

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 639

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, before “providing” insert “adding certain crimes relating to terrorism to certain definitions of crimes of violence; expanding the list of crimes for which the interception of certain wire, oral, and electronic communications are allowed under certain circumstances;”.

On page 2, strike in their entirety lines 3 through 35, inclusive, and substitute “expanding provisions of law relating to sealing affidavits relating to search and seizure warrants; authorizing certain license holders of certain nuclear power plant facilities to authorize certain security officers, without a warrant, to stop and detain certain persons for certain crimes under certain circumstances; requiring certain security officers to notify and release certain persons to the detention or custody of certain law enforcement agencies under certain circumstances; prohibiting an act of terrorism, threatened acts of terrorism, and harboring terrorists; allowing certain restitution; authorizing the Maryland Transportation Authority Police to operate on certain property under certain circumstances; authorizing the Maryland Aviation Administration to impose certain penalties on certain badge holders for certain violations; requiring the Maryland Aviation Administration to adopt certain rules and regulations relating to security identification badges; authorizing the Motor Vehicle Administration to issue certain citations; requiring the Motor Vehicle Administration to refuse to register or transfer the registration of a vehicle upon notification of a federal law enforcement agency that the applicant for registration is named in an outstanding warrant; prohibiting an individual with a commercial driver's license from driving on certain property without a valid commercial driver's license in the individual's possession; prohibiting a person from knowingly or fraudulently obtaining a commercial driver's license by misrepresentation; imposing certain penalties for violating certain laws relating to commercial driver's licenses; establishing certain penalties; adding and altering certain definitions; making this Act an emergency measure; and generally relating to prevention of terrorism.”.

On page 3, strike in their entirety lines 7 through 13, inclusive, and substitute:

(Over)

“BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments

Section 441(e)

Annotated Code of Maryland

(1996 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 10-401(1), (8), and (13), 10-402(c)(2), 10-406, 10-408(a) and (c)(3), 10-4A-04(a),

(b), and (c), 10-4A-05(a)(1), 10-4B-01(c), (d), and (e), and 10-4B-04

Annotated Code of Maryland

(1998 Replacement Volume and 2001 Supplement)

BY adding to

Article - Courts and Judicial Proceedings

Section 10-408(c)(4)

Annotated Code of Maryland

(1998 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, without amendments,

Article - Courts and Judicial Proceedings

Section 10-4B-01(a) and (b)

Annotated Code of Maryland

(1998 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,

Article - Criminal Procedure

Section 1-203(e)

Annotated Code of Maryland

(2001 Volume)”.

On page 4, after line 16, insert:

“BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 4-401(b) and 14-101(a)

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

BY adding to

Article - Criminal Law

Section 9-704.1; and 9-801 through 9-805, inclusive, to be under the new subtitle  
“Subtitle 8. Terrorism”

Annotated Code of Maryland

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

strike in their entirety lines 11 through 16, inclusive; and in line 24, strike “12-301,”; and in the same line, strike “16-103.1, 16-115(a),”.

AMENDMENT NO. 2

On page 4, after line 33, insert:

“Article 27 - Crimes and Punishments

441.

(e) “Crime of violence” means:

(1) Abduction;

(2) Arson in the first degree;

(3) Assault in the first or second degree;

(4) Burglary in the first, second, or third degree;

(5) Carjacking and armed carjacking;

(6) Escape in the first degree;

(Over)

- (7) Kidnapping;
- (8) Voluntary manslaughter;
- (9) Maiming;
- (10) Mayhem as previously proscribed under former § 384 of this article;
- (11) Murder in the first or second degree;
- (12) Rape in the first or second degree;
- (13) Robbery under § 486 or § 487 of this article;
- (14) Sexual offense in the first, second, or third degree;
- (15) AN ACT OF TERRORISM UNDER § 9-802 OF THE CRIMINAL LAW  
ARTICLE;

~~[(15)]~~ (16) An attempt to commit any of the aforesaid offenses; or

~~[(16)]~~ (17) Assault with intent to commit any of the aforesaid offenses or any offense punishable by imprisonment for more than 1 year.

Article - Courts and Judicial Proceedings

10-401.

As used in this subtitle, the following terms have the meanings indicated:

(1) [(i)] “Wire communication” means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception (including the use of a connection in a switching station) furnished or operated by any person licensed to engage in

providing or operating such facilities for the transmission of communications.

[(ii) “Wire communication” includes any electronic storage of a communication described in this paragraph.

[(iii) “Wire communication” does not include the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit.]

(8) “Judge of competent jurisdiction” means a judge of [a] ANY circuit court WITHIN THE STATE HAVING JURISDICTION OVER THE OFFENSE UNDER INVESTIGATION.

(13) “Electronic communications system” means any wire, radio, electromagnetic, photooptical, or photoelectronic facilities for the transmission of WIRE OR electronic communications, and any computer facilities or related electronic equipment for the electronic storage of electronic communications.

10-402.

(c) (2) (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.

