEMS 1 THROUGH 14” and substitute “ITEMS A THROUGH N”; in line 24, after “SITUATION;” insert “AND”; and strike beginning with “; AND” in line 27 down through “interception” in line 31.

On page 43, in line 26, strike “ARTICLE 2B, § 22-107 of the Code” and substitute “§ 10-119 OF THE CRIMINAL LAW ARTICLE”.

On page 46, after line 2, insert:

“PART I. GENERAL PROVISIONS.

10-101.

(a) In this [subtitle] PART the following words have the meanings indicated.

10-119.

(a) A person who violates [§§ 22-101 through 22-106 of this subtitle] §§ 10-113 THROUGH 10-118 OF THIS PART shall be issued a citation under this section.

(b) A citation for a violation of [§§ 22-101 through 22-106 of this subtitle] §§ 10-113 THROUGH 10-118 OF THIS PART may be issued by:

(2) In State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5-206(a) OR (B) of the Natural Resources Article; and

(e) (2) The District Court shall promptly schedule the case for trial and summon the defendant to appear. [Failure] WILLFUL FAILURE of the defendant to respond to the summons is contempt of court.

(f) (1) For purposes of this section, a violation of [§§ 22-101 through 22-106 of this subtitle]§§ 10-113 THROUGH 10-118 OF THIS PART is a Code violation and is a civil offense.

(h) (1) If the District Court finds that a person has committed a Code violation, the court shall require the person to pay:

(i) A fine not exceeding \$500; or

(ii) If the violation is a [repeat] SUBSEQUENT violation, a fine not exceeding \$1,000.

(k) (3) If a person is found guilty of a Code violation under [§ 22-101 of this subtitle] § 10-113 OF THIS PART that involved the use of a driver's license or a document purporting to be a driver's license, the court shall notify the Motor Vehicle Administration of the violation.

10-120.

(a) A person being issued a citation under [§§ 22-101 through 22-107 of this subtitle] §§ 10-113 THROUGH 10-119 OF THIS PART or § 26-103 of the Education Article may not fail or refuse to furnish proof of identification and age on request of the person issuing the citation.”.

On page 63, in line 14, strike “ARTICLE 2B, § 22-107 of the Code” and substitute “§ 10-119 OF THE CRIMINAL LAW ARTICLE”.

On page 82, in lines 20 and 21 and 22, in each instance, strike “ARTICLE 2B, § 22-107(K) of the Code” and substitute “§ 10-119(K) OF THE CRIMINAL LAW ARTICLE”.

AMENDMENT NO. 5

On page 10 in line 24, on page 11 in line 22, on page 36 in lines 18 and 19, on page 54 in line

(Over)

29, on page 58 in line 1, on page 75 in line 11, and on page 76 in line 15, in each instance, strike “, § 11-1002, OR § 11-1003”.

AMENDMENT NO. 6

On page 85, in line 22, strike “2.” and substitute “7.”.

On page 86, in lines 16 and 21, strike “3.” and “4.”, respectively, and substitute “8.” and “9.”, respectively; and in lines 16, 19, and 22, strike “2”, “2”, and “3”, respectively, and substitute “7”, “7”, and “8”, respectively.