

HOUSE BILL 1036  
EMERGENCY BILL

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E1

2002 Regular Session  
2lr0193  
CF 2lr0192

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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

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 22, 2002

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CHAPTER \_\_\_\_\_

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;~~

1 prohibiting an act of terrorism, threatened acts of terrorism, and harboring  
2 terrorists; ~~providing that a certain lack of intent or ability is not a defense under~~  
3 ~~certain circumstances; expanding prohibitions relating to identity fraud to~~  
4 ~~include avoiding identification, apprehension, or prosecution for certain crimes~~  
5 ~~under certain circumstances; establishing and altering certain penalties;~~  
6 ~~allowing certain restitution;~~ authorizing the Maryland Transportation Authority  
7 Police to operate on certain property under certain circumstances; authorizing  
8 the Maryland Aviation Administration to impose certain penalties on certain  
9 badge holders for certain violations; requiring the Maryland Aviation  
10 Administration to adopt certain rules and regulations relating to security  
11 identification badges; authorizing the Motor Vehicle Administration to issue  
12 certain citations; ~~prohibiting the Administration from issuing identification~~  
13 ~~cards to certain individuals who are not citizens of the United States unless the~~  
14 ~~individuals possess certain documents under certain circumstances; specifying~~  
15 ~~that certain identification cards expire within a certain time period; authorizing~~  
16 ~~the Motor Vehicle Administration to cancel identification cards under certain~~  
17 ~~circumstances; requiring the Motor Vehicle Administration to refuse to register~~  
18 ~~or transfer the registration of a vehicle upon notification of a federal law~~  
19 ~~enforcement agency that the applicant for registration is named in an~~  
20 ~~outstanding warrant; prohibiting the Administration from issuing a driver's~~  
21 ~~license to certain individuals who are not citizens of the United States unless~~  
22 ~~the individuals possess certain documents under certain circumstances;~~  
23 ~~specifying that certain driver's licenses expire within a certain time period;~~  
24 prohibiting an individual with a commercial driver's license from driving on  
25 certain property without a valid commercial driver's license in the individual's  
26 possession; prohibiting a person from knowingly or fraudulently obtaining a  
27 commercial driver's license by misrepresentation; imposing certain penalties for  
28 violating certain laws relating to commercial driver's licenses; establishing  
29 certain penalties; adding and altering certain definitions; making this Act an  
30 emergency measure; and generally relating to prevention of terrorism.

31 ~~BY adding to~~  
32 ~~Article 16A—Maryland Emergency Management Agency~~  
33 ~~Section 10A~~  
34 ~~Annotated Code of Maryland~~  
35 ~~(2001 Replacement Volume)~~

36 ~~BY adding to~~  
37 ~~Article 41—Executive and Administrative Departments~~  
38 ~~Section 2-201 to be under the new subtitle "Subtitle 2. Prohibition on Charging~~  
39 ~~Unconscionably Excessive Prices"~~  
40 ~~Annotated Code of Maryland~~  
41 ~~(1997 Replacement Volume and 2001 Supplement)~~

42 BY repealing and reenacting, with amendments,  
43 Article 27 - Crimes and Punishments  
44 Section 441(e)

1 Annotated Code of Maryland  
2 (1996 Replacement Volume and 2001 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Courts and Judicial Proceedings  
5 Section 10-401(1), (8), and (13), 10-402(c)(2), 10-406, 10-408(a) and (c)(3),  
6 10-4A-04(a), (b), and (c), 10-4A-05(a)(1), 10-4B-01(c), (d), and (e), and  
7 10-4B-04  
8 Annotated Code of Maryland  
9 (1998 Replacement Volume and 2001 Supplement)

10 BY adding to  
11 Article - Courts and Judicial Proceedings  
12 Section 10-408(c)(4)  
13 Annotated Code of Maryland  
14 (1998 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article - Courts and Judicial Proceedings  
17 Section 10-4B-01(a) and (b)  
18 Annotated Code of Maryland  
19 (1998 Replacement Volume and 2001 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article - Criminal Procedure  
22 Section 1-203(e), ~~5-101(e), 5-202(b), and 5-207~~  
23 Annotated Code of Maryland  
24 (2001 Volume)

25 BY repealing and reenacting, with amendments,  
26 Article - Criminal Law  
27 Section 4-401(b) and 14-101(a)  
28 Annotated Code of Maryland  
29 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
30 2002)

31 BY adding to  
32 Article - Criminal Law  
33 Section ~~3-1001 through 3-1004~~ 9-801 through 9-805, inclusive to be under the  
34 new subtitle "Subtitle 40. 8. Terrorism"  
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 - Criminal Law~~  
 3 ~~Section 4-401(b), 8-301, and 14-101(a)~~  
 4 ~~Annotated Code of Maryland~~  
 5 ~~(As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of~~  
 6 ~~2002)~~

