

HOUSE BILL 172

Unofficial Copy
E1

2002 Regular Session
(2r0292)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **The Speaker (Department of Legislative Services - Code
Revision)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of correcting certain cross-references to the Criminal Law Article in
4 the Annotated Code of Maryland; correcting certain cross-references, errors,
5 and omissions in the Criminal Law Article; clarifying the application of certain
6 provisions; clarifying the application of certain penalties; clarifying the scope of
7 certain provisions; clarifying the authority of certain officers; clarifying the
8 standard for contempt in certain circumstances; transferring certain provisions
9 of law to other articles; making stylistic changes; providing a delayed effective
10 date for certain provisions of this Act, subject to a certain contingency; and
11 generally relating to the Criminal Law Article and cross-references and
12 corrections to it.

13 BY transferring

14 Article 2B - Alcoholic Beverages

15 Section 22-101 through 22-108 and the subtitle "Subtitle 1. General

1 Provisions", respectively
2 Annotated Code of Maryland
3 (2001 Replacement Volume)
4 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
5 2002)
6 to be
7 Article - Criminal Law
8 Section 10-113 through 10-120 to be under the new part "Part II. Alcoholic
9 Beverages Violations", respectively
10 Annotated Code of Maryland
11 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
12 2002)

13 BY renumbering
14 Article 2B - Alcoholic Beverages
15 Section 22-201 and the subtitle "Subtitle 2. Beverage Misrepresentation"
16 to be Section 22-101 and the subtitle "Subtitle 1. Beverage Misrepresentation"
17 Annotated Code of Maryland
18 (2001 Replacement Volume)
19 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
20 2002)

21 BY transferring
22 Article - Business Regulation
23 Section 11-1002 and 11-1003, respectively
24 Annotated Code of Maryland
25 (1998 Replacement Volume and 2001 Supplement)
26 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
27 2002)
28 to be
29 Article - Criminal Law
30 Section 8-804 and 8-805, respectively
31 Annotated Code of Maryland
32 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
33 2002)

34 BY renumbering
35 Article - Criminal Law
36 Section 5-1001 and the subtitle "Subtitle 10. Short Title"
37 to be Section 5-1101 and the subtitle "Subtitle 11. Short Title"
38 Annotated Code of Maryland
39 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
40 2002)

- 1 BY transferring
 2 Article - Health - General
 3 Section 8-901 and 8-902 and the subtitle "Subtitle 9. Drug and Alcohol Grants
 4 Program and Fund", respectively
 5 Annotated Code of Maryland
 6 (2000 Replacement Volume and 2001 Supplement)
 7 to be
 8 Article - Criminal Law
 9 Section 5-1001 and 5-1002 and the subtitle "Subtitle 10. Drug and Alcohol
 10 Grants Program and Fund", respectively
 11 Annotated Code of Maryland
 12 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
 13 2002)
- 14 BY repealing and reenacting, with amendments,
 15 Article 2B - Alcoholic Beverages
 16 Section 6-401(p)(6), 15-203(d)(6), and 16-408
 17 Annotated Code of Maryland
 18 (2001 Replacement Volume)
- 19 ~~BY repealing and reenacting, with amendments,~~
 20 ~~Article 2B - Alcoholic Beverages~~
 21 ~~Section 22-107(b)(2), (e)(2), and (h)(1)(ii)~~
 22 ~~Annotated Code of Maryland~~
 23 ~~(2001 Replacement Volume)~~
 24 ~~(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of~~
 25 ~~2002)~~
- 26 BY repealing and reenacting, with amendments,
 27 Article 23A - Corporations - Municipal
 28 Section 3(b)(1)
 29 Annotated Code of Maryland
 30 (2001 Replacement Volume)
- 31 BY repealing and reenacting, with amendments,
 32 Article 24 - Political Subdivisions - Miscellaneous Provisions
 33 Section 9-601
 34 Annotated Code of Maryland
 35 (2001 Replacement Volume)
- 36 BY repealing and reenacting, with amendments,
 37 Article 25 - County Commissioners
 38 Section 3(l), 221A(b)(4), and 236D(b)(4)

- 1 Annotated Code of Maryland
2 (2001 Replacement Volume)
- 3 BY repealing and reenacting, with amendments,
4 Article 27 - Crimes and Punishments
5 Section 36F(b)
6 Annotated Code of Maryland
7 (1996 Replacement Volume and 2001 Supplement)
- 8 BY repealing and reenacting, with amendments,
9 Article 38A - Fires and Investigations
10 Section 8(g)(1), 34A, and 34B
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 2001 Supplement)
- 13 BY repealing and reenacting, without amendments,
14 Article 41 - Governor - Executive and Administrative Departments
15 Section 1-501(a)
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 2001 Supplement)
- 18 BY repealing and reenacting, with amendments,
19 Article 41 - Governor - Executive and Administrative Departments
20 Section 1-501(b), 1-502(a) and (b), 1-503, 1-505(b), and 1-506(a)
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 2001 Supplement)
- 23 BY repealing and reenacting, with amendments,
24 Article 49B - Human Relations Commission
25 Section 20(k)(2) and 21(i)
26 Annotated Code of Maryland
27 (1998 Replacement Volume and 2001 Supplement)
- 28 BY repealing and reenacting, with amendments,
29 Article 88A - Department of Human Resources
30 Section 6A(b)(1)(iii), 16, and 65A(c)(2)
31 Annotated Code of Maryland
32 (1998 Replacement Volume and 2001 Supplement)
- 33 BY repealing and reenacting, with amendments,
34 Article 88B - Department of State Police
35 Section 4(c) and 12A(a)(8)
36 Annotated Code of Maryland

1 (1998 Replacement Volume and 2001 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Agriculture

4 Section 2-305, 2-310(2), 2-715(7), and 2-716(a)

5 Annotated Code of Maryland

6 (1999 Replacement Volume and 2001 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Business Regulation

9 Section 4-310(c)(2), 4-315(b), 12-401(b)(5), 16-201(i)(2)(ii), 16-206(a)(2),
10 16-209(b)(2)(ii), and 16-212(e)(1)

11 Annotated Code of Maryland

12 (1998 Replacement Volume and 2001 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article - Business Regulation

15 Section 11-1001(a), to be under the amended subtitle "Subtitle 10. Prohibited
16 Act"

17 Annotated Code of Maryland

18 (1998 Replacement Volume and 2001 Supplement)

19 (As enacted by ~~Ch.~~ Chapter _____ (H.B. 11) of the Acts of the General Assembly
20 of 2002)

21 BY repealing and reenacting, with amendments,

22 Article - Commercial Law

23 Section 11-1404(b)(4), 14-2005(e)(2), 15-803, and 15-804(a)(2)

24 Annotated Code of Maryland

25 (2000 Replacement Volume and 2001 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article - Correctional Services

28 Section 3-204(c), 3-305(c)(2), 3-404, 3-409(c), 3-704(b)(2), 3-803(b)(2),
29 3-807(i)(2), 3-808(d), 3-811(c), 4-101(e)(2), 4-305(b)(2), 6-101(c), 6-112(c),
30 7-101(m), 7-205(f), 7-301(d), 7-801(a)(2), 8-701(b), 9-201(a)(2), 9-520(b),
31 9-602(e), 11-319(a)(5), 11-701(c), 11-702(b)(4), 11-703(d)(4), 11-705(p)(2),
32 11-708(c)(4), 11-709(b)(4), 11-712(b)(4) and (d)(4), 11-714(d)(4),
33 11-723(b)(4), and 11-726(a)

34 Annotated Code of Maryland

35 (1999 Volume and 2001 Supplement)

36 BY repealing and reenacting, with amendments,

37 Article - Courts and Judicial Proceedings

38 Section 3-812(a)(2), 3-8A-01(w), 3-8A-03(d)(4), 3-8A-07(c), 3-8A-10(c)(2) and

1 (4)(i), (d)(2), (k), and (l), 3-8A-19(e)(1)(iii), (3), and (4)(i), 3-8A-19.1(b)(1),
 2 3-8A-23(a)(3), 3-8A-27(g), 3-8A-33(a), 3-904(a)(2)(i), 3-1306(a),
 3 3-1503(a), 3-1601, 3-1602, 4-301(b), 4-302(d)(2), 4-401(10)(vii), 5-106(j),
 4 (k), (p), (w), and (x), 5-402, 7-409(a)(2), 8-301(a) and (b), 10-302,
 5 10-306(a)(1), 10-307(a)(1), 10-308(b), 10-309(a)(1)(ii) and (c),
 6 10-402(c)(2), 10-405(b)(3), 10-406, 10-407(c)(2)(iii), 10-914(a), 10-1001,
 7 10-1002(b)(1), 12-302(c)(3)(i), and 12-401(d)
 8 Annotated Code of Maryland
 9 (1998 Replacement Volume and 2001 Supplement)

10 BY repealing and reenacting, with amendments,

11 Article - Criminal Law
 12 Section 1-401, 3-702(b) and (c), 3-906(b), 4-101(d)(1)(i), 4-102(c)(1), 4-103(b),
 13 5-810(a)(2), 6-207(b), 7-116(a)(2), 7-313(b)(1)(i)2., 8-514(1), 10-702(1),
 14 11-202(c)(1), 12-101(b) and (g), 12-106(b)(3), 13-406(a), 13-506(a), and
 15 13-605(a)
 16 Annotated Code of Maryland
 17 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
 18 2002)

19 BY repealing and reenacting, ~~without~~ with amendments,

20 Article - Criminal Law
 21 Section 10-101(a) to be under the new part "Part I. ~~In General~~ General
 22 Provisions"
 23 Annotated Code of Maryland
 24 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
 25 2002)

26 BY repealing and reenacting, with amendments,

27 Article - Criminal Law
 28 Section 10-119(a), (b)(2), (e)(2), (f)(1), (h)(1), and (k)(3), and 10-120(a)
 29 Annotated Code of Maryland
 30 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
 31 2002)
 32 (As enacted by Section 1 of this Act)

33 BY repealing and reenacting, with amendments,

34 Article - Criminal Procedure
 35 Section 1-101(e), 1-203(e)(1), 2-102(b)(4), 2-203(b), 2-205, 2-208(a)(2) and
 36 (b)(2), 2-209(a)(2) and (b)(2), 2-210, 4-101(b)(1), 4-108(b)(1), 4-204(b),
 37 5-202(b)(1) and (d)(1), 6-219(c)(2), 6-220(c)(2) and (d), 6-225(c), 8-108(a),
 38 8-201(b), 10-105(a)(3) and (6) and (c)(4), 11-201, 11-303(a), 11-304(b)(2),
 39 11-601(d), 11-602, 11-603(d), 11-701(b), (d), and (g), 11-707(a)(4),
 40 11-910(c), 11-922, 12-101(c), 12-102(a)(7) and (8), 12-103(c) through (e),
 41 12-201(a) and (b), 12-309, 12-311, 12-312(a)(1), 13-201, 13-203(b)(1), and

- 1 13-204(a)(1)
2 Annotated Code of Maryland
3 (2001 Volume)
- 4 BY repealing and reenacting, with amendments,
5 Article - Education
6 Section 4-124(b), 6-113, 7-303(a)(5), 23-506.1(a), 26-101(d), and 26-103(b)(2)
7 Annotated Code of Maryland
8 (2001 Replacement Volume)
- 9 BY repealing and reenacting, with amendments,
10 Article - Environment
11 Section 11-312(b)(6)(ii)
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2001 Supplement)
- 14 BY repealing and reenacting, with amendments,
15 Article - Estates and Trusts
16 Section 3-111
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2001 Supplement)
- 19 BY repealing and reenacting, with amendments,
20 Article - Family Law
21 Section 4-501(b)(1)(iv), 5-312(b)(4)(iv)2., 5-313(d)(1)(v)2., and 5-525.1(b)(1)(iii)
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2001 Supplement)
- 24 BY repealing and reenacting, with amendments,
25 Article - Financial Institutions
26 Section 1-303(9) and 11-507(e)
27 Annotated Code of Maryland
28 (1998 Replacement Volume and 2001 Supplement)
- 29 BY repealing and reenacting, with amendments,
30 Article - Health - General
31 Section 7-1005(a)(1)(iii), 10-705(a)(1)(ii), 15-123(a)(3), 16-203(a)(4),
32 17-214(a)(3), 18-339(a), 21-202, 21-220(b)(2), 21-222, 21-1113(a)(4),
33 24-808(a), and 24-908(a)
34 Annotated Code of Maryland
35 (2000 Replacement Volume and 2001 Supplement)
- 36 BY repealing and reenacting, with amendments,
37 Article - Health Occupations

1 Section 1A-309(5)(ii), 2-314(13)(ii), 3-313(6)(ii), 3-5A-09(a)(7)(ii) and (18),
2 4-315(a)(5)(ii) and (b)(12)(ii), 5-311(11)(ii), 6-312(a)(8)(ii), 7-316(a)(23)(ii),
3 8-316(a)(7)(ii) and (19), 8-6A-10(a)(10)(ii) and (12), 9-314(b)(5)(ii),
4 10-315(8)(ii), 11-313(5)(ii), 12-313(b)(4)(ii), 13-316(24)(ii), 14-404(a)(8)
5 and (9)(ii), 14-5A-17(a)(7) and (8)(ii), 15-302.2(b)(1), 16-312(a)(5)(ii), and
6 19-311(9)(ii) and (19)
7 Annotated Code of Maryland
8 (2000 Replacement Volume and 2001 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - Insurance
11 Section 2-401(c), 20-505(b), and 27-801(c)
12 Annotated Code of Maryland
13 (1997 Volume and 2001 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Labor and Employment
16 Section 9-506(d)(2)(i) and 9-1106(b)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2001 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Natural Resources
21 Section 4-11A-15(a)(2), 4-1207(b), 5-209(e), 8-738(a), 10-410(c), and
22 10-1108(a)(2)
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2001 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Real Property
27 Section 14-119(d), 14-120(a)(3) and (4)(ii) and (iii), and 14-125.1(a)(4)(ii)
28 Annotated Code of Maryland
29 (1996 Replacement Volume and 2001 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article - State Finance and Procurement
32 Section 15-212(c)(3)
33 Annotated Code of Maryland
34 (2001 Replacement Volume)

35 BY repealing and reenacting, with amendments,
36 Article - State Government
37 Section 2-1702(e)(2)
38 Annotated Code of Maryland

1 (1999 Replacement Volume and 2001 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article - Tax - General
4 Section 4-103(b)(3)(i) and 11-102(b)(1)(ii)4.
5 Annotated Code of Maryland
6 (1997 Replacement Volume and 2001 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article - Transportation
9 Section 6-102.1(a)(3)
10 Annotated Code of Maryland
11 (2001 Replacement Volume)

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 13-705.1, 14-105(b), 16-205(b)(1), 16-206(a)(4)(i) and (c)(3), 16-402(a),
15 16-707(a)(1), 16-901, 21-902(d), and 21-1004.1(b)(4)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2001 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That Section(s) 22-101 through 22-108 and the subtitle "Subtitle 1.
20 General Provisions", respectively, of Article 2B - Alcoholic Beverages of the Annotated
21 Code of Maryland (as enacted by Chapter _____ (H.B. 11) of the Acts of the General
22 Assembly of 2002) be transferred to be Section(s) 10-113 through 10-120 to be under
23 the new part "Part II. Alcoholic Beverages Violations", respectively, of Article -
24 Criminal Law of the Annotated Code of Maryland (as enacted by Chapter _____ (H.B.
25 11) of the Acts of the General Assembly of 2002).

26 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 22-201 and the
27 subtitle "Subtitle 2. Beverage Misrepresentation", respectively, of Article 2B -
28 Alcoholic Beverages of the Annotated Code of Maryland (as enacted by Chapter _____
29 (H.B. 11) of the Acts of the General Assembly of 2002) be renumbered to be Section(s)
30 22-101 and the subtitle "Subtitle 1. Beverage Misrepresentation".

31 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 11-1002 and
32 11-1003, respectively, of Article - Business Regulation of the Annotated Code of
33 Maryland (as enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly
34 of 2002) be transferred to be Section(s) 8-804 and 8-805, respectively, of Article -
35 Criminal Law of the Annotated Code of Maryland (as enacted by Chapter _____ (H.B.
36 11) of the Acts of the General Assembly of 2002).

37 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 5-1001 and the
38 subtitle "Subtitle 10. Short Title" of Article - Criminal Law of the Annotated Code of
39 Maryland (as enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly

1 of 2002) be renumbered to be Section(s) 5-1101 and the subtitle "Subtitle 11. Short
 2 Title".

3 SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 8-901 and
 4 8-902 and the subtitle "Subtitle 9. Drug and Alcohol Grants Program *and Fund*",
 5 respectively, of Article - Health - General of the Annotated Code of Maryland (as
 6 enacted by Chapter _____ (H.B. 11) of the *Acts of the General Assembly of 2002*) be
 7 transferred to be Section(s) 5-1001 and 5-1002 and the subtitle "Subtitle 10. Drug
 8 and Alcohol Grants Program and Fund", respectively, of Article - Criminal Law (as
 9 enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002).

10 SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 11 read as follows:

12 **Article 2B - Alcoholic Beverages**

13 6-401.

14 (p) (6) (i) A person under 21 years of age may not knowingly make any
 15 misrepresentation or false statement as to the person's age in order to gain entrance
 16 to an establishment licensed under this subsection.

17 (ii) A police officer or alcoholic beverages inspector shall issue a
 18 citation [pursuant to Article 27, § 402,] ~~UNDER § 22-107 OF THIS ARTICLE~~ § 10-119 OF
 19 THE CRIMINAL LAW ARTICLE to a person who violates the provisions of this
 20 paragraph.

21 (iii) Penalties for offenses of this paragraph are as set forth in
 22 [Article 27, § 403] ~~§ 22-107 OF THIS ARTICLE~~ § 10-119 OF THE CRIMINAL LAW
 23 ARTICLE.

24 15-203.

25 (d) (6) For purposes of enforcing the provisions of this article relating to the
 26 sale of alcoholic beverages to minors and [Article 27, §§ 400 through 403A of the
 27 Code] ~~TITLE 22, SUBTITLE 1 OF THIS ARTICLE~~ TITLE 10, SUBTITLE 1, PART II OF THE
 28 CRIMINAL LAW ARTICLE:

29 (i) A manager of a county liquor dispensary, and an individual with
 30 whom the Director of the Department of Liquor Control contracts to operate a retail
 31 outlet under paragraph (3) of this subsection, shall be deemed licensees;

32 (ii) An employee of a county liquor dispensary, and an employee of
 33 the retail outlet under paragraph (3) of this subsection, shall be deemed employees of
 34 a licensee; and

35 (iii) An individual listed in item (i) or (ii) of this paragraph who
 36 violates any provision of this article relating to the sale of alcoholic beverages to
 37 minors, or [Article 27, §§ 400 through 403A of the Code] ~~TITLE 22, SUBTITLE 1 OF~~
 38 THIS ARTICLE TITLE 10, SUBTITLE 1, PART II OF THE CRIMINAL LAW ARTICLE:

1 1. Is subject to the penalties authorized by law, including a
 2 civil citation issued under ~~§§ 16-408~~ § 16-408 ~~§§ 16-408 AND 22-107~~ of this [article
 3 and Article 27, § 402 of the Code;] ARTICLE AND § 10-119 OF THE CRIMINAL LAW
 4 ARTICLE; and

5 2. Is subject to fine and suspension or revocation of
 6 employment by the Board of License Commissioners in the same manner as a licensee
 7 or employee of a licensee is subject to fine and suspension or revocation for a
 8 violation.

9 16-408.

10 The inspectors in Anne Arundel County, Frederick County, Harford County,
 11 Montgomery County, and Prince George's County who investigate license violations
 12 under this article may issue civil citations as provided in [Article 27, § 402 of the
 13 Code] ~~§ 22-107 OF THIS~~ § 10-119 OF THE CRIMINAL LAW ARTICLE.

14 ~~22-107.~~

15 (b) ~~A citation for a violation of §§ 22-101 through 22-106 of this subtitle may~~
 16 ~~be issued by:~~

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

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

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

25 (ii) ~~If the violation is a [repeat] SUBSEQUENT violation OF §§~~
 26 ~~22-101 THROUGH 22-106 OF THIS SUBTITLE, a fine not exceeding \$1,000.~~

27 **Article 23A - Corporations - Municipal**

28 3.

29 (b) (1) The legislative body of a municipality may provide that violations of
 30 any municipal ordinance shall be a "municipal infraction" unless the violation is
 31 declared to be a felony or a misdemeanor by State law. In addition, the legislative
 32 body of a municipality may classify as a "municipal infraction": (i) a violation of any
 33 zoning or land use ordinance or regulation authorized to be adopted or enacted by
 34 that municipality; and (ii) littering within the municipality as prohibited under
 35 [Article 27, § 468 of the Code] § 10-110 OF THE CRIMINAL LAW ARTICLE. For purposes
 36 of this article a municipal infraction is a civil offense.

Article 24 - Political Subdivisions - Miscellaneous Provisions

1 9-601.

