

SENATE BILL 639
EMERGENCY BILL

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E1

2002 Regular Session
2lr0192
CF 2lr0193

By: **Senator Baker and the President (Administration) and Senators Astle,
Currie, Hogan, Middleton, and ~~Munson~~ Munson, Colburn, Forehand,
Green, Haines, Jacobs, and ~~Jimeno~~ Jimeno, and Roesser**

Introduced and read first time: February 1, 2002
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: March 20, 2002

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;~~
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~~

1 ~~include avoiding identification, apprehension, or prosecution for certain crimes~~
 2 ~~under certain circumstances; establishing and altering certain penalties;~~
 3 ~~authorizing certain license holders of certain nuclear power plant facilities to~~
 4 ~~authorize certain security officers, without a warrant, to stop and detain certain~~
 5 ~~persons for certain crimes under certain circumstances; requiring certain~~
 6 ~~security officers to notify and release certain persons to the detention or custody~~
 7 ~~of certain law enforcement agencies under certain circumstances; authorizing~~
 8 the Maryland Transportation Authority Police to operate on certain property
 9 under certain circumstances; authorizing the Maryland Aviation Administration
 10 to impose certain penalties on certain badge holders for certain violations;
 11 requiring the Maryland Aviation Administration to adopt certain rules and
 12 regulations relating to security identification badges; authorizing the Motor
 13 Vehicle Administration to issue certain citations; prohibiting the Administration
 14 from issuing identification cards to certain individuals who are not citizens of
 15 the United States unless the individuals possess certain documents under
 16 certain circumstances; specifying that certain identification cards expire within
 17 a certain time period; authorizing the Motor Vehicle Administration to cancel
 18 identification cards under certain circumstances; requiring the Motor Vehicle
 19 Administration to refuse to register or transfer the registration of a vehicle upon
 20 notification of a federal law enforcement agency that the applicant for
 21 registration is named in an outstanding warrant; prohibiting the
 22 Administration from issuing a driver's license to certain individuals who are not
 23 citizens of the United States unless the individuals possess certain documents
 24 under certain circumstances; specifying that certain driver's licenses expire
 25 within a certain time period; prohibiting an individual with a commercial
 26 driver's license from driving on certain property without a valid commercial
 27 driver's license in the individual's possession; prohibiting a person from
 28 knowingly or fraudulently obtaining a commercial driver's license by
 29 misrepresentation; imposing certain penalties for violating certain laws relating
 30 to commercial driver's licenses; establishing certain penalties; adding and
 31 altering certain definitions; making this Act an emergency measure; and
 32 generally relating to ~~prevention of terrorism~~ the interception of certain
 33 communications, the jurisdiction of certain law enforcement officials, and the
 34 regulation of certain motor vehicle licenses and means of identification, for the
 35 purpose of security in the State.

36 ~~BY adding to~~
 37 ~~Article 16A—Maryland Emergency Management Agency~~
 38 ~~Section 10A~~
 39 ~~Annotated Code of Maryland~~
 40 ~~(2001 Replacement Volume)~~

41 ~~BY adding to~~
 42 ~~Article 41—Executive and Administrative Departments~~
 43 ~~Section 2-201 to be under the new subtitle "Subtitle 2. Prohibition on Charging~~
 44 ~~Unconscionably Excessive Prices"~~
 45 ~~Annotated Code of Maryland~~

1 (~~1997 Replacement Volume and 2001 Supplement~~)

2 ~~BY repealing and reenacting, with amendments,~~

3 ~~Article 27—Crimes and Punishments~~

4 ~~Section 441(e)~~

5 ~~Annotated Code of Maryland~~

6 (~~1996 Replacement Volume and 2001 Supplement~~)

7 ~~BY repealing and reenacting, with amendments,~~

8 ~~Article - Courts and Judicial Proceedings~~

9 ~~Section 10-401(1), (8), and (13), 10-402(e)(2), 10-406, 10-408(a) and (e)(3), (c),~~

10 ~~and (d)(1), 10-4A-04(a), (b), and (c), 10-4A-05(a)(1), 10-4B-01(e), (d), and~~

11 ~~(e) 10-4B-01, and 10-4B-04~~

12 ~~Annotated Code of Maryland~~

13 (~~1998 Replacement Volume and 2001 Supplement~~)

14 ~~BY adding to~~

15 ~~Article—Courts and Judicial Proceedings~~

16 ~~Section 10-408(e)(4)~~

17 ~~Annotated Code of Maryland~~

18 (~~1998 Replacement Volume and 2001 Supplement~~)

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

20 ~~Article—Courts and Judicial Proceedings~~

21 ~~Section 10-4B-01(a) and (b)~~

22 ~~Annotated Code of Maryland~~

23 (~~1998 Replacement Volume and 2001 Supplement~~)

24 ~~BY repealing and reenacting, with amendments,~~

25 ~~Article—Criminal Procedure~~

26 ~~Section 1-203(e), 5-101(e), 5-202(b), and 5-207~~

27 ~~Annotated Code of Maryland~~

28 (~~2001 Volume~~)

29 ~~BY adding to~~

30 ~~Article—Criminal Law~~

31 ~~Section 3-1001 through 3-1004 to be under the new subtitle "Subtitle 10.~~

32 ~~Terrorism"~~

33 ~~Annotated Code of Maryland~~

34 (~~As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of~~

35 ~~2002)~~

36 ~~BY repealing and reenacting, with amendments,~~

37 ~~Article—Criminal Law~~

1 ~~Section 4-401(b), 8-301, and 14-101(a)~~
2 ~~Annotated Code of Maryland~~
3 ~~(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of~~
4 ~~2002)~~

