

HOUSE BILL 1036
EMERGENCY BILL

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E1

2002 Regular Session
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By: **Delegate Doory, the Speaker (Administration), and Delegates Rawlings, Bozman, Vallario, Clagett, Love, Barkley, Cole, Dewberry, Heller, McHale, Montague, Valderrama, Frush, DeCarlo, Zirkin, Wood, Owings, Giannetti, McIntosh, Conway, Busch, Pitkin, Hixson, Rosso, Barve, Dembrow, Franchot, Kelly, Moe, Shriver, Mandel, Hubbard, Brown, Morhaim, Healey, and Hubers**

Introduced and read first time: February 8, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Security Protection Act of 2002**

3 FOR the purpose of prohibiting certain persons, businesses, contractors, or other
4 entities from charging unconscionably excessive prices for certain goods and
5 services during a state of emergency; allowing a certain civil action and certain
6 relief; allowing the adoption of certain regulations concerning charging for
7 certain goods and services under certain circumstances; adding certain crimes
8 relating to terrorism to certain definitions of crimes of violence; expanding the
9 list of crimes for which the interception of certain wire, oral, and electronic
10 communications are allowed under certain circumstances; providing an
11 exception to the requirement that a certain description be provided in order to
12 obtain a judicial order relating to wire, oral, and electronic communications
13 under certain circumstances; allowing a judge to authorize the interception of
14 wire, oral, and electronic communications outside the judge's jurisdiction under
15 certain circumstances; allowing certain officers to obtain the contents of certain
16 wire communications and the records relating to electronic communications
17 under certain circumstances; extending the reach of an order to any person or
18 entity providing wire or electronic communication service whose assistance may
19 facilitate the execution of the order; expanding and altering provisions of law
20 relating to pen registers and trap and trace devices; expanding provisions of law
21 relating to sealing affidavits relating to search and seizure warrants;
22 prohibiting the pretrial and presentencing release of certain defendants charged
23 with or convicted of certain terrorist crimes under certain circumstances;
24 prohibiting an act of terrorism, threatened acts of terrorism, and harboring
25 terrorists; providing that a certain lack of intent or ability is not a defense under
26 certain circumstances; expanding prohibitions relating to identity fraud to
27 include avoiding identification, apprehension, or prosecution for certain crimes
28 under certain circumstances; establishing and altering certain penalties;
29 authorizing the Maryland Transportation Authority Police to operate on certain
30 property under certain circumstances; authorizing the Maryland Aviation

1 Administration to impose certain penalties on certain badge holders for certain
2 violations; requiring the Maryland Aviation Administration to adopt certain
3 rules and regulations relating to security identification badges; authorizing the
4 Motor Vehicle Administration to issue certain citations; prohibiting the
5 Administration from issuing identification cards to certain individuals who are
6 not citizens of the United States unless the individuals possess certain
7 documents under certain circumstances; specifying that certain identification
8 cards expire within a certain time period; authorizing the Motor Vehicle
9 Administration to cancel identification cards under certain circumstances;
10 requiring the Motor Vehicle Administration to refuse to register or transfer the
11 registration of a vehicle upon notification of a federal law enforcement agency
12 that the applicant for registration is named in an outstanding warrant;
13 prohibiting the Administration from issuing a driver's license to certain
14 individuals who are not citizens of the United States unless the individuals
15 possess certain documents under certain circumstances; specifying that certain
16 driver's licenses expire within a certain time period; prohibiting an individual
17 with a commercial driver's license from driving on certain property without a
18 valid commercial driver's license in the individual's possession; prohibiting a
19 person from knowingly or fraudulently obtaining a commercial driver's license
20 by misrepresentation; imposing certain penalties for violating certain laws
21 relating to commercial driver's licenses; establishing certain penalties; adding
22 and altering certain definitions; making this Act an emergency measure; and
23 generally relating to prevention of terrorism.

24 BY adding to
25 Article 16A - Maryland Emergency Management Agency
26 Section 10A
27 Annotated Code of Maryland
28 (2001 Replacement Volume)

29 BY adding to
30 Article 41 - Executive and Administrative Departments
31 Section 2-201 to be under the new subtitle "Subtitle 2. Prohibition on Charging
32 Unconscionably Excessive Prices"
33 Annotated Code of Maryland
34 (1997 Replacement Volume and 2001 Supplement)

35 BY repealing and reenacting, with amendments,
36 Article 27 - Crimes and Punishments
37 Section 441(e)
38 Annotated Code of Maryland
39 (1996 Replacement Volume and 2001 Supplement)

40 BY repealing and reenacting, with amendments,
41 Article - Courts and Judicial Proceedings
42 Section 10-401(1), (8), and (13), 10-402(c)(2), 10-406, 10-408(a) and (c)(3),

1 10-4A-04(a), (b), and (c), 10-4A-05(a)(1), 10-4B-01(c), (d), and (e), and
2 10-4B-04
3 Annotated Code of Maryland
4 (1998 Replacement Volume and 2001 Supplement)

5 BY adding to
6 Article - Courts and Judicial Proceedings
7 Section 10-408(c)(4)
8 Annotated Code of Maryland
9 (1998 Replacement Volume and 2001 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article - Courts and Judicial Proceedings
12 Section 10-4B-01(a) and (b)
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Criminal Procedure
17 Section 1-203(e), 5-101(c), 5-202(b), and 5-207
18 Annotated Code of Maryland
19 (2001 Volume)

20 BY adding to
21 Article - Criminal Law
22 Section 3-1001 through 3-1004 to be under the new subtitle "Subtitle 10.
Terrorism"
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 4-401(b), 8-301, and 14-101(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 BY repealing and reenacting, without amendments,
33 Article - Criminal Law
34 Section 9-401(b) and (e)
35 Annotated Code of Maryland
36 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
37 2002)

1 BY repealing and reenacting, with amendments,
2 Article - Transportation
3 Section 4-208(a) and (b) and 5-208
4 Annotated Code of Maryland
5 (2001 Replacement Volume)

6 BY repealing and reenacting, with amendments,
7 Article - Transportation
8 Section 12-104.1, 12-301, 13-406.1, 16-103.1, 16-115(a), 16-808, and 27-101(s)
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2001 Supplement)

11 BY adding to
12 Article - Transportation
13 Section 16-813.1
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2001 Supplement)

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

18 **Article 16A - Maryland Emergency Management Agency**

19 10A.