3 (a) Except as provided in subsection (b) of this section, a county may impose a
4 sales or use tax on controlled dangerous substances as defined in [Article 27, § 277 of
5 the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE.

6 (b) A sales or use tax imposed under subsection (a) of this section may not be
7 imposed on sales by any person who complies with [Article 27, § 281 of the Code]
8 TITLE 5, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

Article 25 - County Commissioners

10 3.

11 (II) (1) (I) In this section, "check" [and "insufficient funds" have the
12 meanings] HAS THE MEANING stated in [§ 140 of Article 27 of this Code] § 8-101 OF
13 THE CRIMINAL LAW ARTICLE.

14 (II) FOR PURPOSES OF THIS SECTION, DETERMINATION OF
15 INSUFFICIENT FUNDS IS GOVERNED BY § 8-102 OF THE CRIMINAL LAW ARTICLE.

16 (2) In Washington County, the County Commissioners may levy a fee for
17 each check that is presented in payment of any obligation to Washington County and
18 is dishonored due to insufficient funds.

19 (3) The County Commissioners shall determine the amount of this fee.

20 221A.

21 (b) The Board of County Commissioners of Frederick County may adopt
22 regulations for:

23 (4) Providing civil citations and penalties for false alarms,
24 notwithstanding [the provisions in Article 27, § 156C of the Code] TITLE 9, SUBTITLE
25 6, PART II OF THE CRIMINAL LAW ARTICLE;

26 236D.

27 (b) The Board of County Commissioners of Calvert County may adopt
28 regulations for:

29 (4) Providing civil citations and penalties for false alarms,
30 notwithstanding [the provisions in Article 27, § 156C of the Code] TITLE 9, SUBTITLE
31 6, PART II OF THE CRIMINAL LAW ARTICLE;

1

Article 27 - Crimes and Punishments

2 36F.

3 (b) "Handgun" [means any pistol, revolver, or other firearm capable of being
4 concealed on the person, including a short-barreled shotgun and a short-barreled
5 rifle as these terms are defined below, except it does not include a shotgun, rifle or
6 antique firearm as those terms are defined below] HAS THE MEANING STATED IN §
7 4-201 OF THE CRIMINAL LAW ARTICLE.

8

Article 38A - Fires and Investigations

9 8.

10 (g) (1) The State Fire Marshal, in making this inspection or investigation,
11 may, when in his judgment necessary, take the testimony on oath of all persons
12 supposed to be cognizant of any facts, or to have the means of knowledge in relation to
13 the matter herein required to be examined and inquired into, and to cause the
14 testimony to be reduced to writing; and when, in his judgment, the examination
15 discloses that the fire or explosion or attempt to cause a fire or explosion was of
16 incendiary origin or was related to a destructive device as defined in [Article 27, §
17 139A of the Code] § 4-501 OF THE CRIMINAL LAW ARTICLE, the State Fire Marshal
18 may arrest the supposed incendiary or cause him to be arrested and charged with the
19 crime; and shall transmit a copy of the testimony so taken to the State's Attorney for
20 the county or city wherein the fire or explosion or attempt to cause a fire or explosion
21 occurred.

22 34A.

23 Any person who violates § 27A of this subtitle shall be guilty of a felony and,
24 upon conviction, shall be imprisoned for a term of not more than twenty years, or
25 fined not more than ten thousand dollars (\$10,000.00), or both, in the discretion of the
26 court; provided, however, that this section shall not apply to any person who neither
27 intended to use nor used the explosives involved in violation of any provision of Article
28 27 of [this] THE Code or:

29 (1) TITLE 1, SUBTITLE 3, TITLE 3, SUBTITLE 7, OR § 4-123.1 OF THE
30 AGRICULTURE ARTICLE;

31 (2) TITLE 19, SUBTITLE 2 OR SUBTITLE 3, ~~§ 11-1002, OR § 11-1003~~ OF THE
32 BUSINESS REGULATION ARTICLE;

33 (3) TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE
34 COMMERCIAL LAW ARTICLE;

35 (4) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), §
36 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(b)(8), § 11-703(d)(5)(iii), §
37 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), §
38 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services
39 Article;

- 1 (5) THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2,
2 PART II OR § 10-614;
- 3 (6) TITLE 5, SUBTITLE 10A OF THE ENVIRONMENT ARTICLE;
- 4 (7) § 5-503 OF THE FAMILY LAW ARTICLE;
- 5 (8) TITLE 20, SUBTITLE 7 OR § 21-259.1 OF THE HEALTH - GENERAL
6 ARTICLE;
- 7 (9) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, OR § 8-740.1
8 OF THE NATURAL RESOURCES ARTICLE;
- 9 (10) § 14-127 OF THE REAL PROPERTY ARTICLE;
- 10 (11) ARTICLE 2B, TITLE 22 OR § 18-104 OF THE CODE;
- 11 (12) ARTICLE 24, § 11-512, § 11-513, OR § 11-514 OF THE CODE;
- 12 (13) § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY;
- 13 (14) § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL COUNTY;
14 OR
- 15 (15) § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT COUNTY.

16 34B.

17 Any person who violates § 31 of this subtitle, or who otherwise aids or counsels
18 in a violation of § 27A of this subtitle, or who commits any other act in furtherance of
19 a violation of § 27A of this subtitle, or who conspires to violate § 27A of this subtitle
20 shall be guilty of a felony and, upon conviction, shall be imprisoned for a term of not
21 more than twenty years, or fined not more than ten thousand dollars (\$10,000.00), or
22 both, in the discretion of the court; provided, however, that this section shall not apply
23 to any person who had probable cause to believe that the explosives involved would be
24 used for a purpose other than the violation of a provision of Article 27 of [this] THE
25 Code or:

- 26 (1) TITLE 1, SUBTITLE 3, TITLE 3, SUBTITLE 7, OR § 4-123.1 OF THE
27 AGRICULTURE ARTICLE;
- 28 (2) TITLE 19, SUBTITLE 2 OR SUBTITLE 3, ~~§ 11-1002, OR § 11-1003~~ OF THE
29 BUSINESS REGULATION ARTICLE;
- 30 (3) TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE
31 COMMERCIAL LAW ARTICLE;
- 32 (4) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), §
33 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(b)(8), § 11-703(d)(5)(iii), §
34 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), §

1 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services
2 Article;

3 (5) THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2,
4 PART II OR § 10-614;

5 (6) TITLE 5, SUBTITLE 10A OF THE ENVIRONMENT ARTICLE;

6 (7) § 5-503 OF THE FAMILY LAW ARTICLE;

7 (8) TITLE 20, SUBTITLE 7 OR § 21-259.1 OF THE HEALTH - GENERAL
8 ARTICLE;

9 (9) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, OR § 8-740.1
10 OF THE NATURAL RESOURCES ARTICLE;

11 (10) § 14-127 OF THE REAL PROPERTY ARTICLE;

12 (11) ARTICLE 2B, TITLE 22 OR § 18-104 OF THE CODE;

13 (12) ARTICLE 24, § 11-512, § 11-513, OR § 11-514 OF THE CODE;

14 (13) § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY;

15 (14) § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL COUNTY;
16 OR

17 (15) § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT COUNTY.

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

19 1-501.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) ["Controlled dangerous substance offense"] "DRUG CRIME" means:

22 (1) [An offense under Article 27, §§ 277 through 303 of the Code] A
23 VIOLATION OF TITLE 5 OF THE CRIMINAL LAW ARTICLE;

24 (2) [An offense under] A VIOLATION OF Title 12 of the Criminal
25 Procedure Article; or

26 (3) A violation of the law of any other jurisdiction if the prohibited
27 conduct would be a violation of [Article 27, §§ 277 through 303 of the Code] TITLE 5
28 OF THE CRIMINAL LAW ARTICLE or Title 12 of the Criminal Procedure Article if
29 committed in this State.

1 1-502.

2 (a) Except as provided in subsection (d) of this section, as a condition to
3 issuance of a license or renewal of a license, a licensing authority may require an
4 individual applying for a license to disclose whether the individual has ever been
5 convicted of a [controlled dangerous substance offense] DRUG CRIME committed on or
6 after January 1, 1991.

7 (b) Subject to the provisions of § 1-505 of this subtitle, if an individual
8 applying for a license has been convicted of a [controlled dangerous substance
9 offense] DRUG CRIME committed on or after January 1, 1991, a licensing authority
10 may:

11 (1) Refuse to issue a license to the individual; or

12 (2) Issue a license subject to any terms and conditions that the licensing
13 authority deems appropriate under § 1-504 of this subtitle.

14 1-503.

15 Subject to the provisions of § 1-505 of this subtitle, if a licensing authority
16 receives notification under [Article 27, § 298A of the Code] § 5-810 OF THE CRIMINAL
17 LAW ARTICLE that a licensee has been convicted of a [controlled dangerous substance
18 offense] DRUG CRIME committed on or after January 1, 1991, the licensing authority
19 may:

20 (1) (i) Place the licensee on probation for a reasonable period of time;
21 or

22 (ii) Suspend or revoke the license or reprimand the licensee;

23 (2) Assess the licensee, in accordance with applicable regulations, all or
24 part of the cost of any disciplinary proceeding and sanction; or

25 (3) Impose any other sanction or take any other action authorized by law.

26 1-505.

27 (b) In deciding whether to deny an applicant's application for a license or
28 whether to impose license sanctions against a licensee and the nature of the
29 sanctions, a licensing authority shall consider the following factors:

30 (1) The relationship between the [controlled dangerous substance
31 offense] DRUG CRIME and the license, including:

32 (i) The licensee's ability to perform the tasks authorized by the
33 license; and

34 (ii) Whether the public will be protected if:

35 1. In the case of an applicant, the license is issued; or

1 16.

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

3 (2) "Assistance at public expense" means any assistance enumerated in
4 [Article 27, § 230A(b) of the Code] § 8-503 OF THE CRIMINAL LAW ARTICLE.

5 (3) "Fraud" has the meaning stated in [Article 27, § 230A(b) of the Code]
6 § 8-501 OF THE CRIMINAL LAW ARTICLE.

7 (b) Each applicant for or recipient of assistance at public expense shall read or
8 have read to [him or her] THE APPLICANT a statement of the conduct that constitutes
9 fraud and shall sign an acknowledgment that [he or she] THE APPLICANT
10 understands that the penalties for fraud, as provided in [Article 27, § 230A(b)(2) of
11 the Code] § 8-503 OF THE CRIMINAL LAW ARTICLE, are restitution and [a possible
12 fine of not more than \$1,000 or imprisonment for not more than 3 years,] POSSIBLE
13 IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 or both.
14 65A.

15 (c) (2) Notwithstanding subsection (b) of this section, if a resident custodial
16 parent receiving cash assistance or food stamps is found to be in violation of [Article
17 27, § 286 of the Code] §§ 5-602 THROUGH 5-609, § 5-612, OR § 5-613 OF THE CRIMINAL
18 LAW ARTICLE, or 21 U.S.C., § 841, after July 1, 2000, the recipient:

19 (i) Shall be ineligible for cash assistance or food stamps for one
20 year from the date of the conviction; and

21 (ii) Shall be subject to testing for substance abuse, as provided by
22 the Department, and to treatment, as required under § 50A of this article, for a period
23 of 2 years starting from the later of:

- 24 1. The date the individual is released from incarceration;
- 25 2. The date the individual completes any term of probation;
26 or
- 27 3. The date the individual completes any term of parole or
28 mandatory supervision.

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

30 4.

31 (c) Police employees shall not act within the limits of any incorporated
32 municipality which maintains a police force except: (1) when in pursuit of an offender
33 or suspected offender; (2) when in search of an offender or suspected offender wanted
34 for a crime committed outside of the limits of the municipality, or when interviewing
35 or seeking to interview a witness or supposed witness to such a crime; (3) when a
36 crime is committed in the presence of the police employee, the arrested party shall be

1 immediately transferred to the custody of the local law enforcement agency; (4) when
 2 requested to act by the chief executive officer or the chief police officer of the
 3 municipality; (5) when ordered by the Governor to act within the municipality; (6)
 4 except in Baltimore City, when enforcing the motor vehicle laws of this State; (7) in
 5 Baltimore City, only when enforcing Title 23 (Vehicle Laws - Inspection of Used
 6 Vehicles and Warnings for Defective Equipment) of the Transportation Article; (8) in
 7 any building or place when ordered by the President of the Senate and the Speaker of
 8 the House of Delegates, or either of them, to guard the safety of legislators or the
 9 integrity of the legislative process; (9) to protect the safety of an elected State official;
 10 (10) in the municipalities of Somerset County; (11) when enforcing [Article 27, § 419A
 11 of the Code] § 11-207 OF THE CRIMINAL LAW ARTICLE; (12) (i) 1. when participating in
 12 a joint investigation with officials from any other State, federal, or local law
 13 enforcement agency at least one of which shall have local jurisdiction; 2. when
 14 rendering assistance to a police officer; 3. when acting at the request of a local police
 15 officer; or 4. when an emergency exists; and (ii) when acting in accordance with
 16 regulations adopted by the Secretary to implement this paragraph; or (13) when
 17 conducting investigations relating to or otherwise enforcing the provisions of [Article
 18 27, § 146 of the Code] § 7-302 OF THE CRIMINAL LAW ARTICLE.

19 12A.

20 (a) (8) "Qualifying crime of violence" means:

21 (i) A violation of [Article 27, § 35C of the Code] § 3-601 OF THE
 22 CRIMINAL LAW ARTICLE that involves sexual abuse;

23 (ii) Rape in any degree;

24 (iii) A sexual offense in the first, second, or third degree;

25 (iv) Murder;

26 (v) Robbery under [Article 27, § 486 or § 487 of the Code] § 3-402
 27 OR § 3-403 OF THE CRIMINAL LAW ARTICLE;

28 (vi) First degree assault; or

29 (vii) Attempts to commit these offenses.

30 **Article - Agriculture**

31 2-305.

32 The Board, upon terms and conditions it finds proper, shall issue to any humane
 33 society, as defined by [Article 27, § 63 of the Code] § 10-601 OF THE CRIMINAL LAW
 34 ARTICLE, or county or municipal designated animal shelter which submits an
 35 application, a special permit authorizing purchase, possession, and use of sodium
 36 pentobarbital to euthanize injured, sick, homeless, and unwanted domestic animals.
 37 The permit shall designate the sole person responsible. The application for the special
 38 permit and the annual renewal of the permit shall be accompanied by a fee set by the

1 Board. Any organization that has received a permit pursuant to this section is
2 exempted from the registration requirement of [Article 27, § 281 of the Code] §§ 5-301
3 AND 5-304 OF THE CRIMINAL LAW ARTICLE as to pentobarbital.

4 2-310.

5 The Board may prescribe reasonable standards for the practice of veterinary
6 medicine, including conduct and ethics. It may refuse, suspend, or revoke any
7 application or license, and censure or place on probation any licensee after a hearing,
8 if the veterinarian:

9 (2) Is convicted of a violation of any federal or State law relating to
10 prescription drugs, a controlled dangerous substance under [Article 27, § 279 of the
11 Code] TITLE 5, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE, or a controlled substance
12 as defined by 21 U.S.C. § 812;

13 2-715.

14 After a hearing, the Board may suspend or revoke the license issued to any
15 licensee under this subtitle, if the licensee:

16 (7) Commits an act of cruelty [or torture,] as [those terms are] defined
17 in [Article 27, § 62 of the Code] § 10-601 OF THE CRIMINAL LAW ARTICLE, or allows
18 the commission of an act of cruelty [or torture] by any other person with relation to
19 any horse under the control of the licensee;

20 2-716.

21 (a) If, in accordance with [Article 27, § 67 of the Code] § 10-615 OF THE
22 CRIMINAL LAW ARTICLE, the Board considers it necessary to take possession of a
23 horse to protect it from neglect or cruelty, the Board immediately shall notify the
24 owner or custodian of this action.

25

Article - Business Regulation

26 4-310.

27 (c) Subject to the hearing provisions of § 4-311 of this subtitle, the
28 Commission shall suspend or revoke a boxer or kick boxer license and the boxer or
29 kick boxer shall forfeit the boxer's purse or other compensation from the contest if the
30 boxer or kick boxer:

31 (2) submits a urine sample that tests positive for the presence of a
32 controlled dangerous substance defined [under Article 27, § 277 of the Code] IN §
33 5-101 OF THE CRIMINAL LAW ARTICLE or other substance that the Commission
34 prohibits by regulation.

1 4-315.

2 (b) Each boxer or kick boxer in a contest shall submit to a chemical test of the
3 urine of the boxer or kick boxer to detect the presence of a controlled dangerous
4 substance defined [under Article 27, § 277 of the Code] IN § 5-101 OF THE CRIMINAL
5 LAW ARTICLE or other substance that the Commission prohibits by regulation.

6 Subtitle 10. Prohibited [Acts] ACT.

7 11-1001.

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

10 12-401.

11 (b) A dealer or pawnbroker shall release to the primary law enforcement unit
12 an item of personal property, other than a security or printed evidence of
13 indebtedness, located at the place of business of the dealer or pawnbroker if:

14 (5) the primary law enforcement unit provides to the dealer or
15 pawnbroker a receipt that describes the item and that notifies the dealer or
16 pawnbroker of the dealer's or pawnbroker's right to file an application for a statement
17 of charges against the individual who sold the item to the dealer or pawnbroker, or
18 other alleged thief for theft under [Article 27, § 342 of the Code] § 7-104 OF THE
19 CRIMINAL LAW ARTICLE.

20 16-201.

21 (i) "Manufacturer" means a person who:

22 (2) (ii) unless otherwise prohibited or restricted under local law, this
23 article, or [Article 27 of the Code] THE CRIMINAL LAW ARTICLE, distributes sample
24 cigarettes to consumers located in Maryland; or

25 16-206.

26 (a) A manufacturer license authorizes the licensee to:

27 (2) except as otherwise prohibited or restricted under local law, this
28 article, or [Article 27 of the Code] THE CRIMINAL LAW ARTICLE, distribute sample
29 cigarettes to consumers located in Maryland;

30 16-209.

31 (b) A licensee who sells cigarettes through a vending machine:

32 (2) in the way that the Comptroller requires by regulation, shall:

1 (ii) display on a conspicuous label applicable prohibitions and
2 penalties under [Article 27, §§ 404 and 405 of the Code] § 10-107 OF THE CRIMINAL
3 LAW ARTICLE.

4 16-212.

5 (e) (1) Except for a violation of [Article 27, § 404 of the Code] § 10-107 OF
6 THE CRIMINAL LAW ARTICLE, whenever any license issued under the provisions of
7 this subtitle is suspended or revoked by the Comptroller, the licensee may, before the
8 effective date of the suspension or revocation, petition the Comptroller for permission
9 to make an offer of compromise consisting of a sum of money in lieu of serving the
10 suspension or revocation.

11 **Article - Commercial Law**

12 11-1404.

13 (b) This subtitle does not apply to:

14 (4) Any conduct undertaken for the purpose of enforcing [Article 27, §
15 467A(b) of the Code] § 7-308 OF THE CRIMINAL LAW ARTICLE.

16 14-2005.

17 (e) (2) Nothing in this subtitle shall be construed to permit a lessee to
18 sublease a motor vehicle in violation of [Article 27, § 208 of the Code] § 8-408 OF THE
19 CRIMINAL LAW ARTICLE.

20 15-803.

21 (a) A notice of dishonor sent by a holder to a maker or drawer under § 15-802
22 of this subtitle shall substantially comply with the following form:

23 "NOTICE OF DISHONORED CHECK

24 Date _____

25 Name of Issuer _____

26 Street Address _____

27 City and State _____

28 You are according to law hereby notified that a check or instrument numbered
29 _____ and dated _____, drawn on the _____ bank of _____ in
30 the amount of _____ has been returned unpaid with the notation the payment has
31 been refused because of _____. Within 30 days from the
32 mailing of this notice, you must pay or tender to _____

33 \tab (Holder)

1 sufficient money to pay such check or instrument in full and a collection fee of \$ _____
2 (not more than \$35). If payment of the above amounts is not made within 30 days of
3 the mailing of this notice of dishonor, you shall be liable under § 15-802 of the
4 Commercial Law Article, in addition to the amount of the check or instrument and a
5 collection fee of up to \$35, for an amount up to 2 times the amount of the check or
6 instrument, but not more than \$1,000. In addition, you may be prosecuted under [the
7 Maryland Criminal Code (Article 27, §§ 140 through 144)] TITLE 8, SUBTITLE 1 OF
8 THE CRIMINAL LAW ARTICLE OF MARYLAND and subject to the following penalties:

9 (1) If the property or services has a value of \$500 or more, a fine not
10 exceeding \$1,000 or imprisonment not exceeding 15 years, or both;

11 (2) If the property or services has a value of less than \$500, a fine not
12 exceeding \$100 or imprisonment not exceeding 18 months, or both.

13 It shall be a complete defense to any action brought by any holder under § 15-802 of
14 the Commercial Law Article that, within 30 days from the mailing of "the Notice of
15 Dishonored Check", the maker or drawer has paid the holder the full amount of the
16 check or instrument and collection costs of not more than \$35. A holder may not
17 recover any damages if the holder has demanded of, and received from, the maker or
18 drawer collection costs exceeding \$35.