5 ~~BY repealing and reenacting, without amendments,~~
6 ~~Article - Criminal Law~~
7 ~~Section 9-401(b) and (c)~~
8 ~~Annotated Code of Maryland~~
9 ~~(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of~~
10 ~~2002)~~

11 BY adding to
12 Article - Criminal Law
13 Section 9-704.1
14 Annotated Code of Maryland
15 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
16 2002)

17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 4-208(a) and (b) and 5-208
20 Annotated Code of Maryland
21 (2001 Replacement Volume)

22 BY repealing and reenacting, with amendments,
23 Article - Transportation
24 Section 12-104.1, 12-301, 13-406.1, 16-103.1, 16-115(a), 16-808, and 27-101(s)
25 Annotated Code of Maryland
26 (1999 Replacement Volume and 2001 Supplement)

27 BY adding to
28 Article - Transportation
29 Section 16-813.1
30 Annotated Code of Maryland
31 (1999 Replacement Volume and 2001 Supplement)

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

Article 16A—Maryland Emergency Management Agency

2 ~~10A.~~

3 ~~(A) ON THE DECLARATION OF A STATE OF EMERGENCY UNDER THIS ARTICLE,~~
4 ~~A PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY MAY NOT CHARGE AN~~
5 ~~UNCONSCIONABLY EXCESSIVE PRICE FOR ANY CONSUMER FOOD ITEMS OR GOODS,~~
6 ~~GOODS OR SERVICES USED FOR EMERGENCY CLEANUP, EMERGENCY SUPPLIES,~~
7 ~~MEDICAL SUPPLIES AND SERVICES, HOME HEATING OIL, BUILDING MATERIALS,~~
8 ~~HOUSING, TRANSPORTATION, FREIGHT, STORAGE SERVICES, GASOLINE OR OTHER~~
9 ~~MOTOR FUELS, OR OTHER GOOD OR SERVICE THAT THE GOVERNOR DETERMINES IS~~
10 ~~VITAL AND NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE~~
11 ~~DURING THE STATE OF EMERGENCY.~~

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

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

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

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

27 ~~(3) A PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY MAY REBUT~~
28 ~~A PRIMA FACIE CASE WITH EVIDENCE THAT ADDITIONAL COSTS NOT WITHIN THE~~
29 ~~CONTROL OF THE PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY WERE~~
30 ~~IMPOSED ON THE PERSON, CONTRACTOR, BUSINESS, OR OTHER ENTITY FOR THE~~
31 ~~GOODS OR SERVICES.~~

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

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

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

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

Article 41— Executive and Administrative Departments~~SUBTITLE 2. PROHIBITION ON CHARGING UNCONSCIONABLY EXCESSIVE PRICES.~~~~2-201.~~

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

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

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

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

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

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

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

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

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

1 (3) AN ORDER REQUIRING THE PERSON TO MAKE RESTITUTION TO ANY
 2 AGGRIEVED PURCHASER.

3 **Article 27-- Crimes and Punishments**

4 441.

5 (e) ~~"Crime of violence" means:~~

6 (1) Abduction;

7 (2) Arson in the first degree;

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

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

10 (5) Carjacking and armed carjacking;

11 (6) Escape in the first degree;

12 (7) Kidnapping;

13 (8) Voluntary manslaughter;

14 (9) Maiming;

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

16 (11) Murder in the first or second degree;

17 (12) Rape in the first or second degree;

18 (13) Robbery under § 486 or § 487 of this article;

19 (14) Sexual offense in the first, second, or third degree;

20 (15) AN ACT OF TERRORISM OR A THREAT TO COMMIT AN ACT OF
 21 TERRORISM UNDER § 3-1002 OR § 3-1003 OF THE CRIMINAL LAW ARTICLE;

22 (16) HARBORING A TERRORIST UNDER § 3-1004 OF THE CRIMINAL LAW
 23 ARTICLE;

24 ~~[(15)]~~ (17) An attempt to commit any of the aforesaid offenses; or

25 ~~[(16)]~~ (18) Assault with intent to commit any of the aforesaid offenses or
 26 any offense punishable by imprisonment for more than 1 year.

1 **Article - Courts and Judicial Proceedings**

2 10-401.

3 As used in this subtitle, the following terms have the meanings indicated:

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

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

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

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

18 (13) "Electronic communications system" means any wire, radio,
19 electromagnetic, photooptical, or photoelectronic facilities for the transmission of
20 WIRE OR electronic communications, and any computer facilities or related electronic
21 equipment for the electronic storage of electronic communications.