20 (A) ON THE DECLARATION OF A STATE OF EMERGENCY UNDER THIS ARTICLE,
21 A PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY MAY NOT CHARGE AN
22 UNCONSCIONABLY EXCESSIVE PRICE FOR ANY CONSUMER FOOD ITEMS OR GOODS,
23 GOODS OR SERVICES USED FOR EMERGENCY CLEANUP, EMERGENCY SUPPLIES,
24 MEDICAL SUPPLIES AND SERVICES, HOME HEATING OIL, BUILDING MATERIALS,
25 HOUSING, TRANSPORTATION, FREIGHT, STORAGE SERVICES, GASOLINE OR OTHER
26 MOTOR FUELS, OR OTHER GOOD OR SERVICE THAT THE GOVERNOR DETERMINES IS
27 VITAL AND NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE
28 DURING THE STATE OF EMERGENCY.

29 (B) (1) IF THE ATTORNEY GENERAL DETERMINES THAT THERE ARE
30 REASONABLE GROUNDS TO BELIEVE THAT A PERSON, CONTRACTOR, BUSINESS, OR
31 OTHER ENTITY HAS VIOLATED SUBSECTION (A) OF THIS SECTION, THE ATTORNEY
32 GENERAL MAY BRING A CIVIL ACTION AGAINST THE PERSON, CONTRACTOR,
33 BUSINESS, OR OTHER ENTITY FOR CHARGING AN UNCONSCIONABLY EXCESSIVE
34 PRICE FOR A CONSUMER GOOD OR SERVICE.

35 (2) IN ANY PROCEEDING COMMENCED PURSUANT TO THIS SECTION,
36 PRIMA FACIE PROOF THAT A VIOLATION HAS OCCURRED SHALL INCLUDE EVIDENCE
37 THAT:

1 (I) THE AMOUNT CHARGED IS MORE THAN 15% ABOVE THE PRICE
2 CHARGED BY THAT PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY
3 IMMEDIATELY PRIOR TO THE DECLARATION OF AN EMERGENCY; OR

4 (II) THE AMOUNT CHARGED GROSSLY EXCEEDED THE PRICE AT
5 WHICH THE SAME OR SIMILAR GOODS OR SERVICES WERE READILY OBTAINABLE BY
6 OTHER PURCHASERS IN THE TRADE AREA.

7 (3) A PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY MAY REBUT
8 A PRIMA FACIE CASE WITH EVIDENCE THAT ADDITIONAL COSTS NOT WITHIN THE
9 CONTROL OF THE PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY WERE
10 IMPOSED ON THE PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY FOR THE
11 GOODS OR SERVICES.

12 (C) IN A CIVIL PROCEEDING UNDER THIS SECTION A COURT MAY ORDER THE
13 FOLLOWING TYPES OF RELIEF:

14 (1) AN INJUNCTION ORDERING A PERSON NOT TO CHARGE AN
15 UNCONSCIONABLY EXCESSIVE PRICE FOR A GOOD OR SERVICE;

16 (2) A CIVIL FINE NOT EXCEEDING \$10,000 FOR EVERY DAY OF THE
17 VIOLATION; OR

18 (3) AN ORDER REQUIRING THE PERSON TO MAKE RESTITUTION TO ANY
19 AGGRIEVED PURCHASER.

20 **Article 41 - Executive and Administrative Departments**

21 SUBTITLE 2. PROHIBITION ON CHARGING UNCONSCIONABLY EXCESSIVE PRICES.

22 2-201.

23 (A) ON THE DECLARATION OF A STATE OF EMERGENCY UNDER THIS ARTICLE,
24 A PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY MAY NOT CHARGE AN
25 UNCONSCIONABLY EXCESSIVE PRICE FOR ANY CONSUMER FOOD ITEMS OR GOODS,
26 GOODS OR SERVICES USED FOR EMERGENCY CLEANUP, EMERGENCY SUPPLIES,
27 MEDICAL SUPPLIES AND SERVICES, HOME HEATING OIL, BUILDING MATERIALS,
28 HOUSING, TRANSPORTATION, FREIGHT, STORAGE SERVICES, GASOLINE OR OTHER
29 MOTOR FUELS, OR OTHER GOOD OR SERVICE THAT THE GOVERNOR DETERMINES IS
30 VITAL AND NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE
31 DURING THE STATE OF EMERGENCY.

32 (B) (1) IF THE ATTORNEY GENERAL DETERMINES THAT THERE ARE
33 REASONABLE GROUNDS TO BELIEVE THAT A PERSON, CONTRACTOR, BUSINESS, OR
34 OTHER ENTITY HAS VIOLATED SUBSECTION (A) OF THIS SECTION, THE ATTORNEY
35 GENERAL MAY BRING A CIVIL ACTION AGAINST THE PERSON, CONTRACTOR,
36 BUSINESS, OR OTHER ENTITY FOR CHARGING AN UNCONSCIONABLY EXCESSIVE
37 PRICE FOR A CONSUMER GOOD OR SERVICE.