7 ~~BY repealing and reenacting, without amendments,~~  
 8 ~~Article - Criminal Law~~  
 9 ~~Section 9-401(b) and (c)~~  
 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 repealing and reenacting, with amendments,  
 14 Article - Transportation  
 15 Section 4-208(a) and (b) and 5-208  
 16 Annotated Code of Maryland  
 17 (2001 Replacement Volume)

18 BY repealing and reenacting, with amendments,  
 19 Article - Transportation  
 20 Section 12-104.1, ~~12-301~~, 13-406.1, ~~16-103.1, 16-115(a)~~, 16-808, and 27-101(s)  
 21 Annotated Code of Maryland  
 22 (1999 Replacement Volume and 2001 Supplement)

23 BY adding to  
 24 Article - Transportation  
 25 Section 16-813.1  
 26 Annotated Code of Maryland  
 27 (1999 Replacement Volume and 2001 Supplement)

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

30 **Article 16A – Maryland Emergency Management Agency**

31 ~~40A.~~

32 ~~(A) ON THE DECLARATION OF A STATE OF EMERGENCY UNDER THIS ARTICLE,~~  
 33 ~~A PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY MAY NOT CHARGE AN~~  
 34 ~~UNCONSCIONABLY EXCESSIVE PRICE FOR ANY CONSUMER FOOD ITEMS OR GOODS,~~  
 35 ~~GOODS OR SERVICES USED FOR EMERGENCY CLEANUP, EMERGENCY SUPPLIES,~~  
 36 ~~MEDICAL SUPPLIES AND SERVICES, HOME HEATING OIL, BUILDING MATERIALS,~~  
 37 ~~HOUSING, TRANSPORTATION, FREIGHT, STORAGE SERVICES, GASOLINE OR OTHER~~

~~1 MOTOR FUELS, OR OTHER GOOD OR SERVICE THAT THE GOVERNOR DETERMINES IS  
2 VITAL AND NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE  
3 DURING THE STATE OF EMERGENCY.~~

~~4 (B) (1) IF THE ATTORNEY GENERAL DETERMINES THAT THERE ARE  
5 REASONABLE GROUNDS TO BELIEVE THAT A PERSON, CONTRACTOR, BUSINESS, OR  
6 OTHER ENTITY HAS VIOLATED SUBSECTION (A) OF THIS SECTION, THE ATTORNEY  
7 GENERAL MAY BRING A CIVIL ACTION AGAINST THE PERSON, CONTRACTOR,  
8 BUSINESS, OR OTHER ENTITY FOR CHARGING AN UNCONSCIONABLY EXCESSIVE  
9 PRICE FOR A CONSUMER GOOD OR SERVICE.~~

~~10 (2) IN ANY PROCEEDING COMMENCED PURSUANT TO THIS SECTION,  
11 PRIMA FACIE PROOF THAT A VIOLATION HAS OCCURRED SHALL INCLUDE EVIDENCE  
12 THAT:~~

~~13 (I) THE AMOUNT CHARGED IS MORE THAN 15% ABOVE THE PRICE  
14 CHARGED BY THAT PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY  
15 IMMEDIATELY PRIOR TO THE DECLARATION OF AN EMERGENCY; OR~~

~~16 (II) THE AMOUNT CHARGED GROSSLY EXCEEDED THE PRICE AT  
17 WHICH THE SAME OR SIMILAR GOODS OR SERVICES WERE READILY OBTAINABLE BY  
18 OTHER PURCHASERS IN THE TRADE AREA.~~

~~19 (3) A PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY MAY REBUT  
20 A PRIMA FACIE CASE WITH EVIDENCE THAT ADDITIONAL COSTS NOT WITHIN THE  
21 CONTROL OF THE PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY WERE  
22 IMPOSED ON THE PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY FOR THE  
23 GOODS OR SERVICES.~~

~~24 (C) IN A CIVIL PROCEEDING UNDER THIS SECTION A COURT MAY ORDER THE  
25 FOLLOWING TYPES OF RELIEF:~~

~~26 (1) AN INJUNCTION ORDERING A PERSON NOT TO CHARGE AN  
27 UNCONSCIONABLY EXCESSIVE PRICE FOR A GOOD OR SERVICE;~~

~~28 (2) A CIVIL FINE NOT EXCEEDING \$10,000 FOR EVERY DAY OF THE  
29 VIOLATION; OR~~

~~30 (3) AN ORDER REQUIRING THE PERSON TO MAKE RESTITUTION TO ANY  
31 AGGRIEVED PURCHASER.~~

## ~~32 Article 41—Executive and Administrative Departments~~

~~33 SUBTITLE 2. PROHIBITION ON CHARGING UNCONSCIONABLY EXCESSIVE PRICES.~~

~~34 2-201.~~

~~35 (A) ON THE DECLARATION OF A STATE OF EMERGENCY UNDER THIS ARTICLE,  
36 A PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY MAY NOT CHARGE AN  
37 UNCONSCIONABLY EXCESSIVE PRICE FOR ANY CONSUMER FOOD ITEMS OR GOODS,~~

