

SENATE BILL 180

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2003 Regular Session  
3lr0832  
CF 3lr0857

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By: **Senators Giannetti, Haines, and Jacobs**  
Introduced and read first time: January 27, 2003  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 20, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public General Laws - Evidence of the Law**

3 FOR the purpose of establishing a rule of interpretation that provides that certain  
4 references in the codified laws of the State to the "Code", "Annotated Code", and  
5 similar terms shall mean any code adopted as evidence of the public general  
6 laws of the State under a certain provision of law; adopting the 2002 Edition of  
7 the Annotated Code of Maryland as published by the editorial staff of West,  
8 Eagan, Minnesota (West Code), and all replacement volumes and supplements  
9 to the West Code; providing that the West Code and all replacement volumes  
10 and supplements to the West Code are evidence of the Public General Laws of  
11 Maryland and shall be considered as evidence of the law in all courts of the State  
12 and by all public offices and officers of the State and its political subdivisions;  
13 providing that the code of public general laws compiled and maintained by the  
14 Department of Legislative Services is adopted as evidence of the law and shall  
15 be considered as evidence of the law in all courts of the State and by all offices  
16 and officers of the State and its political subdivisions; altering and clarifying  
17 certain duties of the Department of Legislative Services and the Office of Policy  
18 Analysis with respect to the codified laws of the State; requiring the  
19 Department to create and maintain a statutory database of the public general  
20 laws of the State and to correct certain manifest errors in that code subject to  
21 ratification by the General Assembly; making certain technical, stylistic, and  
22 conforming changes; providing for the construction of this Act; and generally  
23 relating to the ~~adoption of the West Code as~~ public general laws of the State and  
24 evidence of the law in Maryland.

25 BY adding to  
26 Article 1 - Rules of Interpretation  
27 Section 2A

1 Annotated Code of Maryland  
 2 (2001 Replacement Volume and 2002 Supplement)

3 BY repealing and reenacting, with amendments,  
 4 Article - Courts and Judicial Proceedings  
 5 Section 10-201  
 6 Annotated Code of Maryland  
 7 (2002 Replacement Volume)

8 BY repealing and reenacting, with amendments,  
 9 Article - State Government  
 10 Section 2-1238(5) and (8), 2-1243(c), and 2-1247  
 11 Annotated Code of Maryland  
 12 (1999 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:

15 **Article 1 - Rules of Interpretation**

16 2A.

17 EACH REFERENCE IN THE CODIFIED LAWS OF MARYLAND TO "THE ANNOTATED  
 18 CODE OF MARYLAND", "THE ANNOTATED CODE", "THE MARYLAND CODE", "THE STATE  
 19 CODE", "THE CODE", OR "THIS CODE" SHALL MEAN ANY CODE OF THE PUBLIC  
 20 GENERAL LAWS OF THE STATE THAT HAS BEEN ADOPTED AND MADE EVIDENCE OF  
 21 THE PUBLIC GENERAL LAWS OF THE STATE UNDER § 10-201 OF THE COURTS  
 22 ARTICLE.

23 **Article - Courts and Judicial Proceedings**

24 10-201.

25 (a) (1) The 1957 Edition of the Annotated Code of Maryland, prepared and  
 26 published by the Editorial Staff of The Michie Company, Charlottesville, Virginia, is  
 27 adopted and made evidence of the Public General Laws of the State of Maryland as  
 28 contained in the Code of Public General Laws of Maryland of 1888, as amended,  
 29 modified and changed from time to time, through and including the regular session of  
 30 the General Assembly of Maryland held in 1957. It shall be considered as the evidence  
 31 of the law in all courts of the State and by all public offices and officers of the State  
 32 and its political subdivisions.

33 [(b)] (2) A replacement volume to the Annotated Code of the Public General  
 34 Laws of Maryland (1957 Edition), prepared and published by the Editorial Staff of  
 35 The Michie Company, Charlottesville, Virginia, is adopted and made evidence of the  
 36 Public General Laws in the volume at the time of publication. It shall be considered as

1 evidence of the law in all courts of the State and by all public offices and officers of the  
2 State and its political subdivisions.

3 [(c)] (3) Any pocket or other supplement to a volume of the Annotated Code of  
4 the Public General Laws of Maryland (1957 Edition or subsequent replacement  
5 volume), prepared and published by the Editorial Staff of The Michie Company,  
6 Charlottesville, Virginia, is adopted and made evidence of changes in the Public  
7 General Laws which are supplementary or in addition to the laws in the main  
8 volume. It shall be considered as evidence of the law in all the courts of the State and  
9 by all public offices and officers of the State and its political subdivisions.

10 (B) (1) THE 2002 EDITION OF WEST'S ANNOTATED CODE OF MARYLAND,  
11 PREPARED AND PUBLISHED BY THE EDITORIAL STAFF OF WEST, EAGAN, MINNESOTA,  
12 IS ADOPTED AND MADE EVIDENCE OF THE PUBLIC GENERAL LAWS OF MARYLAND AS  
13 CONTAINED IN THE CODE OF PUBLIC GENERAL LAWS OF MARYLAND OF 1888, AS  
14 AMENDED, MODIFIED, AND CHANGED FROM TIME TO TIME, THROUGH AND  
15 INCLUDING THE REGULAR SESSION OF THE GENERAL ASSEMBLY OF MARYLAND  
16 HELD IN 2001. IT SHALL BE CONSIDERED AS THE EVIDENCE OF THE LAW IN ALL  
17 COURTS OF THE STATE AND BY ALL PUBLIC OFFICES AND OFFICERS OF THE STATE  
18 AND ITS POLITICAL SUBDIVISIONS.

