

SENATE BILL 95

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M3

2003 Regular Session
(31r0084)

ENROLLED BILL
-- *Judicial Proceedings/Judiciary* --

Introduced by **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Environment)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

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

President.

CHAPTER _____

1 AN ACT concerning

2 **Asbestos Violations - Criminal Penalties and Standard of Proof**

3 FOR the purpose of altering the conditions for the assessment of certain criminal
4 penalties for certain asbestos violations; altering the ~~criminal penalties for~~
5 ~~persons convicted of a first offense of~~ intent standard for a criminal prosecution
6 for certain asbestos violations; and generally relating to criminal penalties and
7 the standard of proof for asbestos violations.

8 BY repealing and reenacting, with amendments,
9 Article - Environment
10 Section 6-422
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 2002 Supplement)

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

1

Article - Environment

2 6-422.

3 (a) (1) A person who willfully violates any provision of this subtitle or any
4 rule or regulation adopted under this subtitle is liable for a civil penalty not exceeding
5 \$5,000 to be collected in a civil action.

6 (2) Each day a violation continues is a separate violation under this
7 subsection.

8 (3) If the Attorney General concurs, the Secretary may compromise and
9 settle any claim for a civil penalty under this subtitle.

10 (b) A person [who previously has been assessed a civil penalty under this
11 subtitle and] who KNOWINGLY AND willfully violates any provision of this subtitle or
12 any rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on
13 conviction, is subject:

14 (1) For a first offense, to a fine not exceeding \$20,000 ~~OR~~
15 ~~IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH;~~ or

16 (2) For a second or subsequent offense, to a fine not exceeding \$25,000,
17 or imprisonment not exceeding 2 years or both.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2003.