~~1 GOODS OR SERVICES USED FOR EMERGENCY CLEANUP, EMERGENCY SUPPLIES,  
2 MEDICAL SUPPLIES AND SERVICES, HOME HEATING OIL, BUILDING MATERIALS,  
3 HOUSING, TRANSPORTATION, FREIGHT, STORAGE SERVICES, GASOLINE OR OTHER  
4 MOTOR FUELS, OR OTHER GOOD OR SERVICE THAT THE GOVERNOR DETERMINES IS  
5 VITAL AND NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE  
6 DURING THE STATE OF EMERGENCY.~~

~~7 (B) (1) IF THE ATTORNEY GENERAL DETERMINES THAT THERE ARE  
8 REASONABLE GROUNDS TO BELIEVE THAT A PERSON, CONTRACTOR, BUSINESS, OR  
9 OTHER ENTITY HAS VIOLATED SUBSECTION (A) OF THIS SECTION, THE ATTORNEY  
10 GENERAL MAY BRING A CIVIL ACTION AGAINST THE PERSON, CONTRACTOR,  
11 BUSINESS, OR OTHER ENTITY FOR CHARGING AN UNCONSCIONABLY EXCESSIVE  
12 PRICE FOR A CONSUMER GOOD OR SERVICE.~~

~~13 (2) IN ANY PROCEEDING COMMENCED PURSUANT TO THIS SECTION,  
14 PRIMA FACIE PROOF THAT A VIOLATION HAS OCCURRED SHALL INCLUDE EVIDENCE  
15 THAT:~~

~~16 (I) THE AMOUNT CHARGED IS MORE THAN 15% ABOVE THE PRICE  
17 CHARGED BY THAT PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY  
18 IMMEDIATELY PRIOR TO THE DECLARATION OF AN EMERGENCY; OR~~

~~19 (II) THE AMOUNT CHARGED GROSSLY EXCEEDED THE PRICE AT  
20 WHICH THE SAME OR SIMILAR GOODS OR SERVICES WERE READILY OBTAINABLE BY  
21 OTHER PURCHASERS IN THE TRADE AREA.~~

~~22 (3) A PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY MAY REBUT  
23 A PRIMA FACIE CASE WITH EVIDENCE THAT ADDITIONAL COSTS NOT WITHIN THE  
24 CONTROL OF THE PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY WERE  
25 IMPOSED ON THE PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY FOR THE  
26 GOODS OR SERVICES.~~

~~27 (C) IN A CIVIL PROCEEDING UNDER THIS SECTION A COURT MAY ORDER THE  
28 FOLLOWING TYPES OF RELIEF:~~

~~29 (1) AN INJUNCTION ORDERING A PERSON NOT TO CHARGE AN  
30 UNCONSCIONABLY EXCESSIVE PRICE FOR A GOOD OR SERVICE;~~

~~31 (2) A CIVIL FINE NOT EXCEEDING \$10,000 FOR EVERY DAY OF THE  
32 VIOLATION; OR~~

~~33 (3) AN ORDER REQUIRING THE PERSON TO MAKE RESTITUTION TO ANY  
34 AGGRIEVED PURCHASER.~~

35 **Article 27 - Crimes and Punishments**

36 441.

37 (e) "Crime of violence" means:

- 1 (1) Abduction;
- 2 (2) Arson in the first degree;
- 3 (3) Assault in the first or second degree;
- 4 (4) Burglary in the first, second, or third degree;
- 5 (5) Carjacking and armed carjacking;
- 6 (6) Escape in the first degree;
- 7 (7) Kidnapping;
- 8 (8) Voluntary manslaughter;
- 9 (9) Maiming;
- 10 (10) Mayhem as previously proscribed under former § 384 of this article;
- 11 (11) Murder in the first or second degree;
- 12 (12) Rape in the first or second degree;
- 13 (13) Robbery under § 486 or § 487 of this article;
- 14 (14) Sexual offense in the first, second, or third degree;
- 15 (15) ~~AN ACT OF TERRORISM OR A THREAT TO COMMIT AN ACT OF~~  
 16 ~~TERRORISM UNDER § 3-1002 OR § 3-1003 UNDER § 9-802 OF THE CRIMINAL LAW~~  
 17 ~~ARTICLE;~~
- 18 ~~(16) HARBORING A TERRORIST UNDER § 3-1004 OF THE CRIMINAL LAW~~  
 19 ~~ARTICLE;~~
- 20 [(15)] ~~(17)~~ (16) An attempt to commit any of the aforesaid offenses; or
- 21 [(16)] ~~(18)~~ (17) Assault with intent to commit any of the aforesaid  
 22 offenses or any offense punishable by imprisonment for more than 1 year.

### 23 Article - Courts and Judicial Proceedings

24 10-401.

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

1                   (ii)     "Wire communication" includes any electronic storage of a  
2 communication described in this paragraph.

