

SENATE BILL 639  
EMERGENCY BILL

Unofficial Copy  
E1

2002 Regular Session  
2lr0192  
CF 2lr0193

---

By: **Senator Baker and the President (Administration) and Senators Astle,  
Currie, Hogan, Middleton, and Munson**

Introduced and read first time: February 1, 2002

Assigned to: Judicial Proceedings

---

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  
31 Administration to impose certain penalties on certain badge holders for certain  
32 violations; requiring the Maryland Aviation Administration to adopt certain  
33 rules and regulations relating to security identification badges; authorizing the  
34 Motor Vehicle Administration to issue certain citations; prohibiting the

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

20 BY adding to

21 Article 16A - Maryland Emergency Management Agency  
22 Section 10A  
23 Annotated Code of Maryland  
24 (2001 Replacement Volume)

25 BY adding to

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

31 BY repealing and reenacting, with amendments,

32 Article 27 - Crimes and Punishments  
33 Section 441(e)  
34 Annotated Code of Maryland  
35 (1996 Replacement Volume and 2001 Supplement)

36 BY repealing and reenacting, with amendments,

37 Article - Courts and Judicial Proceedings  
38 Section 10-401(1), (8), and (13), 10-402(c)(2), 10-406, 10-408(a) and (c)(3),  
39 10-4A-04(a), (b), and (c), 10-4A-05(a)(1), 10-4B-01(c), (d), and (e), and  
40 10-4B-04  
41 Annotated Code of Maryland  
42 (1998 Replacement Volume and 2001 Supplement)

- 1 BY adding to  
2 Article - Courts and Judicial Proceedings  
3 Section 10-408(c)(4)  
4 Annotated Code of Maryland  
5 (1998 Replacement Volume and 2001 Supplement)
- 6 BY repealing and reenacting, without amendments,  
7 Article - Courts and Judicial Proceedings  
8 Section 10-4B-01(a) and (b)  
9 Annotated Code of Maryland  
10 (1998 Replacement Volume and 2001 Supplement)
- 11 BY repealing and reenacting, with amendments,  
12 Article - Criminal Procedure  
13 Section 1-203(e), 5-101(c), 5-202(b), and 5-207  
14 Annotated Code of Maryland  
15 (2001 Volume)
- 16 BY adding to  
17 Article - Criminal Law  
18 Section 3-1001 through 3-1004 to be under the new subtitle "Subtitle 10.  
Terrorism"  
19 Annotated Code of Maryland  
20 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
21 2002)
- 22 BY repealing and reenacting, with amendments,  
23 Article - Criminal Law  
24 Section 4-401(b), 8-301, and 14-101(a)  
25 Annotated Code of Maryland  
26 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
27 2002)
- 28 BY repealing and reenacting, without amendments,  
29 Article - Criminal Law  
30 Section 9-401(b) and (e)  
31 Annotated Code of Maryland  
32 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
33 2002)
- 34 BY repealing and reenacting, with amendments,  
35 Article - Transportation  
36 Section 4-208(a) and (b) and 5-208

1 Annotated Code of Maryland  
2 (2001 Replacement Volume)

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

8 BY adding to  
9 Article - Transportation  
10 Section 16-813.1  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 2001 Supplement)

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

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

16 10A.

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

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

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

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

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

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

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

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

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

15 (3) AN ORDER REQUIRING THE PERSON TO MAKE RESTITUTION TO ANY  
16 AGGRIEVED PURCHASER.

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

18 SUBTITLE 2. PROHIBITION ON CHARGING UNCONSCIONABLY EXCESSIVE PRICES.

19 2-201.

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 27 - Crimes and Punishments**

21 441.

22 (e) "Crime of violence" means:

23 (1) Abduction;

24 (2) Arson in the first degree;

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

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

27 (5) Carjacking and armed carjacking;

28 (6) Escape in the first degree;

29 (7) Kidnapping;

30 (8) Voluntary manslaughter;

31 (9) Maiming;

32 (10) Mayhem as previously proscribed under former § 384 of this article;

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

12 **Article - Courts and Judicial Proceedings**

13 10-401.

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

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

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

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

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

32 10-402.