1 (2) IN ANY PROCEEDING COMMENCED PURSUANT TO THIS SECTION,
2 PRIMA FACIE PROOF THAT A VIOLATION HAS OCCURRED SHALL INCLUDE EVIDENCE
3 THAT:

4 (I) THE AMOUNT CHARGED IS MORE THAN 15% ABOVE THE PRICE
5 CHARGED BY THAT PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY
6 IMMEDIATELY PRIOR TO THE DECLARATION OF AN EMERGENCY; OR

7 (II) THE AMOUNT CHARGED GROSSLY EXCEEDED THE PRICE AT
8 WHICH THE SAME OR SIMILAR GOODS OR SERVICES WERE READILY OBTAINABLE BY
9 OTHER PURCHASERS IN THE TRADE AREA.

10 (3) A PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY MAY REBUT
11 A PRIMA FACIE CASE WITH EVIDENCE THAT ADDITIONAL COSTS NOT WITHIN THE
12 CONTROL OF THE PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY WERE
13 IMPOSED ON THE PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY FOR THE
14 GOODS OR SERVICES.

15 (C) IN A CIVIL PROCEEDING UNDER THIS SECTION A COURT MAY ORDER THE
16 FOLLOWING TYPES OF RELIEF:

17 (1) AN INJUNCTION ORDERING A PERSON NOT TO CHARGE AN
18 UNCONSCIONABLY EXCESSIVE PRICE FOR A GOOD OR SERVICE;

19 (2) A CIVIL FINE NOT EXCEEDING \$10,000 FOR EVERY DAY OF THE
20 VIOLATION; OR

21 (3) AN ORDER REQUIRING THE PERSON TO MAKE RESTITUTION TO ANY
22 AGGRIEVED PURCHASER.

23 **Article 27 - Crimes and Punishments**

24 441.

25 (e) "Crime of violence" means:

26 (1) Abduction;

27 (2) Arson in the first degree;

28 (3) Assault in the first or second degree;

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

30 (5) Carjacking and armed carjacking;

31 (6) Escape in the first degree;

32 (7) Kidnapping;

33 (8) Voluntary manslaughter;

- 1 (9) Maiming;
- 2 (10) Mayhem as previously proscribed under former § 384 of this article;
- 3 (11) Murder in the first or second degree;
- 4 (12) Rape in the first or second degree;
- 5 (13) Robbery under § 486 or § 487 of this article;
- 6 (14) Sexual offense in the first, second, or third degree;
- 7 (15) AN ACT OF TERRORISM OR A THREAT TO COMMIT AN ACT OF
8 TERRORISM UNDER § 3-1002 OR § 3-1003 OF THE CRIMINAL LAW ARTICLE;
- 9 (16) HARBORING A TERRORIST UNDER § 3-1004 OF THE CRIMINAL LAW
10 ARTICLE;
- 11 [(15)] (17) An attempt to commit any of the aforesaid offenses; or
- 12 [(16)] (18) Assault with intent to commit any of the aforesaid offenses or
13 any offense punishable by imprisonment for more than 1 year.

14 **Article - Courts and Judicial Proceedings**

15 10-401.

16 (1) [(i)] "Wire communication" means any aural transfer made in whole
17 or in part through the use of facilities for the transmission of communications by the
18 aid of wire, cable, or other like connection between the point of origin and the point of
19 reception (including the use of a connection in a switching station) furnished or
20 operated by any person licensed to engage in providing or operating such facilities for
21 the transmission of communications.

22 [(ii)] "Wire communication" includes any electronic storage of a
23 communication described in this paragraph.

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

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

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

1 10-402.

2 (c) (2) It is lawful under this subtitle for an investigative or law enforcement
3 officer acting in a criminal investigation or any other person acting at the prior
4 direction and under the supervision of an investigative or law enforcement officer to
5 intercept a wire, oral, or electronic communication:

6 (I) 1. [in] IN order to provide evidence of the commission of the
7 FOLLOWING offenses [of murder, kidnapping, rape, a sexual offense in the first or
8 second degree, child abuse, child pornography, as defined under Article 27, §§ 419A
9 and 419B of the Code, gambling, robbery under Article 27, § 486 or § 487 of the Code,
10 any felony punishable under the "Arson and Burning" subheading of Article 27,
11 bribery, extortion, or dealing in controlled dangerous substances, including violations
12 of Article 27, § 286B or § 287A, fraudulent insurance acts, as defined in Title 27,
13 Subtitle 4 of the Insurance Article, offenses relating to destructive devices under
14 Article 27, § 139C of the Code, or any conspiracy or solicitation to commit any of these
15 offenses , or]:

- 16 A. MURDER;
- 17 B. KIDNAPPING;
- 18 C. RAPE;
- 19 D. A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE;
- 20 E. CHILD ABUSE;
- 21 F. CHILD PORNOGRAPHY UNDER § 11-207 OR § 11-208 OF THE
22 CRIMINAL LAW ARTICLE;
- 23 G. GAMBLING;
- 24 H. ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL
25 LAW ARTICLE;
- 26 I. A FELONY UNDER TITLE 6, SUBTITLE 1 OF THE CRIMINAL
27 LAW ARTICLE;
- 28 J. BRIBERY;
- 29 K. EXTORTION;
- 30 L. DEALING IN A CONTROLLED DANGEROUS SUBSTANCE,
31 INCLUDING A VIOLATION OF § 5-617 OR § 5-619 OF THE CRIMINAL LAW ARTICLE;
- 32 M. A FRAUDULENT INSURANCE ACT, AS DEFINED IN TITLE
33 27, SUBTITLE 4 OF THE INSURANCE ARTICLE;
- 34 N. AN OFFENSE RELATING TO DESTRUCTIVE DEVICES
35 UNDER § 4-503 OF THE CRIMINAL LAW ARTICLE;

1 O. AN ACT OF TERRORISM OR A THREAT TO COMMIT AN ACT
2 OF TERRORISM UNDER § 3-1002 OR § 3-1003 OF THE CRIMINAL LAW ARTICLE;

3 P. HARBORING A TERRORIST UNDER § 3-1004 OF THE
4 CRIMINAL LAW ARTICLE;

5 Q. IDENTITY FRAUD UNDER § 8-301 OF THE CRIMINAL LAW
6 ARTICLE;

7 R. MONEY LAUNDERING UNDER § 5-623 OF THE CRIMINAL
8 LAW ARTICLE;

9 S. UNAUTHORIZED ACCESS TO COMPUTERS UNDER § 7-302
10 OF THE CRIMINAL LAW ARTICLE; OR

11 T. A CONSPIRACY OR SOLICITATION TO COMMIT AN
12 OFFENSE LISTED IN ITEMS A THROUGH S OF THIS ITEM.

13 2. [where] WHERE any person has created a barricade
14 situation and probable cause exists for the investigative or law enforcement officer to
15 believe a hostage or hostages may be involved[, where]; AND

16 (II) WHERE the person is a party to the communication or one of the
17 parties to the communication has given prior consent to the interception.