(II) It is lawful under this subtitle for an investigative or law enforcement officer acting in a criminal investigation or any other person acting at the prior direction and under the supervision of an investigative or law enforcement officer to intercept a wire, oral, or electronic communication in order to provide evidence:

(Over)

1. [of] OF the commission of:

A. [the offenses of murder, kidnapping, rape, a sexual offense in the first or second degree, child abuse, child pornography, as defined under Article 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486 or § 487 of the Code, any felony punishable under the "Arson and Burning" subheading of Article 27, bribery, extortion, or dealing in controlled dangerous substances, including violations of Article 27, § 286B or § 287A, fraudulent]  
MURDER;

B. KIDNAPPING;

C. RAPE;

D. A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE;

E. CHILD ABUSE;

F. CHILD PORNOGRAPHY UNDER § 11-207 OR § 11-208 OF THE CRIMINAL LAW ARTICLE;

G. GAMBLING;

H. ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL LAW ARTICLE;

I. A FELONY UNDER TITLE 6, SUBTITLE 1 OF THE CRIMINAL LAW ARTICLE;

J. BRIBERY;

K. EXTORTION;

L. DEALING IN A CONTROLLED DANGEROUS

SUBSTANCE, INCLUDING A VIOLATION OF § 5-617 OR § 5-619 OF THE CRIMINAL LAW ARTICLE;

M. A FRAUDULENT insurance [acts] ACT, as defined in Title 27, Subtitle 4 of the Insurance [Article, offenses] ARTICLE;

N. AN OFFENSE relating to destructive devices under [Article 27, § 139C of the Code, or any] § 4-503 OF THE CRIMINAL LAW ARTICLE;

O. AN OFFENSE COMMITTED BY OR ON BEHALF OF AN ORGANIZATION THAT IS DESIGNATED AS A FOREIGN TERRORIST ORGANIZATION IN ACCORDANCE WITH 8 U.S.C., § 1189 OR ENGAGED IN TERRORIST ACTIVITY AS DEFINED IN § 411 OF THE FEDERAL USA PATRIOT ACT OF 2001; OR

P. AN ACT OF TERRORISM UNDER § 9-802 OF THE CRIMINAL LAW ARTICLE;

Q. A conspiracy or solicitation to commit [any of these offenses, or where any] AN OFFENSE LISTED IN ITEMS A THROUGH P OF THIS ITEM; OR

2. IF:

A. A person has created a barricade [situation and probable] SITUATION; AND

B. PROBABLE cause exists for the investigative or law enforcement officer to believe a hostage or hostages may be involved[, where the person is a party to the communication or one of the parties to the communication has given prior consent to the interception].

10-406.

(A) The Attorney General, State Prosecutor, or any State's Attorney may apply to a judge

(Over)

of competent jurisdiction, and the judge, in accordance with the provisions of § 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral, or electronic communications by investigative or law enforcement officers when the interception may provide or has provided evidence of the commission of:

(1) [the offense of murder, kidnapping, child pornography, as defined in Article 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486 or § 487 of the Code, any felony punishable under the "Arson and Burning" subheading of Article 27 of this Code, bribery, extortion, or dealing in controlled dangerous substances, offenses] MURDER;

(2) KIDNAPPING;

(3) CHILD PORNOGRAPHY UNDER § 11-207 OR § 11-208 OF THE CRIMINAL LAW ARTICLE;

(4) GAMBLING;

(5) ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL LAW ARTICLE;

(6) A FELONY UNDER TITLE 6, SUBTITLE 1 OF THE CRIMINAL LAW ARTICLE;

(7) BRIBERY;

(8) EXTORTION;

(9) DEALING IN A CONTROLLED DANGEROUS SUBSTANCE;

(10) AN OFFENSE relating to destructive devices under [Article 27, § 139C of the Code, or any] § 4-503 OF THE CRIMINAL LAW ARTICLE;

(11) AN OFFENSE COMMITTED BY OR ON BEHALF OF AN ORGANIZATION THAT IS DESIGNATED AS A FOREIGN TERRORIST ORGANIZATION IN ACCORDANCE WITH 8 U.S.C., § 1189 OR ENGAGED IN TERRORIST ACTIVITY AS



DEFINED IN § 411 OF THE FEDERAL USA PATRIOT ACT OF 2001;

(12) AN ACT OF TERRORISM UNDER § 9-802 OF THE CRIMINAL LAW ARTICLE; OR

(13) A conspiracy or solicitation to commit [any of the foregoing offenses] AN OFFENSE LISTED IN ITEMS (1) THROUGH (12) OF THIS SUBSECTION.

(B) No application or order shall be required if the interception is lawful under the provisions of § 10-402(c) of this subtitle.

10-408.

(a) (1) Each application for an order authorizing the interception of a wire, oral, or electronic communication shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant's authority to make the application. Each application shall include the following information:

[(1)] (I) The identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

[(2)] (II) A full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including:

[(i)] 1. [details] DETAILS as to the particular offense that has been, is being, or is about to be committed[, (ii)];

2. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted[, (iii)];

3. [a] A particular description of the type of communications sought to be intercepted[, (iv)]; AND

(Over)

4. [the] THE identity of the person, if known, committing the offense and whose communications are to be intercepted[;].

[(3)] (III) A full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

[(4)] (IV) A statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe additional communications of the same type will occur thereafter;

[(5)] (V) A full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept wire, oral, or electronic communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each application; and

[(6)] (VI) Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain the results.

(2) (I) IN THE CASE OF AN APPLICATION AUTHORIZING THE INTERCEPTION OF AN ORAL COMMUNICATION, A PARTICULAR DESCRIPTION OF THE NATURE AND LOCATION OF THE FACILITIES FROM WHICH OR THE PLACE WHERE THE COMMUNICATION IS TO BE INTERCEPTED IS NOT REQUIRED IF THE APPLICATION:

1. IS BY AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER;

2. IS APPROVED BY THE ATTORNEY GENERAL, THE STATE PROSECUTOR, OR A STATE'S ATTORNEY;

3. CONTAINS A FULL AND COMPLETE STATEMENT AS TO WHY THE DESCRIPTION IS NOT PRACTICAL; AND

4. IDENTIFIES THE INDIVIDUAL COMMITTING THE OFFENSE AND WHOSE COMMUNICATIONS ARE TO BE INTERCEPTED.

(II) IN THE CASE OF AN APPLICATION AUTHORIZING THE INTERCEPTION OF A WIRE OR ELECTRONIC COMMUNICATION, THE NATURE AND LOCATION OF THE FACILITIES FROM WHICH OR THE PLACE WHERE THE COMMUNICATION IS TO BE INTERCEPTED IS NOT REQUIRED IF THE APPLICATION:

1. IS BY AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER;

2. IS APPROVED BY THE ATTORNEY GENERAL, THE STATE PROSECUTOR, OR A STATE'S ATTORNEY;

3. IDENTIFIES THE INDIVIDUAL BELIEVED TO BE COMMITTING THE OFFENSE AND WHOSE COMMUNICATIONS ARE TO BE INTERCEPTED;

4. MAKES A SHOWING THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE INDIVIDUAL'S ACTIONS COULD HAVE THE EFFECT OF THWARTING INTERCEPTION FROM A SPECIFIED FACILITY; AND

5. SPECIFIES THAT INTERCEPTION WILL BE LIMITED TO TIMES WHERE IT IS REASONABLE TO PRESUME THAT THE INDIVIDUAL IDENTIFIED IN THE APPLICATION WILL BE PROXIMATE TO THE COMMUNICATION DEVICE AND WILL BE USING THE COMMUNICATION DEVICE THROUGH WHICH THE COMMUNICATION WILL BE TRANSMITTED.

(c) (3) If an application for an ex parte order is made by the Attorney General, the State Prosecutor, or a State's Attorney, an order issued under paragraph (1) of this subsection may authorize the interception of communications received or sent by a [mobile telephone or a paging

device] COMMUNICATION DEVICE anywhere within the State so as to permit the interception of the communications regardless of whether the [mobile telephone or paging device] COMMUNICATION DEVICE is physically located within the jurisdiction of the court in which the application was filed at the time of the interception. The application must allege that the offense being investigated may transpire in the jurisdiction of the court in which the application is filed.

(4) IN ACCORDANCE WITH THIS SUBSECTION, A JUDGE OF COMPETENT JURISDICTION MAY AUTHORIZE CONTINUED INTERCEPTION WITHIN THE STATE, BOTH WITHIN AND OUTSIDE THE JUDGE'S JURISDICTION, IF THE ORIGINAL INTERCEPTION OCCURRED WITHIN THE JUDGE'S JURISDICTION.

10-4A-04.

(a) (1) An investigative or law enforcement officer may require a provider of WIRE OR electronic communication service to disclose the contents of [an] WIRE OR electronic communication that is in electronic storage in [an] WIRE OR electronic communications system for 180 days or less, only in accordance with a search warrant issued by a court of competent jurisdiction.

(2) An investigative or law enforcement officer may require a provider of WIRE OR electronic communications services to disclose the contents of [an] WIRE OR electronic communication that has been in electronic storage in an electronic communications system for more than 180 days in accordance with the procedures provided under subsection (b) of this section.

(b) (1) An investigative or law enforcement officer may require a provider of remote computing service to disclose the contents of [an] WIRE OR electronic communication to which this paragraph applies under paragraph (2) of this subsection:

(i) Without notice to the subscriber or customer, if the officer obtains a search warrant issued by a court of competent jurisdiction; or

(ii) With prior notice from the officer to the subscriber or customer, if the officer:

1. Uses a grand jury subpoena; or

2. Obtains a court order requiring the disclosure under subsection (d) of this section.

(2) Paragraph (1) of this subsection applies to any WIRE OR electronic communication that is held or maintained on a remote computing service:

(i) On behalf of, and received by means of electronic transmission from, or created by means of computer processing of communications received by means of electronic transmission from, a subscriber or customer of the remote computing service; and

(ii) Solely for the purpose of providing storage or computer processing services to the subscriber or customer, if the provider is not authorized to access the contents of any communication for purposes of providing any services other than storage or computer processing.

(c) (1) (I) In this subsection, “record or other information” INCLUDES NAME, ADDRESS, LOCAL AND LONG DISTANCE TELEPHONE CONNECTION RECORDS, OR RECORDS OF SESSION TIMES AND DURATIONS, LENGTH OF SERVICE (INCLUDING START DATE) AND TYPES OF SERVICE UTILIZED, TELEPHONE OR INSTRUMENT NUMBER OR OTHER SUBSCRIBER NUMBER OR IDENTITY, INCLUDING ANY TEMPORARILY ASSIGNED NETWORK ADDRESS, AND MEANS AND SOURCE OF PAYMENT FOR SUCH SERVICE, INCLUDING ANY CREDIT CARD OR BANK ACCOUNT NUMBER.

(II) “RECORD OR OTHER INFORMATION” does not include the contents of communications to which subsections (a) and (b) of this section apply.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a provider of electronic communications service or remote computing service may disclose a record or other information pertaining to a subscriber to or a customer of the service to any person other than an investigative or law enforcement officer.

(ii) A provider of electronic communications service or remote computing service shall disclose a record or other information pertaining to a subscriber to or a customer of the service to an investigative or law enforcement officer only if the officer:

1. Uses a subpoena issued by a court of competent jurisdiction, a State grand jury subpoena, or a subpoena authorized under Article 10, § 39A of the Code;
2. Obtains a warrant from a court of competent jurisdiction;
3. Obtains a court order requiring the disclosure under subsection (d) of this section; or
4. Has the consent of the subscriber or customer to the disclosure.

(3) An investigative or law enforcement officer receiving records or information under this subsection is not required to provide notice to a subscriber or customer.

10-4A-05.

