

BY: Conference Committee

AMENDMENTS TO SENATE BILL NO. 639
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with “prohibiting” in line 13 down through “circumstances;” in line 18; and strike beginning with “prohibiting” in line 21 down through “period;” in line 25.

On page 3, after line 6, insert:

“BY adding to

Article 27 - Crimes and Punishments

Section 542

Annotated Code of Maryland

(1996 Replacement Volume and 2001 Supplement)”.

On page 4, in line 24, strike “12-301,;” and in the same line, strike “16-103.1, 16-115(a),”.

AMENDMENT NO. 2

On page 7, after line 26, insert:

“Article 27 - Crimes and Punishments

542.

(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

(Over)

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 § 577 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.”.

AMENDMENT NO. 3

On page 13, in lines 16 and 17, in each instance, strike “INSTRUMENT” and substitute “COMMUNICATION DEVICE”.

On pages 25 and 26, strike in their entirety the lines beginning with line 15 on page 25 through line 9 on page 26, inclusive.

On pages 26 and 27, strike in their entirety the lines beginning with line 23 on page 26

through line 7 on page 27, inclusive, and substitute:

“(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, 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.”.

On page 27, in line 9, strike “SECTION” and substitute “SUBSECTION”.

On page 28, in line 24, strike “MAY” and substitute “SHALL”.

AMENDMENT NO. 4

On pages 30 through 32, strike in their entirety the lines beginning with line 7 on page 30 through line 25 on page 32, inclusive.

On pages 35 through 37, strike in their entirety the lines beginning with line 5 on page 35 through line 16 on page 37, inclusive.

AMENDMENT NO. 5

On page 38, in lines 11 and 24, in each instance, strike “FELONY” and substitute “MISDEMEANOR”; after line 26, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

(Over)

Article - Criminal Law

9-704.1.

(A) IN THIS SECTION, A 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.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2002.”;

in line 27, strike “2.” and substitute “4.”; and in the same line, after “That” insert “Section 1 of”.