18 10-406.

19 The Attorney General, State Prosecutor, or any State's Attorney may apply to a
20 judge of competent jurisdiction, and the judge, in accordance with the provisions of §
21 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral,
22 or electronic communications by investigative or law enforcement officers when the
23 interception may provide or has provided evidence of the commission of [the offense
24 of]:

25 (1) (I) [murder,] MURDER [kidnapping, child pornography, as defined
26 in Article 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486
27 or § 487 of the Code, any felony punishable under the "Arson and Burning"
28 subheading of Article 27 of this Code, bribery, extortion, or dealing in controlled
29 dangerous substances, offenses relating to destructive devices under Article 27, §
30 139C of the Code, or any conspiracy or solicitation to commit any of the foregoing
31 offenses];

32 (II) KIDNAPPING;

33 (III) CHILD PORNOGRAPHY, AS DEFINED IN §§ 11-207 OR 11-208 OF
34 THE CRIMINAL LAW ARTICLE;

35 (IV) GAMBLING;

- 1 (V) ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL LAW
2 ARTICLE;
- 3 (VI) A FELONY UNDER TITLE 6, SUBTITLE 1 OF THE CRIMINAL LAW
4 ARTICLE;
- 5 (VII) BRIBERY;
- 6 (VIII) EXTORTION;
- 7 (IX) DEALING IN A CONTROLLED DANGEROUS SUBSTANCE;
- 8 (X) AN OFFENSE RELATING TO DESTRUCTIVE DEVICES UNDER §
9 4-503 OF THE CRIMINAL LAW ARTICLE;
- 10 (XI) ACTS OF TERRORISM OR A THREAT TO COMMIT AN ACT OF
11 TERRORISM UNDER § 3-1002 OR § 3-1003 OF THE CRIMINAL LAW ARTICLE;
- 12 (XII) HARBORING A TERRORIST UNDER § 3-1004 OF THE CRIMINAL
13 LAW ARTICLE;
- 14 (XIII) IDENTITY FRAUD UNDER § 8-301 OF THE CRIMINAL LAW
15 ARTICLE;
- 16 (XIV) MONEY LAUNDERING UNDER § 5-623 OF THE CRIMINAL LAW
17 ARTICLE;
- 18 (XV) UNAUTHORIZED ACCESS TO COMPUTERS UNDER § 7-302 OF
19 THE CRIMINAL LAW ARTICLE; OR
- 20 (XVI) ANY CONSPIRACY OR SOLICITATION TO COMMIT A CRIME
21 LISTED IN ITEMS (I) THROUGH (XV) OF THIS PARAGRAPH.

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

24 10-408.

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

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

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

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

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

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

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

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

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

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

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

27 (2) THE NATURE AND LOCATION OF THE FACILITIES FROM WHICH OR
28 THE PLACE WHERE THE COMMUNICATION IS TO BE INTERCEPTED IS NOT REQUIRED
29 IF THE APPLICATION INCLUDES:

30 (I) DETAILS AS TO HOW AND WHY PROVIDING THIS INFORMATION
31 IS NOT PRACTICAL;

32 (II) A SHOWING THAT THERE IS PROBABLE CAUSE TO BELIEVE
33 THAT THE ACTIONS OF THE PERSON WHOSE COMMUNICATIONS ARE TO BE
34 INTERCEPTED COULD HAVE THE EFFECT OF THWARTING AN INTERCEPTION FROM A
35 SPECIFIED FACILITY OR THAT THE PERSON HAS MOVED OR IS LIKELY TO MOVE TO
36 ANOTHER JUDICIAL CIRCUIT WITHIN THE STATE; AND

37 (III) THE IDENTITY OF THE PERSON COMMITTING THE OFFENSE
38 AND WHOSE COMMUNICATIONS ARE TO BE INTERCEPTED.

1 (c) (3) If an application for an ex parte order is made by the Attorney
2 General, the State Prosecutor, or a State's Attorney, an order issued under paragraph
3 (1) of this subsection may authorize the interception of communications received or
4 sent by a [mobile telephone or a paging device] COMMUNICATION DEVICE anywhere
5 within the State so as to permit the interception of the communications regardless of
6 whether the [mobile telephone or paging device] COMMUNICATION DEVICE is
7 physically located within the jurisdiction of the court in which the application was
8 filed at the time of the interception. The application must allege that the offense
9 being investigated may transpire in the jurisdiction of the court in which the
10 application is filed.

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

15 10-4A-04.

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

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

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

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

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

34 1. Uses a grand jury subpoena; or

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

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

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

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

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

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

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

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

27 1. Uses a subpoena issued by a court of competent
28 jurisdiction, a State grand jury subpoena, or a subpoena authorized under Article 10,
29 § 39A of the Code;

30 2. Obtains a warrant from a court of competent jurisdiction;

31 3. Obtains a court order requiring the disclosure under
32 subsection (d) of this section; or

33 4. Has the consent of the subscriber or customer to the
34 disclosure.

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

1 10-4A-05.

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

12 10-4B-01.

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

14 (b) "Wire communication", "electronic communication", and "electronic
15 communication service" have the meanings stated in § 10-401 of this title.