(a) (1) A subpoena or court order issued under § 10-4A-04 of this subtitle may include a requirement that the service provider to whom the request is directed create a backup copy of the contents of the electronic communications sought in order to preserve those communications. Without notifying the subscriber or customer of the subpoena or court order, the service provider shall create a backup copy as soon as practicable consistent with the provider's regular business practices and shall confirm to the governmental entity that the backup copy has been made. The service provider shall create a backup copy under this subsection within [2 business days] 24 HOURS after the day on which the service provider receives the subpoena or court order.

10-4B-01.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Wire communication”, “electronic communication”, and “electronic communication service” have the meanings stated in § 10-401 of this title.

(c) “Court of competent jurisdiction” means [a] ANY circuit court HAVING JURISDICTION OVER THE CRIME BEING INVESTIGATED REGARDLESS OF THE LOCATION OF THE INSTRUMENT OR PROCESS FROM WHICH A WIRE OR ELECTRONIC COMMUNICATION IS TRANSMITTED OR RECEIVED.

(d) (1) “Pen register” means a device OR PROCESS that records and decodes [electronic or other impulses that identify the numbers dialed or otherwise transmitted on the telephone line to which the device is attached] DIALING, ROUTING, ADDRESSING, OR SIGNALING INFORMATION TRANSMITTED BY AN INSTRUMENT OR FACILITY FROM WHICH A WIRE OR ELECTRONIC COMMUNICATION IS TRANSMITTED.

(2) “Pen register” does not include any device OR PROCESS used:

(I) [by] BY a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by the provider or any device used by a provider or customer of a wire communication service for cost accounting or other similar purposes in the ordinary course of its business; OR

(II) TO OBTAIN THE CONTENT OF A COMMUNICATION.

(e) (1) “Trap and trace device” means a device OR PROCESS that captures the incoming electronic or other impulses that identify the originating number [of an instrument or device from which] OR OTHER DIALING, ROUTING, ADDRESSING, AND SIGNALING INFORMATION REASONABLY LIKELY TO IDENTIFY THE SOURCE OF a wire or electronic communication [was transmitted].

(2) “TRAP AND TRACE DEVICE” DOES NOT INCLUDE A DEVICE OR PROCESS USED TO OBTAIN THE CONTENT OF A COMMUNICATION.

10-4B-04.

(a) (1) Upon an application made under § 10-4B-03 of this subtitle, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court if the court finds that the information likely to be obtained by the

(Over)

installation and use is relevant to an ongoing criminal investigation.

(2) ON SERVICE, AN ORDER ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL APPLY TO ANY PERSON PROVIDING WIRE OR ELECTRONIC COMMUNICATION SERVICE WHOSE ASSISTANCE MAY FACILITATE THE EXECUTION OF THE ORDER.

(b) An order issued under this section shall:

(1) Specify the identity, if known, of the person to whom is leased or in whose name is listed the telephone line OR OTHER FACILITY to which the pen register or trap and trace device is to be attached OR APPLIED;

(2) Specify the identity, if known, of the person who is the subject of the criminal investigation;

(3) Specify the [number and, if known, physical location of the telephone line to which the pen register or trap and trace device is to be attached] ATTRIBUTES OF THE COMMUNICATIONS TO WHICH THE ORDER APPLIES, INCLUDING THE NUMBER OR OTHER IDENTIFIER AND, IF KNOWN, THE LOCATION OF THE TELEPHONE LINE OR OTHER FACILITY TO WHICH THE PEN REGISTER OR TRAP AND TRACE DEVICE IS TO BE ATTACHED OR APPLIED, and, in the case of a trap and trace device, the geographic limits of the trap and trace order;

(4) Contain a description of the offense to which the information likely to be obtained by the pen register or trap and trace device relates; and

(5) Direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to accomplish the installation of the pen register or trap and trace device under § 10-4B-05 of this subtitle.

(c) (1) An order issued under this section shall authorize the installation and use of a pen register or a trap and trace device for a period not to exceed 60 days.



(2) Extensions of an order issued under this section may be granted upon a new application for an order under § 10-4B-03 of this subtitle and upon the judicial finding required under subsection (a) of this section. An extension may not exceed 60 days.

(d) An order authorizing or approving the installation and use of a pen register or a trap and trace device shall direct that:

(1) The order be sealed until further order of the court; and

(2) The person owning or leasing the line to which the pen register or a trap and trace device is attached OR APPLIED, or who [has been ordered by the court] IS OBLIGATED BY THE ORDER to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the court.

Article - Criminal Procedure

1-203.

(e) (1) This subsection applies to criminal investigations conducted by a law enforcement unit, grand jury, or State's Attorney under Article 10, § 39A of the Code into alleged criminal activities in violation of:

(i) Article 27, § 286, § 286A, § 286B, § 286C, § 287, or § 287A of the Code, relating to controlled dangerous substances;

(ii) Article 27, § 407, § 408, § 409, § 410, or § 411 of the Code, relating to murder; [or]

(iii) Article 27, § 419A or § 419B of the Code, relating to pornography; OR

(IV) §§ 9-802 THROUGH 9-804 OF THE CRIMINAL LAW ARTICLE, RELATING TO TERRORISM.

(Over)

(2) (I) Notwithstanding any provision of the Maryland Rules AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, a circuit court judge or District Court judge, on a finding of good cause, may order that an affidavit presented in support of a search and seizure warrant be sealed for a period not exceeding 30 days.

(II) A CIRCUIT COURT JUDGE OR DISTRICT COURT JUDGE, ON A FINDING OF GOOD CAUSE, MAY ORDER AN AFFIDAVIT PRESENTED IN SUPPORT OF A SEARCH AND SEIZURE WARRANT ISSUED IN CONNECTION WITH A VIOLATION OF §§ 9-802 THROUGH 9-804 OF THE CRIMINAL LAW ARTICLE TO BE SEALED FOR ADDITIONAL 30-DAY PERIODS, NOT TO EXCEED 1 YEAR.