22 ~~10-402.~~

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

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

37 A. MURDER;

38 B. KIDNAPPING;

- 1 C. RAPE;
- 2 D. A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE;
- 3 E. CHILD ABUSE;
- 4 F. CHILD PORNOGRAPHY UNDER § 11-207 OR § 11-208 OF THE
5 CRIMINAL LAW ARTICLE;
- 6 G. GAMBLING;
- 7 H. ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL
8 LAW ARTICLE;
- 9 I. A FELONY UNDER TITLE 6, SUBTITLE 1 OF THE CRIMINAL
10 LAW ARTICLE;
- 11 J. BRIBERY;
- 12 K. EXTORTION;
- 13 L. DEALING IN A CONTROLLED DANGEROUS SUBSTANCE,
14 INCLUDING A VIOLATION OF § 5-617 OR § 5-619 OF THE CRIMINAL LAW ARTICLE;
- 15 M. A FRAUDULENT INSURANCE ACT, AS DEFINED IN TITLE
16 27, SUBTITLE 4 OF THE INSURANCE ARTICLE;
- 17 N. AN OFFENSE RELATING TO DESTRUCTIVE DEVICES
18 UNDER § 4-503 OF THE CRIMINAL LAW ARTICLE;
- 19 O. AN ACT OF TERRORISM OR A THREAT TO COMMIT AN ACT
20 OF TERRORISM UNDER § 3-1002 OR § 3-1003 OF THE CRIMINAL LAW ARTICLE;
- 21 P. HARBORING A TERRORIST UNDER § 3-1004 OF THE
22 CRIMINAL LAW ARTICLE;
- 23 Q. IDENTITY FRAUD UNDER § 8-301 OF THE CRIMINAL LAW
24 ARTICLE;
- 25 R. MONEY LAUNDERING UNDER § 5-623 OF THE CRIMINAL
26 LAW ARTICLE;
- 27 S. UNAUTHORIZED ACCESS TO COMPUTERS UNDER § 7-302
28 OF THE CRIMINAL LAW ARTICLE; OR
- 29 T. A CONSPIRACY OR SOLICITATION TO COMMIT AN
30 OFFENSE LISTED IN ITEMS A THROUGH S OF THIS ITEM.
- 31 2. [where] WHERE any person has created a barricade
32 situation and probable cause exists for the investigative or law enforcement officer to
33 believe a hostage or hostages may be involved[, where]; AND

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

3 ~~10-406.~~

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

10 (1) (1) [~~murder,~~] MURDER [~~kidnapping, child pornography, as defined~~
11 ~~in Article 27, §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486~~
12 ~~or § 487 of the Code, any felony punishable under the "Arson and Burning"~~
13 ~~subheading of Article 27 of this Code, bribery, extortion, or dealing in controlled~~
14 ~~dangerous substances, offenses relating to destructive devices under Article 27, §~~
15 ~~139C of the Code, or any conspiracy or solicitation to commit any of the foregoing~~
16 ~~offenses];~~

17 (II) KIDNAPPING;

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

20 (IV) GAMBLING;

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

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

25 (VII) BRIBERY;

26 (VIII) EXTORTION;

27 (IX) DEALING IN A CONTROLLED DANGEROUS SUBSTANCE;

28 (X) AN OFFENSE RELATING TO DESTRUCTIVE DEVICES UNDER §
29 4-503 OF THE CRIMINAL LAW ARTICLE;

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

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

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

1 ~~(XIV) MONEY LAUNDERING UNDER § 5-623 OF THE CRIMINAL LAW~~
2 ~~ARTICLE;~~

3 ~~(XV) UNAUTHORIZED ACCESS TO COMPUTERS UNDER § 7-302 OF~~
4 ~~THE CRIMINAL LAW ARTICLE; OR~~

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

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

9 10-408.

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

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

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

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

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

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

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

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

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

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

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

9 (2) ~~THE NATURE AND LOCATION OF THE FACILITIES FROM WHICH OR~~
 10 ~~THE PLACE WHERE THE COMMUNICATION IS TO BE INTERCEPTED IS NOT REQUIRED~~
 11 ~~IF THE APPLICATION INCLUDES:~~

12 (I) ~~DETAILS AS TO HOW AND WHY PROVIDING THIS INFORMATION~~
 13 ~~IS NOT PRACTICAL;~~

14 (II) ~~A SHOWING THAT THERE IS PROBABLE CAUSE TO BELIEVE~~
 15 ~~THAT THE ACTIONS OF THE PERSON WHOSE COMMUNICATIONS ARE TO BE~~
 16 ~~INTERCEPTED COULD HAVE THE EFFECT OF THWARTING AN INTERCEPTION FROM A~~
 17 ~~SPECIFIED FACILITY OR THAT THE PERSON HAS MOVED OR IS LIKELY TO MOVE TO~~
 18 ~~ANOTHER JUDICIAL CIRCUIT WITHIN THE STATE; AND~~

19 (III) ~~THE IDENTITY OF THE PERSON COMMITTING THE OFFENSE~~
 20 ~~AND WHOSE COMMUNICATIONS ARE TO BE INTERCEPTED.~~

21 (2) (I) IN THE CASE OF AN APPLICATION AUTHORIZING THE
 22 INTERCEPTION OF AN ORAL COMMUNICATION, A PARTICULAR DESCRIPTION OF THE
 23 NATURE AND LOCATION OF THE FACILITIES FROM WHICH OR THE PLACE WHERE
 24 THE COMMUNICATION IS TO BE INTERCEPTED IS NOT REQUIRED IF THE
 25 APPLICATION:

26 1. IS BY AN INVESTIGATIVE OR LAW ENFORCEMENT
 27 OFFICER;

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

30 3. CONTAINS A FULL AND COMPLETE STATEMENT AS TO
 31 WHY SPECIFICATION OF THE NATURE AND LOCATION OF THE FACILITIES FROM
 32 WHICH OR THE PLACE WHERE THE COMMUNICATION IS TO BE INTERCEPTED IS NOT
 33 PRACTICAL; AND

34 4. IDENTIFIES THE INDIVIDUAL COMMITTING THE OFFENSE
 35 AND WHOSE COMMUNICATIONS ARE TO BE INTERCEPTED.