33 (c) (2) It is lawful under this subtitle for an investigative or law enforcement  
34 officer acting in a criminal investigation or any other person acting at the prior

1 direction and under the supervision of an investigative or law enforcement officer to  
2 intercept a wire, oral, or electronic communication:

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

13 A. MURDER;

14 B. KIDNAPPING;

15 C. RAPE;

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

17 E. CHILD ABUSE;

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

20 G. GAMBLING;

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

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

25 J. BRIBERY;

26 K. EXTORTION;

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

29 M. A FRAUDULENT INSURANCE ACT, AS DEFINED IN TITLE  
30 27, SUBTITLE 4 OF THE INSURANCE ARTICLE;

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

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

- 1 P. HARBORING A TERRORIST UNDER § 3-1004 OF THE  
 2 CRIMINAL LAW ARTICLE;
- 3 Q. IDENTITY FRAUD UNDER § 8-301 OF THE CRIMINAL LAW  
 4 ARTICLE;
- 5 R. MONEY LAUNDERING UNDER § 5-623 OF THE CRIMINAL  
 6 LAW ARTICLE;
- 7 S. UNAUTHORIZED ACCESS TO COMPUTERS UNDER § 7-302  
 8 OF THE CRIMINAL LAW ARTICLE; OR
- 9 T. A CONSPIRACY OR SOLICITATION TO COMMIT AN  
 10 OFFENSE LISTED IN ITEMS A THROUGH S OF THIS ITEM.

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

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

16 10-406.

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

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

30 (II) KIDNAPPING;

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

33 (IV) GAMBLING;

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

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

3 (VII) BRIBERY;

4 (VIII) EXTORTION;

5 (IX) DEALING IN A CONTROLLED DANGEROUS SUBSTANCE;

6 (X) AN OFFENSE RELATING TO DESTRUCTIVE DEVICES UNDER §  
7 4-503 OF THE CRIMINAL LAW ARTICLE;

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

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

12 (XIII) IDENTITY FRAUD UNDER § 8-301 OF THE CRIMINAL LAW  
13 ARTICLE;

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

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

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

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

22 10-408.

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

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

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

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



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

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

12 10-4A-04.

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

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

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

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

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

31 1. Uses a grand jury subpoena; or

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

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

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

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

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

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

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

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

23 1. Uses a subpoena issued by a court of competent  
24 jurisdiction, a State grand jury subpoena, or a subpoena authorized under Article 10,  
25 § 39A of the Code;

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

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

29 4. Has the consent of the subscriber or customer to the  
30 disclosure.

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

34 10-4A-05.

35 (a) (1) A subpoena or court order issued under § 10-4A-04 of this subtitle  
36 may include a requirement that the service provider to whom the request is directed  
37 create a backup copy of the contents of the electronic communications sought in order  
38 to preserve those communications. Without notifying the subscriber or customer of  
39 the subpoena or court order, the service provider shall create a backup copy as soon as

1 practicable consistent with the provider's regular business practices and shall  
2 confirm to the governmental entity that the backup copy has been made. The service  
3 provider shall create a backup copy under this subsection within [2 business days] 24  
4 HOURS after the day on which the service provider receives the subpoena or court  
5 order.

6 10-4B-01.

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

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

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

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

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

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

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

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

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

34 10-4B-04.

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

1 that the information likely to be obtained by the installation and use is relevant to an  
2 ongoing criminal investigation.

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

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

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

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

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

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

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

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

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

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

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

35 (2) The person owning or leasing the line to which the pen register or a  
36 trap and trace device is attached OR APPLIED, or who [has been ordered by the court]  
37 IS OBLIGATED BY THE ORDER to provide assistance to the applicant, not disclose the  
38 existence of the pen register or trap and trace device or the existence of the

1 investigation to the listed subscriber, or to any other person, unless or until otherwise  
2 ordered by the court.

3

**Article - Criminal Procedure**

4 1-203.

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

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

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

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

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

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

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

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

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

30 (ii) the failure to maintain the confidentiality of the investigation  
31 would:

32 1. jeopardize the use of information already obtained in the  
33 investigation;

34 2. impair the continuation of the investigation; or

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

- 1 (4) After the order sealing the affidavit expires, the affidavit shall be:
- 2 (i) unsealed; and
- 3 (ii) delivered within 15 days:
- 4 1. to the person from whom the property was taken; or
- 5 2. if that person is not on the premises at the time of delivery,
- 6 to the person apparently in charge of the premises from which the property was
- 7 taken.