3                   (iii)    "Wire communication" does not include the radio portion of a  
4 cordless telephone communication that is transmitted between the cordless telephone  
5 handset and the base unit.]

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

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

13 10-402.

14     ~~(e)     (2)     It is lawful under this subtitle for an investigative or law enforcement  
15 officer acting in a criminal investigation or any other person acting at the prior  
16 direction and under the supervision of an investigative or law enforcement officer to  
17 intercept a wire, oral, or electronic communication:~~

18                   ~~(1)     1. [in] IN order to provide evidence of the commission of the  
19 FOLLOWING offenses [of murder, kidnapping, rape, a sexual offense in the first or  
20 second degree, child abuse, child pornography, as defined under Article 27, §§ 419A  
21 and 419B of the Code, gambling, robbery under Article 27, § 486 or § 487 of the Code,  
22 any felony punishable under the "Arson and Burning" subheading of Article 27,  
23 bribery, extortion, or dealing in controlled dangerous substances, including violations  
24 of Article 27, § 286B or § 287A, fraudulent insurance acts, as defined in Title 27,  
25 Subtitle 4 of the Insurance Article, offenses relating to destructive devices under  
26 Article 27, § 139C of the Code, or any conspiracy or solicitation to commit any of these  
27 offenses, or ]:~~

28                   A.     MURDER;

29                   B.     KIDNAPPING;

30                   C.     RAPE;

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

32                   E.     CHILD ABUSE;

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

35                   G.     GAMBLING;

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

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

5 J. BRIBERY;

6 K. EXTORTION;

7 L. DEALING IN A CONTROLLED DANGEROUS SUBSTANCE,  
8 INCLUDING A VIOLATION OF § 5-617 OR § 5-619 OF THE CRIMINAL LAW ARTICLE;

9 M. A FRAUDULENT INSURANCE ACT, AS DEFINED IN TITLE  
10 27, SUBTITLE 4 OF THE INSURANCE ARTICLE;

11 N. AN OFFENSE RELATING TO DESTRUCTIVE DEVICES  
12 UNDER § 4-503 OF THE CRIMINAL LAW ARTICLE;

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

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

17 Q. IDENTITY FRAUD UNDER § 8-301 OF THE CRIMINAL LAW  
18 ARTICLE;

19 R. MONEY LAUNDERING UNDER § 5-623 OF THE CRIMINAL  
20 LAW ARTICLE;

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

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

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

28 (H) WHERE the person is a party to the communication or one of the  
29 parties to the communication has given prior consent to the interception.

30 10-406.

31 The Attorney General, State Prosecutor, or any State's Attorney may apply to a  
32 judge of competent jurisdiction, and the judge, in accordance with the provisions of §  
33 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral,  
34 or electronic communications by investigative or law enforcement officers when the

1 interception may provide or has provided evidence of the commission of [the offense  
2 of];

3 (I) (I) [~~murder,] MURDER [kidnapping, child pornography, as defined  
4 in Article 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486  
5 or § 487 of the Code, any felony punishable under the "Arson and Burning"  
6 subheading of Article 27 of this Code, bribery, extortion, or dealing in controlled  
7 dangerous substances, offenses relating to destructive devices under Article 27, §  
8 139C of the Code, or any conspiracy or solicitation to commit any of the foregoing  
9 offenses];~~

10 (II) KIDNAPPING;

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

13 (IV) GAMBLING;

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

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

18 (VII) BRIBERY;

19 (VIII) EXTORTION;

20 (IX) DEALING IN A CONTROLLED DANGEROUS SUBSTANCE;

21 (X) AN OFFENSE RELATING TO DESTRUCTIVE DEVICES UNDER §  
22 4-503 OF THE CRIMINAL LAW ARTICLE;

23 (XI) ACTS OF TERRORISM OR A THREAT TO COMMIT AN ACT OF  
24 TERRORISM UNDER § 3-1002 OR § 3-1003 OF THE CRIMINAL LAW ARTICLE;

25 (XII) HARBORING A TERRORIST UNDER § 3-1004 OF THE CRIMINAL  
26 LAW ARTICLE;

27 (XIII) IDENTIFY FRAUD UNDER § 8-301 OF THE CRIMINAL LAW  
28 ARTICLE;

29 (XIV) MONEY LAUNDERING UNDER § 5-623 OF THE CRIMINAL LAW  
30 ARTICLE;

31 (XV) UNAUTHORIZED ACCESS TO COMPUTERS UNDER § 7-302 OF  
32 THE CRIMINAL LAW ARTICLE; OR

33 (XVI) ANY CONSPIRACY OR SOLICITATION TO COMMIT A CRIME  
34 LISTED IN ITEMS (I) THROUGH (XV) OF THIS PARAGRAPH.