36 (II) IN THE CASE OF AN APPLICATION AUTHORIZING THE
 37 INTERCEPTION OF A WIRE OR ELECTRONIC COMMUNICATION, A PARTICULAR
 38 DESCRIPTION OF THE NATURE AND LOCATION OF THE FACILITIES FROM WHICH OR

1 THE PLACE WHERE THE COMMUNICATION IS TO BE INTERCEPTED IS NOT REQUIRED
2 IF THE APPLICATION:

3 1. IS BY AN INVESTIGATIVE OR LAW ENFORCEMENT
4 OFFICER;

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

7 3. IDENTIFIES THE INDIVIDUAL BELIEVED TO BE
8 COMMITTING THE OFFENSE AND WHOSE COMMUNICATIONS ARE TO BE
9 INTERCEPTED;

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

13 5. SPECIFIES THAT INTERCEPTION WILL BE LIMITED TO ANY
14 PERIOD OF TIME WHEN THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER HAS A
15 REASONABLE, ARTICULABLE BELIEF THAT THE INDIVIDUAL IDENTIFIED IN THE
16 APPLICATION WILL BE PROXIMATE TO THE INSTRUMENT AND WILL BE USING THE
17 INSTRUMENT THROUGH WHICH THE COMMUNICATION WILL BE TRANSMITTED.

18 (c) (1) Upon the application the judge may enter an ex parte order, as
19 requested or as modified, authorizing interception of wire, oral, or electronic
20 communications within the territorial jurisdiction permitted under paragraphs (2)
21 and (3) of this subsection, if the judge determines on the basis of the facts submitted
22 by the applicant that:

23 (i) There is probable cause for belief that an individual is
24 committing, has committed, or is about to commit a particular offense enumerated in
25 § 10-406 of this subtitle;

26 (ii) There is probable cause for belief that particular
27 communications concerning that offense will be obtained through the interception;

28 (iii) Normal investigative procedures have been tried and have
29 failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous;
30 and

31 (iv) There is probable cause for belief:

32 1. [that] THAT the facilities from which, or the place where,
33 the wire, oral, or electronic communications are to be intercepted are being used, or
34 are about to be used, in connection with the commission of the offense, or are leased
35 to, listed in the name of, or commonly used by this person IN ACCORDANCE WITH
36 SUBSECTION (A)(1) OF THIS SECTION; OR

37 2. THAT THE ACTIONS OF THE INDIVIDUAL WHOSE
38 COMMUNICATIONS ARE TO BE INTERCEPTED COULD HAVE THE EFFECT OF

1 THWARTING AN INTERCEPTION FROM A SPECIFIED FACILITY IN ACCORDANCE WITH
2 SUBSECTION (A)(2) OF THIS SECTION.

3 (2) Except as provided in [paragraph (3)] PARAGRAPHS (3) AND (4) of
4 this subsection, an ex parte order issued under paragraph (1) of this subsection may
5 authorize the interception of wire, oral, or electronic communications only within the
6 territorial jurisdiction of the court in which the application was filed.

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

17 (4) IN ACCORDANCE WITH THIS SUBSECTION, A JUDGE OF COMPETENT
18 JURISDICTION MAY AUTHORIZE CONTINUED INTERCEPTION WITHIN THE STATE,
19 BOTH WITHIN AND OUTSIDE THE JUDGE'S JURISDICTION, IF THE ORIGINAL
20 INTERCEPTION OCCURRED WITHIN THE JUDGE'S JURISDICTION.

21 (d) (1) Each order authorizing the interception of any wire, oral, or
22 electronic communication shall specify:

23 (i) The identity of the person, if known OR REQUIRED UNDER
24 SUBSECTION (A)(2) OF THIS SECTION, whose communications are to be intercepted;

25 (ii) The nature and location of the communications facilities as to
26 which, or the place where, authority to intercept is granted, IF KNOWN;

27 (iii) A particular description of the type of communication sought to
28 be intercepted, and a statement of the particular offense to which it relates;

29 (iv) The identity of the agency authorized to intercept the
30 communications, and of the person authorizing the application; and

31 (v) The period of time during which the interception is authorized,
32 including a statement as to whether or not the interception shall automatically
33 terminate when the described communication has been first obtained.

34 10-4A-04.

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

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

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

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

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

14 1. Uses a grand jury subpoena; or

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

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

19 (i) On behalf of, and received by means of electronic transmission
20 from, or created by means of computer processing of communications received by
21 means of electronic transmission from, a subscriber or customer of the remote
22 computing service; and

23 (ii) Solely for the purpose of providing storage or computer
24 processing services to the subscriber or customer, if the provider is not authorized to
25 access the contents of any communication for purposes of providing any services other
26 than storage or computer processing.

27 (c) (1) (I) In this subsection, "record or other information" INCLUDES
28 NAME, ADDRESS, LOCAL AND LONG DISTANCE TELEPHONE CONNECTION RECORDS,
29 OR RECORDS OF SESSION TIMES AND DURATIONS, LENGTH OF SERVICE (INCLUDING
30 START DATE) AND TYPES OF SERVICE UTILIZED, TELEPHONE OR INSTRUMENT
31 NUMBER OR OTHER SUBSCRIBER NUMBER OR IDENTITY, INCLUDING ANY
32 TEMPORARILY ASSIGNED NETWORK ADDRESS, AND MEANS AND SOURCE OF
33 PAYMENT FOR SUCH SERVICE, INCLUDING ANY CREDIT CARD OR BANK ACCOUNT
34 NUMBER.