19 It shall be a complete defense to any action brought under § 15-802 of the
20 Commercial Law Article by a holder to whom a dishonored check or other instrument
21 was issued that the dishonor of the check or other instrument was due to a justifiable
22 stop payment order or to the attachment of the account.

23 In any action brought under § 15-802 of the Commercial Law Article by a holder or
24 holder in due course to whom a dishonored check or other instrument was negotiated,
25 the action is subject to all valid defenses that may be raised by the maker or drawer
26 against the holder or holder in due course under Title 3 of the Commercial Law
27 Article."

28 (b) The holder to whom a check or other instrument is issued or negotiated
29 may post a clearly conspicuous notice at or near the point of receipt stating the
30 liability of the maker or drawer for the collection fee and damages provided in §
31 15-802 of this subtitle and criminal penalties provided in [Article 27, § 143 of the
32 Code] §§ 8-106 AND 8-107 OF THE CRIMINAL LAW ARTICLE.

33 15-804.

34 (a) Notwithstanding any other provisions of this article, §§ 15-802 and 15-803
35 of this subtitle do not apply to any check:

36 (2) That is not a bad check as described under [Article 27, § 141 of the
37 Code] § 8-103 OF THE CRIMINAL LAW ARTICLE.

Article - Correctional Services

1

2 3-204.

3 (c) A person who makes a false statement under oath before the
4 Commissioner is guilty of perjury and on conviction is subject to the penalty provided
5 [under Article 27, § 439 of the Code] IN § 9-101 OF THE CRIMINAL LAW ARTICLE.

6 3-305.

7 (c) (2) An inmate who escapes while on leave under this section is subject to
8 the penalties [established under Article 27, § 137 of the Code] IN § 9-404 OF THE
9 CRIMINAL LAW ARTICLE.

10 3-404.

11 An inmate is not eligible for the program if the inmate:

12 (1) is serving a life sentence;

13 (2) has been found guilty of a crime of violence as defined in [Article 27,
14 § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE unless:

15 (i) 5 years have elapsed since expiration of the sentence for the
16 crime of violence; or

17 (ii) the inmate is within 90 days of release on parole or mandatory
18 supervision; or

19 (3) has been found guilty of the crime of:

20 (i) child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE
21 CRIMINAL LAW ARTICLE; or

22 (ii) escape under [Article 27, § 137 of the Code] § 9-404 OF THE
23 CRIMINAL LAW ARTICLE.

24 3-409.

25 (c) An inmate who knowingly violates § 3-406 of this subtitle is guilty of
26 escape and on conviction is subject to the penalties [established under Article 27, §
27 137 of the Code] OF § 9-404 OF THE CRIMINAL LAW ARTICLE.

28 3-704.

29 (b) (2) If an inmate's term of confinement includes a consecutive or
30 concurrent sentence for a crime of violence as defined in [Article 27, § 643B of the
31 Code] § 14-101 OF THE CRIMINAL LAW ARTICLE or a crime of manufacturing,
32 distributing, dispensing, or possessing a controlled dangerous substance in violation
33 of [Article 27, § 286 of the Code] §§ 5-602 THROUGH 5-609, § 5-612, OR § 5-613 OF THE

1 CRIMINAL LAW ARTICLE, the deduction described in subsection (a) of this section shall
2 be calculated at the rate of 5 days for each calendar month.

3 3-803.

4 (b) (2) An inmate who knowingly violates paragraph (1) of this subsection is
5 guilty of escape and on conviction is subject to the penalties [established under
6 Article 27, § 137 of the Code] OF § 9-404 OF THE CRIMINAL LAW ARTICLE.

7 3-807.

8 (i) (2) An inmate who knowingly violates paragraph (1) of this subsection is
9 guilty of escape and on conviction is subject to the penalties [established under
10 Article 27, § 137 of the Code] OF § 9-404 OF THE CRIMINAL LAW ARTICLE.

11 3-808.

12 (d) The failure of an inmate to comply with the terms of the inmate's
13 authorization for compassionate leave is a violation of [Article 27, § 137 of the Code]
14 § 9-404 OF THE CRIMINAL LAW ARTICLE.

15 3-811.

16 (c) The failure of an inmate to comply with the terms of the authorization for
17 family leave is a violation of [Article 27, § 137 of the Code] § 9-404 OF THE CRIMINAL
18 LAW ARTICLE.

19 4-101.

20 (e) (2) "Eligible person" does not include an individual who:

21 (i) is serving two or more sentences of imprisonment for life under
22 [Article 27, § 412 of the Code] § 2-201, § 2-303, OR § 2-304 OF THE CRIMINAL LAW
23 ARTICLE;

24 (ii) is serving one or more sentences of imprisonment for life when a
25 court or jury has found under [Article 27, § 413 of the Code] § 2-303 OF THE
26 CRIMINAL LAW ARTICLE, beyond a reasonable doubt, that one or more aggravating
27 circumstances existed; or

28 (iii) has been convicted of murder in the first degree, rape in the
29 first degree, or a sexual offense in the first degree, unless the sentencing judge, at the
30 time of sentencing or in the exercise of the judge's revisory power under the Maryland
31 Rules, recommends that the individual be referred to the Institution for evaluation.

32 4-305.

33 (b) (2) An inmate sentenced to life imprisonment as a result of a proceeding
34 under [Article 27, § 413] § 2-303 OR § 2-304 OF THE CRIMINAL LAW ARTICLE is not
35 eligible for parole consideration until the inmate has served 25 years or the
36 equivalent of 25 years when considering allowances for diminution of the inmate's

1 period of confinement as provided under Title 3, Subtitle 7 of this article and § 6-218
2 of the Criminal Procedure Article.

3 6-101.

4 (c) "Crime of violence" has the meaning stated in [Article 27, § 643B of the
5 Code] § 14-101 OF THE CRIMINAL LAW ARTICLE.

6 6-112.

7 (c) (1) The Division shall complete a presentence investigation report in
8 each case in which the death penalty or imprisonment for life without the possibility
9 of parole is requested under [Article 27, § 412 of the Code] § 2-202 OR § 2-203 OF THE
10 CRIMINAL LAW ARTICLE.

11 (2) The report shall include a victim impact statement as provided under
12 § 11-402 of the Criminal Procedure Article.

13 (3) The court or jury before which the separate sentencing proceeding is
14 conducted under [Article 27, § 412 or § 413 of the Code] § 2-303 OR § 2-304 OF THE
15 CRIMINAL LAW ARTICLE shall consider the report.

16 7-101.

17 (m) "Violent crime" means:

18 (1) a crime of violence as defined in [Article 27, § 643B of the Code] §
19 14-101 OF THE CRIMINAL LAW ARTICLE; or

20 (2) burglary in the first, second, or third degree.

21 7-205.

22 (f) A witness who makes a false statement relating to a matter that is
23 material to the Commission's inquiry while testifying before the Commission is guilty
24 of perjury and on conviction is subject to the penalty [established under Article 27, §
25 439 of the Code] OF § 9-101 OF THE CRIMINAL LAW ARTICLE.

26 7-301.

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

32 (2) An inmate who has been sentenced to life imprisonment as a result of
33 a proceeding under [Article 27, § 413] § 2-303 OR § 2-304 OF THE CRIMINAL LAW
34 ARTICLE is not eligible for parole consideration until the inmate has served 25 years
35 or the equivalent of 25 years considering the allowances for diminution of the inmate's

1 term of confinement under § 6-218 of the Criminal Procedure Article and Title 3,
2 Subtitle 7 of this article.

3 (3) (i) If an inmate has been sentenced to imprisonment for life
4 without the possibility of parole under [Article 27, § 412 or § 413 of the Code] § 2-203
5 OR § 2-304 OF THE CRIMINAL LAW ARTICLE, the inmate is not eligible for parole
6 consideration and may not be granted parole at any time during the inmate's
7 sentence.

8 (ii) This paragraph does not restrict the authority of the Governor
9 to pardon or remit any part of a sentence under § 7-601 of this title.

10 (4) If eligible for parole under this subsection, an inmate serving a term
11 of life imprisonment may only be paroled with the approval of the Governor.

12 7-801.

13 (a) In this section, "victim" means:

14 (2) a victim of child abuse under [Article 27, § 35C of the Code] § 3-601
15 OF THE CRIMINAL LAW ARTICLE;

16 8-701.

17 (b) "Crime of violence" has the meaning stated in [Article 27, § 643B of the
18 Code] § 14-101 OF THE CRIMINAL LAW ARTICLE.

19 9-201.

20 (a) (2) "Sexual offense" means:

21 (i) a violation of [Article 27, § 464, § 464A, § 464B, § 464C, or §
22 464F of the Code] § 3-305, § 3-306, § 3-307, § 3-308, § 3-309, § 3-310, § 3-311, OR § 3-312 OF
23 THE CRIMINAL LAW ARTICLE; or

24 (ii) an attempt to violate [Article 27, § 464, § 464A, § 464B, or §
25 464C of the Code] § 3-305, § 3-306, § 3-307, OR § 3-308 OF THE CRIMINAL LAW ARTICLE
26 as a principal or an aider or abettor.

27 9-520.

28 (b) An inmate who escapes while assigned to perform labor or provide services
29 under this section is guilty of escape under [Article 27, § 137 of the Code] § 9-404 OF
30 THE CRIMINAL LAW ARTICLE.

31 9-602.

32 (e) An inmate who escapes while temporarily removed under this section is
33 guilty of escape and subject to the penalties [established under Article 27, § 137 of the
34 Code] OF § 9-404 OF THE CRIMINAL LAW ARTICLE.

1 11-319.

2 (a) (5) An inmate who escapes while on leave under this section is subject to
3 the penalties [established under Article 27, § 137 of the Code] OF § 9-404 OF THE
4 CRIMINAL LAW ARTICLE.

5 11-701.

6 (c) "Crime of violence" has the meaning stated in [Article 27, § 643B of the
7 Code] § 14-101 OF THE CRIMINAL LAW ARTICLE.

8 11-702.

9 (b) (4) An inmate is not eligible for the home detention program if the
10 inmate:

11 (i) is serving a sentence for a crime of violence; or

12 (ii) has been found guilty of the crime of:

13 1. child abuse under [Article 27, § 35C of the Code] § 3-601
14 OF THE CRIMINAL LAW ARTICLE; or

15 2. escape under [Article 27, § 137 of the Code] § 9-404 OF
16 THE CRIMINAL LAW ARTICLE.

17 11-703.

18 (d) (4) An inmate is not eligible for the home detention program if the
19 inmate:

20 (i) is serving a sentence for a crime of violence; or

21 (ii) has been found guilty of the crime of:

22 1. child abuse under [Article 27, § 35C of the Code] § 3-601
23 OF THE CRIMINAL LAW ARTICLE; or

24 2. escape under [Article 27, § 137 of the Code] § 9-404 OF
25 THE CRIMINAL LAW ARTICLE.

26 11-705.

27 (p) A participant is not eligible for the home detention program if the
28 participant:

29 (2) has been found guilty of:

30 (i) child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE
31 CRIMINAL LAW ARTICLE; or

1 (ii) escape under [Article 27, § 137 of the Code] § 9-404 OF THE
2 CRIMINAL LAW ARTICLE.

3 11-708.

4 (c) (4) An inmate is not eligible for the home detention program if the
5 inmate:

6 (i) is serving a sentence for a crime of violence; or

7 (ii) has been found guilty of the crime of:

8 1. child abuse under [Article 27, § 35C of the Code] § 3-601
9 OF THE CRIMINAL LAW ARTICLE; or

10 2. escape under [Article 27, § 137 of the Code] § 9-404 OF
11 THE CRIMINAL LAW ARTICLE.

12 11-709.

13 (b) (4) An inmate is not eligible for the home detention program if the
14 inmate:

15 (i) is serving a sentence for a crime of violence; or

16 (ii) has been found guilty of the crime of:

17 1. child abuse under [Article 27, § 35C of the Code] § 3-601
18 OF THE CRIMINAL LAW ARTICLE; or

19 2. escape under [Article 27, § 137 of the Code] § 9-404 OF
20 THE CRIMINAL LAW ARTICLE.

21 11-712.

22 (b) (4) An individual is eligible for the pretrial release program if the
23 individual:

24 (i) is recommended to the court for placement in the program by
25 the program staff;

26 (ii) has no other charges pending in any jurisdiction; and

27 (iii) is not in detention for:

28 1. a crime of violence; or

29 2. the crime of escape under [Article 27, § 137 of the Code] §
30 9-404 OF THE CRIMINAL LAW ARTICLE.

1 (d) (4) An inmate is not eligible for the home detention program if the
2 inmate:

3 (i) is serving a sentence for a crime of violence; or

4 (ii) has been found guilty of the crime of:

5 1. child abuse under [Article 27, § 35C of the Code] § 3-601
6 OF THE CRIMINAL LAW ARTICLE; or

7 2. escape under [Article 27, § 137 of the Code] § 9-404 OF
8 THE CRIMINAL LAW ARTICLE.

9 11-714.

10 (d) (4) An inmate is not eligible for the home detention program if the
11 inmate:

12 (i) is serving a sentence for a crime of violence; or

13 (ii) has been found guilty of the crime of:

14 1. child abuse under [Article 27, § 35C of the Code] § 3-601
15 OF THE CRIMINAL LAW ARTICLE; or

16 2. escape under [Article 27, § 137 of the Code] § 9-404 OF
17 THE CRIMINAL LAW ARTICLE.

18 11-723.

19 (b) (4) An inmate is not eligible for the home detention program if the
20 inmate:

21 (i) is serving a sentence for a crime of violence; or

22 (ii) has been found guilty of the crime of:

23 1. child abuse under [Article 27, § 35C of the Code] § 3-601
24 OF THE CRIMINAL LAW ARTICLE; or

25 2. escape under [Article 27, § 137 of the Code] § 9-404 OF
26 THE CRIMINAL LAW ARTICLE.

27 11-726.

28 (a) An individual who knowingly violates a restriction on movement imposed
29 as a condition of leave, work release, or a home detention order or agreement under
30 this subtitle is guilty of escape as provided in [Article 27, §§ 136 through 139 of the
31 Code] §§ 9-404 THROUGH 9-407 OF THE CRIMINAL LAW ARTICLE.

1 **Article - Courts and Judicial Proceedings**

2 3-812.

3 (a) (2) "Crime of violence" has the meaning stated in [Article 27, § 643B of
4 the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE.

5 3-8A-01.

6 (w) "Violation" means a violation [of Article 27, § 400, § 400A, § 400B, § 401, or
7 § 406 of the Code] FOR WHICH A CITATION IS ISSUED UNDER:

8 (1) ~~ARTICLE 2B, § 22-101, § 22-102, § 22-103, OR § 22-104 OF THE CODE;~~

9 (1) § 10-113, § 10-114, § 10-115, OR § 10-116 OF THE CRIMINAL LAW
10 ARTICLE;

11 (2) § 10-108 OF THE CRIMINAL LAW ARTICLE; or

12 (3) § 26-103 of the Education Article [for which a citation is issued].

13 3-8A-03.

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

15 (4) A child at least 16 years old alleged to have committed any of the
16 following crimes, as well as all other charges against the child arising out of the same
17 incident, unless an order removing the proceeding to the court has been filed under §
18 4-202 of the Criminal Procedure Article:

19 (i) Abduction;

20 (ii) Kidnapping;

21 (iii) Second degree murder;

22 (iv) Manslaughter, except involuntary manslaughter;

23 (v) Second degree rape;

24 (vi) Robbery under [Article 27, § 487 of the Code] § 3-403 OF THE
25 CRIMINAL LAW ARTICLE;

26 (vii) Second degree sexual offense [in violation of Article 27, §
27 464A(a)(1) of the Code] UNDER § 3-306(A)(1) OF THE CRIMINAL LAW ARTICLE;

28 (viii) Third degree sexual offense [in violation of Article 27, §
29 464B(a)(1) of the Code] UNDER § 3-307(A)(1) OF THE CRIMINAL LAW ARTICLE;

30 (ix) A crime in violation of Article 27, [§ 36B, § 373, § 374,] § 445, §
31 446, or § 481C of the Code;

- 1 (x) Using, wearing, carrying, or transporting [of] A firearm during
2 and in relation to a drug trafficking crime [in violation of Article 27, § 281A of the
3 Code] UNDER § 5-621 OF THE CRIMINAL LAW ARTICLE;
- 4 (xi) Use of a firearm [in violation of Article 27, § 291A of the Code]
5 UNDER § 5-622 OF THE CRIMINAL LAW ARTICLE;
- 6 (xii) Carjacking or armed carjacking [in violation of Article 27, §
7 348A of the Code] UNDER § 3-405 OF THE CRIMINAL LAW ARTICLE;
- 8 (xiii) Assault in the first degree [in violation of Article 27, § 12A-1 of
9 the Code] UNDER § 3-202 OF THE CRIMINAL LAW ARTICLE;
- 10 (xiv) Attempted murder in the second degree [in violation of Article
11 27, § 411A of the Code] UNDER § 2-206 OF THE CRIMINAL LAW ARTICLE;
- 12 (xv) Attempted rape IN THE SECOND DEGREE UNDER § 3-310 OF THE
13 CRIMINAL LAW ARTICLE or attempted sexual offense in the second degree under
14 [Article 27, § 464F of the Code] § 3-312 OF THE CRIMINAL LAW ARTICLE; [or]
- 15 (xvi) Attempted robbery under [Article 27, § 487 of the Code] § 3-403
16 OF THE CRIMINAL LAW ARTICLE; OR
- 17 (XVII) A VIOLATION OF § 4-203, § 4-204, § 4-404, OR § 4-405 OF THE
18 CRIMINAL LAW ARTICLE;
- 19 3-8A-07.

20 (c) Unless otherwise ordered by the court, the court's jurisdiction is
21 terminated over a person who has reached 18 years of age when he is convicted of a
22 crime, including manslaughter by automobile, unauthorized use or occupancy of a
23 motor vehicle, any violation of [Article 27, § 388A or § 388B of the Code] TITLE 2,
24 SUBTITLE 5 OR § 3-211 OF THE CRIMINAL LAW ARTICLE, or § 21-902 of the
25 Transportation Article, but excluding a conviction for a violation of any other traffic
26 law or ordinance or any provision of the State Boat Act, or the fish and wildlife laws
27 of the State.

28 3-8A-10.

29 (c) (2) An inquiry need not include an interview of the child who is the
30 subject of the complaint if the complaint alleges the commission of an act that would
31 be a felony if committed by an adult or alleges a violation of [Article 27, § 36B of the
32 Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE.

33 (4) (i) If a complaint is filed that alleges the commission of an act
34 which would be a felony if committed by an adult or alleges a violation of [Article 27,
35 § 36B of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE, and if the
36 intake officer denies authorization to file a petition or proposes an informal
37 adjustment, the intake officer shall immediately:

1 (2) The intake officer shall forward the citation authorized under
2 [Article 27, § 406 of the Code] § 10-108 OF THE CRIMINAL LAW ARTICLE to the State's
3 Attorney if the child fails to comply with a smoking program referral or a supervised
4 work program assignment described under paragraph (1) of this subsection.

5 3-8A-19.

6 (e) (1) (iii) In making a disposition on a finding that the child has
7 committed a violation [under Article 27, § 400] OF ~~ARTICLE 2B, § 22-101 of the Code §~~
8 10-113 OF THE CRIMINAL LAW ARTICLE specified in a citation that involved the use of
9 a driver's license or a document purporting to be a driver's license, the court may
10 order the Motor Vehicle Administration to initiate an action under the Maryland
11 Vehicle Law to suspend the driving privilege of a child licensed to operate a motor
12 vehicle by the Motor Vehicle Administration:

- 13 1. For a first offense, for 6 months; and
14 2. For a second or subsequent offense, until the child is 21
15 years old.

16 (3) (i) The provisions of paragraphs (1) and (2) of this subsection do
17 not apply to a child found to have committed a violation [under Article 27, § 406 of the
18 Code] OF § 10-108 OF THE CRIMINAL LAW ARTICLE.

19 (ii) In making a disposition on a finding that the child has
20 committed a violation [under Article 27, § 406 of the Code] OF § 10-108 OF THE
21 CRIMINAL LAW ARTICLE, the court may:

- 22 1. Counsel the child or the parent or both, or order the child
23 to participate in a smoking cessation clinic, or other suitable presentation of the
24 hazards associated with tobacco use that is in the best interest of the child;
25 2. Impose a civil fine of not more than \$25 for the first
26 violation and a civil fine of not more than \$100 for a second or subsequent violation;
27 or
28 3. Order the child to participate in a supervised work
29 program for not more than 20 hours for the first violation and not more than 40 hours
30 for a second or subsequent violation.