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

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

26 (2) "Pen register" does not include any device OR PROCESS used:

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

32 (II) TO OBTAIN THE CONTENT OF A COMMUNICATION.

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

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

1 10-4B-04.

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

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

11 (b) An order issued under this section shall:

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

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

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

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

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

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

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

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

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

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

7

Article - Criminal Procedure

8 1-203.

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

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

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

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

18 (IV) §§ 3-1002 THROUGH 3-1004 OF THE CRIMINAL LAW ARTICLE,
19 RELATING TO TERRORISM.

20 (2) (I) Notwithstanding any provision of the Maryland Rules, a circuit
21 court judge or District Court judge, on a finding of good cause, may order that an
22 affidavit presented in support of a search and seizure warrant be sealed for a period
23 not exceeding 30 days.

24 (II) IF AN AFFIDAVIT IS SEALED UNDER PARAGRAPH (1)(IV) OF THIS
25 SUBSECTION, A CIRCUIT COURT JUDGE OR DISTRICT COURT JUDGE, ON A FINDING
26 OF GOOD CAUSE, MAY ORDER THE AFFIDAVIT PRESENTED IN SUPPORT OF A SEARCH
27 AND SEIZURE WARRANT BE SEALED FOR ADDITIONAL 30-DAY PERIODS, NOT TO
28 EXCEED 1 YEAR.

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

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

34 (ii) the failure to maintain the confidentiality of the investigation
35 would:

36 1. jeopardize the use of information already obtained in the
37 investigation;

1 (3) There is a rebuttable presumption that, if released, a defendant
2 charged [as a drug kingpin] WITH A CRIME LISTED IN PARAGRAPH (1) OF THIS
3 SUBSECTION will flee and pose a danger to another person or the community.

4 5-207.

5 (a) If a defendant is found guilty in a circuit court and sentenced to
6 imprisonment, a bond on which the defendant was released before the sentencing is
7 terminated.

8 (b) If the defendant files a notice of appeal and the sentencing court requires
9 a bond to be posted, the defendant shall post a new bond.

10 (C) IF A DEFENDANT IS FOUND GUILTY OF COMMITTING AN ACT OF
11 TERRORISM UNDER § 3-1002 OF THE CRIMINAL LAW ARTICLE, A THREAT TO COMMIT
12 AN ACT OF TERRORISM UNDER § 3-1003 OF THE CRIMINAL LAW ARTICLE, OR OF
13 HARBORING A TERRORIST UNDER § 3-1004 OF THE CRIMINAL LAW ARTICLE, THE
14 DEFENDANT MAY NOT BE RELEASED PENDING SENTENCING OR ANY APPEALS.

15 **Article - Criminal Law**

16 **SUBTITLE 10. TERRORISM.**

17 3-1001.

18 IN THIS SUBTITLE, "ACT OF TERRORISM" MEANS THE COMMISSION OR
19 ATTEMPTED COMMISSION OF A CRIME INVOLVING AN ACT DANGEROUS TO HUMAN
20 LIFE WITH THE INTENT TO:

21 (1) INTIMIDATE OR COERCE A CIVILIAN POPULATION; OR

22 (2) AFFECT THE CONDUCT OF A UNIT OF GOVERNMENT BY MASS
23 DESTRUCTION, MURDER, ASSASSINATION, OR KIDNAPPING.

24 3-1002.

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

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

28 3-1003.

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

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

1 3-1004.

2 (A) (1) IN THIS SECTION, "HARBOR" HAS THE MEANING STATED IN § 9-401 OF
3 THIS ARTICLE.

4 (2) "HARBOR" INCLUDES:

5 (I) OFFERING OR PROVIDING MONEY, FOOD, MEDICAL
6 TREATMENT, CARE, TRANSPORTATION, OR SIMILAR BENEFITS;

7 (II) THE WILLFUL FAILURE TO REVEAL THE WHEREABOUTS OF A
8 PERSON WHO COMMITTED AN ACT OF TERRORISM; OR

9 (III) THE WILLFUL OBSTRUCTION OF EFFORTS OF AUTHORITIES TO
10 IDENTIFY, ARREST, CHARGE, DETAIN, OR IMPRISON A PERSON FOR AN ACT OF
11 TERRORISM.

12 (B) A PERSON MAY NOT KNOWINGLY HARBOR ANOTHER WHOM THE PERSON
13 HAS REASONABLE GROUNDS TO BELIEVE HAS COMMITTED OR INTENDS TO COMMIT
14 AN ACT OF TERRORISM.

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

18 4-401.

19 (b) (1) "Crime of violence" means:

20 (i) murder in any degree;

21 (ii) manslaughter;

22 (iii) kidnapping;

23 (iv) rape in any degree;

24 (v) assault in the first degree;

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

26 (vii) burglary in any degree;

27 (viii) escape in the first degree; [or]

28 (ix) theft;

29 (X) AN ACT OF TERRORISM OR A THREAT TO COMMIT AN ACT OF
30 TERRORISM UNDER § 3-1002 OR § 3-1003 OF THIS ARTICLE; OR

31 (XI) HARBORING A TERRORIST UNDER § 3-1004 OF THIS ARTICLE.

1 (2) "Crime of violence" includes an attempt to commit a crime listed in
2 paragraph (1) of this subsection.

3 8-301.

4 (a) In this section, "personal identifying information" means a name, address,
5 telephone number, driver's license number, Social Security number, place of
6 employment, employee identification number, mother's maiden name, bank or other
7 financial institution account number, date of birth, personal identification number, or
8 credit card number.

9 (b) A person may not knowingly, willfully, and with fraudulent intent obtain or
10 help another to obtain any personal identifying information of an individual, without
11 the consent of the individual, in order to use, sell, or transfer the information to get a
12 benefit, credit, good, service, or other thing of value in the name of the individual.