(3) A finding of good cause required by paragraph (2) of this subsection is established by evidence that:

(i) the criminal investigation to which the affidavit is related is of a continuing nature and likely to yield further information that could be of use in prosecuting alleged criminal activities; and

(ii) the failure to maintain the confidentiality of the investigation would:  
1. jeopardize the use of information already obtained in the investigation;

2. impair the continuation of the investigation; or

3. jeopardize the safety of a source of information.

(4) After the order sealing the affidavit expires, the affidavit shall be:

(i) unsealed; and

(ii) delivered within 15 days:

1. to the person from whom the property was taken; or
2. if that person is not on the premises at the time of delivery, to the person apparently in charge of the premises from which the property was taken.

Article - Criminal Law

4-401.

- (b) (1) “Crime of violence” means:
- (i) murder in any degree;
  - (ii) manslaughter;
  - (iii) kidnapping;
  - (iv) rape in any degree;
  - (v) assault in the first degree;
  - (vi) robbery under § 3-402 or § 3-403 of this article;
  - (vii) burglary in any degree;
  - (viii) escape in the first degree; [or]
  - (ix) theft; OR
  - (X) AN ACT OF TERRORISM UNDER § 9-802 OF THIS ARTICLE.
- (2) “Crime of violence” includes an attempt to commit a crime listed in paragraph (1) of this subsection.

9-704.1.

(A) IN THIS SECTION, "SECURITY OFFICER" MEANS A PROPRIETARY OR CONTRACTUAL SECURITY OFFICER OF A LICENSE HOLDER OF A NUCLEAR POWER PLANT FACILITY IN THE STATE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A NUCLEAR POWER PLANT FACILITY IS PLACED UNDER A HEIGHTENED LEVEL OF SECURITY CONDITION BY A FEDERAL AGENCY PURSUANT TO FEDERAL LAW, THE LICENSE HOLDER OF A NUCLEAR POWER PLANT FACILITY IN THE STATE MAY AUTHORIZE A SECURITY OFFICER, WITHOUT A WARRANT, TO STOP AND DETAIN ANY PERSON WHO THE OWNER OR SECURITY OFFICER HAS REASONABLE GROUNDS TO BELIEVE HAS:

(1) ENTERED OR TRESPASSED ON POSTED PROPERTY OF THE NUCLEAR POWER PLANT FACILITY IN VIOLATION OF § 6-402 OF THIS ARTICLE; OR

(2) VIOLATED ANY LOCAL, STATE, OR FEDERAL LAW, REGULATION, OR ORDER IN AN AREA CONTROLLED BY THE LICENSE HOLDER OF THE NUCLEAR POWER PLANT FACILITY.

(C) A SECURITY OFFICER WHO DETAINS A PERSON UNDER SUBSECTION (B) OF THIS SECTION SHALL, AS SOON AS PRACTICABLE:

(1) NOTIFY AN APPROPRIATE LAW ENFORCEMENT AGENCY ABOUT THE ALLEGED CRIME COMMITTED BY THE PERSON; AND

(2) RELEASE THE PERSON TO THE DETENTION OR CUSTODY OF A LAW ENFORCEMENT OFFICER.

(D) IF NOTICE TO A LAW ENFORCEMENT AGENCY IS PROVIDED AS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION AND THE LAW ENFORCEMENT AGENCY DETERMINES NOT TO INVESTIGATE THE ALLEGED CRIME OR DECLINES TO TAKE THE DETAINED PERSON INTO DETENTION OR CUSTODY, THE SECURITY

OFFICER SHALL RELEASE THE PERSON AS SOON AS PRACTICABLE.

SUBTITLE 8. TERRORISM.

9-801.

IN THIS SUBTITLE, "ACT OF TERRORISM" MEANS THE COMMISSION OF A CRIME INVOLVING ANY OF THE FOLLOWING ACTS WITH INTENT TO INTIMIDATE, COERCE, OR INSTILL FEAR IN A CIVILIAN POPULATION:

(1) THE HIJACKING OR SABOTAGE OF ANY CONVEYANCE, INCLUDING AN AIRCRAFT, VESSEL, OR VEHICLE;

(2) THE SEIZING OR DETAINING, AND THREATENING TO KILL, INJURE, OR CONTINUE TO DETAIN, ANOTHER INDIVIDUAL IN ORDER TO COMPEL A THIRD PERSON, INCLUDING A GOVERNMENTAL UNIT, TO DO OR ABSTAIN FROM DOING ANY ACT AS AN EXPLICIT OR IMPLICIT CONDITION FOR THE RELEASE OF THE INDIVIDUAL SEIZED OR DETAINED;

(3) AN ASSASSINATION; OR

(4) THE USE OF ANY OF THE FOLLOWING ITEMS:

(I) A BIOLOGICAL AGENT, CHEMICAL AGENT, OR NUCLEAR WEAPON OR DEVICE; OR

(II) AN EXPLOSIVE, FIREARM, OR OTHER WEAPON OR DESTRUCTIVE DEVICE, OTHER THAN FOR MERE MONETARY GAIN, WITH INTENT TO ENDANGER, DIRECTLY OR INDIRECTLY, THE SAFETY OF ONE OR MORE INDIVIDUALS OR TO CAUSE SUBSTANTIAL DAMAGE TO PROPERTY; OR

(5) AN ATTEMPT OR CONSPIRACY TO COMMIT AN ACT LISTED IN ITEMS (1) THROUGH (4) OF THIS SECTION.

(Over)

9-802.

(A) A PERSON MAY NOT KNOWINGLY COMMIT AN ACT OF TERRORISM.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING LIFE.