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

37 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
38 provider of electronic communications service or remote computing service may

1 disclose a record or other information pertaining to a subscriber to or a customer of
2 the service to any person other than an investigative or law enforcement officer.

3 (ii) A provider of electronic communications service or remote
4 computing service shall disclose a record or other information pertaining to a
5 subscriber to or a customer of the service to an investigative or law enforcement
6 officer only if the officer:

7 1. Uses a subpoena issued by a court of competent
8 jurisdiction, a State grand jury subpoena, or a subpoena authorized under Article 10,
9 § 39A of the Code;

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

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

13 4. Has the consent of the subscriber or customer to the
14 disclosure.

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

18 10-4A-05.

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

29 10-4B-01.

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

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

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

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

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

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

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

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

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

21 10-4B-04.

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

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

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

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

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

37 (3) Specify the [number and, if known, physical location of the telephone
38 line to which the pen register or trap and trace device is to be attached] ATTRIBUTES

1 OF THE COMMUNICATIONS TO WHICH THE ORDER APPLIES, INCLUDING THE
 2 NUMBER OR OTHER IDENTIFIER AND, IF KNOWN, THE LOCATION OF THE
 3 TELEPHONE LINE OR OTHER FACILITY TO WHICH THE PEN REGISTER OR TRAP AND
 4 TRACE DEVICE IS TO BE ATTACHED OR APPLIED, and, in the case of a trap and trace
 5 device, the geographic limits of the trap and trace order;

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

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

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

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

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

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

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

27 **Article -- Criminal Procedure**

28 ~~4-203.~~

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

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

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

36 (iii) ~~Article 27, § 419A or § 419B of the Code, relating to~~
 37 ~~pornography; OR~~

1 (IV) §§ 3-1002 THROUGH 3-1004 OF THE CRIMINAL LAW ARTICLE,
2 ~~RELATING TO TERRORISM.~~

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

7 (H) ~~IF AN AFFIDAVIT IS SEALED UNDER PARAGRAPH (1)(IV) OF THIS~~
8 ~~SUBSECTION, A CIRCUIT COURT JUDGE OR DISTRICT COURT JUDGE, ON A FINDING~~
9 ~~OF GOOD CAUSE, MAY ORDER THE AFFIDAVIT PRESENTED IN SUPPORT OF A SEARCH~~
10 ~~AND SEIZURE WARRANT BE SEALED FOR ADDITIONAL 30-DAY PERIODS, NOT TO~~
11 ~~EXCEED 1 YEAR.~~

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

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

17 (ii) the failure to maintain the confidentiality of the investigation
18 would:

19 1. jeopardize the use of information already obtained in the
20 investigation;

21 2. impair the continuation of the investigation; or

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

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

24 (i) unsealed; and

25 (ii) delivered within 15 days:

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

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

30 ~~5-101.~~

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

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

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

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

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

6 ~~5-202.~~

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

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

10 (ii) WITH COMMITTING AN ACT OF TERRORISM UNDER § 3-1002 OF
11 THE CRIMINAL LAW ARTICLE, A THREAT TO COMMIT AN ACT OF TERRORISM UNDER §
12 3-1003 OF THE CRIMINAL LAW ARTICLE, OR HARBORING A TERRORIST UNDER § 3-1004
13 OF THE CRIMINAL LAW ARTICLE.

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

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

21 ~~5-207.~~

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

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

27 (c) IF A DEFENDANT IS FOUND GUILTY OF COMMITTING AN ACT OF
28 TERRORISM UNDER § 3-1002 OF THE CRIMINAL LAW ARTICLE, A THREAT TO COMMIT
29 AN ACT OF TERRORISM UNDER § 3-1003 OF THE CRIMINAL LAW ARTICLE, OR OF
30 HARBORING A TERRORIST UNDER § 3-1004 OF THE CRIMINAL LAW ARTICLE, THE
31 DEFENDANT MAY NOT BE RELEASED PENDING SENTENCING OR ANY APPEALS.

1 ~~Article—Criminal Law~~

2 ~~SUBTITLE 10. TERRORISM.~~

3 ~~3-1001.~~

4 ~~IN THIS SUBTITLE, "ACT OF TERRORISM" MEANS THE COMMISSION OR~~
5 ~~ATTEMPTED COMMISSION OF A CRIME INVOLVING AN ACT DANGEROUS TO HUMAN~~
6 ~~LIFE WITH THE INTENT TO:~~

7 ~~(1) INTIMIDATE OR COERCE A CIVILIAN POPULATION; OR~~

8 ~~(2) AFFECT THE CONDUCT OF A UNIT OF GOVERNMENT BY MASS~~
9 ~~DESTRUCTION, MURDER, ASSASSINATION, OR KIDNAPPING.~~

10 ~~3-1002.~~

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

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

14 ~~3-1003.~~

15 ~~(A) A PERSON MAY NOT KNOWINGLY THREATEN TO COMMIT AN ACT OF~~
16 ~~TERRORISM.~~

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

20 ~~3-1004.~~

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

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

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

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

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

31 ~~(B) A PERSON MAY NOT KNOWINGLY HARBOR ANOTHER WHOM THE PERSON~~
32 ~~HAS REASONABLE GROUNDS TO BELIEVE HAS COMMITTED OR INTENDS TO COMMIT~~
33 ~~AN ACT OF TERRORISM.~~

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

4 ~~4-401.~~

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

6 (i) murder in any degree;

7 (ii) manslaughter;

8 (iii) kidnapping;

9 (iv) rape in any degree;

10 (v) assault in the first degree;