13 (C) A PERSON MAY NOT KNOWINGLY AND WILLFULLY OBTAIN OR HELP
14 ANOTHER TO OBTAIN ANY PERSONAL IDENTIFYING INFORMATION OF AN
15 INDIVIDUAL, WITHOUT THE CONSENT OF THE INDIVIDUAL, WITH INTENT TO AVOID
16 IDENTIFICATION, APPREHENSION, OR PROSECUTION FOR A CRIME.

17 [(c)] (D) A person may not knowingly and willfully assume the identity of
18 another OR CREATE A FALSE IDENTITY:

19 (1) to avoid IDENTIFICATION, APPREHENSION OR prosecution for a
20 crime; or

21 (2) with fraudulent intent to:

22 (i) get a benefit, credit, good, service, or other thing of value; or

23 (ii) avoid the payment of debt or other legal obligation.

24 [(d)] (E) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
25 SUBSECTION, A person who violates this section is guilty of a misdemeanor and on
26 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding
27 \$5,000 or both.

28 (2) FOR VIOLATION OF SUBSECTION (B) OR SUBSECTION (D)(2) OF THIS
29 SECTION, IF THE VALUE OF THE INTENDED BENEFIT, CREDIT, GOOD, SERVICE, OR
30 OTHER THING OF VALUE IS MORE THAN \$500, A PERSON WHO VIOLATES THIS
31 SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO
32 IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR
33 BOTH.

34 (3) FOR A VIOLATION OF SUBSECTION (C) OR SUBSECTION (D)(1) OF THIS
35 SECTION, IF THE VIOLATION INVOLVED AVOIDING IDENTIFICATION, APPREHENSION,
36 OR PROSECUTION FOR A FELONY, A PERSON WHO VIOLATES THIS SECTION IS GUILTY
37 OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING
38 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

1 [(e)] (F) [A] IF THE VIOLATION OF THIS SECTION IS A MISDEMEANOR, a
2 person who violates this section is subject to § 5-106(b) of the Courts Article.

3 [(f)] (G) In addition to restitution under Title 11, Subtitle 6 of the Criminal
4 Procedure Article, a court may order a person who pleads guilty or nolo contendere or
5 who is found guilty under this section to make restitution to the victim for reasonable
6 costs, including reasonable attorney's fees, incurred:

7 (1) for clearing the victim's credit history or credit rating; and

8 (2) in connection with a civil or administrative proceeding to satisfy a
9 debt, lien, judgment, or other obligation of the victim that arose because of the
10 violation.

11 [(g)] (H) A sentence under this section may be imposed separate from and
12 consecutive to or concurrent with a sentence for any crime based on the act or acts
13 establishing the violation of this section.

14 9-401.

15 (b) "Concealment" means hiding, secreting, or keeping out of sight.

16 (e) (1) "Harbor" includes offering a fugitive or escaped inmate:

17 (i) concealment;

18 (ii) lodging;

19 (iii) care after concealment; or

20 (iv) obstruction of an effort of an authority to arrest the fugitive or
21 escaped inmate.

22 (2) "Harbor" does not include failing to reveal the whereabouts of a
23 fugitive or an escaped inmate by a person who did not participate in the effort of the
24 fugitive or escaped inmate to elude arrest.

25 14-101.

26 (a) In this section, "crime of violence" means:

27 (1) abduction;

28 (2) arson in the first degree;

29 (3) kidnapping;

30 (4) manslaughter, except involuntary manslaughter;

31 (5) mayhem;

- 1 (6) maiming, as previously proscribed under Article 27, §§ 385 and 386 of
 2 the Code;
- 3 (7) murder;
- 4 (8) rape;
- 5 (9) robbery under § 3-402 or § 3-403 of this article;
- 6 (10) carjacking;
- 7 (11) armed carjacking;
- 8 (12) sexual offense in the first degree;
- 9 (13) sexual offense in the second degree;
- 10 (14) use of a handgun in the commission of a felony or other crime of
 11 violence;
- 12 (15) AN ACT OF TERRORISM OR A THREAT TO COMMIT AN ACT OF
 13 TERRORISM UNDER § 3-1002 OR § 3-1003 OF THE CRIMINAL LAW ARTICLE;
- 14 (16) HARBORING A TERRORIST UNDER § 3-1004 OF THE CRIMINAL LAW
 15 ARTICLE;
- 16 [(15)] (17) an attempt to commit any of the crimes described in items (1)
 17 through [(14)] (16) of this subsection;
- 18 [(16)] (18) assault in the first degree;
- 19 [(17)] (19) assault with intent to murder;
- 20 [(18)] (20) assault with intent to rape;
- 21 [(19)] (21) assault with intent to rob;
- 22 [(20)] (22) assault with intent to commit a sexual offense in the first
 23 degree; [and] OR
- 24 [(21)] (23) assault with intent to commit a sexual offense in the second
 25 degree.

Article - Transportation

26
 27 4-208.

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

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

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

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

11 (2) SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (3) OF THIS
12 SUBSECTION, A MARYLAND TRANSPORTATION AUTHORITY POLICE OFFICER MAY
13 EXERCISE THE POWERS DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION:

14 (I) ON OR WITHIN 500 FEET OF PROPERTY OWNED, LEASED,
15 OPERATED BY, OR, EXCEPT FOR A HIGHWAY AS DEFINED UNDER § 8-101 OF THIS
16 ARTICLE OR OTHER PUBLIC PROPERTY OR WATERWAY OPEN FOR PUBLIC
17 CONVEYANCE, UNDER THE CONTROL OF THE:

- 18 1. DEPARTMENT OF TRANSPORTATION;
- 19 2. MARYLAND TRANSIT ADMINISTRATION;
- 20 3. MOTOR VEHICLE ADMINISTRATION; OR
- 21 4. STATE HIGHWAY ADMINISTRATION; AND

22 (II) ON OR WITHIN 500 FEET OF PROPERTY OWNED, LEASED,
23 OPERATED BY, OR, EXCEPT FOR A HIGHWAY AS DEFINED UNDER § 8-101 OF THIS
24 ARTICLE OR OTHER PUBLIC PROPERTY OR WATERWAY OPEN FOR PUBLIC
25 CONVEYANCE, UNDER THE CONTROL OF THE:

- 26 1. MARYLAND AVIATION ADMINISTRATION;
- 27 2. MARYLAND PORT ADMINISTRATION; AND
- 28 3. MARYLAND TRANSPORTATION AUTHORITY; AND

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

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

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

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

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

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

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

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

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

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

26 12-104.1.