9-803.

(A) A PERSON MAY NOT KNOWINGLY THREATEN TO COMMIT AN ACT OF TERRORISM.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

9-804.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CONCEAL" MEANS TO HIDE, SECRETE, OR KEEP OUT OF SIGHT.

(3) "HARBOR" MEANS TO PROVIDE FINANCIAL RESOURCES, TRANSPORTATION, FOOD, SHELTER, COMMUNICATIONS, SUPPORT, ASSISTANCE, OR OTHER AID MATERIAL TO OR IN SUPPORT OF THE COMMISSION OF AN ACT OF TERRORISM.

(B) A PERSON MAY NOT KNOWINGLY HARBOR OR CONCEAL ANOTHER WHO THE PERSON KNOWS OR SHOULD HAVE KNOWN HAS COMMITTED OR INTENDS TO COMMIT AN ACT OF TERRORISM.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND

ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

9-805.

(A) IN ADDITION TO THE PENALTIES PROVIDED IN THIS SUBTITLE, A PERSON CONVICTED UNDER THIS SUBTITLE MAY BE ORDERED TO PAY RESTITUTION TO:

(1) A UNIT OF GOVERNMENT FOR ACTUAL COSTS REASONABLY INCURRED IN RESPONDING TO THE VIOLATION OF THIS SUBTITLE;

(2) AN OWNER OR TENANT OF A PROPERTY FOR THE ACTUAL VALUE OF ANY GOODS, SERVICES, OR INCOME LOST AS A RESULT OF A REASONABLE AND NECESSARY EVACUATION OF PROPERTY IN RESPONSE TO THE VIOLATION OF THIS SUBTITLE;

(3) A PERSON INJURED AS A RESULT OF THE VIOLATION OF THIS SUBTITLE; AND

(4) A SURVIVING SPOUSE, CHILD, OR DEPENDENT OF A PERSON KILLED AS A RESULT OF THE VIOLATION OF THIS SUBTITLE.

(B) IF THE FINDER OF FACT DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT A PERSON CONVICTED UNDER THIS SUBTITLE KNOWINGLY COMMITTED THE VIOLATION OF THIS SUBTITLE IN FURTHERANCE OF A CONSPIRACY PERPETUATED BY AN ORGANIZATION, THE ORGANIZATION AND THE PERSON CONVICTED UNDER THIS SUBTITLE MAY BE HELD JOINTLY AND SEVERALLY LIABLE TO PAY RESTITUTION UNDER THIS SECTION.

(C) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF A PERSON TO RESTITUTION UNDER TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE.

(Over)

14-101.

(a) In this section, “crime of violence” means:

(1) abduction;

(2) arson in the first degree;

(3) kidnapping;

(4) manslaughter, except involuntary manslaughter;

(5) mayhem;

(6) maiming, as previously proscribed under Article 27, §§ 385 and 386 of the

Code;

(7) murder;

(8) rape;

(9) robbery under § 3-402 or § 3-403 of this article;

(10) carjacking;

(11) armed carjacking;

(12) sexual offense in the first degree;

(13) sexual offense in the second degree;

(14) use of a handgun in the commission of a felony or other crime of violence;

(15) AN ACT OF TERRORISM UNDER § 9-802 OF THE CRIMINAL LAW

ARTICLE;



[(15)] (16) an attempt to commit any of the crimes described in items (1) through [(14)](15) of this subsection;

[(16)] (17) assault in the first degree;

[(17)] (18) assault with intent to murder;

[(18)] (19) assault with intent to rape;

[(19)] (20) assault with intent to rob;

[(20)] (21) assault with intent to commit a sexual offense in the first degree; [and]

OR

[(21)] (22) assault with intent to commit a sexual offense in the second degree.

Article - Transportation

4-208.

(a) (1) There is a Maryland Transportation Authority Police Force.

(2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A MARYLAND TRANSPORTATION AUTHORITY POLICE OFFICER HAS ALL THE POWERS GRANTED TO A PEACE OFFICER AND A POLICE OFFICER OF THIS STATE.

(b) (1) [A Maryland Transportation Authority police officer has all the powers granted to a peace officer and a police officer of this State.

(2) However, the] A Maryland Transportation Authority police officer may exercise [these] THE powers DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION [only] on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, and Maryland Port Administration.

(Over)

(2) (I) THIS PARAGRAPH DOES NOT APPLY TO A HIGHWAY AS DEFINED IN § 8-101 OF THIS ARTICLE OR OTHER PUBLIC PROPERTY OR WATERWAY OPEN FOR PUBLIC CONVEYANCE.

(II) FOR PURPOSES OF ESTABLISHING PERIMETER SECURITY AGAINST A THREAT OR ACT OF TERRORISM, SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION, A MARYLAND TRANSPORTATION AUTHORITY POLICE OFFICER MAY EXERCISE THE POWERS DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION:

1. WITHIN 500 FEET OF PROPERTY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

2. ON OR WITHIN 500 FEET OF ANY OTHER PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT.

(3) A MARYLAND TRANSPORTATION AUTHORITY POLICE OFFICER MAY EXERCISE THE POWERS DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION, IF:

(I) THE CHAIRMAN OF THE MARYLAND TRANSPORTATION AUTHORITY, WITH THE APPROVAL OF THE GOVERNOR, DETERMINES ON THE BASIS OF SPECIFIC AND ARTICULABLE FACTS THAT THE EXERCISE OF THE POWERS IS REASONABLE TO PROTECT AGAINST ACTUAL OR THREATENED PHYSICAL INJURY OR DAMAGE TO STATE EMPLOYEES OR STATE PROPERTY OR ASSETS AND PROVIDES NOTICE OF THE EXERCISE OF THE POWERS TO THE:

1. CHIEF OF POLICE, IF ANY, OR THE CHIEF'S DESIGNEE, IN A MUNICIPAL CORPORATION;

2. CHIEF OF POLICE OR THE CHIEF'S DESIGNEE IN A COUNTY WITH A COUNTY POLICE DEPARTMENT;

3. SHERIFF OR THE SHERIFF'S DESIGNEE IN A COUNTY WITHOUT A POLICE DEPARTMENT;

4. POLICE COMMISSIONER OR THE POLICE COMMISSIONER'S DESIGNEE IN BALTIMORE CITY;

5. SECRETARY OF NATURAL RESOURCES OR THE SECRETARY'S DESIGNEE ON ANY PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES;

6. SECRETARY OF STATE POLICE OR THE SECRETARY'S DESIGNEE; OR

7. SECRETARY OF A PRINCIPAL DEPARTMENT THAT MAINTAINS A POLICE FORCE OR THE SECRETARY'S DESIGNEE IF THE DEPARTMENT WOULD BE AFFECTED BY THE ACTIONS OF THE MARYLAND TRANSPORTATION AUTHORITY POLICE FORCE OF THIS SUBSECTION; OR

(II) ORDERED TO DO SO BY THE GOVERNOR PURSUANT TO A PROCLAMATION OR DECLARATION BY THE GOVERNOR OF A STATE OF EMERGENCY UNDER ARTICLE 16A OF THE CODE OR ARTICLE 41 OF THE CODE.

[(3)] (4) The police officer may not exercise these powers on any other property unless:

(i) Engaged in fresh pursuit of a suspected offender;

(ii) Specially requested or permitted to do so in a political subdivision by its chief executive officer or its chief police officer; or

(iii) Ordered to do so by the Governor.

(5) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PRECLUDE, OR LIMIT IN ANY WAY, THE AUTHORITY OF ANY FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY, OR ANY OTHER FEDERAL POLICE OR FEDERAL

(Over)

PROTECTIVE SERVICE.

5-208.

(a) (1) The Administration may perform any act, issue and amend any order, adopt and amend any general or special rule, regulation, or procedure, and establish any minimum standard consistent with this title and necessary:

(i) To perform its duties and carry out the provisions of this title;

(ii) To protect the general public safety, the safety of persons who operate, use, or travel in aircraft, the safety of persons who receive instructions in flying or ground subjects that relate to aeronautics, or the safety of persons and property on land or water; or

(iii) To develop and promote aeronautics in this State.

(2) The Administration [also] may adopt rules and regulations by which a person engaging in aeronautics may be required to establish financial responsibility for any damage or injury that might be caused by the person.

(3) (I) THE ADMINISTRATION SHALL ADOPT RULES AND REGULATIONS REQUIRING THE USE OF SECURITY IDENTIFICATION BADGES IN AIRPORTS CONSISTENT WITH ANY AIRPORT SECURITY PROGRAM REGULATIONS ADOPTED UNDER THIS SECTION.

(II) AFTER NOTICE AND OPPORTUNITY FOR A HEARING AS PROVIDED UNDER § 5-210 OF THIS SUBTITLE, THE ADMINISTRATION MAY ORDER A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR THE MISUSE OF A SECURITY IDENTIFICATION BADGE IN VIOLATION OF AN AIRPORT SECURITY PROGRAM ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(b) (1) A rule or regulation adopted by the Administration may not apply to any airport, airport facility, or air navigation facility that is owned or operated by the United States.

(2) A rule, regulation, order, or standard of the Administration may not be inconsistent with or contrary to federal law.

(c) Copies of all rules, regulations, and standards shall be filed in accordance with the Administrative Procedure Act and the State Documents Law and shall be made available to the public.

12-104.1.

(a) The Administrator may designate employees of the Investigative Division of the Administration to exercise the powers specified in subsection (b) of this section.

(b) (1) An employee appointed under this section may issue citations to the extent authorized by the [Administrator] ADMINISTRATION for violations of:

(i) Those provisions of Title 13 of this article relating to:

1. The vehicle excise tax;

2. Vehicle titling and registration;

3. Special registration plates for individuals with disabilities; and

4. Parking permits for individuals with disabilities;

(ii) Those provisions of Title 17 of this article relating to required security;

(iii) Those provisions of Title 14 of this article relating to falsified, altered, or forged documents and plates;

(iv) Those provisions of Title 16 of this article relating to unlawful application for a license and vehicle operation during periods of cancellation, revocation, and suspension of a driver's license;

(Over)

(v) Those provisions of Title 21 of this article relating to special residential parking permits issued by the Administration;

(vi) Those provisions of §§ 15-113 and 15-113.1 of this article relating to maintenance of and access to required business records; [and]

(vii) Those provisions of Title 15 of this article relating to unlicensed business activity; AND

(VIII) THOSE PROVISIONS OF THIS TITLE RELATING TO THE ISSUANCE OF AN IDENTIFICATION CARD.

(2) The issuance of citations under this section shall comply with the requirements of § 26-201 of this article.

(c) The [Administrator] ADMINISTRATION shall adopt regulations establishing:

(1) Qualifications for employees appointed under this section including prerequisites of character, training, experience, and education; and

(2) Standards for the performance of the duties assigned to employees appointed under this section.

13-406.1.

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

(2) “Law enforcement agency” means:

(i) A state, county, or municipal police department or agency; [or]

(ii) A sheriff's office; OR

(III) A FEDERAL LAW ENFORCEMENT AGENCY.

(3) “Outstanding warrant” means an arrest warrant that:

(i) A law enforcement agency has attempted, but failed, to serve on the individual named in the warrant due to the inability to locate the individual; and

(ii) Is at least 31 days old.