8 5-101.

9 (c) A defendant may not be released on personal recognizance if the defendant

10 is charged with:

- 11 (1) a crime listed in § 5-202(d) of this title after having been convicted of
- 12 a crime listed in § 5-202(d) of this title; [or]
- 13 (2) a crime punishable by death or life imprisonment without parole;
- 14 (3) AN ACT OF TERRORISM UNDER § 3-1002 OF THE CRIMINAL LAW
- 15 ARTICLE; OR
- 16 (4) HARBORING A TERRORIST UNDER § 3-1004 OF THE CRIMINAL LAW
- 17 ARTICLE.

18 5-202.

19 (b) (1) A District Court commissioner may not authorize the pretrial release

20 of a defendant charged:

- 21 (I) as a drug kingpin under Article 27, § 286(g) of the Code; OR
- 22 (II) WITH COMMITTING AN ACT OF TERRORISM UNDER § 3-1002 OF
- 23 THE CRIMINAL LAW ARTICLE, A THREAT TO COMMIT AN ACT OF TERRORISM UNDER §
- 24 3-1003 OF THE CRIMINAL LAW ARTICLE, OR HARBORING A TERRORIST UNDER § 3-1004
- 25 OF THE CRIMINAL LAW ARTICLE.

26 (2) A judge may authorize the pretrial release of a defendant charged [as

27 a drug kingpin] WITH A CRIME LISTED IN PARAGRAPH (1) OF THIS SUBSECTION on

28 suitable bail and on any other conditions that will reasonably ensure that the

29 defendant will not flee or pose a danger to another person or the community.

30 (3) There is a rebuttable presumption that, if released, a defendant

31 charged [as a drug kingpin] WITH A CRIME LISTED IN PARAGRAPH (1) OF THIS

32 SUBSECTION will flee and pose a danger to another person or the community.

1 5-207.

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

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

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

12 **Article - Criminal Law**

13 **SUBTITLE 10. TERRORISM.**

14 3-1001.

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

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

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

21 3-1002.

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

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

25 3-1003.

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

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

31 3-1004.

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

1 (2) "HARBOR" INCLUDES:

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

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

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

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

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

15 4-401.

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

17 (i) murder in any degree;

18 (ii) manslaughter;

19 (iii) kidnapping;

20 (iv) rape in any degree;

21 (v) assault in the first degree;

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

23 (vii) burglary in any degree;

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

25 (ix) theft;

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

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

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

1 8-301.

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

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

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

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

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

19 (2) with fraudulent intent to:

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

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

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

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

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

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

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

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

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

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

12 9-401.

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

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

15 (i) concealment;

16 (ii) lodging;

17 (iii) care after concealment; or

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

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

23 14-101.

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

25 (1) abduction;

26 (2) arson in the first degree;

27 (3) kidnapping;

28 (4) manslaughter, except involuntary manslaughter;

29 (5) mayhem;

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

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

24 **Article - Transportation**

25 4-208.

- 26 (a) (1) There is a Maryland Transportation Authority Police Force.
- 27 (2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A MARYLAND  
28 TRANSPORTATION AUTHORITY POLICE OFFICER HAS ALL THE POWERS GRANTED TO  
29 A PEACE OFFICER AND A POLICE OFFICER OF THIS STATE.

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

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

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

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

- 15 1. DEPARTMENT OF TRANSPORTATION;
- 16 2. MARYLAND TRANSIT ADMINISTRATION;
- 17 3. MOTOR VEHICLE ADMINISTRATION; OR
- 18 4. STATE HIGHWAY ADMINISTRATION; AND

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

- 23 1. MARYLAND AVIATION ADMINISTRATION;
- 24 2. MARYLAND PORT ADMINISTRATION; AND
- 25 3. MARYLAND TRANSPORTATION AUTHORITY; AND

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

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

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



1 flying or ground subjects that relate to aeronautics, or the safety of persons and  
2 property on land or water; or

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

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

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

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

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

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

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

24 12-104.1.

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

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

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

- 30 1. The vehicle excise tax;
- 31 2. Vehicle titling and registration;
- 32 3. Special registration plates for individuals with disabilities;
- 33 and
- 34 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.