31 (4) (i) In making a disposition on a finding that the child has
32 committed a violation [under Article 27, § 139C, § 151A, or § 151C of the Code] OF
33 TITLE 4, SUBTITLE 5 OR § 9-504 OR § 9-505 OF THE CRIMINAL LAW ARTICLE, the court
34 may order the Motor Vehicle Administration to initiate an action, under the Maryland
35 Vehicle Law, to suspend the driving privilege of a child for a specified period not to
36 exceed:

- 37 1. For a first offense, 6 months; and

1 involving the defendant or child as provided in this subtitle, the Criminal Procedure
2 Article, THE CRIMINAL LAW ARTICLE, or Article 27 of the Code.

3 3-8A-33.

4 (a) A law enforcement officer authorized to make arrests shall issue a citation
5 to a child if the officer has probable cause to believe that the child is violating:

6 (1) [Article 27, § 400, § 400A, § 400B, § 401, or § 406 of the Code]
7 ~~ARTICLE 2B, §§ 22-101 THROUGH 22-104 OF THE CODE; § 10-113, § 10-114, § 10-115, OR §~~
8 10-116 OF THE CRIMINAL LAW ARTICLE;

9 (2) § 10-108 OF THE CRIMINAL LAW ARTICLE; or

10 [(2)] (3) § 26-103 of the Education Article.

11 3-904.

12 (a) (2) A parent may not be a beneficiary in a wrongful death action for the
13 death of a child of the parent if:

14 (i) 1. The parent is convicted under [Article 27, § 35C, § 335, §
15 462, § 463, § 464, § 464A, § 464B, or § 464C of the Code] §§ 3-303 THROUGH 3-308, §
16 3-321, OR § 3-601 OF THE CRIMINAL LAW ARTICLE; or

17 2. The parent committed an act prohibited under [Article 27,
18 § 35C, § 335, § 462, § 463, § 464, § 464A, § 464B, or § 464C of the Code] §§ 3-303
19 THROUGH 3-308, § 3-321, OR § 3-601 OF THE CRIMINAL LAW ARTICLE;

20 3-1306.

21 (a) Criminal prosecution for an offense of theft under [Article 27, § 342 of the
22 Code] § 7-104 OF THE CRIMINAL LAW ARTICLE is not a prerequisite to the
23 maintenance of a civil action under this subtitle.

24 3-1503.

25 (a) A petitioner may seek relief under this subtitle by filing with the court a
26 petition that alleges the commission of any of the following acts against the petitioner
27 by the respondent, if the act occurred within 30 days before the filing of the petition:

28 (1) An act that causes serious bodily harm;

29 (2) An act that places the petitioner in fear of imminent serious bodily
30 harm;

31 (3) Assault in any degree;

32 (4) Rape or sexual offense[, as defined by Article 27, §§ 462 through
33 464C of the Code] UNDER §§ 3-303 THROUGH 3-308 OF THE CRIMINAL LAW ARTICLE
34 or attempted rape or sexual offense in any degree;

1 (5) False imprisonment;

2 (6) Harassment[, as described in Article 27, § 123 of the Code] UNDER §
3 3-803 OF THE CRIMINAL LAW ARTICLE;

4 (7) Stalking[, as described in Article 27, § 124 of the Code] UNDER §
5 3-802 OF THE CRIMINAL LAW ARTICLE;

6 (8) Trespass[, as described in the trespass subheading of Article 27 of the
7 Code] UNDER TITLE 6, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE; or

8 (9) Malicious destruction of property[, as described in Article 27, § 111 of
9 the Code] UNDER § 6-301 OF THE CRIMINAL LAW ARTICLE.

10 3-1601.

11 In this subtitle, "controlled dangerous substance" has the meaning stated in
12 [Article 27, § 277(f) of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE.

13 3-1602.

14 A person who is convicted, under [Article 27, § 286 or § 286A of the Code] §§
15 5-602 THROUGH 5-609 OR §§ 5-612 THROUGH 5-614 OF THE CRIMINAL LAW ARTICLE, of
16 knowingly and willfully manufacturing, distributing, dispensing, bringing into, or
17 transporting in the State a controlled dangerous substance is liable for damages in a
18 civil action as provided in this subtitle.

19 4-301.

20 (b) Except as provided in § 4-302 of this subtitle, the District Court also has
21 exclusive original jurisdiction in a criminal case in which a person at least 18 years
22 old or a corporation is charged with:

23 (1) Commission of a common-law or statutory misdemeanor regardless
24 of the amount of money or value of the property involved;

25 (2) Violation of [§§ 342 through 344 of Article 27 of the Code] § 7-104, §
26 7-105, § 7-107, OR § 7-108 OF THE CRIMINAL LAW ARTICLE, whether a felony or a
27 misdemeanor;

28 (3) Violation of a county, municipal, or other ordinance, if the violation is
29 not a felony;

30 (4) Criminal violation of a State, county, or municipal rule or regulation,
31 if the violation is not a felony;

32 (5) Doing or omitting to do any act made punishable by a fine,
33 imprisonment, or other penalty as provided by the particular law, ordinance, rule, or
34 regulation defining the violation if the violation is not a felony;

1 (6) Violation of [Article 27, § 141 of this Code] § 8-103 OF THE CRIMINAL
2 LAW ARTICLE, whether a felony or a misdemeanor;

3 (7) Violation of [Article 27, § 145 of this Code] §§ 8-203 THROUGH 8-209
4 OF THE CRIMINAL LAW ARTICLE, whether a felony or misdemeanor;

5 (8) Violation of [Article 27, § 44 of the Code] §§ 8-601 THROUGH 8-604 OF
6 THE CRIMINAL LAW ARTICLE;

7 (9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a
8 felony or a misdemeanor;

9 (10) Violation of § 9-1106 of the Labor and Employment Article;

10 (11) Violation of § 14-1403 of the Commercial Law Article;

11 (12) Violation of [Article 27, § 388 of the Code] § 2-209 OF THE CRIMINAL
12 LAW ARTICLE;

13 (13) Violation of [Article 27, § 388A of the Code] TITLE 2, SUBTITLE 5 OF
14 THE CRIMINAL LAW ARTICLE;

15 (14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article;

16 (15) Violation of [Article 27, § 59 of the Code] §§ 10-604 THROUGH 10-608
17 OF THE CRIMINAL LAW ARTICLE, whether felony or misdemeanor; or

18 (16) Violation of [Article 27, § 194A of the Code] TITLE 7, SUBTITLE 3,
19 PART III OF THE CRIMINAL LAW ARTICLE, whether a felony or misdemeanor.

20 4-302.

21 (d) (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
22 circuit court does not have jurisdiction to try a case charging a violation of [Article 27,
23 § 287 of the Code] § 5-601 OR § 5-620 OF THE CRIMINAL LAW ARTICLE.

24 (ii) A circuit court does have jurisdiction to try a case charging a
25 violation of [Article 27, § 287 of the Code] § 5-601 OR § 5-620 OF THE CRIMINAL LAW
26 ARTICLE if the defendant:

27 1. Properly demands a jury trial;

28 2. Appeals as provided by law from a final judgment entered
29 in the District Court; or

30 3. Is charged with another offense arising out of the same
31 circumstances that is within a circuit court's jurisdiction.

1 4-401.

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

5 (10) A proceeding for adjudication of:

6 (vii) A citation for a Code violation issued under [Article 27, § 403]
7 ~~ARTICLE 2B, § 22-107 of the Code~~ § 10-119 OF THE CRIMINAL LAW ARTICLE;

8 5-106.

9 (j) A prosecution for a welfare offense under [Article 27, § 230A of the Code]
10 §§ 8-501 THROUGH 8-504 OF THE CRIMINAL LAW ARTICLE shall be instituted within 3
11 years after the offense was committed.

12 (k) A prosecution for a misdemeanor offense under [the Fraud - State Health
13 Plans subheading in Article 27 of the Code] TITLE 8, SUBTITLE 5, PART II OF THE
14 CRIMINAL LAW ARTICLE shall be instituted within 3 years after the offense was
15 committed.

16 (p) A prosecution for an offense under [Article 27, § 388 or § 388A of the Code]
17 TITLE 2, SUBTITLE 5 OR § 2-209 OF THE CRIMINAL LAW ARTICLE or § 20-102 of the
18 Transportation Article shall be instituted within 3 years after the offense was
19 committed.

20 (w) A prosecution under [Article 27, § 146(c) of the Code] § 7-302 OF THE
21 CRIMINAL LAW ARTICLE relating to computer crimes shall be instituted within 3
22 years after the offense was committed.

23 (x) A prosecution for an offense under [Article 27, § 35D of the Code] § 3-603
24 OF THE CRIMINAL LAW ARTICLE relating to abuse or neglect of a vulnerable adult
25 shall be instituted within 2 years after the offense was committed.

26 5-402.

27 A merchant or an agent or employee of the merchant who detains or causes the
28 arrest of any person shall not be held civilly liable for detention, slander, malicious
29 prosecution, false imprisonment, or false arrest of the person detained or arrested,
30 whether the detention or arrest takes place by the merchant or by his agent or
31 employee, if in detaining or in causing the arrest of the person, the merchant or the
32 agent or employee of the merchant had, at the time of the detention or arrest,
33 probable cause to believe that the person committed the crime of "theft," as prohibited
34 by [§ 342 of Article 27 of the Code] § 7-104 OF THE CRIMINAL LAW ARTICLE, of
35 property of the merchant from the premises of the merchant.

36 7-409.

37 (a) (2) "Crime" means an act committed by a person in the State that is:

- 1 (I) A CRIME UNDER TITLE 1, SUBTITLE 3, TITLE 3, SUBTITLE 7, OR §
2 4-123.1 OF THE AGRICULTURE ARTICLE;
- 3 (II) A CRIME UNDER TITLE 19, SUBTITLE 2 OR SUBTITLE 3, ~~§ 11-1002,~~
4 ~~OR § 11-1003~~ OF THE BUSINESS REGULATION ARTICLE;
- 5 (III) A CRIME UNDER TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR §
6 14-1317 OF THE COMMERCIAL LAW ARTICLE;
- 7 (IV) A CRIME UNDER § 3-218, § 3-305(C)(2), § 3-409(A) OR (C), § 3-803(B),
8 § 3-807(I), § 3-808(D), § 3-811(C), § 8-801, § 8-802, § 9-602(E), § 11-702(B)(8), §
9 11-703(D)(5)(III), § 11-706(B)(8), § 11-708(B)(8)(II), § 11-711(H)(2), § 11-712(C)(6)(II), §
10 11-714(C)(6), § 11-715(G)(2), § 11-716(H)(2), § 11-723(B)(8), OR § 11-726 OF THE
11 CORRECTIONAL SERVICES ARTICLE;
- 12 (V) A CRIME UNDER THE CRIMINAL LAW ARTICLE OTHER THAN
13 TITLE 8, SUBTITLE 2, PART II OR § 10-614;
- 14 [(i) A crime under Article 27 of the Code;
- 15 (ii)] (VI) A crime under the Criminal Procedure Article;
- 16 (VII) A CRIME UNDER TITLE 5, SUBTITLE 10A OF THE ENVIRONMENT
17 ARTICLE;
- 18 (VIII) A CRIME UNDER § 5-503 OF THE FAMILY LAW ARTICLE;
- 19 (IX) A CRIME UNDER TITLE 20, SUBTITLE 7 OR § 21-259.1 OF THE
20 HEALTH - GENERAL ARTICLE;
- 21 (X) A CRIME UNDER § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1,
22 § 8-738.1, OR § 8-740.1 OF THE NATURAL RESOURCES ARTICLE;
- 23 (XI) A CRIME UNDER ARTICLE 27 OF THE CODE;
- 24 (XII) A CRIME UNDER § 14-127 OF THE REAL PROPERTY ARTICLE;
- 25 [(iii)] (XIII) A violation of the Transportation Article that is
26 punishable by imprisonment;
- 27 [(iv) A crime at common law; or
- 28 (v) A crime under § 3-218, § 3-305(c)(2), § 3-409(a) or (c), §
29 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), §
30 11-702(b)(8), § 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), §
31 11-712(c)(6)(ii), § 11-714(c)(6), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or §
32 11-726 of the Correctional Services Article]
- 33 (XIV) A CRIME UNDER ARTICLE 2B, TITLE 22 OR § 18-104 OF THE CODE;

1 (XV) A CRIME UNDER ARTICLE 24, § 11-512, § 11-513, OR § 11-514 OF
2 THE CODE;

3 (XVI) A CRIME UNDER § 109 OF THE CODE OF PUBLIC LOCAL LAWS
4 OF CAROLINE COUNTY;

5 (XVII) A CRIME UNDER § 4-103 OF THE CODE OF PUBLIC LOCAL
6 LAWS OF CARROLL COUNTY;

7 (XVIII) A CRIME UNDER § 8A-1 OF THE CODE OF PUBLIC LOCAL
8 LAWS OF TALBOT COUNTY; OR

9 (XIX) A CRIME AT COMMON LAW.

10 8-301.

11 (a) In a trial in which the defendant is subject, on any single count, to a
12 sentence of death because notice of intention to seek a sentence of death has been
13 given under [Article 27, § 412 of the Code] § 2-202 OF THE CRIMINAL LAW ARTICLE,
14 each defendant is permitted 20 peremptory challenges and the State is permitted 10
15 peremptory challenges for each defendant.

16 (b) In a criminal trial in which the defendant is subject, on any single count, to
17 a sentence of life imprisonment, including a case in which notice of intention to seek
18 a sentence of death has not been given under [Article 27, § 412 of the Code] § 2-202
19 OF THE CRIMINAL LAW ARTICLE, except for common law offenses for which no specific
20 penalty is provided by statute, each defendant is permitted 20 peremptory challenges
21 and the State is permitted 10 peremptory challenges for each defendant.

22 10-302.

23 In a prosecution for a violation of a law concerning a person who is driving or
24 attempting to drive a vehicle in violation of § 16-113, § 16-813, or § 21-902 of the
25 Transportation Article, or in violation of [Article 27, § 388, § 388A, or § 388B of the
26 Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE, a test
27 of the person's breath or blood may be administered for the purpose of determining
28 alcohol concentration and a test or tests of 1 specimen of the person's blood may be
29 administered for the purpose of determining the drug or controlled dangerous
30 substance content of the person's blood.

31 10-306.

32 (a) (1) (i) Subject to the provisions of paragraph (2) of this subsection, in
33 any criminal trial in which a violation of § 16-113, § 16-813, or § 21-902 of the
34 Transportation Article, or a violation of [Article 27, § 388, § 388A, or § 388B of the
35 Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE is
36 charged or is an issue, a copy of a report of the results of a test of breath or blood to
37 determine alcohol concentration signed by the technician or analyst who performed
38 the test, is admissible as substantive evidence without the presence or testimony of
39 the technician or analyst who performed the test.

1 (ii) Subject to the provisions of § 10-308(b) of this subtitle and
2 paragraph (2) of this subsection, in any criminal trial in which a violation of § 21-902
3 of the Transportation Article or a violation of [Article 27, § 388, § 388A, or § 388B of
4 the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE is
5 charged, a copy of a report of the results of a test or tests of blood to determine drug
6 or controlled dangerous substance content signed by the technician or analyst who
7 performed the test, is admissible as substantive evidence without the presence or
8 testimony of the technician or analyst who performed the test.

9 10-307.

10 (a) (1) In any criminal, juvenile, or civil proceeding in which a person is
11 alleged to have committed an act that would constitute a violation of [Article 27, §
12 388, § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE
13 CRIMINAL LAW ARTICLE, or with driving or attempting to drive a vehicle in violation
14 of § 16-113, § 16-813, or § 21-902 of the Transportation Article, the amount of alcohol
15 in the person's breath or blood shown by analysis as provided in this subtitle is
16 admissible in evidence and has the effect set forth in subsections (b) through (g) of
17 this section.

18 10-308.

19 (b) The results of a test or tests to determine the drug or controlled dangerous
20 substance content of a person's blood:

21 (1) Are admissible as evidence in a criminal trial only in a prosecution
22 for a violation of § 21-902 of the Transportation Article, § 8-738 of the Natural
23 Resources Article, or [Article 27, § 388, § 388A, or § 388B of the Code] TITLE 2,
24 SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE and only if other
25 admissible evidence is introduced that creates an inference that the person was:

26 (i) Driving or attempting to drive while so far impaired by any
27 drug, any combination of drugs, or a combination of one or more drugs and alcohol
28 that the person could not drive a vehicle safely, or while impaired by a controlled
29 dangerous substance; or

30 (ii) Operating or attempting to operate a vessel while the person
31 was so far impaired by any drug, any combination of drugs, or a combination of one or
32 more drugs and alcohol that the person could not operate a vessel safely, or while
33 impaired by a controlled dangerous substance; and

34 (2) Are not admissible in a prosecution other than a prosecution for a
35 violation of § 21-902 of the Transportation Article, § 8-738 of the Natural Resources
36 Article, or [Article 27, § 388, § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, §
37 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE.

38 10-309.

39 (a) (1) (ii) Evidence of a test or analysis provided for in this subtitle is not
40 admissible in a prosecution for a violation of § 16-113 or § 21-902 of the

1 Transportation Article, § 8-738 of the Natural Resources Article, or [Article 27, § 388,
2 § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE
3 CRIMINAL LAW ARTICLE if obtained contrary to the provisions of this subtitle.

4 (c) Nothing in this section precludes or limits the admissibility of evidence of
5 a test or analysis to determine the alcohol concentration of a person's blood or breath
6 in any prosecution other than for a violation of § 16-113 or § 21-902 of the
7 Transportation Article, § 8-738 of the Natural Resources Article, or [Article 27, § 388,
8 § 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE
9 CRIMINAL LAW ARTICLE.

10 10-402.

11 (c) (2) (I) THIS PARAGRAPH APPLIES TO AN INTERCEPTION IN WHICH:

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

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

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

21 (⊕) 1. [of] OF the commission of:

22 ~~1.~~ A. [the offenses of murder, kidnapping, rape, a sexual
23 offense in the first or second degree, child abuse, child pornography, as defined under
24 Article 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486 or
25 § 487 of the Code, any felony punishable under the "Arson and Burning" subheading
26 of Article 27, bribery, extortion, or dealing in controlled dangerous substances,
27 including violations of Article 27, § 286B or § 287A, fraudulent] MURDER;

28 ~~2.~~ B. KIDNAPPING;

29 ~~3.~~ C. RAPE;

30 ~~4.~~ D. A SEXUAL OFFENSE IN THE FIRST OR SECOND
31 DEGREE;

32 ~~5.~~ E. CHILD ABUSE;

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

35 ~~7.~~ G. GAMBLING;

1 (3) All parties to the communication were co-conspirators in a crime of
2 violence as defined in [Article 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW
3 ARTICLE.

4 10-406.

5 (A) The Attorney General, State Prosecutor, or any State's Attorney may apply
6 to a judge of competent jurisdiction, and the judge, in accordance with the provisions
7 of § 10-408 of this subtitle, may grant an order authorizing the interception of wire,
8 oral, or electronic communications by investigative or law enforcement officers when
9 the interception may provide or has provided evidence of the commission of:

10 (1) [the offense of murder, kidnapping, child pornography, as defined in
11 Article 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486 or
12 § 487 of the Code, any felony punishable under the "Arson and Burning" subheading
13 of Article 27 of this Code, bribery, extortion, or dealing in controlled dangerous
14 substances, offenses] MURDER;

15 (2) KIDNAPPING;

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

18 (4) GAMBLING;

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

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

22 (7) BRIBERY;

23 (8) EXTORTION;

24 (9) DEALING IN A CONTROLLED DANGEROUS SUBSTANCE;

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

27 (11) A conspiracy or solicitation to commit [any of the foregoing offenses]
28 AN OFFENSE LISTED IN ITEMS (1) THROUGH (10) OF THIS SUBSECTION.

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

31 10-407.

32 (c) (2) Any person who has received any information concerning a wire, oral,
33 or electronic communication intercepted in any state or any political subdivision of a
34 state, the United States or any territory, protectorate, or possession of the United
35 States, including the District of Columbia in accordance with the law of that

1 jurisdiction, but that would be in violation of this subtitle if the interception was
2 made in this State, or evidence derived from the communication, may disclose the
3 contents of that communication or the derivative evidence while giving testimony
4 under oath or affirmation in any proceeding held under the authority of this State if:

5 (iii) All parties to the communication were co-conspirators in a
6 crime of violence as defined in [Article 27, § 643B of the Code] § 14-101 OF THE
7 CRIMINAL LAW ARTICLE.

8 10-914.

9 (a) A laboratory test, performed by a laboratory certified by the Department of
10 Health and Mental Hygiene and approved by the Division of Parole and Probation of
11 the Department of Public Safety and Correctional Services, indicating that the
12 defendant has used a controlled dangerous substance as defined in [Article 27 of the
13 Code] § 5-101 OF THE CRIMINAL LAW ARTICLE or alcohol in violation of a condition of
14 the defendant's probation or work release, is sufficiently reliable to justify revocation
15 of the defendant's probation or work release, without an expert witness from the
16 laboratory testifying in court to support the contents of a report of the laboratory test.
17 10-1001.