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

12 (vii) burglary in any degree;

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

14 (ix) theft;

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

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

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

20 ~~§-301.~~

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

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

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

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

3 (1) ~~to avoid IDENTIFICATION, APPREHENSION OR prosecution for a~~
 4 ~~crime; or~~

5 (2) ~~with fraudulent intent to:~~

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

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

8 ~~[(d)] (E) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS~~
 9 ~~SUBSECTION, A person who violates this section is guilty of a misdemeanor and on~~
 10 ~~conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding~~
 11 ~~\$5,000 or both.~~

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

18 (3) ~~FOR A VIOLATION OF SUBSECTION (C) OR SUBSECTION (D)(1) OF THIS~~
 19 ~~SECTION, IF THE VIOLATION INVOLVED AVOIDING IDENTIFICATION, APPREHENSION,~~
 20 ~~OR PROSECUTION FOR A FELONY, A PERSON WHO VIOLATES THIS SECTION IS GUILTY~~
 21 ~~OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING~~
 22 ~~5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.~~

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

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

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

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

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

1 ~~9-401.~~

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

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

4 (i) ~~concealment;~~

5 (ii) ~~lodging;~~

6 (iii) ~~care after concealment; or~~

7 (iv) ~~obstruction of an effort of an authority to arrest the fugitive or~~
8 ~~escaped inmate.~~

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

12 ~~14-101.~~

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

14 (1) ~~abduction;~~

15 (2) ~~arson in the first degree;~~

16 (3) ~~kidnapping;~~

17 (4) ~~manslaughter, except involuntary manslaughter;~~

18 (5) ~~mayhem;~~

19 (6) ~~maiming, as previously proscribed under Article 27, §§ 385 and 386 of~~
20 ~~the Code;~~

21 (7) ~~murder;~~

22 (8) ~~rape;~~

23 (9) ~~robbery under § 3-402 or § 3-403 of this article;~~

24 (10) ~~carjacking;~~

25 (11) ~~armed carjacking;~~

26 (12) ~~sexual offense in the first degree;~~

27 (13) ~~sexual offense in the second degree;~~

28 (14) ~~use of a handgun in the commission of a felony or other crime of~~
29 ~~violence;~~

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

3 (16) HARBORING A TERRORIST UNDER § 3-1004 OF THE CRIMINAL LAW
4 ARTICLE;

5 ~~[(15)]~~ (17) an attempt to commit any of the crimes described in items (1)
6 through ~~[(14)]~~ (16) of this subsection;

7 ~~[(16)]~~ (18) assault in the first degree;

8 ~~[(17)]~~ (19) assault with intent to murder;

9 ~~[(18)]~~ (20) assault with intent to rape;

10 ~~[(19)]~~ (21) assault with intent to rob;

11 ~~[(20)]~~ (22) assault with intent to commit a sexual offense in the first
12 degree; ~~[and] OR~~

13 ~~[(21)]~~ (23) assault with intent to commit a sexual offense in the second
14 degree.

15 **Article - Criminal Law**

16 9-704.1.

17 (A) IN THIS SECTION, "SECURITY OFFICER" MEANS A PROPRIETARY OR
18 CONTRACTUAL SECURITY OFFICER OF A LICENSE HOLDER OF A NUCLEAR POWER
19 PLANT FACILITY IN THE STATE.

20 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A NUCLEAR POWER
21 PLANT FACILITY IS PLACED UNDER A HEIGHTENED LEVEL OF SECURITY CONDITION
22 BY A FEDERAL AGENCY PURSUANT TO FEDERAL LAW, THE LICENSE HOLDER OF A
23 NUCLEAR POWER PLANT FACILITY IN THE STATE MAY AUTHORIZE A SECURITY
24 OFFICER, WITHOUT A WARRANT, TO STOP AND DETAIN ANY PERSON WHO THE
25 OWNER OR SECURITY OFFICER HAS REASONABLE GROUNDS TO BELIEVE HAS:

26 (1) ENTERED OR TRESPASSED ON POSTED PROPERTY OF THE NUCLEAR
27 POWER PLANT FACILITY IN VIOLATION OF § 6-402 OF THIS ARTICLE; OR

28 (2) VIOLATED ANY LOCAL, STATE, OR FEDERAL LAW, REGULATION, OR
29 ORDER IN AN AREA CONTROLLED BY THE LICENSE HOLDER OF THE NUCLEAR
30 POWER PLANT FACILITY.

31 (C) A SECURITY OFFICER WHO DETAINS A PERSON UNDER SUBSECTION (B) OF
32 THIS SECTION SHALL, AS SOON AS PRACTICABLE:

1 (1) NOTIFY AN APPROPRIATE LAW ENFORCEMENT AGENCY ABOUT THE
2 ALLEGED CRIME COMMITTED BY THE PERSON; AND

3 (2) RELEASE THE PERSON TO THE DETENTION OR CUSTODY OF A LAW
4 ENFORCEMENT OFFICER.

5 (D) IF NOTICE TO A LAW ENFORCEMENT AGENCY IS PROVIDED AS REQUIRED
6 UNDER SUBSECTION (C) OF THIS SECTION AND THE LAW ENFORCEMENT AGENCY
7 DETERMINES NOT TO INVESTIGATE THE ALLEGED CRIME OR DECLINES TO TAKE
8 THE DETAINED PERSON INTO DETENTION OR CUSTODY, THE SECURITY OFFICER
9 SHALL RELEASE THE PERSON AS SOON AS PRACTICABLE.