19 (2) A REPLACEMENT VOLUME TO WEST'S ANNOTATED CODE OF  
20 MARYLAND (2002 EDITION), PREPARED AND PUBLISHED BY THE EDITORIAL STAFF OF  
21 WEST, EAGAN, MINNESOTA, IS ADOPTED AND MADE EVIDENCE OF THE PUBLIC  
22 GENERAL LAWS IN THE VOLUME AT THE TIME OF PUBLICATION. IT SHALL BE  
23 CONSIDERED AS EVIDENCE OF THE LAW IN ALL THE COURTS OF THE STATE AND BY  
24 ALL PUBLIC OFFICES AND OFFICERS OF THE STATE AND ITS POLITICAL  
25 SUBDIVISIONS.

26 (3) ANY POCKET OR OTHER SUPPLEMENT TO A VOLUME OF WEST'S  
27 ANNOTATED CODE OF MARYLAND (2002 EDITION OR SUBSEQUENT REPLACEMENT  
28 VOLUME), PREPARED AND PUBLISHED BY THE EDITORIAL STAFF OF WEST, EAGAN,  
29 MINNESOTA, IS ADOPTED AND MADE EVIDENCE OF CHANGES IN THE PUBLIC  
30 GENERAL LAWS WHICH ARE SUPPLEMENTARY OR IN ADDITION TO THE LAWS IN THE  
31 MAIN VOLUME. IT SHALL BE CONSIDERED AS EVIDENCE OF THE LAW IN ALL THE  
32 COURTS OF THE STATE AND BY ALL PUBLIC OFFICES AND OFFICERS OF THE STATE  
33 AND ITS POLITICAL SUBDIVISIONS.

34 (C) THE CODE OF PUBLIC GENERAL LAWS, AS COMPILED, UPDATED, AND  
35 MAINTAINED BY THE DEPARTMENT OF LEGISLATIVE SERVICES IN ACCORDANCE  
36 WITH § 2-1243(C) OF THE STATE GOVERNMENT ARTICLE, IS ADOPTED AND MADE  
37 EVIDENCE OF THE PUBLIC GENERAL LAWS OF MARYLAND AS CONTAINED IN THE  
38 CODE OF PUBLIC GENERAL LAWS OF MARYLAND OF 1888, AS AMENDED, MODIFIED,  
39 AND CHANGED FROM TIME TO TIME, THROUGH AND INCLUDING THE MOST  
40 RECENTLY COMPLETED REGULAR SESSION OF THE GENERAL ASSEMBLY. IT SHALL  
41 BE CONSIDERED AS THE EVIDENCE OF THE LAW IN ALL COURTS OF THE STATE AND  
42 BY ALL PUBLIC OFFICES AND OFFICERS OF THE STATE AND ITS POLITICAL  
43 SUBDIVISIONS.

Article - State Government

1  
2 2-1238.

3 In addition to any duties set forth elsewhere, the Office shall:

4 (5) make recommendations for the reclassification, rearrangement,  
5 renumbering, rewording, and other formal revision of the public general laws [in the  
6 Code] OF MARYLAND;

7 (8) [make recommendations on the correction of] CORRECT manifest  
8 spelling, grammatical, or clerical errors or errors of addition or omission IN THE CODE  
9 MAINTAINED BY THE DEPARTMENT, AND INCLUDE ANY SUCH CORRECTION IN THE  
10 ANNUAL CORRECTIVE BILL FOR RATIFICATION BY THE GENERAL ASSEMBLY;

11 2-1243.

12 (c) The Department [is the agency responsible for] SHALL:

13 (1) CREATE AND MAINTAIN, IN THE FORM OF A STATUTORY DATABASE,  
14 A CODE COMPRISING THE PUBLIC GENERAL LAWS OF THE STATE; AND

15 (2) [maintaining] MAINTAIN the structural integrity and textual  
16 accuracy of [the codified laws of this State] THAT CODE.

17 2-1247.

18 (a) (1) (I) On request of a member of the General Assembly, the  
19 Department shall provide the member with [a set of the Annotated Code] AN  
20 ANNOTATED CODE of THE PUBLIC GENERAL LAWS OF Maryland[,] THAT IS  
21 PUBLISHED BY A PUBLISHER AND PRODUCED IN A FORMAT TO BE SELECTED BY THE  
22 EXECUTIVE DIRECTOR.

23 (II) AN ANNOTATED CODE SHALL BE PROVIDED TO A MEMBER  
24 UNDER THIS SUBSECTION only during the term of the member, at the end of which  
25 [it] THE ANNOTATED CODE shall be returned to the Department.

26 (III) The Department shall keep the [volumes] ANNOTATED CODE  
27 PROVIDED UNDER THIS SUBSECTION current.

28 (2) On request, the Department shall provide one additional copy of [the  
29 Annotated Code] AN ANNOTATED CODE of Maryland to each:

30 (i) presiding officer;

31 (ii) pro tempore officer;

32 (iii) chairman of a standing committee;

33 (iv) majority leader; and

1                   (v)       minority leader.

2       (b)       A member shall return to the Department [all of the current volumes of  
3 the Code] THE CODE provided by the Department on or before the expiration of the  
4 member's final term of office. If a member resigns or is removed from office before the  
5 expiration of the member's term, the member shall promptly return the [volumes]  
6 CODE to the Department.

7       SECTION 2. AND BE IT FURTHER ENACTED, That, except as specifically  
8 provided in §§ 2-1238, 2-1243, and 2-1247 of the State Government Article as  
9 enacted by Section 1 of this Act, this Act may not be construed to alter or affect in any  
10 way the functions, duties, operations, and procedures of the Department of  
11 Legislative Services.

12       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2003.