18 For the purpose of establishing that physical evidence in a criminal or civil
19 proceeding constitutes a particular controlled dangerous substance [defined] under
20 [Article 27 of this Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE, a report signed by
21 the chemist or analyst who performed the test or tests as to its nature is prima facie
22 evidence that the material delivered to the chemist or analyst was properly tested
23 under procedures approved by the Department of Health and Mental Hygiene, that
24 those procedures are legally reliable, that the material was delivered to the chemist
25 or analyst by the officer or person stated in the report, and that the material was or
26 contained the substance therein stated, without the necessity of the chemist or
27 analyst personally appearing in court, provided the report identifies the chemist or
28 analyst as an individual certified by the Department of Health and Mental Hygiene,
29 the Department of State Police, the Baltimore City Police Department, or any county
30 police department employing analysts of controlled dangerous substances, as
31 qualified under standards approved by the Department of Health and Mental
32 Hygiene to analyze those substances, states that the chemist or analyst made an
33 analysis of the material under procedures approved by that department, and also
34 states that the substance, in the opinion of the chemist or analyst, is or contains the
35 particular controlled dangerous substance specified. Nothing in this section precludes
36 the right of any party to introduce any evidence supporting or contradicting the
37 evidence contained in or the presumptions raised by the report.

38 10-1002.

39 (b) (1) For the purpose of establishing, in a criminal or civil proceeding, the
40 chain of physical custody or control of evidence consisting of or containing a substance
41 tested or analyzed to determine whether it is a controlled dangerous substance
42 [defined] under [Article 27 of this Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE, a

1 statement signed by each successive person in the chain of custody that the person
2 delivered it to the other person indicated on or about the date stated is prima facie
3 evidence that the person had custody and made the delivery as stated, without the
4 necessity of a personal appearance in court by the person signing the statement.

5 12-302.

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

7 (3) (i) In a case involving a crime of violence as defined in [§ 643B of
8 Article 27] § 14-101 OF THE CRIMINAL LAW ARTICLE, and in cases under [§§ 286 and
9 286A of Article 27] §§ 5-602 THROUGH 5-609 AND §§ 5-612 THROUGH 5-614 OF THE
10 CRIMINAL LAW ARTICLE, the State may appeal from a decision of a trial court that
11 excludes evidence offered by the State or requires the return of property alleged to
12 have been seized in violation of the Constitution of the United States, the
13 Constitution of Maryland, or the Maryland Declaration of Rights.

14 12-401.

15 (d) (1) A defendant who has been found guilty of a municipal infraction, as
16 defined in Article 23A, § 3(b)(1) of the Code or a Code violation under [Article 27, §
17 403] ~~ARTICLE 2B, § 22-107 of the Code~~ § 10-119 OF THE CRIMINAL LAW ARTICLE, may
18 appeal from the final judgment entered in the District Court.

19 (2) The costs and procedures for taking the appeal shall be as provided
20 for appeals from criminal cases in the District Court.

21 (3) Except, however, as provided in subsection (f) of this section, the
22 appellate court shall docket and hear the appeal as a civil appeal from the District
23 Court.

24 **Article - Criminal Law**

25 1-401.

26 In a trial for counterfeiting, issuing, disposing of, passing, altering, stealing,
27 embezzling, or destroying any kind of instrument, or THEFT BY THE obtaining OF
28 property by false pretenses, it is sufficient to prove that the defendant did the act
29 charged with an intent to defraud without proving an intent by the defendant to
30 defraud a particular person.

31 3-702.

32 (b) If the value of the property is [greater than] \$500 OR MORE, a person who
33 violates this section:

34 (1) is guilty of the felony of extortion and on conviction is subject to
35 imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both; and

1 (2) notwithstanding any pardon, shall be barred permanently from
2 employment by the State or by a county, municipal corporation, bicounty agency, or
3 multicounty agency.

4 (c) If the value of the property is LESS THAN \$500 [or less], a person who
5 violates this section is guilty of the misdemeanor of extortion and on conviction is
6 subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.
7 3-906.

8 (b) [A person connected in any capacity with] AN EMPLOYEE OR AGENT OF a
9 telegraph company or telephone company, or [with persons] OF A PERSON operating
10 telegraph lines or telephone lines for profit in the State, may not:

11 (1) willfully divulge the contents or nature of the contents of a private
12 communication that is entrusted to the person for transmission or delivery; or

13 (2) willfully refuse or neglect to transmit or deliver a private
14 communication.

15 4-101.

16 (d) (1) (i) A person who violates subsection (c)(1), (2), or (4) of this section
17 is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding
18 3 years or a fine not exceeding \$1,000 OR BOTH.

19 4-102.

20 (c) (1) Except as provided in paragraph (2) of this subsection, a person who
21 violates this section is guilty of a misdemeanor and on conviction is subject to
22 imprisonment not exceeding 3 years or a fine not exceeding \$1,000 OR BOTH.

23 4-103.

24 (b) A person may not knowingly remove or attempt to remove a firearm from
25 the possession of [another] A LAW ENFORCEMENT OFFICER if:

26 (1) the [other] LAW ENFORCEMENT OFFICER is lawfully acting within
27 the course and scope of employment; and

28 (2) the person has knowledge or reason to know that the [other] LAW
29 ENFORCEMENT OFFICER is employed as a law enforcement officer.

30 5-810.

31 (a) (2) "Drug crime" means:

32 (i) a violation of this title;

33 (II) A VIOLATION OF TITLE 12 OF THE CRIMINAL PROCEDURE
34 ARTICLE; or

1 [(ii)] (III) a violation of the law of any other jurisdiction if the
2 prohibited conduct would be a violation of this title OR TITLE 12 OF THE CRIMINAL
3 PROCEDURE ARTICLE if committed in this State.

4 6-207.

5 (b) A person who violates this section is guilty of the felony of burglary with
6 [explosives] DESTRUCTIVE DEVICE and on conviction is subject to imprisonment not
7 exceeding 20 years.

8 7-116.

9 (a) This section applies to a person who is entrusted with money as an
10 advance against grain or other merchandise:

11 (2) for which a certificate or receipt has been delivered to an official of
12 the elevator storage facility or to the party with whom the grain or other merchandise
13 is stored for shipment and transport [from Baltimore City] to the purchaser.

14 7-313.

15 (b) (1) "Manufacture" means:

16 (i) with respect to an unlawful access device:

17 2. to modify, alter, program, or reprogram technology,
18 software, or a device to defeat or circumvent technology, software, or a device that is
19 used by the provider, owner, or licensee of a telecommunication service or of a data,
20 audio, or video service, program, or transmission, to protect the telecommunication,
21 data, audio, or video service, program, or transmission from unauthorized receipt,
22 acquisition, access, [description] DECRYPTION, disclosure, communication,
23 transmission, or retransmission; and

24 8-514.

25 A person may not knowingly and willfully obtain, attempt to obtain, or aid
26 another individual in obtaining or attempting to obtain a drug product or medical
27 care, the payment of all or a part of which is or may be made from federal or State
28 funds under a State health plan, by:

29 (1) fraud, deceit, [misrepresentation] FALSE REPRESENTATION, or
30 concealment;

31 PART I. GENERAL PROVISIONS.

32 10-101.

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

1 10-119.

2 (a) A person who violates [§§ 22-101 through 22-106 of this subtitle] §§
3 10-113 THROUGH 10-118 OF THIS PART shall be issued a citation under this section.

4 (b) A citation for a violation of [§§ 22-101 through 22-106 of this subtitle] §§
5 10-113 THROUGH 10-118 OF THIS PART may be issued by:

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

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

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

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

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

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

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

24 10-120.

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

29 10-702.

30 This subtitle does not apply to:

31 (1) an act allowed by the statutes of the United States or of this State, or
32 by the regulations of the ARMED FORCES OF THE United States [Army or Navy]; or

33 11-202.

34 (c) (1) The State's Attorney may maintain an action for an injunction in the
35 circuit court against a person to prevent the sale, further sale, distribution, further

1 distribution, acquisition, publication, or possession within the State of any book,
2 magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing,
3 photograph, motion picture film or showing, or any [article] ARTICLE, ITEM, or
4 instrument the use of which is obscene.

5

Article - Criminal Procedure

6 1-101.

7 (e) "Crime of violence" has the meaning stated in [Article 27, § 643B(a) of the
8 Code] § 14-101 OF THE CRIMINAL LAW ARTICLE.

9 1-203.

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

13 (i) [Article 27, § 286, § 286A, § 286B, § 286C, § 287, or § 287A of
14 the Code] §§ 5-601 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, § 5-619, OR §
15 5-628 OF THE CRIMINAL LAW ARTICLE, relating to controlled dangerous substances;

16 (ii) [Article 27, § 407, § 408, § 409, § 410, or § 411 of the Code] §
17 2-201 OR § 2-204 OF THE CRIMINAL LAW ARTICLE, relating to murder; or

18 (iii) [Article 27, § 419A or § 419B of the Code] § 11-207 OR § 11-208
19 OF THE CRIMINAL LAW ARTICLE, relating to pornography.

20 2-102.

21 (b) (4) The powers granted by this section are in addition to the powers
22 granted by [Article 27, § 298 of the Code] §§ 5-801, 5-802, 5-807, 5-808, AND 5-901 OF
23 THE CRIMINAL LAW ARTICLE and to the powers of fresh pursuit granted by Subtitle 3
24 of this title.

25 2-203.

26 (b) The crimes referred to in subsection (a)(1) of this section are:

27 (1) manslaughter by [automobile, motor vehicle, locomotive, engine, car,
28 streetcar, train, vessel, or other vehicle] VEHICLE OR VESSEL under [Article 27, § 388
29 of the Code] § 2-209 OF THE CRIMINAL LAW ARTICLE;

30 (2) malicious burning under [Article 27, § 8(a) of the Code] § 6-104 OR §
31 6-105 OF THE CRIMINAL LAW ARTICLE or an attempt to commit the crime;

32 (3) malicious mischief under [Article 27, § 111 of the Code] § 6-301 OF
33 THE CRIMINAL LAW ARTICLE or an attempt to commit the crime;

1 (4) a theft crime where the value of the property or services stolen is less
2 than \$500 under [Article 27, §§ 342 and 342A of the Code] § 7-104 OR § 7-105 OF THE
3 CRIMINAL LAW ARTICLE or an attempt to commit the crime;

4 (5) the crime of giving or causing to be given a false alarm of fire under
5 [Article 27, § 156 of the Code] § 9-604 OF THE CRIMINAL LAW ARTICLE;

6 (6) indecent exposure under [Article 27, § 335A of the Code] § 11-107 OF
7 THE CRIMINAL LAW ARTICLE;

8 (7) a crime that relates to controlled dangerous substances under
9 [Article 27, §§ 276 through 302 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE
10 or an attempt to commit the crime;

11 (8) the wearing, carrying, or transporting of a handgun under [Article
12 27, § 36B of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE;

13 (9) carrying or wearing a concealed weapon under [Article 27, § 36 of the
14 Code] § 4-101 OF THE CRIMINAL LAW ARTICLE; and

15 (10) prostitution and related crimes under [Article 27, §§ 426 through 431
16 of the Code] TITLE 11, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

17 2-205.

18 A police officer without a warrant may arrest a person if:

19 (1) the police officer has probable cause to believe the person has
20 engaged in stalking under [Article 27, § 124 of the Code] § 3-802 OF THE CRIMINAL
21 LAW ARTICLE;

22 (2) there is credible evidence other than the statements of the alleged
23 stalking victim to support the probable cause under item (1) of this section; and

24 (3) the police officer has reason to believe that the alleged stalking
25 victim or another person is in danger of imminent bodily harm or death.

26 2-208.

27 (a) (2) The powers of arrest set forth in paragraph (1) of this subsection
28 apply only to the crimes listed in this paragraph and to attempts, conspiracies, and
29 solicitations to commit these crimes:

30 (i) murder under [Article 27, § 410 of the Code] § 2-201(4) OF THE
31 CRIMINAL LAW ARTICLE;

32 (ii) setting fire to a dwelling or occupied structure under [Article
33 27, § 6 of the Code] § 6-102 OF THE CRIMINAL LAW ARTICLE;

34 (iii) setting fire to a structure under [Article 27, § 7 of the Code] §
35 6-103 OF THE CRIMINAL LAW ARTICLE;

1 (iv) a crime that relates to destructive devices under [Article 27, §
2 139C of the Code] § 4-503 OF THE CRIMINAL LAW ARTICLE; and

3 (v) making a false statement or rumor as to a destructive device
4 under [Article 27, § 151A of the Code] § 9-504 OF THE CRIMINAL LAW ARTICLE.

5 (b) (2) The crimes referred to in paragraph (1) of this subsection are:

6 (i) a crime that relates to a device that is constructed to represent
7 a destructive device under [Article 27, § 151C of the Code] § 9-505 OF THE CRIMINAL
8 LAW ARTICLE;

9 (ii) malicious burning in the first or second degree under [Article
10 27, § 8(a) of the Code] § 6-104 OR § 6-105 OF THE CRIMINAL LAW ARTICLE;

11 (iii) burning the contents of a trash container under [Article 27, §
12 9A of the Code] § 6-108 OF THE CRIMINAL LAW ARTICLE;

13 (iv) making a false alarm of fire under [Article 27, § 156 of the
14 Code] § 9-604 OF THE CRIMINAL LAW ARTICLE;

15 (v) a crime that relates to burning or attempting to burn property
16 as part of a religious or ethnic crime under [Article 27, § 470A(b)(4) of the Code] §
17 10-303 OR § 10-304 OF THE CRIMINAL LAW ARTICLE;

18 (vi) a crime that relates to interference, obstruction, or false
19 representation of fire and safety personnel under Article 27, § 11D of the Code; and

20 (vii) threatening arson or attempting, causing, aiding, counseling, or
21 procuring arson in the first or second degree or malicious burning in the first or
22 second degree under [the subheading "arson and burning" in Article 27 of the Code]
23 TITLE 6, SUBTITLE 1 OF THE CRIMINAL LAW ARTICLE.

24 2-209.

25 (a) (2) The powers of arrest set forth in paragraph (1) of this subsection
26 apply only to:

27 (i) the crimes listed in this paragraph and to attempts,
28 conspiracies, and solicitations to commit these crimes:

29 1. a crime that relates to a device that is constructed to
30 represent a destructive device under [Article 27, § 151C of the Code] § 9-505 OF THE
31 CRIMINAL LAW ARTICLE;

32 2. setting fire to a dwelling or occupied structure under
33 [Article 27, § 6 of the Code] § 6-102 OF THE CRIMINAL LAW ARTICLE;

34 3. setting fire to a structure under [Article 27, § 7 of the
35 Code] § 6-103 OF THE CRIMINAL LAW ARTICLE;

1 (xii) unlawful discharge or possession of fireworks under Article
2 38A, §§ 16 and 17 of the Code; and

3 (xiii) unlawful manufacture of or dealing in explosives under Article
4 38A, §§ 27 and 31A of the Code.

5 2-210.

6 (a) If a person employed as a watchman or guard believes that a person is
7 trespassing on posted property that is used for a defense-related activity as defined
8 in [Article 27, § 535 of the Code] § 9-701 OF THE CRIMINAL LAW ARTICLE, the
9 employee may detain the person and notify a law enforcement officer.

10 (b) If a law enforcement officer has probable cause to believe that a person has
11 trespassed on posted property that is used for a defense-related activity as defined in
12 [Article 27, § 535 of the Code] § 9-701 OF THE CRIMINAL LAW ARTICLE, the law
13 enforcement officer may arrest the person without a warrant for a violation of
14 [Article 27, § 536 or § 537 of the Code] § 9-702 OR § 9-703 OF THE CRIMINAL LAW
15 ARTICLE.

16 4-101.

17 (b) (1) Subject to paragraph (2) of this subsection, in addition to any other
18 law allowing a crime to be charged by citation, a police officer may issue a citation for:

19 (i) malicious destruction of property under [Article 27, § 111(b) of
20 the Code] § 6-301 OF THE CRIMINAL LAW ARTICLE, if the amount of damage to the
21 property is less than \$500;

22 (ii) disturbing the peace or disorderly conduct under [Article 27, §
23 121 of the Code] § 10-201 OF THE CRIMINAL LAW ARTICLE; or

24 (iii) misdemeanor theft under [Article 27, § 342(f)(2) of the Code] §
25 7-104(G)(2) OF THE CRIMINAL LAW ARTICLE.

26 4-108.

27 (b) (1) This subsection applies to a charging document for:

28 (i) [forging, uttering,] COUNTERFEITING, ISSUING, disposing of,
29 [putting off,] ALTERING, STEALING, EMBEZZLING, DESTROYING, or passing any kind
30 of instrument; or

31 (ii) THEFT BY THE obtaining OF property by false pretenses.

32 4-204.

33 (b) Except for a sentencing proceeding under [Article 27, § 413 of the Code] §
34 2-303 OR § 2-404 OF THE CRIMINAL LAW ARTICLE:

1 (1) the distinction between an accessory before the fact and a principal is
2 abrogated; and

3 (2) an accessory before the fact may be charged, tried, convicted, and
4 sentenced as a principal.

5 5-202.

6 (b) (1) A District Court commissioner may not authorize the pretrial release
7 of a defendant charged as a drug kingpin under [Article 27, § 286(g) of the Code] §
8 5-613 OF THE CRIMINAL LAW ARTICLE.

9 (d) (1) A District Court commissioner may not authorize the pretrial release
10 of a defendant charged with committing one of the following crimes while the
11 defendant was released on bail or personal recognizance for a pending prior charge of
12 committing one of the following crimes:

13 (i) aiding, counseling, or procuring arson in the first degree under
14 [Article 27, § 6 of the Code] § 6-103 OF THE CRIMINAL LAW ARTICLE;

15 (ii) arson in the second degree or attempting, aiding, counseling, or
16 procuring arson in the second degree under [Article 27, § 7 of the Code] § 6-103 OF
17 THE CRIMINAL LAW ARTICLE;

18 (iii) burglary in the first degree under [Article 27, § 29 of the Code]
19 § 6-202 OF THE CRIMINAL LAW ARTICLE;

20 (iv) burglary in the second degree under [Article 27, § 30 of the
21 Code] § 6-203 OF THE CRIMINAL LAW ARTICLE;

22 (v) burglary in the third degree under [Article 27, § 31 of the Code]
23 § 6-204 OF THE CRIMINAL LAW ARTICLE;

24 (vi) causing abuse to a child under [Article 27, § 35C of the Code] §
25 3-601 OF THE CRIMINAL LAW ARTICLE;

26 (vii) a crime that relates to a destructive device under [Article 27, §
27 139C of the Code] § 4-503 OF THE CRIMINAL LAW ARTICLE;

28 (viii) a crime that relates to a controlled dangerous substance under
29 [Article 27, § 286 of the Code] §§ 5-602 THROUGH 5-609 OR § 5-612 OR § 5-613 OF THE
30 CRIMINAL LAW ARTICLE;

31 (ix) manslaughter by vehicle or vessel under [Article 27, § 388 of
32 the Code] § 2-209 OF THE CRIMINAL LAW ARTICLE; and

33 (x) a crime of violence.

1 6-219.

2 (c) (2) If the court places on probation a defendant who has been convicted
3 of a violation of any provision of [Article 27, §§ 276 through 303 of the Code] TITLE 5
4 OF THE CRIMINAL LAW ARTICLE, the court shall require as a condition that the
5 defendant participate in a drug treatment or education program approved by the
6 Department of Health and Mental Hygiene, unless the court finds and states on the
7 record that the interests of the defendant and the public do not require the imposition
8 of this condition.

9 6-220.

10 (c) (2) When the crime for which the judgment is being stayed is for a
11 violation of any provision of [Article 27, §§ 276 through 303 of the Code] TITLE 5 OF
12 THE CRIMINAL LAW ARTICLE, the court shall impose a period of probation and, as a
13 condition of probation, require the defendant to participate in a drug treatment or
14 education program approved by the Department of Health and Mental Hygiene,
15 unless the court finds and states on the record that the interests of the defendant and
16 the public do not require the imposition of this condition.

17 (d) Notwithstanding subsections (b) and (c) of this section, a court may not
18 stay the entering of judgment and place a defendant on probation for:

19 (1) a violation of § 21-902 of the Transportation Article, if within the
20 preceding 5 years the defendant has been convicted under or has been placed on
21 probation under that section after being charged with a violation of § 21-902 of the
22 Transportation Article;

23 (2) a second or subsequent controlled dangerous substance crime under
24 [Article 27, §§ 276 through 303 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE;
25 or

26 (3) a violation of any of the provisions of [Article 27, §§ 462 through
27 464B of the Code] §§ 3-303 THROUGH 3-307 OF THE CRIMINAL LAW ARTICLE for a
28 crime involving a person under the age of 16 years.

29 6-225.

30 (c) If the court places on probation a defendant who has been convicted of a
31 violation of any provision of [Article 27, §§ 276 through 303 of the Code] TITLE 5 OF
32 THE CRIMINAL LAW ARTICLE, the court shall require as a condition that the
33 defendant participate in a drug treatment or education program approved by the
34 Department of Health and Mental Hygiene, unless the court finds and states on the
35 record that the interests of the defendant and the public do not require the imposition
36 of this condition.

37 8-108.