10 Article - Transportation

11 4-208.

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

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

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

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

23 (2) EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION AND
24 SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION, A
25 MARYLAND TRANSPORTATION AUTHORITY POLICE OFFICER MAY EXERCISE THE
26 POWERS DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION:

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

- 31 1. DEPARTMENT OF TRANSPORTATION;
- 32 2. MARYLAND TRANSIT ADMINISTRATION;
- 33 3. MOTOR VEHICLE ADMINISTRATION; OR
- 34 4. STATE HIGHWAY ADMINISTRATION; AND

1 (II) ~~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. MARYLAND AVIATION ADMINISTRATION;
- 6 2. MARYLAND PORT ADMINISTRATION; AND
- 7 3. MARYLAND TRANSPORTATION AUTHORITY; AND

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

10 (I) THE CHAIRMAN OF THE MARYLAND TRANSPORTATION
11 AUTHORITY, WITH THE APPROVAL OF THE GOVERNOR, DETERMINES ON THE BASIS
12 OF SPECIFIC AND ARTICULABLE FACTS THAT THE EXERCISE OF THE POWERS IS
13 REASONABLE TO PROTECT AGAINST ACTUAL OR THREATENED PHYSICAL INJURY OR
14 DAMAGE TO STATE EMPLOYEES OR STATE PROPERTY OR ASSETS AND PROVIDES
15 NOTICE OF THE EXERCISE OF THE POWERS TO THE:

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

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

20 3. SHERIFF OR THE SHERIFF'S DESIGNEE IN A COUNTY
21 WITHOUT A POLICE DEPARTMENT;

22 4. POLICE COMMISSIONER OR THE POLICE COMMISSIONER'S
23 DESIGNEE IN BALTIMORE CITY;

24 5. SECRETARY OF NATURAL RESOURCES OR THE
25 SECRETARY'S DESIGNEE ON ANY PROPERTY OWNED, LEASED, OPERATED BY, OR
26 UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES;

27 6. SECRETARY OF STATE POLICE OR THE SECRETARY'S
28 DESIGNEE; OR

29 7. SECRETARY OF A PRINCIPAL DEPARTMENT THAT
30 MAINTAINS A POLICE FORCE OR THE SECRETARY'S DESIGNEE IF THE DEPARTMENT
31 WOULD BE AFFECTED BY THE ACTIONS OF THE MARYLAND TRANSPORTATION
32 AUTHORITY POLICE FORCE UNDER THIS SUBSECTION; OR

33 (II) ORDERED TO DO SO BY THE GOVERNOR PURSUANT TO A
34 PROCLAMATION OR DECLARATION BY THE GOVERNOR OF A STATE OF EMERGENCY
35 UNDER ARTICLE 16A OF THE CODE OR ARTICLE 41 OF THE CODE.

1 [~~(3)~~] (4) The police officer may not exercise these powers on any other
2 property unless:

3 (i) Engaged in fresh pursuit of a suspected offender;

4 (ii) Specially requested or permitted to do so in a political
5 subdivision by its chief executive officer or its chief police officer; or

6 (iii) Ordered to do so by the Governor.

7 (5) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO
8 PRECLUDE, OR LIMIT IN ANY WAY, THE AUTHORITY OF ANY FEDERAL, STATE, OR
9 LOCAL LAW ENFORCEMENT AGENCY, OR ANY OTHER FEDERAL POLICE OR FEDERAL
10 PROTECTIVE SERVICE.

11 5-208.

12 (a) (1) The Administration may perform any act, issue and amend any order,
13 adopt and amend any general or special rule, regulation, or procedure, and establish
14 any minimum standard consistent with this title and necessary:

15 (i) To perform its duties and carry out the provisions of this title;

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

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

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

24 (3) (I) THE ADMINISTRATION MAY ADOPT RULES AND REGULATIONS
25 REQUIRING THE USE OF SECURITY IDENTIFICATION BADGES IN AIRPORTS
26 CONSISTENT WITH ANY AIRPORT SECURITY PROGRAM REGULATIONS ADOPTED
27 UNDER THIS SECTION.

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

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

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

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

6 12-104.1.

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

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

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

- 12 1. The vehicle excise tax;
- 13 2. Vehicle titling and registration;
- 14 3. Special registration plates for individuals with disabilities;
- 15 and
- 16 4. Parking permits for individuals with disabilities;

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

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

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

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

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

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

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

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

1 (c) The [Administrator] ADMINISTRATION shall adopt regulations
2 establishing:

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

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

7 12-301.

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

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

11 (II) IS NOT A CITIZEN OF THE UNITED STATES, BUT WHO
12 POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR
13 OTHER ENTRY DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR
14 NATURALIZATION SERVICE LAWFUL ADMISSION DOCUMENT;

15 [(1)] (2) Is a resident of this State;

16 [(2)] (3) Does not have a driver's license;

17 [(3)] (4) Presents a birth certificate or other proof of age and identity
18 acceptable to the Administration; and

19 [(4)] (5) Presents a completed application for an identification card on a
20 form furnished by the Administration.

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

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

25 (i) Is 65 years old or older;

26 (ii) Is legally blind;

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

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

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

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

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

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

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

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

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

9 (ii) Tamperproof, to the extent possible.