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

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

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

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

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

13                             1.     [of] OF the commission of:

14                             A.     [the offenses of murder, kidnapping, rape, a sexual offense  
15 in the first or second degree, child abuse, child pornography, as defined under Article  
16 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486 or § 487  
17 of the Code, any felony punishable under the "Arson and Burning" subheading of  
18 Article 27, bribery, extortion, or dealing in controlled dangerous substances, including  
19 violations of Article 27, § 286B or § 287A, fraudulent] MURDER;

20                             B.     KIDNAPPING;

21                             C.     RAPE;

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

23                             E.     CHILD ABUSE;

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

26                             G.     GAMBLING;

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

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

31                             J.     BRIBERY;

32                             K.     EXTORTION;

33                             L.     DEALING IN A CONTROLLED DANGEROUS SUBSTANCE,  
34 INCLUDING A VIOLATION OF § 5-617 OR § 5-619 OF THE CRIMINAL LAW ARTICLE;

1                                    M.     A FRAUDULENT insurance [acts] ACT, as defined in Title  
 2 27, Subtitle 4 of the Insurance [Article, offenses] ARTICLE;

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

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

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

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

14                                    2.     IF:

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

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

21 10-406.

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

27                                    (1)     [the offense of murder, kidnapping, child pornography, as defined in  
 28 Article 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486 or  
 29 § 487 of the Code, any felony punishable under the "Arson and Burning" subheading  
 30 of Article 27 of this Code, bribery, extortion, or dealing in controlled dangerous  
 31 substances, offenses] MURDER;

32                                    (2)     KIDNAPPING;

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

35                                    (4)     GAMBLING;

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

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

2 ARTICLE;

3           (7)     BRIBERY;

4           (8)     EXTORTION;

5           (9)     DEALING IN A CONTROLLED DANGEROUS SUBSTANCE;

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

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

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

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

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

18 10-408.

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

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

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

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

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

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



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

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

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

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

11                                   1. IS BY AN INVESTIGATIVE OR LAW ENFORCEMENT  
 12 OFFICER;

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

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

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

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

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

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

1 10-4A-04.

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

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

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

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

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

20 1. Uses a grand jury subpoena; or

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

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

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

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

33 (c) (1) (I) In this subsection, "record or other information" INCLUDES  
34 NAME, ADDRESS, LOCAL AND LONG DISTANCE TELEPHONE CONNECTION RECORDS,  
35 OR RECORDS OF SESSION TIMES AND DURATIONS, LENGTH OF SERVICE (INCLUDING  
36 START DATE) AND TYPES OF SERVICE UTILIZED, TELEPHONE OR INSTRUMENT  
37 NUMBER OR OTHER SUBSCRIBER NUMBER OR IDENTITY, INCLUDING ANY  
38 TEMPORARILY ASSIGNED NETWORK ADDRESS, AND MEANS AND SOURCE OF

1 PAYMENT FOR SUCH SERVICE, INCLUDING ANY CREDIT CARD OR BANK ACCOUNT  
2 NUMBER.

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

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

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

13 1. Uses a subpoena issued by a court of competent  
14 jurisdiction, a State grand jury subpoena, or a subpoena authorized under Article 10,  
15 § 39A of the Code;

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

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

19 4. Has the consent of the subscriber or customer to the  
20 disclosure.

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

24 10-4A-05.

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

35 10-4B-01.

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

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

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

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

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

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

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

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

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

27 10-4B-04.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 **Article - Criminal Procedure**

35 1-203.

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

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

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

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

7 (IV) ~~§§ 3-1002 THROUGH 3-1004~~ §§ 9-802 THROUGH 9-804 OF THE  
8 CRIMINAL LAW ARTICLE, RELATING TO TERRORISM.

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

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

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

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

23 (ii) the failure to maintain the confidentiality of the investigation  
24 would:

25 1. jeopardize the use of information already obtained in the  
26 investigation;

27 2. impair the continuation of the investigation; or

28 3. jeopardize the safety of a source of information.

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

30 (i) unsealed; and

31 (ii) delivered within 15 days:

32 1. to the person from whom the property was taken; or

33 2. if that person is not on the premises at the time of delivery,  
34 to the person apparently in charge of the premises from which the property was  
35 taken.

1 ~~5-101.~~

2 (e) A defendant may not be released on personal recognizance if the defendant  
3 is charged with:

4 (1) a crime listed in § 5-202(d) of this title after having been convicted of  
5 a crime listed in § 5-202(d) of this title; [or]

6 (2) a crime punishable by death or life imprisonment without parole;

7 (3) AN ACT OF TERRORISM UNDER § 3-1002 OF THE CRIMINAL LAW  
8 ARTICLE; OR

9 (4) HARBORING A TERRORIST UNDER § 3-1004 OF THE CRIMINAL LAW  
10 ARTICLE.

11 ~~5-202.~~

12 (b) (1) A District Court commissioner may not authorize the pretrial release  
13 of a defendant charged:

14 (I) as a drug kingpin under Article 27, § 286(g) of the Code; OR

15 (II) WITH COMMITTING AN ACT OF TERRORISM UNDER § 3-1002 OF  
16 THE CRIMINAL LAW ARTICLE, A THREAT TO COMMIT AN ACT OF TERRORISM UNDER §  
17 3-1003 OF THE CRIMINAL LAW ARTICLE, OR HARBORING A TERRORIST UNDER § 3-1004  
18 OF THE CRIMINAL LAW ARTICLE.