38 (a) The review of a sentence of death is governed by [Article 27, § 414 of the
39 Code] TITLE 2, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE.

1 8-201.

2 (b) Notwithstanding any other law governing postconviction relief, a person
3 who is convicted of a violation of [Article 27, § 387, § 407, § 408, § 409, § 410, § 411,
4 § 462, § 463, § 464, or § 464A of the Code] § 2-201, § 2-204, § 2-207, OR §§ 3-303
5 THROUGH 3-307 OF THE CRIMINAL LAW ARTICLE may file a petition for DNA testing
6 of scientific identification evidence that the State possesses as provided in subsection
7 (i) of this section and that is related to the judgment of conviction.

8 10-105.

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

14 (3) a probation before judgment is entered, unless the person is charged
15 with a violation of § 21-902 of the Transportation Article or [Article 27, § 388A or §
16 388B of the Code] TITLE 2, SUBTITLE 5 OR § 3-211 OF THE CRIMINAL LAW ARTICLE;

17 (6) the case is compromised under [Article 27, § 12A-5 of the Code] §
18 3-207 OF THE CRIMINAL LAW ARTICLE;

19 (c) (4) A petition for expungement based on a stet or a compromise under
20 [Article 27, § 12A-5 of the Code] § 3-207 OF THE CRIMINAL LAW ARTICLE may not be
21 filed within 3 years after the stet or compromise.

22 11-201.

23 A victim of an assault has the rights provided under [Article 27, § 12A-5 of the
24 Code] § 3-207 OF THE CRIMINAL LAW ARTICLE.

25 11-303.

26 (a) This section applies to a case of abuse of a child under Title 5, Subtitle 7 of
27 the Family Law Article or [Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL
28 LAW ARTICLE.

29 11-304.

30 (b) Subject to subsections (c), (d), and (e) of this section, the court may admit
31 into evidence in a juvenile court proceeding or in a criminal proceeding an out of court
32 statement to prove the truth of the matter asserted in the statement made by a child
33 victim who:

34 (2) is the alleged victim or the child alleged to need assistance in the case
35 before the court concerning:

1 (i) child abuse under [Article 27, § 35C of the Code] § 3-601 OF THE
2 CRIMINAL LAW ARTICLE;

3 (ii) rape or sexual offense under [Article 27, §§ 462 through 464B of
4 the Code] §§ 3-303 THROUGH 3-307 OF THE CRIMINAL LAW ARTICLE;

5 (iii) attempted rape or attempted sexual offense in the first degree
6 or in the second degree under [Article 27, § 464F of the Code] §§ 3-309 THROUGH
7 3-312 OF THE CRIMINAL LAW ARTICLE; or

8 (iv) in a juvenile court proceeding, abuse or neglect as defined in §
9 5-701 of the Family Law Article.

10 11-601.

11 (d) (1) "Crime" means an act committed by a person in the State that is a
12 crime [as defined] UNDER:

13 (i) [at] common law;

14 (ii) [in Article 27;

15 (iii) in] this article; [or]

16 [(iv)] (III) [under] TITLE 1, SUBTITLE 3, TITLE 3, SUBTITLE 7, OR §
17 4-123.1 OF THE AGRICULTURE ARTICLE;

18 (IV) TITLE 19, SUBTITLE 2 OR SUBTITLE 3, ~~§ 11-1002, OR § 11-1003~~ OF
19 THE BUSINESS REGULATION ARTICLE;

20 (V) TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE
21 COMMERCIAL LAW ARTICLE;

22 (VI) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), §
23 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(b)(8), § 11-703(d)(5)(iii), §
24 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), §
25 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services
26 Article;

27 (VII) THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2,
28 PART II OR § 10-614;

29 (VIII) TITLE 5, SUBTITLE 10A OF THE ENVIRONMENT ARTICLE;

30 (IX) § 5-503 OF THE FAMILY LAW ARTICLE;

31 (X) TITLE 20, SUBTITLE 7 OR § 21-259.1 OF THE HEALTH - GENERAL
32 ARTICLE;

33 (XI) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, OR §
34 8-740.1 OF THE NATURAL RESOURCES ARTICLE;

- 1 (XII) § 14-127 OF THE REAL PROPERTY ARTICLE;
- 2 (XIII) ARTICLE 2B, TITLE 22 OR § 18-104 OF THE CODE;
- 3 (XIV) ARTICLE 24, § 11-512, § 11-513, OR § 11-514 OF THE CODE;
- 4 (XV) § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE
5 COUNTY;
- 6 (XVI) § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL
7 COUNTY; OR
- 8 (XVII) § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT
9 COUNTY.

10 (2) "Crime" includes a violation of the Transportation Article that is
11 punishable by a term of confinement.

12 11-602.

13 On conviction, the finding of a delinquent act, acceptance of a plea of nolo
14 contendere, or imposition of probation before judgment for a crime under [Article 27,
15 § 267 of the Code] § 5-601 OR § 5-620 OF THE CRIMINAL LAW ARTICLE, the following
16 persons may act on behalf of a victim:

- 17 (1) the owner of the burial site; and
- 18 (2) a person related by blood or marriage to the person buried in the
19 burial site.

20 11-603.

21 (d) In making a disposition on a finding that a child at least 13 years old has
22 committed an act of graffiti under [Article 27, § 111(f) of the Code] § 6-301(D) OF THE
23 CRIMINAL LAW ARTICLE, the court shall order the child to perform community service
24 or pay restitution or both.

25 11-701.

26 (b) "Child sexual offender" means a person who:

27 (1) has been convicted of violating [the abuse of children statute under
28 Article 27, § 35C of the Code] § 3-601 OF THE CRIMINAL LAW ARTICLE for a crime
29 involving sexual abuse of a [child under the age of 18 years] MINOR;

30 (2) has been convicted of violating any of the provisions of the rape or
31 sexual offense statutes under [Article 27, §§ 462 through 464B of the Code] §§ 3-303
32 THROUGH 3-307 OF THE CRIMINAL LAW ARTICLE for a crime involving a child under
33 the age of 15 years;

1 (3) has been convicted of violating the fourth degree sexual offense
2 statute under [Article 27, § 464C of the Code] § 3-308 OF THE CRIMINAL LAW
3 ARTICLE for a crime involving a child under the age of 15 years and has been ordered
4 by the court to register under this subtitle; or

5 (4) has been convicted in another state or in a federal, military, or Native
6 American tribal court of a crime that, if committed in this State, would constitute one
7 of the crimes listed in items (1) and (2) of this subsection.

8 (d) "Offender" means a person who is ordered by a court to register under this
9 subtitle and who:

10 (1) has been convicted of violating [child abduction or kidnapping
11 statutes under Article 27, § 2 or § 338 of the Code] § 3-503 OF THE CRIMINAL LAW
12 ARTICLE;

13 (2) has been convicted of violating [the kidnapping statute under Article
14 27, § 337 of the Code] § 3-502 OF THE CRIMINAL LAW ARTICLE or the fourth degree
15 sexual offense statute under [Article 27, § 464C of the Code] § 3-308 OF THE
16 CRIMINAL LAW ARTICLE, if the victim is under the age of 18 years;

17 (3) has been convicted of the common law crime of false imprisonment, if
18 the victim is under the age of 18 years and the person is not the victim's parent;

19 (4) has been convicted of a crime that involves soliciting a person under
20 the age of 18 years to engage in sexual conduct;

21 (5) has been convicted of violating the child pornography statute under
22 [Article 27, § 419A of the Code] § 11-207 OF THE CRIMINAL LAW ARTICLE;

23 (6) has been convicted of violating any of the prostitution and related
24 crimes statutes under [Article 27, §§ 426 through 431 of the Code] TITLE 11,
25 SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE if the intended prostitute or victim is
26 under the age of 18 years;

27 (7) has been convicted of a crime that involves conduct that by its nature
28 is a sexual offense against a person under the age of 18 years;

29 (8) has been convicted of an attempt to commit a crime listed in items (1)
30 through (7) of this subsection; or

31 (9) has been convicted in another state or in a federal, military, or Native
32 American tribal court of a crime that, if committed in this State, would constitute one
33 of the crimes listed in items (1) through (8) of this subsection.

34 (g) "Sexually violent offense" means:

35 (1) a violation of [Article 27, § 462, § 463, § 464, § 464A, § 464B, or §
36 464F of the Code] §§ 3-303 THROUGH 3-307 OR §§ 3-309 THROUGH 3-312 OF THE
37 CRIMINAL LAW ARTICLE; or

1 (2) assault with intent to commit rape in the first or second degree or a
 2 sexual offense in the first or second degree as prohibited on or before September 30,
 3 1996, under former Article 27, § 12 of the Code.

4 11-707.

5 (a) (4) The term of registration is:

6 (i) 10 years; or

7 (ii) life, if:

8 1. the registrant has been determined to be a sexually violent
 9 predator in accordance with the procedures described in § 11-703 of this subtitle;

10 2. the registrant has been convicted of any violation of
 11 [Article 27, §§ 462 through 464B of the Code] §§ 3-303 THROUGH 3-307 OF THE
 12 CRIMINAL LAW ARTICLE; or

13 3. the registrant has been previously required to register and
 14 has been convicted of a subsequent crime as a child sexual offender or an offender or
 15 has been convicted of a subsequent sexually violent offense.

16 11-910.

17 (c) "Crime" means conduct that is a crime under:

18 (1) common law;

19 (2) this article;

20 (3) [Article 27 of the Code; or

21 (4)] TITLE 1, SUBTITLE 3, TITLE 3, SUBTITLE 7, OR § 4-123.1 OF THE
 22 AGRICULTURE ARTICLE;

23 (4) TITLE 19, SUBTITLE 2 OR SUBTITLE 3, ~~§ 11-1002, OR § 11-1003~~ OF THE
 24 BUSINESS REGULATION ARTICLE;

25 (5) TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE
 26 COMMERCIAL LAW ARTICLE;

27 (6) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), §
 28 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(b)(8), § 11-703(d)(5)(iii), §
 29 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), §
 30 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services
 31 Article;

32 (7) THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2,
 33 PART II OR § 10-614;

- 1 (8) TITLE 5, SUBTITLE 10A OF THE ENVIRONMENT ARTICLE;
- 2 (9) § 5-503 OF THE FAMILY LAW ARTICLE;
- 3 (10) TITLE 20, SUBTITLE 7 OR § 21-259.1 OF THE HEALTH - GENERAL
4 ARTICLE;
- 5 (11) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, OR § 8-740.1
6 OF THE NATURAL RESOURCES ARTICLE;
- 7 (12) § 14-127 OF THE REAL PROPERTY ARTICLE;
- 8 (13) ARTICLE 2B, TITLE 22 OR § 18-104 OF THE CODE;
- 9 (14) ARTICLE 24, § 11-512, § 11-513, OR § 11-514 OF THE CODE;
- 10 (15) § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY;
- 11 (16) § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL COUNTY;
12 OR
- 13 (17) § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT COUNTY.

14 11-922.

15 In this part, "sexual assault" means rape or a sexual offense in any degree that
16 is specified in [the sexual offenses subheading in Article 27 of the Code] §§ 3-303
17 THROUGH 3-313 OF THE CRIMINAL LAW ARTICLE.

18 12-101.

19 (c) "Controlled Dangerous Substances law" means [the Health - Controlled
20 Dangerous Substances Subheading of Article 27 of the Code] TITLE 5 OF THE
21 CRIMINAL LAW ARTICLE.

22 12-102.

23 (a) The following are subject to forfeiture:

24 (7) drug paraphernalia under [Article 27, § 287A of the Code] § 5-619 OF
25 THE CRIMINAL LAW ARTICLE;

26 (8) controlled paraphernalia under [Article 27, § 287 of the Code] § 5-620
27 OF THE CRIMINAL LAW ARTICLE;

28 12-103.

29 (c) An owner's interest in real property may not be forfeited for a violation of
30 [Article 27, § 287 or § 287A of the Code] § 5-601, § 5-619, OR § 5-620 OF THE CRIMINAL
31 LAW ARTICLE.

1 (d) (1) Except as provided in paragraph (2) of this subsection, real property
2 used as the principal family residence may not be forfeited under this subtitle unless
3 one of the owners of the real property was convicted of a violation of [Article 27, § 286,
4 § 286A, § 286B, § 286C, or § 290 of the Code] §§ 5-602 THROUGH 5-609, §§ 5-612
5 THROUGH 5-614, § 5-617, § 5-618, OR § 5-628 OF THE CRIMINAL LAW ARTICLE OR OF AN
6 ATTEMPT OR CONSPIRACY TO VIOLATE TITLE 5 OF THE CRIMINAL LAW ARTICLE.

7 (2) Without a conviction, a court may order a forfeiture of real property
8 used as the principal family residence if the owner of the family residence:

9 (i) fails to appear for a required court appearance; and

10 (ii) fails to surrender to the jurisdiction of the court within 180 days
11 after the required court appearance.

12 (e) Real property used as the principal family residence by a husband and wife
13 and held by the husband and wife as tenants by the entirety may not be forfeited
14 unless:

15 (1) the property was used in connection with a violation of [Article 27, §
16 286, § 286A, § 286B, § 286C, or § 290 of the Code] §§ 5-602 THROUGH 5-609, §§ 5-612
17 THROUGH 5-614, § 5-617, § 5-618, OR § 5-628 OF THE CRIMINAL LAW ARTICLE OR WITH
18 AN ATTEMPT OR CONSPIRACY TO VIOLATE TITLE 5 OF THE CRIMINAL LAW ARTICLE;
19 and

20 (2) both the husband and wife are convicted of a violation of [Article 27,
21 § 286, § 286A, § 286B, § 286C, or § 290 of the Code] §§ 5-602 THROUGH 5-609, §§ 5-612
22 THROUGH 5-614, § 5-617, § 5-618, OR § 5-628 OF THE CRIMINAL LAW ARTICLE OR OF AN
23 ATTEMPT OR CONSPIRACY TO VIOLATE TITLE 5 OF THE CRIMINAL LAW ARTICLE.

24 12-201.

25 (a) A Schedule I substance listed in [Article 27, § 279 of the Code] § 5-402 OF
26 THE CRIMINAL LAW ARTICLE shall be seized and summarily forfeited to the State if
27 the substance is:

28 (1) possessed, transferred, sold, or offered for sale in violation of the
29 Controlled Dangerous Substances law; or

30 (2) possessed by the State and its owner is not known.

31 (b) A plant may be seized and summarily forfeited to the State if the plant:

32 (1) is one from which a Schedule I or Schedule II substance listed in
33 [Article 27, § 279 of the Code] § 5-402 OR § 5-403 OF THE CRIMINAL LAW ARTICLE may
34 be derived; and

35 (2) (i) has been planted or cultivated in violation of the Controlled
36 Dangerous Substances law;

1 (ii) has an unknown owner or cultivator; or

2 (iii) is a wild growth.

3 12-309.

4 Except as provided in §§ 12-103(e) and 12-312 of this title, an owner's interest
5 in real property may be forfeited if the real property was used in connection with a
6 violation of [§ 286, § 286A, § 286B, § 286C, or § 290 of Article 27 of the Code] §§ 5-602
7 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, § 5-618, OR § 5-628 OF THE
8 CRIMINAL LAW ARTICLE OR IS CONVICTED OF AN ATTEMPT OR CONSPIRACY TO
9 VIOLATE TITLE 5 OF THE CRIMINAL LAW ARTICLE.

10 12-311.

11 If an owner of real property used as the principal family residence is convicted
12 under [§ 286, § 286A, § 286B, § 286C, or § 290 of Article 27 of the Code] §§ 5-602
13 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, § 5-618, OR § 5-628 OF THE
14 CRIMINAL LAW ARTICLE OR IS CONVICTED OF AN ATTEMPT OR CONSPIRACY TO
15 VIOLATE TITLE 5 OF THE CRIMINAL LAW ARTICLE and the owner files an appeal of the
16 conviction, the court shall stay forfeiture proceedings under § 12-103(e) or §
17 12-312(b) of this title against the real property during the pendency of the appeal.

18 12-312.

19 (a) (1) Except as provided in subsection (b) of this section, there is a
20 rebuttable presumption that property or part of a property in which a person has an
21 ownership interest is subject to forfeiture as proceeds, if the State establishes by clear
22 and convincing evidence that:

23 (i) the person has violated [§ 286, § 286A, § 286B, § 286C, or § 290
24 of Article 27 of the Code] §§ 5-602 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, §
25 5-618, OR § 5-628 OF THE CRIMINAL LAW ARTICLE OR HAS ATTEMPTED OR CONSPIRED
26 TO VIOLATE TITLE 5 OF THE CRIMINAL LAW ARTICLE;

27 (ii) the property was acquired by the person during the violation or
28 within a reasonable time after the violation; and

29 (iii) there was no other likely source for the property.

30 13-201.

31 The following property is subject to seizure and forfeiture:

32 (1) a handgun worn, carried, or transported in violation of [Article 27, §
33 36B of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE or sold, rented,
34 transferred, or possessed in violation of Article 27, § 442, § 442A, or § 445 of the Code;
35 and

36 (2) ammunition, handgun parts, or handgun appurtenances that are:

1 (i) worn, carried, or transported in violation of [Article 27, § 36B of
2 the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE; or

3 (ii) found in the immediate vicinity of a handgun worn, carried, or
4 transported in violation of [Article 27, § 36B of the Code] § 4-203 OR § 4-204 OF THE
5 CRIMINAL LAW ARTICLE.

6 13-203.

7 (b) (1) If the seizing authority under subsection (a) of this section does not
8 return the handgun to its owner, the seizing authority shall promptly notify the
9 owner that the owner may apply within 30 days to the seizing authority for a review
10 to determine whether the owner knew or should have known that the handgun was
11 worn, carried, transported, or used in violation of [Article 27, § 36B of the Code] §
12 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE, and whether the owner is qualified
13 to possess the handgun.

14 13-204.

15 (a) (1) On timely receipt of an application, the seizing authority shall hold
16 an informal review to determine whether the owner knew or should have known of
17 the use or intended use of a handgun that is seized in violation of [Article 27, § 36B
18 of the Code] § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE.

19 **Article - Education**

20 4-124.

21 (b) The signs shall be designed in order to provide notice of the provisions of
22 [Article 27, § 286D of the Code] § 5-627 OF THE CRIMINAL LAW ARTICLE.

23 6-113.

24 The State Board shall adopt regulations that prohibit a county board from
25 knowingly hiring, as a noncertificated employee, any individual who has been
26 convicted of a crime involving:

27 (1) An offense under [Article 27, § 464B of the Code] § 3-307 OF THE
28 CRIMINAL LAW ARTICLE;

29 (2) Child sexual abuse as defined in [Article 27, § 35C(a)(2)(ii) and (6) of
30 the Code] § 3-601(A)(2)(II) AND (5) OF THE CRIMINAL LAW ARTICLE, or an offense
31 under the laws of another state that would constitute child sexual abuse as defined in
32 [Article 27, § 35C(a)(2)(ii) and (6) of the Code] § 3-601(A)(2)(II) AND (5) OF THE
33 CRIMINAL LAW ARTICLE if committed in this State; or

34 (3) A crime of violence as defined in [Article 27, § 643B of the Code] §
35 14-101 OF THE CRIMINAL LAW ARTICLE, or an offense under the laws of another state
36 that would be a violation of [Article 27, § 643B of the Code] § 14-101 OF THE
37 CRIMINAL LAW ARTICLE if committed in this State.

1 7-303.

2 (a) (5) "Reportable offense" means:

3 (i) A crime of violence, as defined in [Article 27, § 643B of the
4 Code] § 14-101 OF THE CRIMINAL LAW ARTICLE;

5 (ii) Any of the offenses enumerated in § 3-8A-03(d)(4) of the Courts
6 Article;

7 (iii) A violation of [Article 27, § 36, § 36A, or § 36B of the Code] §
8 4-101, § 4-102, § 4-203, OR § 4-204 OF THE CRIMINAL LAW ARTICLE;

9 (iv) A violation of [Article 27, § 286, § 286A, § 286B, § 286C, or §
10 286D of the Code] §§ 5-602 THROUGH 5-609, §§ 5-612 THROUGH 5-614, § 5-617, § 5-618,
11 § 5-627, OR § 5-628 OF THE CRIMINAL LAW ARTICLE; or

12 (v) A violation of [Article 27, § 139C, § 151A, or § 151C of the Code]
13 § 4-503, § 9-504, OR § 9-505 OF THE CRIMINAL LAW ARTICLE.

14 23-506.1.

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

16 (2) "Obscene" has the meaning [provided] STATED in [Article 27, § 419
17 of the Code] § 11-203 OF THE CRIMINAL LAW ARTICLE.

18 (3) "Child pornography" [has the meaning provided in Article 27, § 419A
19 of the Code] MEANS A VIOLATION OF § 11-207 OF THE CRIMINAL LAW ARTICLE.

20 26-101.

21 (d) In addition to the penalties provided in this section or in [Article 27, § 578
22 of the Code] § 6-409 OF THE CRIMINAL LAW ARTICLE, on application by the governing
23 board of any institution of elementary, secondary, or higher education, the circuit
24 court of the county in which the institution is located may issue an injunction
25 restraining any specific activities that violate this section.