(4) “Primary law enforcement officer” means:

(i) In a municipal corporation, the chief of police, if any, or the chief's designee;

(ii) In a county that has a county police department, the chief of police or the chief's designee;

(iii) In a county without a police department, the sheriff or the sheriff's designee;

(iv) In Baltimore City, the Police Commissioner or the Police Commissioner's designee; [or]

(v) The Secretary of State Police; OR

(vi) THE PRINCIPAL LAW ENFORCEMENT OFFICERS OF A FEDERAL LAW ENFORCEMENT AGENCY OR THE OFFICER'S DESIGNEE.

(b) Subject to subsection (h) of this section, on notification by a law enforcement agency that an applicant for vehicle registration is named in an outstanding warrant, the Administration shall refuse to register or transfer the registration of any vehicle owned by the applicant.

(c) (1) Before refusing to register or transfer the registration of a vehicle under subsection (b) of this section, the Administration shall notify the applicant of the proposed action and

(Over)

inform the applicant of the applicant's right to contest the accuracy of the information on which the refusal is based.

(2) Any contest under this subsection shall be limited to whether the Administration has mistaken the identity of the individual named in the outstanding warrant or the individual whose registration or transfer of registration has been refused.

(d) An individual named in an outstanding warrant may appeal a decision of the Administration under this section to refuse to register or transfer the registration of the individual's vehicle.

(e) An applicant shall be referred to the law enforcement agency that notified the Administration of the outstanding warrant to resolve any question of whether the outstanding warrant has been satisfied.

(f) (1) The Administration shall continue the refusal to register or transfer the registration of a vehicle owned by an individual named in an outstanding warrant until:

(i) The Administration is ordered by a court to register or transfer the registration of the vehicle; or

(ii) A law enforcement agency notifies the Administration that:

1. The individual named in the outstanding warrant has been arrested; or

2. The outstanding warrant has been otherwise satisfied.

(2) On receipt of an order or notice under paragraph (1) of this subsection, the Administration shall allow the applicant to register the vehicle or transfer the registration unless the registration or transfer has been restricted under any other provision of the Maryland Vehicle Law.

(g) (1) The Administration, in consultation with the primary law enforcement officers of the State, shall adopt regulations to implement this section.



(2) The regulations shall include:

(i) Criteria that a law enforcement agency must meet prior to notifying the Administration that an individual is named in an outstanding warrant;

(ii) A procedure for informing an individual named in an outstanding warrant:

1. That the registration or transfer of the registration of the individual's vehicle has been refused; and

2. Of the manner in which the individual may contest or resolve the refusal;

(iii) A procedure that must be followed by a law enforcement agency to notify the Administration of changes in the status of an outstanding warrant; and

(iv) A procedure for the Administration to carry out the refusal of registration as authorized under this section.

(h) If a law enforcement agency meets the criteria established under subsection (g) of this section, the Administration shall enter into an agreement with the appropriate primary law enforcement officer that provides for the notification to the Administration of persons named in outstanding warrants.

(i) (1) In addition to any other fee or penalty provided by law, the owner of a vehicle refused registration under this section shall pay a fee established by the Administration before renewal of the registration of the vehicle.

(2) The fee under paragraph (1) of this subsection shall be retained by the Administration and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

(Over)

(j) The procedures specified in this section are in addition to any other penalty provided by law for the failure to meet the demands specified in a warrant.

(k) This section may not be construed to require the Administration to arrest a person named in an outstanding warrant.

16-808.

(A) A person may not drive a commercial motor vehicle on any highway or any property specified in § 21-101.1 of this article:

(1) Unless authorized to do so under this title;

(2) While the person's driver's license or privilege to drive is refused in this State or any other state;

(3) While the person's driver's license or privilege to drive is canceled in this State;

(4) While the person's driver's license or privilege to drive is canceled by any other state;

(5) While the person's driver's license or privilege to drive is suspended in this State;

(6) While the person's driver's license or privilege to drive is suspended by any other state;

(7) While the person's driver's license or privilege to drive is revoked in this State;

(8) While the person's driver's license or privilege to drive is revoked by any other state; OR

(9) While the person is disqualified from driving a commercial motor vehicle in this State or any other state[; or].

[(10)] (B) [Without a] IF A PERSON HAS BEEN ISSUED A VALID COMMERCIAL DRIVER'S LICENSE, THE PERSON MAY NOT DRIVE A COMMERCIAL MOTOR VEHICLE ON ANY HIGHWAY OR ANY PROPERTY SPECIFIED IN § 21-101.1 OF THIS ARTICLE WITHOUT THE valid commercial driver's license in the person's possession.

16-813.1.

A PERSON MAY NOT KNOWINGLY OR FRAUDULENTLY OBTAIN A COMMERCIAL DRIVER'S LICENSE BY MISREPRESENTATION.

27-101.

(s) (1) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-808(A) OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

(2) Any person who is convicted of a violation of [any of the provisions of § 16-808] § 16-808(B) of this article [("Persons ineligible to drive commercial motor vehicles")] is subject to:

[(1)] (I) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both;

[(2)] (II) For a second offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both; [and]

[(3)] (III) For a third or subsequent offense, a fine of not more than \$3,000 or imprisonment for not more than 2 years or both; AND

(Over)

(IV) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-813.1 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.”.

On page 8, strike in their entirety lines 1 through 21, inclusive.

On pages 11 through 18, strike in their entirety the lines beginning with line 9 on page 11 through line 26 on page 18, inclusive.

On pages 25 through 38, strike in their entirety the lines beginning with line 15 on page 25 through line 26 on page 38, inclusive.