19 (2) A judge may authorize the pretrial release of a defendant charged [as  
20 a drug kingpin] WITH A CRIME LISTED IN PARAGRAPH (1) OF THIS SUBSECTION on  
21 suitable bail and on any other conditions that will reasonably ensure that the  
22 defendant will not flee or pose a danger to another person or the community.

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

26 ~~5-207.~~

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

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

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



1 ACT AS AN EXPLICIT OR IMPLICIT CONDITION FOR THE RELEASE OF THE INDIVIDUAL  
 2 SEIZED OR DETAINED;

3 (3) AN ASSASSINATION; OR

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

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

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

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

13 ~~3-1002. 9-802.~~

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

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

17 ~~3-1003. 9-803.~~

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

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

23 ~~3-1004.~~

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

26 (2) ~~"HARBOR" INCLUDES:~~

27 (I) ~~OFFERING OR PROVIDING MONEY, FOOD, MEDICAL~~  
 28 ~~TREATMENT, CARE, TRANSPORTATION, OR SIMILAR BENEFITS;~~

29 (II) ~~THE WILLFUL FAILURE TO REVEAL THE WHEREABOUTS OF A~~  
 30 ~~PERSON WHO COMMITTED AN ACT OF TERRORISM; OR~~

31 (III) ~~THE WILLFUL OBSTRUCTION OF EFFORTS OF AUTHORITIES TO~~  
 32 ~~IDENTIFY, ARREST, CHARGE, DETAIN, OR IMPRISON A PERSON FOR AN ACT OF~~  
 33 ~~TERRORISM.~~

1 9-804.

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

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

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

9 (B) A PERSON MAY NOT KNOWINGLY HARBOR ~~ANOTHER WHOM~~ OR CONCEAL  
10 ANOTHER WHO THE PERSON ~~HAS REASONABLE GROUNDS TO BELIEVE~~ KNOWS OR  
11 SHOULD HAVE KNOWN HAS COMMITTED OR INTENDS TO COMMIT AN ACT OF  
12 TERRORISM.

13 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON  
14 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~40~~ 20 YEARS OR A FINE  
15 NOT EXCEEDING ~~\$40,000~~ \$25,000 OR BOTH.

16 9-805.

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

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

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

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

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

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

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

1 ~~4-401.~~

- 2       (b)       (1)       "Crime of violence" means:
- 3                   (i)       murder in any degree;
- 4                   (ii)       manslaughter;
- 5                   (iii)      kidnapping;
- 6                   (iv)       rape in any degree;
- 7                   (v)        assault in the first degree;
- 8                   (vi)       robbery under § 3-402 or § 3-403 of this article;
- 9                   (vii)      burglary in any degree;
- 10                  (viii)     escape in the first degree; [or]
- 11                  (ix)       theft;
- 12                  (X)       AN ACT OF TERRORISM OR A THREAT TO COMMIT AN ACT OF
- 13 ~~TERRORISM UNDER § 3-1002 OR § 3-1003 OF THIS ARTICLE; OR~~
- 14                  (XI)      HARBORING A TERRORIST UNDER § 3-1004 OF THIS ARTICLE.

15               (2)       "Crime of violence" includes an attempt to commit a crime listed in

16 ~~paragraph (1) of this subsection.~~

17 ~~8-301.~~

18       (a)       In this section, "personal identifying information" means a name, address,

19 telephone number, driver's license number, Social Security number, place of

20 employment, employee identification number, mother's maiden name, bank or other

21 financial institution account number, date of birth, personal identification number, or

22 credit card number.

23       (b)       A person may not knowingly, willfully, and with fraudulent intent obtain or

24 help another to obtain any personal identifying information of an individual, without

25 the consent of the individual, in order to use, sell, or transfer the information to get a

26 benefit, credit, good, service, or other thing of value in the name of the individual.

27       (C)       A PERSON MAY NOT KNOWINGLY AND WILLFULLY OBTAIN OR HELP

28 ANOTHER TO OBTAIN ANY PERSONAL IDENTIFYING INFORMATION OF AN

29 INDIVIDUAL, WITHOUT THE CONSENT OF THE INDIVIDUAL, WITH INTENT TO AVOID

30 IDENTIFICATION, APPREHENSION, OR PROSECUTION FOR A CRIME.

31       [(c)]     (D)       A person may not knowingly and willfully assume the identity of

32 ~~another OR CREATE A FALSE IDENTITY;~~

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

3 (2) with fraudulent intent to:

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

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

6 ~~[(d)] (E) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS~~  
7 ~~SUBSECTION, A person who violates this section is guilty of a misdemeanor and on~~  
8 ~~conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding~~  
9 ~~\$5,000 or both.~~

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

16 (3) FOR A VIOLATION OF SUBSECTION (C) OR SUBSECTION (D)(1) OF THIS  
17 SECTION, IF THE VIOLATION INVOLVED AVOIDING IDENTIFICATION, APPREHENSION,  
18 OR PROSECUTION FOR A FELONY, A PERSON WHO VIOLATES THIS SECTION IS GUILTY  
19 OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING  
20 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

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

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

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

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

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

34 ~~9-401.~~

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

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

- 1 (i) concealment;
- 2 (ii) lodging;
- 3 (iii) care after concealment; or
- 4 (iv) obstruction of an effort of an authority to arrest the fugitive or  
5 escaped inmate.