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

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

- 31 (i) Those provisions of Title 13 of this article relating to:
- 32 1. The vehicle excise tax;
 - 33 2. Vehicle titling and registration;
 - 34 3. Special registration plates for individuals with disabilities;
 - 35 and
 - 36 4. Parking permits for individuals with disabilities;

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

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

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

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

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

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

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

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

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

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

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

24 12-301.

25 (a) On application, the Administration shall issue an identification card to any
26 individual who:

27 (1) (I) IS A CITIZEN OF THE UNITED STATES; OR

28 (II) IS NOT A CITIZEN OF THE UNITED STATES, BUT WHO
29 POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR
30 OTHER ENTRY DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR
31 NATURALIZATION SERVICE;

32 [(1)] (2) Is a resident of this State;

33 [(2)] (3) Does not have a driver's license;

1 [(3)] (4) Presents a birth certificate or other proof of age and identity
2 acceptable to the Administration; and

3 [(4)] (5) Presents a completed application for an identification card on a
4 form furnished by the Administration.

5 (b) (1) Except as provided in paragraph (2) of this subsection, the
6 Administration shall establish a fee for the issuance of an identification card and for
7 issuance of a duplicate identification card.

8 (2) A fee is not required if the applicant for the card:

9 (i) Is 65 years old or older;

10 (ii) Is legally blind;

11 (iii) Has permanently lost the use of a leg or an arm;

12 (iv) Is permanently disabled so severely that the applicant cannot
13 move without the aid of crutches or a wheelchair; or

14 (v) Has a physical or mental impairment that substantially limits a
15 "major life activity" as defined in the federal Americans with Disabilities Act.

16 (c) A person may not commit any fraud in applying for an identification card
17 issued under this section.

18 (d) A person may not commit any misrepresentation in applying for an
19 identification card issued under this section.

20 (e) A person may not commit any fraud in using an identification card issued
21 under this section.

22 (f) A person may not make any misrepresentation in using an identification
23 card issued under this section.

24 (g) (1) An identification card shall be:

25 (i) Of the size and design that the Administration requires; and

26 (ii) Tamperproof, to the extent possible.

27 (2) The card shall contain:

28 (i) The name and address of the applicant;

29 (ii) The birth date of the applicant;

30 (iii) The sex of the applicant;

31 (iv) A description of the applicant;

1 (v) A color photograph of the applicant taken by the procedure that
2 the Administration requires;

3 (vi) The expiration date of the identification card;

4 (vii) The signature of the applicant; and

5 (viii) The signature and seal of the issuing agent.

6 (h) An identification card may be used as legal identification of the individual
7 to whom it is issued for any purpose.

8 (i) [An identification card expires every 5 years. It may be renewed on
9 application and payment of the fee required by this section.]

10 (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
11 AN IDENTIFICATION CARD EXPIRES EVERY 5 YEARS.

12 (II) AN IDENTIFICATION CARD MAY BE RENEWED ON APPLICATION
13 AND PAYMENT OF THE FEE REQUIRED UNDER THIS SECTION.

14 (2) AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION TO A
15 PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES AND WHO POSSESSES A
16 VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR OTHER ENTRY
17 DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR NATURALIZATION
18 SERVICE SHALL EXPIRE ON THE EARLIER OF:

19 (I) 5 YEARS AFTER THE DATE OF ISSUANCE; OR

20 (II) THE EXPIRATION DATE OF THE VISA OR OTHER ENTRY
21 DOCUMENT AUTHORIZING THE PERSON'S PRESENCE IN THE UNITED STATES.

22 (j) (1) THE ADMINISTRATION MAY CANCEL AN IDENTIFICATION CARD
23 ISSUED UNDER THIS TITLE IF THE ADMINISTRATION DETERMINES THAT THE
24 HOLDER OF THE IDENTIFICATION CARD:

25 (I) WAS NOT ENTITLED TO BE ISSUED THE IDENTIFICATION CARD;

26 (II) FAILED TO PROVIDE ACCURATE OR REQUIRED INFORMATION
27 IN THE APPLICATION FOR AN IDENTIFICATION CARD;

28 (III) FRAUDULENTLY APPLIED FOR OR OBTAINED THE
29 IDENTIFICATION CARD; OR

30 (IV) IS IN VIOLATION OF SUBSECTION (C), (D), (E), OR (F) OF THIS
31 SECTION.

32 (2) IF THE ADMINISTRATION CANCELS AN IDENTIFICATION CARD
33 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HOLDER OF THE IDENTIFICATION
34 CARD SHALL IMMEDIATELY SURRENDER THE CANCELED IDENTIFICATION CARD TO
35 THE ADMINISTRATION.

1 (K) The identification card shall be surrendered by the holder upon being
2 issued a Maryland driver's license.

3 [(k)] (L) The Administrator may issue an identification card to an applicant:

4 (1) Whose privilege to drive has been refused, cancelled, suspended, or
5 revoked; or

6 (2) Who has been issued a temporary license under § 16-205.1(b)(3)(iii)
7 of this article.

8 13-406.1.

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

10 (2) "Law enforcement agency" means:

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

12 (ii) A sheriff's office; OR

13 (III) A FEDERAL LAW ENFORCEMENT AGENCY.

14 (3) "Outstanding warrant" means an arrest warrant that:

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

17 (ii) Is at least 31 days old.