10 (2) The card shall contain:

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

12 (ii) The birth date of the applicant;

13 (iii) The sex of the applicant;

14 (iv) A description of the applicant;

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

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

18 (vii) The signature of the applicant; and

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

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

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

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

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

28 (2) AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION TO A
29 PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES AND WHO POSSESSES A
30 VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR OTHER ENTRY
31 DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR NATURALIZATION
32 SERVICE LAWFUL ADMISSION DOCUMENT SHALL EXPIRE ON THE EARLIER OF:

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

2 (II) THE EXPIRATION DATE OF THE VISA OR OTHER ~~ENTRY~~
 3 ~~DOCUMENT~~ LAWFUL ADMISSION DOCUMENT AUTHORIZING THE PERSON'S
 4 PRESENCE IN THE UNITED STATES.

5 (j) (1) THE ADMINISTRATION MAY CANCEL AN IDENTIFICATION CARD
 6 ISSUED UNDER THIS TITLE IF THE ADMINISTRATION DETERMINES THAT THE
 7 HOLDER OF THE IDENTIFICATION CARD:

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

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

11 (III) FRAUDULENTLY APPLIED FOR OR OBTAINED THE
 12 IDENTIFICATION CARD; OR

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

15 (2) IF THE ADMINISTRATION CANCELS AN IDENTIFICATION CARD
 16 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HOLDER OF THE IDENTIFICATION
 17 CARD SHALL IMMEDIATELY SURRENDER THE CANCELED IDENTIFICATION CARD TO
 18 THE ADMINISTRATION.

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

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

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

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

26 13-406.1.

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

28 (2) "Law enforcement agency" means:

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

30 (ii) A sheriff's office; OR

31 (III) A FEDERAL LAW ENFORCEMENT AGENCY.

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

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

3 (ii) Is at least 31 days old.

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

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

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

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

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

13 (v) The Secretary of State Police; OR

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

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

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

24 (2) Any contest under this subsection shall be limited to whether the
25 Administration has mistaken the identity of the individual named in the outstanding
26 warrant or the individual whose registration or transfer of registration has been
27 refused.

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

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

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

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

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

4 1. The individual named in the outstanding warrant has
5 been arrested; or

6 2. The outstanding warrant has been otherwise satisfied.

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

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

13 (2) The regulations shall include:

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

16 (ii) A procedure for informing an individual named in an
17 outstanding warrant:

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

20 2. Of the manner in which the individual may contest or
21 resolve the refusal;

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

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

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

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

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

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

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

5 16-103.1.

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

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

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

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

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

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

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

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

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

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

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

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

1 (10) WHO IS NOT A CITIZEN OF THE UNITED STATES UNLESS THE
 2 INDIVIDUAL POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES
 3 VISA OR OTHER ~~ENTRY DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION~~
 4 ~~OR NATURALIZATION SERVICE~~ LAWFUL ADMISSION DOCUMENT; OR

5 [(10)] (11) Who otherwise does not qualify for a license under this title.

6 16-115.

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

11 (II) A LICENSE ISSUED UNDER THIS TITLE TO A DRIVER AT LEAST
 12 21 YEARS OLD WHO IS NOT A CITIZEN OF THE UNITED STATES AND WHO POSSESSES
 13 A VALID FOREIGN PASSPORT WITH A VALID UNITED STATES VISA OR OTHER ~~ENTRY~~
 14 ~~DOCUMENT ISSUED BY THE UNITED STATES IMMIGRATION OR NATURALIZATION~~
 15 ~~SERVICE~~ LAWFUL ADMISSION DOCUMENT SHALL EXPIRE ON THE EARLIER OF:

16 1. THE BIRTH DATE OF THE LICENSEE IN THE FIFTH YEAR
 17 FOLLOWING THE DATE OF ISSUANCE OF THE LICENSE; OR

18 2. THE EXPIRATION DATE OF THE VISA OR OTHER ~~ENTRY~~
 19 ~~DOCUMENT~~ LAWFUL ADMISSION DOCUMENT AUTHORIZING THE PERSON'S
 20 PRESENCE IN THE UNITED STATES.

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

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

30 1. 60 DAYS AFTER THE DRIVER'S 21ST BIRTHDAY; OR

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

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

38 [(i)] 1. Within 6 months before its expiration; or

1 (ii)] 2. When a driver qualifies for a corrected license issued
2 under § 16-114.1(c) of this subtitle.

3 (II) A LICENSE OF A DRIVER WHO IS NOT A CITIZEN OF THE UNITED
4 STATES AND WHO POSSESSES A VALID FOREIGN PASSPORT WITH A VALID UNITED
5 STATES VISA OR OTHER ~~ENTRY DOCUMENT ISSUED BY THE UNITED STATES~~
6 ~~IMMIGRATION OR NATURALIZATION SERVICE~~ LAWFUL ADMISSION DOCUMENT IS
7 RENEWABLE IF THE DRIVER:

8 1. COMPLIES WITH THE REQUIREMENTS OF SUBPARAGRAPH
9 (I) OF THIS PARAGRAPH; AND

10 2. DEMONSTRATES TO THE ADMINISTRATION THAT THE
11 VISA OR OTHER ~~ENTRY DOCUMENT~~ LAWFUL ADMISSION DOCUMENT AUTHORIZING
12 THE PERSON'S PRESENCE IN THE UNITED STATES HAS NOT EXPIRED.

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

17 16-808.

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

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

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

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

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

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

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

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

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

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

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

6 16-813.1.

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

9 27-101.

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

14 (2) Any person who is convicted of a violation of [any of the provisions of
15 § 16-808] § 16-808(B) of this article [{"Persons ineligible to drive commercial motor
16 vehicles"}] is subject to:

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

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

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

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

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