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

9 14-101.

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

- 11 (1) abduction;
- 12 (2) arson in the first degree;
- 13 (3) kidnapping;
- 14 (4) manslaughter, except involuntary manslaughter;
- 15 (5) mayhem;
- 16 (6) maiming, as previously proscribed under Article 27, §§ 385 and 386 of  
17 the Code;
- 18 (7) murder;
- 19 (8) rape;
- 20 (9) robbery under § 3-402 or § 3-403 of this article;
- 21 (10) carjacking;
- 22 (11) armed carjacking;
- 23 (12) sexual offense in the first degree;
- 24 (13) sexual offense in the second degree;
- 25 (14) use of a handgun in the commission of a felony or other crime of  
26 violence;
- 27 (15) ~~AN ACT OF TERRORISM OR A THREAT TO COMMIT AN ACT OF~~  
28 ~~TERRORISM UNDER § 3-1002 OR § 3-1003 UNDER § 9-802 OF THE CRIMINAL LAW~~  
29 ~~ARTICLE;~~



1                   (4)     ~~ON OR WITHIN 500 FEET OF PROPERTY OWNED, LEASED,~~  
 2 ~~OPERATED BY, OR, EXCEPT FOR A HIGHWAY AS DEFINED UNDER § 8-101 OF THIS~~  
 3 ~~ARTICLE OR OTHER PUBLIC PROPERTY OR WATERWAY OPEN FOR PUBLIC~~  
 4 ~~CONVEYANCE, UNDER THE CONTROL OF THE:~~

- 5                           1.     ~~DEPARTMENT OF TRANSPORTATION;~~  
 6                           2.     ~~MARYLAND TRANSIT ADMINISTRATION;~~  
 7                           3.     ~~MOTOR VEHICLE ADMINISTRATION; OR~~  
 8                           4.     ~~STATE HIGHWAY ADMINISTRATION; AND~~

9                   (H)     ~~ON OR WITHIN 500 FEET OF PROPERTY OWNED, LEASED,~~  
 10 ~~OPERATED BY, OR, EXCEPT FOR A HIGHWAY AS DEFINED UNDER § 8-101 OF THIS~~  
 11 ~~ARTICLE OR OTHER PUBLIC PROPERTY OR WATERWAY OPEN FOR PUBLIC~~  
 12 ~~CONVEYANCE, UNDER THE CONTROL OF THE:~~

- 13                           1.     ~~MARYLAND AVIATION ADMINISTRATION;~~  
 14                           2.     ~~MARYLAND PORT ADMINISTRATION; AND~~  
 15                           3.     ~~MARYLAND TRANSPORTATION AUTHORITY; AND~~

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

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

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

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

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

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

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



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

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

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

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

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

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

21 12-104.1.

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

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

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

27 1. The vehicle excise tax;

28 2. Vehicle titling and registration;

29 3. Special registration plates for individuals with disabilities;

30 and

31 4. Parking permits for individuals with disabilities;

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

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

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

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

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

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

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

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

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

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

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

20 ~~12-301.~~

21 ~~(a) On application, the Administration shall issue an identification card to any~~  
 22 ~~individual who:~~

23 ~~(+) (I) IS A CITIZEN OF THE UNITED STATES; OR~~

24 ~~(II) IS NOT A CITIZEN OF THE UNITED STATES, BUT WHO~~  
 25 ~~POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR~~  
 26 ~~OTHER ENTRY DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR~~  
 27 ~~NATURALIZATION SERVICE;~~

28 ~~{(1)} (2) Is a resident of this State;~~

29 ~~{(2)} (3) Does not have a driver's license;~~

30 ~~{(3)} (4) Presents a birth certificate or other proof of age and identity~~  
 31 ~~acceptable to the Administration; and~~

32 ~~{(4)} (5) Presents a completed application for an identification card on a~~  
 33 ~~form furnished by the Administration.~~

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

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

5 (i) Is 65 years old or older;

6 (ii) Is legally blind;

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

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

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

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

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

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

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

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

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

22 (ii) Tamperproof, to the extent possible.

23 (2) The card shall contain:

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

25 (ii) The birth date of the applicant;

26 (iii) The sex of the applicant;

27 (iv) A description of the applicant;

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

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

1                   (vii)    The signature of the applicant; and

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

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

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

7                   (+)        (+)        EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
8 AN IDENTIFICATION CARD EXPIRES EVERY 5 YEARS.