18 (4) "Primary law enforcement officer" means:

19 (i) In a municipal corporation, the Chief of Police, if any, or the
20 chief's designee;

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

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

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

27 (v) The Secretary of State Police; OR

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

30 (b) Subject to subsection (h) of this section, on notification by a law
31 enforcement agency that an applicant for vehicle registration is named in an

1 outstanding warrant, the Administration shall refuse to register or transfer the
2 registration of any vehicle owned by the applicant.

3 (c) (1) Before refusing to register or transfer the registration of a vehicle
4 under subsection (b) of this section, the Administration shall notify the applicant of
5 the proposed action and inform the applicant of the applicant's right to contest the
6 accuracy of the information on which the refusal is based.

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

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

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

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

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

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

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

25 2. The outstanding warrant has been otherwise satisfied.

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

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

32 (2) The regulations shall include:

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

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

1 (5) Whose driving of a motor vehicle on the highways the Administration
2 has good cause to believe would be inimical to public safety or welfare;

3 (6) Who is unable to exercise reasonable control over a motor vehicle due
4 to disease or a physical disability, including the loss of an arm or leg or both, except
5 that, if the individual passes the examination required by this title, the
6 Administration may issue the individual a restricted license requiring the individual
7 to wear a workable artificial limb or other similar body attachment;

8 (7) Who is unable to understand highway warning or direction signs
9 written in the English language;

10 (8) Who is unable to sign the individual's name for identification
11 purposes;

12 (9) Who is 70 years old or older and applying for a new license, unless
13 the applicant presents to the Administration:

14 (i) Proof of the individual's previous satisfactory operation of a
15 motor vehicle; or

16 (ii) A written certification acceptable to the Administration from a
17 licensed physician attesting to the general physical and mental qualifications of the
18 applicant; [or]

19 (10) WHO IS NOT A CITIZEN OF THE UNITED STATES UNLESS THE
20 INDIVIDUAL POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES
21 VISA OR OTHER ENTRY DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION
22 OR NATURALIZATION SERVICE; OR

23 [(10)] (11) Who otherwise does not qualify for a license under this title.

24 16-115.

25 (a) (1) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
26 PARAGRAPH, A license issued under this title to a driver at least 21 years old shall
27 expire on the birth date of the licensee in the fifth year following the issuance of the
28 license.

29 (II) A LICENSE ISSUED UNDER THIS TITLE TO A DRIVER AT LEAST
30 21 YEARS OLD WHO IS NOT A CITIZEN OF THE UNITED STATES AND WHO POSSESSES
31 A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR OTHER ENTRY
32 DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR NATURALIZATION
33 SERVICE SHALL EXPIRE ON THE EARLIER OF:

34 1. THE BIRTH DATE OF THE LICENSEE IN THE FIFTH YEAR
35 FOLLOWING THE DATE OF ISSUANCE OF THE LICENSE; OR

36 2. THE EXPIRATION DATE OF THE VISA OR OTHER ENTRY
37 DOCUMENT AUTHORIZING THE PERSON'S PRESENCE IN THE UNITED STATES.

1 (2) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
2 PARAGRAPH, A license issued under this title to a driver under the age of 21 years
3 shall expire 60 days after the driver's 21st birthday.

4 (II) A LICENSE ISSUED UNDER THIS TITLE TO A DRIVER UNDER THE
5 AGE OF 21 YEARS WHO IS NOT A CITIZEN OF THE UNITED STATES AND WHO
6 POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR
7 OTHER ENTRY DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR
8 NATURALIZATION SERVICE SHALL EXPIRE ON THE EARLIER OF:

- 9 1. 60 DAYS AFTER THE DRIVER'S 21ST BIRTHDAY; OR
10 2. THE EXPIRATION DATE OF THE VISA OR OTHER ENTRY
11 DOCUMENT AUTHORIZING THE PERSON'S PRESENCE IN THE UNITED STATES.

12 (3) (I) [A] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
13 license is renewable on the presentation of an application, the payment of the renewal
14 fee required by § 16-111.1 of this subtitle, and satisfactory completion of the
15 examination required or authorized by subsection (h) of this section:

- 16 (i) 1. Within 6 months before its expiration; or
17 (ii) 2. When a driver qualifies for a corrected license issued
18 under § 16-114.1(c) of this subtitle.

19 (II) A LICENSE OF A DRIVER WHO IS NOT A CITIZEN OF THE UNITED
20 STATES AND WHO POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED
21 STATES VISA OR OTHER ENTRY DOCUMENT ISSUED BY THE UNITED STATES
22 IMMIGRATION OR NATURALIZATION SERVICE IS RENEWABLE IF THE DRIVER:

- 23 1. COMPLIES WITH THE REQUIREMENTS OF SUBPARAGRAPH
24 (I) OF THIS PARAGRAPH; AND
25 2. DEMONSTRATES TO THE ADMINISTRATION THAT THE
26 VISA OR OTHER ENTRY DOCUMENT AUTHORIZING THE PERSON'S PRESENCE IN THE
27 UNITED STATES HAS NOT EXPIRED.

28 (4) Except as provided in subsection (e) of this section, the
29 Administration may not renew an individual's license for more than one consecutive
30 term without requiring the individual to appear in person at an office of the
31 Administration.

32 16-808.

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

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

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

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

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

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

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

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

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

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

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

22 16-813.1.

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

25 27-101.

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

30 (2) Any person who is convicted of a violation of [any of the provisions of
31 § 16-808] § 16-808(B) of this article [{"Persons ineligible to drive commercial motor
32 vehicles"}] is subject to:

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

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

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an
8 emergency measure, is necessary for the immediate preservation of the public health
9 or safety, has been passed by a ye and nay vote supported by three-fifths of all the
10 members elected to each of the two Houses of the General Assembly, and shall take
11 effect from the date it is enacted.