26 26-103.

27 (b) (2) Any person 18 years old or older violating the provisions of this
28 section shall be issued a citation and be subject to [the provisions of § 403 of Article
29 27] ~~ARTICLE 2B, § 22-107 of the Code~~ § 10-119 OF THE CRIMINAL LAW ARTICLE.

30 **Article - Environment**

31 11-312.

32 (b) Subject to the hearing provisions of § 11-313 of this subtitle, the Board, on
33 the affirmative vote of a majority of its full authorized membership, may deny any

1 applicant licensure, reprimand any licensee, or place any individual who is licensed
 2 on probation, or suspend or revoke a license, if the applicant or licensee:

3 (6) Provides professional services while:

4 (ii) Using any narcotic or controlled dangerous substance, as
 5 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
 6 drug that is in excess of therapeutic amounts or without valid medical indication;

7 **Article - Estates and Trusts**

8 3-111.

9 A surviving parent is not entitled under § 3-104 of this subtitle to a distribution
 10 of the net estate of a child of the parent if:

11 (1) (i) The parent is convicted under [Article 27, § 35C, § 335, § 462, §
 12 463, § 464, § 464A, § 464B, or § 464C of the Code] §§ 3-303 THROUGH 3-308, § 3-321, OR
 13 § 3-601 OF THE CRIMINAL LAW ARTICLE; or

14 (ii) The parent committed any act prohibited under [Article 27, §
 15 35C, § 335, § 462, § 463, § 464, § 464A, § 464B, or § 464C of the Code] §§ 3-303
 16 THROUGH 3-308, § 3-321, OR § 3-601 OF THE CRIMINAL LAW ARTICLE;

17 (2) The other parent of the child is the victim of the crime or act
 18 described under item (1) of this section; and

19 (3) The other parent of the child is a child of the parent.

20 **Article - Family Law**

21 4-501.

22 (b) (1) "Abuse" means any of the following acts:

23 (iv) rape or sexual offense [as defined by Article 27, §§ 462 through
 24 464C of the Code] UNDER §§ 3-303 THROUGH 3-308 OF THE CRIMINAL LAW ARTICLE
 25 or attempted rape or sexual offense in any degree; or

26 5-312.

27 (b) Without the consent of the child's natural parent, a court may grant a
 28 decree of adoption to a stepparent, relative, or other individual who has exercised
 29 physical care, custody, or control of a child for at least 6 months, if by clear and
 30 convincing evidence the court finds that:

31 (4) the natural parent:

32 (iv) has:

33 2. been convicted:

1 A. in this State of a crime of violence, as defined in [Article
2 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE, against the child,
3 the other natural parent of the child, another child of the natural parent, or any
4 person who resides in the household of the natural parent;

5 B. in any state or in any court of the United States of a crime
6 that would be a crime of violence, as defined in [Article 27, § 643B of the Code] §
7 14-101 OF THE CRIMINAL LAW ARTICLE, if committed in this State against the child,
8 the other natural parent of the child, another child of the natural parent, or any
9 person who resides in the household of the natural parent; or

10 C. of aiding or abetting, conspiring, or soliciting to commit a
11 crime described in item A or B of this item; or

12 5-313.

13 (d) (1) In determining whether it is in the best interest of the child to
14 terminate a natural parent's rights as to the child in a case involving a child who has
15 been adjudicated to be a child in need of assistance, a neglected child, an abused child,
16 or a dependent child, the court shall consider the factors in subsection (c) of this
17 section and whether any of the following continuing or serious conditions or acts exist:

18 (v) the natural parent has:

19 2. been convicted:

20 A. in this State of a crime of violence, as defined in [Article
21 27, § 643B of the Code] § 14-101 OF THE CRIMINAL LAW ARTICLE, against the child,
22 the other natural parent of the child, another child of the natural parent, or any
23 person who resides in the household of the natural parent;

24 B. in any state or in any court of the United States of a crime
25 that would be a crime of violence, as defined in [Article 27, § 643B of the Code] §
26 14-101 OF THE CRIMINAL LAW ARTICLE, if committed in this State against the child,
27 the other natural parent of the child, another child of the natural parent, or any
28 person who resides in the household of the natural parent; or

29 C. of aiding or abetting, conspiring, or soliciting to commit a
30 crime described in item A or item B of this item; or

31 5-525.1.

32 (b) (1) Except as provided in paragraph (3) of this subsection, a local
33 department to which a child is committed under § 5-525 of this subtitle shall file a
34 petition for termination of parental rights or join a termination of parental rights
35 action that has been filed if:

36 (iii) a court finds that the natural parent has been convicted:

1 10-705.

2 (a) (1) In this section, "abuse" means cruel or inhumane treatment that
3 causes:

4 (ii) Any of the following kinds of sexual abuse:

5 1. A sexual act, as defined in [Article 27, § 461(e) of the
6 Code] § 3-301 OF THE CRIMINAL LAW ARTICLE.

7 2. Sexual contact, as defined in [Article 27, § 461(f) of the
8 Code] § 3-301 OF THE CRIMINAL LAW ARTICLE.

9 3. Vaginal intercourse, as defined in [Article 27, § 461(g) of
10 the Code] § 3-301 OF THE CRIMINAL LAW ARTICLE.

11 15-123.

12 (a) (3) "Fraud" includes the commission of or an attempt or conspiracy to
13 commit the crimes of:

14 (I) [concealment] CONCEALMENT of medical [records, violation
15 under the Fraud - State Health Plans subheading of Article 27 of the Code, false]
16 RECORDS;

17 (II) VIOLATION OF TITLE 8, SUBTITLE 5, PART II OF THE CRIMINAL
18 LAW ARTICLE;

19 (III) FALSE representations relating to Medicaid health [plans,
20 misappropriation] PLANS;

21 (IV) MISAPPROPRIATION by a [fiduciary,] FIDUCIARY; and [theft]

22 (V) THEFT.

23 16-203.

24 (a) (4) Liability may not be imposed under this title on a responsible relative
25 if any responsible relative has been the victim of sexual abuse, physical abuse, or a
26 crime of violence as defined [under Article 27, § 643B of the Code] IN § 14-101 OF THE
27 CRIMINAL LAW ARTICLE perpetrated by the recipient of services. The Department
28 shall adopt regulations that define "sexual abuse, physical abuse, or a crime of
29 violence" as defined [under Article 27, § 643B of the Code] IN § 14-101 OF THE
30 CRIMINAL LAW ARTICLE for the purposes of this paragraph.

31 17-214.

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

33 (3) "Controlled dangerous substance" has the meaning stated in [Article
34 27, § 277 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE.

1 18-339.

2 (a) The Secretary shall establish and conduct an educational program on
3 acquired immune deficiency syndrome (AIDS) for persons who plead guilty or nolo
4 contendere to, or who are found guilty of, violating:

5 (1) [The Prostitution and Related Crimes subtitle of Article 27 of the
6 Code] TITLE 11, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE; or

7 (2) Any provision of the Maryland Controlled Dangerous Substances
8 [Act] ACT, TITLE 5 OF THE CRIMINAL LAW ARTICLE.

9 21-202.

10 (a) Any drug that is designated as a "controlled dangerous substance" under
11 [the provisions of Article 27, § 276 et seq. (subheading "Health -- Controlled
12 Dangerous Substances") of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE is
13 governed by that [subheading] TITLE as well as by this subtitle.

14 (b) If, as to any drug that is a "controlled dangerous substance", there is any
15 conflict between the provisions of this subtitle and those of [Article 27 of the Code]
16 TITLE 5 OF THE CRIMINAL LAW ARTICLE, the provisions of [Article 27 of the Code]
17 THE CRIMINAL LAW ARTICLE apply.

18 21-220.

19 (b) (2) A prescription for a controlled dangerous substance within the
20 meaning of [Article 27 of the Code] TITLE 5 OF THE CRIMINAL LAW ARTICLE may not
21 be written on a preprinted prescription form that states the name, quantity, or
22 strength of the controlled dangerous substance.

23 21-222.

24 Nothing in § 21-220 or § 21-221 of this subtitle relieves any person from any
25 requirement imposed by law with respect to any drug that is classified as a controlled
26 dangerous substance within the meaning of [Article 27 of the Code] TITLE 5 OF THE
27 CRIMINAL LAW ARTICLE or the applicable federal law.

28 21-1113.

29 (a) (4) (i) "Controlled dangerous substance" means a drug, substance, or
30 immediate precursor listed in [Schedules I through V of Article 27 of the Code]
31 SCHEDULE I THROUGH SCHEDULE V IN TITLE 5 OF THE CRIMINAL LAW ARTICLE.

32 (ii) "Controlled dangerous substance" does not include tobacco or a
33 distilled spirit, wine, or malt beverage [regulated under Article 2B of the Code].

34 24-808.

35 (a) No Program staff member or Program participant may be found guilty of
36 violating [Article 27, § 287, § 287A, or § 288 of the Code] § 5-601, § 5-619, § 5-620, §

1 5-902, OR § 5-904 OF THE CRIMINAL LAW ARTICLE for possessing or distributing
2 controlled paraphernalia or drug paraphernalia whenever the possession or
3 distribution of the controlled paraphernalia or drug paraphernalia is a direct result of
4 the employee's or participant's activities in connection with the work of the Program
5 authorized under this subtitle.

6 24-908.

7 (a) No Program staff member or Program participant may be found guilty of
8 violating [Article 27, § 287, § 287A, or § 288 of the Code] § 5-601, § 5-619, § 5-620, §
9 5-902, OR § 5-904 OF THE CRIMINAL LAW ARTICLE for possessing or distributing
10 controlled paraphernalia or drug paraphernalia whenever the possession or
11 distribution of the controlled paraphernalia or drug paraphernalia is a direct result of
12 the employee's or participant's activities in connection with the work of the Program
13 authorized under this subtitle.

14 **Article - Health Occupations**

15 1A-309.

16 Subject to the hearing provisions of § 1A-310 of this subtitle, the Board, on the
17 affirmative vote of a majority of its full authorized membership, may deny a license to
18 practice acupuncture to any applicant, reprimand any licensee, place any licensee on
19 probation, or suspend or revoke a license if the licensee:

20 (5) Provides professional services while:

21 (ii) Using any narcotic or controlled dangerous substance, as
22 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
23 drug that is in excess of therapeutic amounts or without a valid medical indication;

24 2-314.

25 Subject to the hearing provisions of § 2-315 of this subtitle, the Board may deny
26 a license or limited license to any applicant, reprimand any licensee or holder of a
27 limited license, place any licensee or holder of a limited license on probation, or
28 suspend or revoke a license or limited license if the applicant, licensee, or holder:

29 (13) Provides professional services while:

30 (ii) Using any narcotic or controlled dangerous substance, as
31 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
32 drug that is in excess of therapeutic amounts or without valid medical indication;

33 3-313.

34 Subject to the hearing provisions of § 3-315 of this subtitle, the Board may deny
35 a license to any applicant, reprimand any licensee, place any licensee on probation,
36 with or without conditions, or suspend or revoke a license, or any combination thereof,
37 if the applicant or licensee:

1 (6) Provides professional services while:

2 (ii) Using any narcotic or controlled dangerous substance, as
3 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
4 drug that is in excess of therapeutic amounts or without valid medical indication;

5 3-5A-09.

6 (a) Subject to the hearing provisions of § 3-315 of this title, the Board may
7 deny a certificate or registration to any applicant, reprimand any certificate holder or
8 registration holder, place any certificate holder or registration holder on probation, or
9 suspend or revoke the certificate of a certificate holder or the registration of a
10 registration holder if the applicant, certificate holder, or registration holder:

11 (7) Provides professional services while:

12 (ii) Using any narcotic or controlled dangerous substance, as
13 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
14 drug that is in excess of therapeutic amounts or without valid medical indication;

15 (18) Is addicted to, or habitually abuses, any narcotic or controlled
16 dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL
17 LAW ARTICLE;

18 4-315.

19 (a) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may
20 deny a general license to practice dentistry, a limited license to practice dentistry, or
21 a teacher's license to practice dentistry to any applicant, reprimand any licensed
22 dentist, place any licensed dentist on probation, or suspend or revoke the license of
23 any licensed dentist, if the applicant or licensee:

24 (5) Provides professional services while:

25 (ii) Using any narcotic or controlled dangerous substance, as
26 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
27 drug that is in excess of therapeutic amounts or without valid medical indication;

28 (b) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may
29 deny a general license to practice dental hygiene, a teacher's license to practice dental
30 hygiene, or a temporary license to practice dental hygiene to any applicant,
31 reprimand any licensed dental hygienist, place any licensed dental hygienist on
32 probation, or suspend or revoke the license of any licensed dental hygienist, if the
33 applicant or licensee:

34 (12) Provides professional services while:

35 (ii) Using any narcotic or controlled dangerous substance, as
36 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
37 drug that is in excess of therapeutic amounts or without valid medical indication;

1 5-311.

2 Subject to the hearing provisions of § 5-312 of this subtitle, the Board, on the
3 affirmative vote of a majority of its members then serving, may deny a license to any
4 applicant, reprimand any licensee, or suspend or revoke a license if the applicant or
5 licensee:

6 (11) Provides professional services while:

7 (ii) Using any narcotic or controlled dangerous substance, as
8 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
9 drug that is in excess of therapeutic amounts or without valid medical indication;

10 6-312.

11 (a) Subject to the hearing provisions of § 6-314 of this subtitle, the Board may
12 deny a license to any applicant, reprimand any licensee, place any licensee on
13 probation, or suspend or revoke a license if the applicant or licensee:

14 (8) Provides professional services while:

15 (ii) Using any narcotic or controlled dangerous substance, as
16 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
17 drug that is in excess of therapeutic amounts or without valid medical indication;

18 7-316.

19 (a) Subject to the hearing provisions of § 7-319 of this subtitle and except as to
20 a funeral establishment license, the Board may deny a license to any applicant,
21 reprimand any licensee, place any licensee on probation, or suspend or revoke any
22 license if the applicant or licensee:

23 (23) Provides professional services while:

24 (ii) Using any narcotic or controlled dangerous substance, as
25 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
26 drug that is in excess of therapeutic amounts or without valid medical indication;

27 8-316.

28 (a) Subject to the hearing provisions of § 8-317 of this subtitle, the Board may
29 deny a license or grant a probationary license to any applicant, reprimand any
30 licensee, place any licensee on probation, or suspend or revoke the license of a licensee
31 if the applicant or licensee:

32 (7) Provides professional services while:

33 (ii) Using any narcotic or controlled dangerous substance, as
34 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
35 drug that is in excess of therapeutic amounts or without valid medical indication;

1 (19) Is addicted to, or habitually abuses, any narcotic or controlled
2 dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL
3 LAW ARTICLE;

4 8-6A-10.

5 (a) Subject to the hearing provisions of § 8-317 of this title, the Board may
6 deny a certificate or issue a probationary certificate to any applicant, reprimand any
7 certificate holder, place any certificate holder on probation, or suspend or revoke the
8 certificate of a certificate holder, if the applicant or certificate holder:

9 (10) Provides services as a nursing assistant while:

10 (ii) Using any narcotic or controlled dangerous substance, as
11 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
12 drug that is in excess of therapeutic amounts or without valid medical indication;

13 (12) Is addicted to, or habitually abuses, any narcotic or controlled
14 dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL
15 LAW ARTICLE;

16 9-314.

17 (b) Subject to the hearing provisions of § 9-315 of this subtitle, the Board may
18 deny a license or limited license to any applicant, reprimand any licensee or holder of
19 a limited license, place any licensee or holder of a limited license on probation, or
20 suspend or revoke a license or limited license if the applicant, holder, or licensee:

21 (5) Provides professional services while:

22 (ii) Using any narcotic or controlled dangerous substance, as
23 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
24 drug that is in excess of therapeutic amounts or without valid medical indication;

25 10-315.

26 Subject to the hearing provisions of § 10-316 of this subtitle, the Board may
27 deny a license or temporary license to any applicant, reprimand any licensee or holder
28 of a temporary license, place any licensee or holder of a temporary license on
29 probation, or suspend or revoke a license or temporary license if the applicant,
30 licensee, or holder:

31 (8) Provides professional services while:

32 (ii) Using any narcotic or controlled dangerous substances defined
33 in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other drug that
34 is in excess of therapeutic amounts or without valid medical indication;

1 11-313.

2 Subject to the hearing provisions of § 11-315 of this subtitle, the Board, on the
3 affirmative vote of a majority of its members then serving, may deny a license to any
4 applicant, reprimand any licensee, place any licensee on probation, or suspend or
5 revoke a license if the applicant or licensee:

6 (5) Provides professional services while:

7 (ii) Using any narcotic or controlled dangerous substance, as
8 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
9 drug that is in excess of therapeutic amounts or without valid medical indication;

10 12-313.

11 (b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on
12 the affirmative vote of a majority of its members then serving, may deny a license to
13 any applicant, reprimand any licensee, place any licensee on probation, or suspend or
14 revoke a license if the applicant or licensee:

15 (4) Provides professional services while:

16 (ii) Using any narcotic or controlled dangerous substance, as
17 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
18 drug that is in excess of therapeutic amounts or without valid medical indication;

19 13-316.

20 Subject to the hearing provisions of § 13-317 of this subtitle, the Board may
21 deny a license, temporary license, or restricted license to any applicant, reprimand
22 any licensee or holder of a temporary license or restricted license, place any licensee
23 or holder of a temporary license or restricted license on probation, or suspend or
24 revoke a license, temporary license, or restricted license if the applicant, licensee, or
25 holder:

26 (24) Provides professional services while:

27 (ii) Using any narcotic or controlled dangerous substance, as
28 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
29 drug that is in excess of therapeutic amounts or without valid medical indication;

30 14-404.

31 (a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on
32 the affirmative vote of a majority of its full authorized membership, may reprimand
33 any licensee, place any licensee on probation, or suspend or revoke a license if the
34 licensee:

1 (8) Is addicted to, or habitually abuses, any narcotic or controlled
2 dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL
3 LAW ARTICLE;

4 (9) Provides professional services:

5 (ii) While using any narcotic or controlled dangerous substance, as
6 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
7 drug that is in excess of therapeutic amounts or without valid medical indication;

8 14-5A-17.

9 (a) Subject to the hearing provisions of § 14-405 of this title, the Board may
10 deny a license or temporary license to any applicant, reprimand any licensee or holder
11 of a temporary license, place any licensee or holder of a temporary license on
12 probation, or suspend or revoke a license or temporary license if the applicant,
13 licensee, or holder:

14 (7) Is addicted to or habitually abuses any narcotic or controlled
15 dangerous substance as defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL
16 LAW ARTICLE;

17 (8) Provides professional services while:

18 (ii) Using any narcotic or controlled dangerous substance as
19 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE or any
20 other drug that is in excess of therapeutic amounts or without valid medical
21 indication;

22 15-302.2.

23 (b) (1) A supervising physician may not delegate the prescribing of
24 substances that are identified as Schedule I controlled dangerous substances under
25 [Article 27, § 279 of the Code] § 5-402 OF THE CRIMINAL LAW ARTICLE.

26 16-312.

27 (a) Subject to the hearing provisions of § 16-314 of this subtitle, the Board, on
28 the affirmative vote of a majority of its members then serving, may deny a license or
29 a limited license to any applicant, reprimand any licensee or holder of a limited
30 license, impose an administrative monetary penalty not exceeding \$5,000 on any
31 licensee or holder of a limited license, place any licensee or holder of a limited license
32 on probation, or suspend or revoke a license or a limited license if the applicant,
33 licensee, or holder:

34 (5) Provides professional services while:

35 (ii) Using any narcotic or controlled dangerous substance, as
36 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
37 drug that is in excess of therapeutic amounts or without valid medical indication;

1 19-311.

2 Subject to the hearing provisions of § 19-312 of this subtitle, the Board may
3 deny a license to any applicant, fine a licensee, reprimand any licensee, place any
4 licensee on probation, or suspend or revoke a license if the applicant or licensee:

5 (9) Provides professional services while:

6 (ii) Using any narcotic or controlled dangerous substance, as
7 defined in [Article 27 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, or other
8 drug that is in excess of prescribed amounts or without valid medical indication;

9 (19) Knowingly fails to report suspected abuse or neglect of a vulnerable
10 adult in violation of [Article 27, § 35D of the Code] § 3-603 OF THE CRIMINAL LAW
11 ARTICLE;

12 **Article - Insurance**

13 2-401.