9                   (H)        AN IDENTIFICATION CARD MAY BE RENEWED ON APPLICATION  
10 AND PAYMENT OF THE FEE REQUIRED UNDER THIS SECTION.

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

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

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

19       (j)        (+)        THE ADMINISTRATION MAY CANCEL AN IDENTIFICATION CARD  
20 ISSUED UNDER THIS TITLE IF THE ADMINISTRATION DETERMINES THAT THE  
21 HOLDER OF THE IDENTIFICATION CARD:

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

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

25                   (III)       FRAUDULENTLY APPLIED FOR OR OBTAINED THE  
26 IDENTIFICATION CARD; OR

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

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

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

35       ~~{(k)}~~    (L)        The Administrator may issue an identification card to an applicant:

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

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

5 13-406.1.

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

7           (2)     "Law enforcement agency" means:

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

9                 (ii)    A sheriff's office; OR

10            (III)    A FEDERAL LAW ENFORCEMENT AGENCY.

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

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

14                 (ii)    Is at least 31 days old.

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

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

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

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

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

24                 (v)     The Secretary of State Police; OR

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

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

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

1 the proposed action and inform the applicant of the applicant's right to contest the  
2 accuracy of the information on which the refusal is based.

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

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

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

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

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

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

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

21                               2.       The outstanding warrant has been otherwise satisfied.

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

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

28       (2)       The regulations shall include:

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

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

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

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

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

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

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

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

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

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

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

19 ~~16-103.1.~~

20 ~~The Administration may not issue a driver's license to an individual:~~

21 (1) ~~During any period for which the individual's license to drive is~~  
22 ~~revoked, suspended, refused, or canceled in this or any other state, unless the~~  
23 ~~individual is eligible for a restricted license under § 16-113(e) of this subtitle;~~

24 (2) ~~Who is an habitual drunkard, habitual user of narcotic drugs, or~~  
25 ~~habitual user of any other drug to a degree that renders the individual incapable of~~  
26 ~~safely driving a motor vehicle;~~

27 (3) ~~Who previously has been adjudged to be suffering from any mental~~  
28 ~~disability or mental disease and who, at the time of application, has not been~~  
29 ~~adjudged competent;~~

30 (4) ~~Who is required by this title to take an examination, unless the~~  
31 ~~individual has passed the examination;~~

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

34 (6) ~~Who is unable to exercise reasonable control over a motor vehicle due~~  
35 ~~to disease or a physical disability, including the loss of an arm or leg or both, except~~  
36 ~~that, if the individual passes the examination required by this title, the~~

1 Administration may issue the individual a restricted license requiring the individual  
2 to wear a workable artificial limb or other similar body attachment;

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

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

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

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

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

14 (10) WHO IS NOT A CITIZEN OF THE UNITED STATES UNLESS THE  
15 INDIVIDUAL POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES  
16 VISA OR OTHER ENTRY DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION  
17 OR NATURALIZATION SERVICE; OR

18 [(10)] (11) Who otherwise does not qualify for a license under this title.

19 16-115.

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

24 (H) A LICENSE ISSUED UNDER THIS TITLE TO A DRIVER AT LEAST  
25 21 YEARS OLD WHO IS NOT A CITIZEN OF THE UNITED STATES AND WHO POSSESSES  
26 A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR OTHER ENTRY  
27 DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR NATURALIZATION  
28 SERVICE SHALL EXPIRE ON THE EARLIER OF:

29 1. THE BIRTH DATE OF THE LICENSEE IN THE FIFTH YEAR  
30 FOLLOWING THE DATE OF ISSUANCE OF THE LICENSE; OR

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

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

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

- 6                           1.       60 DAYS AFTER THE DRIVER'S 21ST BIRTHDAY; OR  
7                           2.       THE EXPIRATION DATE OF THE VISA OR OTHER ENTRY  
8 DOCUMENT AUTHORIZING THE PERSON'S PRESENCE IN THE UNITED STATES.

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

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

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

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

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

29 16-808.

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

- 32                   (1)     Unless authorized to do so under this title;  
33                   (2)     While the person's driver's license or privilege to drive is refused in  
34 this State or any other state;  
35                   (3)     While the person's driver's license or privilege to drive is canceled in  
36 this State;

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

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

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

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

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

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

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

18 16-813.1.

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

21 27-101.

22 (s) (1) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-808(A) OF  
23 THIS ARTICLE IS GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS  
24 SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING  
25 \$10,000 OR BOTH.

26 (2) Any person who is convicted of a violation of [any of the provisions of  
27 § 16-808] § 16-808(B) of this article [("Persons ineligible to drive commercial motor  
28 vehicles")] is subject to:

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

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

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

35 (IV) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-813.1  
36 OF THIS ARTICLE IS GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS

1 SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING  
2 \$10,000 OR BOTH.

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