14 (c) "Insurance fraud" means:

15 (1) a violation of Title 27, Subtitle 4 of this article;

16 (2) theft, as set out [under Article 27, §§ 340 through 342 of the Code] IN
17 §§ 7-101 THROUGH 7-104 OF THE CRIMINAL LAW ARTICLE:

18 (i) from a person regulated under this article; or

19 (ii) by a person regulated under this article or an officer, director,
20 agent, or employee of a person regulated under this article; or

21 (3) any other fraudulent activity [set out under Article 27 of the Code]
22 that is committed by or against a person regulated under this article AND IS A
23 VIOLATION OF:

24 (I) TITLE 1, SUBTITLE 3 OF THE AGRICULTURE ARTICLE;

25 (II) TITLE 19, SUBTITLE 2 OR SUBTITLE 3, ~~§ 11-1002, OR § 11-1003~~ OF
26 THE BUSINESS REGULATION ARTICLE;

27 (III) TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE
28 COMMERCIAL LAW ARTICLE;

29 (IV) THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2,
30 PART II OR § 10-614;

31 (V) § 14-127 OF THE REAL PROPERTY ARTICLE;

32 (VI) ARTICLE 2B, TITLE 22 OF THE CODE;

1 (VII) § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE
2 COUNTY;

3 (VIII) § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL
4 COUNTY; OR

5 (IX) § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT
6 COUNTY.

7 20-505.

8 (b) Notwithstanding [Article 27, § 555B of the Code] § 9-602 OF THE
9 CRIMINAL LAW ARTICLE, the Executive Director may authorize an employee of the
10 Fund to record a telephone conversation with a policyholder, witness, claimant,
11 investigating officer, or other interested party if:

12 (1) the conversation is relevant to an accident or claim;

13 (2) the party to be recorded has or might have information that is
14 relevant to the accident or claim; and

15 (3) before recording, the party to be recorded is advised of and consents
16 to the recording.

17 27-801.

18 (c) "Insurance fraud" means:

19 (1) a violation of Subtitle 4 of this title;

20 (2) theft, as set out [under Article 27, §§ 340 through 342 of the Code] IN
21 §§ 7-101 THROUGH 7-104 OF THE CRIMINAL LAW ARTICLE:

22 (i) from a person regulated under this article; or

23 (ii) by a person regulated under this article or an officer, director,
24 agent, or employee of a person regulated under this article; or

25 (3) any other fraudulent activity [set out under Article 27 of the Code]
26 that is committed by or against a person regulated under this article AND IS A
27 VIOLATION OF:

28 (I) TITLE 1, SUBTITLE 3 OF THE AGRICULTURE ARTICLE;

29 (II) TITLE 19, SUBTITLE 2 OR SUBTITLE 3, ~~§ 11-1002, OR § 11-1003~~ OF
30 THE BUSINESS REGULATION ARTICLE;

31 (III) TITLE 14, SUBTITLE 29, § 11-810, § 14-1316, OR § 14-1317 OF THE
32 COMMERCIAL LAW ARTICLE;

- 1 (IV) THE CRIMINAL LAW ARTICLE OTHER THAN TITLE 8, SUBTITLE 2,
2 PART II OR § 10-614;
- 3 (V) § 14-127 OF THE REAL PROPERTY ARTICLE;
- 4 (VI) ARTICLE 2B, TITLE 22 OF THE CODE;
- 5 (VII) § 109 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE
6 COUNTY;
- 7 (VIII) § 4-103 OF THE CODE OF PUBLIC LOCAL LAWS OF CARROLL
8 COUNTY; OR
- 9 (IX) § 8A-1 OF THE CODE OF PUBLIC LOCAL LAWS OF TALBOT
10 COUNTY.

11 **Article - Labor and Employment**

12 9-506.

13 (d) (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
14 covered employee or dependent of a covered employee is not entitled to compensation
15 or benefits under this title, except for medical benefits under §§ 9-660 and 9-661 of
16 this title, as a result of an accidental personal injury, compensable hernia, or
17 occupational disease, if the primary cause of the accidental personal injury,
18 compensable hernia, or occupational disease was the effect on the covered employee of
19 a controlled dangerous substance defined IN § 5-101 OF THE CRIMINAL LAW ARTICLE
20 or listed [under Article 27, § 277 or § 279 of the Code] IN TITLE 5, SUBTITLE 4 OF THE
21 CRIMINAL LAW ARTICLE.

22 9-1106.

23 (b) A person who violates this section, on conviction:

24 (1) is subject to the penalties [under Article 27, § 342 of the Code] OF §
25 7-104 OF THE CRIMINAL LAW ARTICLE; and

26 (2) may not receive compensation, fees, or expenses under this title.

27 **Article - Natural Resources**

28 4-11A-15.

29 (a) (2) The Department shall request the office of the local State's Attorney
30 to bring a criminal action under [Article 27, § 342 of the Code] § 7-104 OF THE
31 CRIMINAL LAW ARTICLE against a person found to be in violation of this subsection.

1 4-1207.

2 (b) (1) A court may suspend for not more than 1 year a fishing license of a
3 person who is convicted of violating [Article 27, § 577(a)(1) of the Code] § 6-402 OF
4 THE CRIMINAL LAW ARTICLE while carrying a fishing rod or net for the purpose of
5 fishing.

6 (2) When a person not holding a fishing license is convicted of violating
7 [Article 27, § 577(a)(1) of the Code] § 6-402 OF THE CRIMINAL LAW ARTICLE while
8 carrying a fishing rod or net for the purpose of fishing, the court may order that the
9 person not obtain a fishing license for a period of not more than 1 year.

10 5-209.

11 (e) The Department shall adopt regulations that prescribe the type and color
12 of paint to be used for posting private property under [Article 27, § 577(a)(1) of the
13 Code] § 6-402 OF THE CRIMINAL LAW ARTICLE.

14 8-738.

15 (a) A person may not operate or attempt to operate a vessel while the person:

16 (1) Is under the influence of alcohol;

17 (2) Is impaired by alcohol;

18 (3) Is so far impaired by any drug, combination of drugs, or combination
19 of one or more drugs and alcohol that the person cannot operate a vessel safely; or

20 (4) Is impaired by any controlled dangerous substance, as defined in
21 [Article 27, § 277 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, unless the
22 person is entitled to use the controlled dangerous substance under the laws of the
23 State.

24 10-410.

25 (c) (1) A person may not shoot at any species of wildlife from an automobile
26 or other vehicle or, except as provided in § 4-203(B) OF THE CRIMINAL LAW ARTICLE
27 AND Article 27, [§§ 36B(c) and 36E] § 36E of the Code, possess in or on an automobile
28 or other vehicle a loaded handgun or shotgun, or a rifle containing any ammunition in
29 the magazine or chamber.

30 (2) If this subsection is violated by an occupant of a vehicle which has 2
31 or more occupants and it cannot be determined which occupant is the violator, the
32 owner of the vehicle, if present, shall be presumed to be responsible for the violation.
33 In the absence of the owner of the vehicle, the operator of the vehicle shall be
34 presumed to be responsible for the violation.

35 (3) Provisions of this subsection do not apply to a disabled person who
36 obtains a special permit [pursuant to the provisions of] UNDER § 10-307 of this title.

1 10-1108.

2 (a) (2) (i) A court may suspend for not more than 1 year the hunting
3 license of a person who is convicted of violating [Article 27, § 577(a)(1) of the Code] §
4 6-402 OF THE CRIMINAL LAW ARTICLE while carrying a firearm or bow and arrow for
5 the purpose of hunting.

6 (ii) When a person not holding a hunting license is convicted of
7 violating [Article 27, § 577(a)(1) of the Code] § 6-402 OF THE CRIMINAL LAW ARTICLE
8 while carrying a firearm or bow and arrow for the purpose of hunting, the court may
9 order that the person not obtain a hunting license for a period of not more than 1 year.

10 **Article - Real Property**

11 14-119.

12 (d) A person who removes any human remains, monument, or gravestone from
13 a cemetery located on land in Carroll County shall:

14 (1) Comply with [Article 27, § 265 or § 267 of the Code] § 10-402 OR §
15 10-404 OF THE CRIMINAL LAW ARTICLE;

16 (2) Place the human remains, monument, or gravestone in a permanent
17 cemetery in Carroll County; and

18 (3) Record the new location of the human remains, monument, or
19 gravestone in the Office of the Clerk of the Circuit Court for Carroll County.

20 14-120.

21 (a) (3) "Controlled dangerous [substances" has the meaning stated in
22 Article 27, § 279(a) and (b) of the Code] SUBSTANCE" MEANS A SUBSTANCE LISTED IN
23 SCHEDULE I OR SCHEDULE II UNDER § 5-402 OR § 5-403 OF THE CRIMINAL LAW
24 ARTICLE.

25 (4) "Nuisance" means a property that is used:

26 (ii) For the illegal manufacture, or distribution of:

27 1. A controlled dangerous substance; or

28 2. Controlled paraphernalia, as defined in [Article 27, §
29 287(d) of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE; or

30 (iii) For the illegal storage or concealment of a controlled dangerous
31 substance in sufficient quantity to reasonably indicate under all the circumstances an
32 intent to manufacture, distribute, or dispense:

33 1. A controlled dangerous substance; or

1 11-102.

2 (b) (1) A county, municipal corporation, special taxing district, or other
3 political subdivision of the State may not impose any retail sales or use tax except:

4 (ii) a tax on the sale or use of:

5 4. any controlled dangerous substance, as defined in [Article
6 27, § 277 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, unless the sale is
7 made by a person who registers under and complies with [Article 27, § 281 of the
8 Code] TITLE 5, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE; or

9 **Article - Transportation**

10 6-102.1.

11 (a) (3) "Drug" means:

12 (i) A controlled dangerous substance as defined in [Article 27 of
13 the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE; and

14 (ii) A prescription drug as defined in § 21-201 of the Health -
15 General Article, to the extent that the drug affects job performance and worker safety
16 at a marine facility.

17 13-705.1.

18 (a) If a person is convicted of driving or attempting to drive a motor vehicle
19 while the driver's license of the person is suspended or revoked for a violation of §
20 21-902 or § 16-205.1 of this article or [Article 27, § 388A or § 388B of the Code]
21 TITLE 2, SUBTITLE 5 OR § 3-211 OF THE CRIMINAL LAW ARTICLE, the Administration
22 may, after a hearing, suspend, for not more than 120 days, the registration of the
23 motor vehicle.

24 (b) The Administration may not suspend the registration of the motor vehicle
25 if:

26 (1) The motor vehicle was operated by anyone other than the registered
27 owner with his implied or express consent, and the registered owner neither knew nor
28 should have known that the driver's license of the operator was suspended or revoked
29 for a violation of § 21-902 or § 16-205.1 of this article or [Article 27, § 388A or § 388B
30 of the Code] TITLE 2, SUBTITLE 5 OR § 3-211 OF THE CRIMINAL LAW ARTICLE; or

31 (2) The motor vehicle was operated by anyone other than the registered
32 owner without his implied or express consent; or

33 (3) The motor vehicle is used as a common carrier or vehicle for hire and
34 the owner or other person in charge of the vehicle was not a consenting party or privy
35 to the unlawful action of the operator of the motor vehicle; or

1 (4) The motor vehicle was operated after being obtained by the violator
2 through duress or coercion from an owner or coowner who is a member of the
3 immediate family of the violator.

4 (c) The Administration shall bear the burden of proving that the registered
5 owner knew or should have known that the driver's license of the operator of the
6 vehicle was suspended or revoked for a violation of § 21-902 or § 16-205.1 of this
7 article or [Article 27, § 388A or § 388B of the Code] TITLE 2, SUBTITLE 5 OR § 3-211 OF
8 THE CRIMINAL LAW ARTICLE.

9 14-105.

10 (b) An alleged violation under [Article 27, § 206 of the Code] § 7-205 OF THE
11 CRIMINAL LAW ARTICLE shall be a reportable theft of a vehicle for purposes of
12 subsection (a) of this section.

13 16-205.

14 (b) The Administration:

15 (1) Shall revoke the license of any person who has been convicted, under
16 [Article 27, § 388A of the Code] TITLE 2, SUBTITLE 5 OF THE CRIMINAL LAW ARTICLE,
17 of homicide by a motor vehicle while under the influence of alcohol, impaired by
18 alcohol, or impaired by any drug, any combination of drugs, a combination of one or
19 more drugs and alcohol, or a controlled dangerous substance; and

20 16-206.

21 (a) (4) (i) Pursuant to a court order under [Article 27, § 139C, § 151A, or
22 § 151C of the Code] § 4-503, § 9-504, OR § 9-505 OF THE CRIMINAL LAW ARTICLE, the
23 Administration:

24 1. Shall initiate an action to suspend the driver's license or
25 driving privilege of an individual for a time specified by the court; and

26 2. May issue a restricted license that is limited to driving a
27 motor vehicle:

28 A. For the purpose of attending an alcohol education or
29 alcoholic prevention or treatment program;

30 B. That is required in the course of employment;

31 C. For the purposes of driving to or from a place of
32 employment if the individual's employment would be adversely affected because the
33 individual has no reasonable alternative means of transportation to or from the place
34 of employment; or

35 D. For the purposes of driving to or from school or any other
36 place of educational instruction if the individual's education would be adversely

1 affected because the individual has no reasonable alternative means of transportation
2 for educational purposes.

3 (c) (3) On receipt of a notice described under [Article 27, § 403(f)] ~~ARTICLE~~
4 ~~2B, § 22-107(K) of the Code § 10-119(K) OF THE CRIMINAL LAW ARTICLE~~, the
5 Administration shall suspend the license of an individual described under [Article 27,
6 § 403(f)] ~~ARTICLE 2B, § 22-107(K) of the Code § 10-119(K) OF THE CRIMINAL LAW~~
7 ARTICLE:

8 (i) For a first offense, for 6 months; and

9 (ii) For a second or subsequent offense, until the individual is 21
10 years old or for a period of 1 year, whichever is longer.

11 16-402.

12 (a) After the conviction of an individual for a violation of [Article 27, § 388, §
13 388A, or § 388B of the Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE
14 CRIMINAL LAW ARTICLE, or of the vehicle laws or regulations of this State or of any
15 local authority, points shall be assessed against the individual as of the date of
16 violation and as follows:

17 (1) Any moving violation not listed below and not contributing
18 to an accident..... 1 point

19 (2) Following another vehicle too closely.....2 points

20 (3) Speeding in excess of the posted speed limit by 10 miles an
21 hour or more2 points

22 (4) Driving with an improper class of license2 points

23 (5) Failing to stop for a school vehicle with activated alternately
24 flashing red lights.....3 points

25 (6) Any violation of § 21-1111 of this article2 points

26 (7) Passing an emergency or police vehicle under the provisions
27 of § 21-405(d) of this article2 points

28 (8) A violation of § 21-511(a) of this article.....2 points

29 (9) Failure to stop a vehicle for a steady red traffic signal in
30 violation of § 21-202 of this article2 points

31 (10) Any moving violation contributing to an accident.....3 points

32 (11) Driving after suspension of license under the provisions of §
33 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic
34 laws or regulations of another state as described in § 16-303(i) of this title3 points

- 1 (12) Any violation, except violations committed on the John F.
2 Kennedy Memorial Highway, of § 21-1411 of this article3 points

- 3 (13) Speeding in excess of the posted speed limit by 30 miles an
4 hour or more5 points

- 5 (14) Driving while not licensed.....5 points

- 6 (15) Failure to report an accident5 points

- 7 (16) Driving on a learner's permit unaccompanied.....5 points

- 8 (17) Any violation of § 17-107 of this article5 points

- 9 (18) Participating in a race or speed contest on a highway5 points

- 10 (19) Any violation of § 16-304 or § 16-305 of this title5 points

- 11 (20) Any violation of § 22-404.5 of this article5 points

- 12 (21) Speeding in excess of a posted speed limit of 65 miles an
13 hour by 20 miles an hour or more5 points

- 14 (22) Aggressive driving in violation of § 21-901.2 of this article5 points

- 15 (23) Reckless driving6 points

- 16 (24) Driving while impaired by alcohol or while impaired by a
17 drug, combination of drugs, or combination of one or more drugs and alcohol.....8 points

- 18 (25) Turning off lights of a vehicle to avoid identification8 points

- 19 (26) Failing to stop after accident resulting in damage to
20 attended vehicle or property.....8 points

- 21 (27) Failing to stop after accident resulting in damage to
22 unattended vehicle or property.....8 points

- 23 (28) Any violation of § 16-815 or § 16-816 of this title8 points

- 24 (29) Failing to stop after an accident resulting in bodily injury or
25 death.....12 points

- 26 (30) Driving after refusal, suspension, cancellation, or revocation
27 of license except for suspensions of license under the provisions of § 17-106,
28 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or
29 regulations of another state as described in § 16-303(i) of this title12 points

- 30 (31) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1)
31 through (9) of this title.....12 points

1 (32) Homicide, life threatening injury under [Article 27, § 388B
2 of the Code] § 3-211 OF THE CRIMINAL LAW ARTICLE, or assault committed
3 by means of a vehicle..... 12 points

4 (33) Driving while under the influence of alcohol, while under the
5 influence of alcohol per se, or while impaired by an illegally used controlled
6 dangerous substance..... 12 points

7 (34) Any felony involving use of a vehicle..... 12 points

8 (35) Fleeing or attempting to elude a police officer 12 points

9 (36) The making of a false affidavit or statement under oath, or
10 falsely certifying to the truth of any fact or information to the Administration
11 under the Maryland Vehicle Law or under any law relating to the ownership
12 or operation of motor vehicles 12 points

13 (37) Any violation involving an unlawful taking or unauthorized
14 use of a motor vehicle under [Article 27, § 342A or § 349] § 7-105 OR § 7-203
15 OF THE CRIMINAL LAW ARTICLE, or § 14-102 of this article 12 points

16 16-707.

17 (a) For the purposes of Article IV (a) and (c) of the Compact, the
18 Administration shall:

19 (1) Give the same effect to a conviction described in Article IV (a)(1) of
20 the Compact as the Administration would for a conviction under [Article 27, § 388 or
21 § 388A of the Code] TITLE 2, SUBTITLE 5 OR § 2-209 OF THE CRIMINAL LAW ARTICLE;

22 16-901.

23 This subtitle applies only to an individual who displays a driver's license issued
24 by the U.S. Department of State to a police officer or who otherwise claims
25 immunities or privileges under Title 22, Chapter 6 of the United States Code with
26 respect to the individual's violation of [Article 27, § 388, § 388A, or § 388B of the
27 Code] TITLE 2, SUBTITLE 5, § 2-209, OR § 3-211 OF THE CRIMINAL LAW ARTICLE, or a
28 moving violation under the vehicle laws or regulations of this State or any local
29 authority.

30 21-902.

31 (d) A person may not drive or attempt to drive any vehicle while the person is
32 impaired by any controlled dangerous substance, as that term is defined in [Article
33 27, § 279 of the Code] § 5-101 OF THE CRIMINAL LAW ARTICLE, if the person is not
34 entitled to use the controlled dangerous substance under the laws of this State.

1 21-1004.1.

2 (b) Except as provided in subsection (c) of this section, a person may use
3 reasonable force to remove from a motor vehicle a cat or dog left in the vehicle in
4 violation of the provisions of subsection (a) of this section if the person is:

5 (4) An officer of a society or association, incorporated under the laws of
6 this State for the prevention of cruelty to animals, authorized to make arrests under
7 the provisions of [Article 27, § 63 of the Code] § 10-609 OF THE CRIMINAL LAW
8 ARTICLE; or

9 SECTION ~~2~~ 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland
10 read as follows:

11 **Article - Criminal Law**

12 12-101.

13 (b) "Candidate" has the meaning stated in [Article 33,] § 1-101 of the [Code]
14 ELECTION LAW ARTICLE.

15 (g) "Political committee" has the meaning stated in [Article 33,] § 1-101 of
16 the [Code] ELECTION LAW ARTICLE.

17 12-106.

18 (b) (3) This subsection does not relieve a political committee or candidate
19 from the reporting and record keeping requirements under [Article 33 of the Code]
20 THE ELECTION LAW ARTICLE.

21 13-406.

22 (a) Notwithstanding any other provision of this article, a political committee,
23 as defined in [Article 33,] § 1-101 of the [Code] ELECTION LAW ARTICLE, may
24 conduct a fundraiser at which prizes of merchandise or money are awarded in a game
25 or spin using a paddle wheel or wheel of fortune.

26 13-506.

27 (a) Notwithstanding any other provisions of this title or Title 12 of this article,
28 a political committee as defined in [Article 33,] § 1-101 of the [Code] ELECTION LAW
29 ARTICLE may conduct a fundraiser at which prizes of merchandise or money are
30 awarded in a game or spin using a paddle wheel or wheel of fortune.

31 13-605.

32 (a) Notwithstanding any other provision of this article, a political committee,
33 as defined in [Article 33,] § 1-101 of the [Code] ELECTION LAW ARTICLE, may
34 conduct a fundraiser at which prizes of money or merchandise are awarded in a game
35 or spin using a paddle wheel or wheel of fortune.

1 SECTION ~~3~~ 8. AND BE IT FURTHER ENACTED, That Section ~~2~~ 7 of this Act
2 shall take effect January 1, 2003, contingent on the taking effect of Chapter
3 _____ (S.B. 1) of the Acts of the General Assembly of 2002, and if Chapter _____ does
4 not become effective, Section ~~2~~ 7 of this Act shall be null and void without the
5 necessity of further action by the General Assembly.

6 SECTION ~~4~~ 9. AND BE IT FURTHER ENACTED, That, except as provided in
7 Section ~~3~~ 8 of this Act, this Act shall take effect October 1, 2002.