

HOUSE BILL 1052
EMERGENCY BILL

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P5

2004 Regular Session
4r0788

By: **The Speaker (By Request - Department of Legislative Services)**

Introduced and read first time: February 12, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety Corrective Bill**

3 FOR the purpose of correcting certain errors and omissions in the Public Safety
4 Article of the Annotated Code; correcting certain obsolete references; providing
5 that this Act is not intended to affect any law other than to correct technical
6 errors; and making this Act an emergency measure.

7 BY repealing and reenacting, with amendments,
8 Article - Public Safety
9 Section 2-504(a)(2) and 11-116(a)(2)(iv) and (x) and (b)(2)(iv) and (x)
10 Annotated Code of Maryland
11 (2003 Volume)

12 BY adding to
13 Article - Public Safety
14 Section 12-842
15 Annotated Code of Maryland
16 (2003 Volume)

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

19 **Article - Public Safety**

20 2-504.

21 (a) (2) If adequate funds for the collection of DNA samples are appropriated
22 in the State budget, an individual who was convicted of a felony or a violation of §
23 6-205 [and] OR § 6-206 of the Criminal Law Article on or before October 1, 2003 and
24 who remains confined in a correctional facility on or after October 1, 1999, shall
25 submit a DNA sample to the Department.

26 DRAFTER'S NOTE:

27 Error: Incorrect word usage in § 2-504(a)(2) of the Public Safety Article.

1 Occurred: Ch. 240, Acts of 2003. Correction recommended by Attorney General
2 J. Joseph Curran, Jr. in a bill review letter for S.B. 363 (Ch. 240, Acts of 2003) and
3 H.B. 575 (vetoed), April 29, 2003.

4 11-116.

5 (a) (2) Paragraph (1) of this subsection does not apply to a person who
6 neither intended to use nor used the explosives involved in violation of:

7 (iv) Title 14, Subtitle 29, § 11-810, [§ 14-1316,] or § 14-1317 of the
8 Commercial Law Article;

9 (x) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1,
10 § 8-740.1, or [§ 10-411(b), as it relates to Harford County, or (d), as it relates to Anne
11 Arundel County or Caroline County,] § 10-411(A) OR (D), AS IT RELATES TO HARFORD
12 COUNTY, of the Natural Resources Article;

13 (b) (2) Paragraph (1) of this subsection does not apply to a person who had
14 probable cause to believe that the explosives involved would be used for a purpose
15 other than the violation of:

16 (iv) Title 14, Subtitle 29, § 11-810, [§ 14-1316,] or § 14-1317 of the
17 Commercial Law Article;

18 (x) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1,
19 § 8-740.1, or [§ 10-411(b), as it relates to Harford County, or (d), as it relates to Anne
20 Arundel County or Caroline County,] § 10-411(A) OR (D), AS IT RELATES TO HARFORD
21 COUNTY, of the Natural Resources Article;

22 DRAFTER'S NOTE:

23 Error: Incorrect cross-references in § 11-116(a)(2)(iv) and (x) and (b)(2)(iv) and
24 (x) of the Public Safety Article.

25 Occurred: Error in § 11-116(a)(2)(iv) and (b)(2)(iv) as a result of Ch. 374, Acts of
26 2003. Error in § 11-116(a)(2)(x) and (b)(2)(x) as a result of Ch. 170, Acts of 2003.

27 12-842.

28 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
29 MARYLAND PROGRAM EVALUATION ACT, THE PROVISIONS OF THIS TITLE THAT
30 CREATE OR RELATE TO THE BOARD AND ANY REGULATIONS ADOPTED BY THE BOARD
31 SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2014.

32 DRAFTER'S NOTE:

33 Error: Omitted provision from Title 12, Subtitle 8 of the Public Safety Article.

34 Occurred: As a result of Ch. 316, Acts of 2003. Language added reflects that Ch.
35 316, Acts of 2003, added Art. 89, § 49C(x), but failed to double draft the provision to
36 the new Public Safety Article.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes
2 contained in this Act are not law and may not be considered to have been enacted as
3 part of this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act
5 are intended solely to correct technical errors in the law and there is no intent to
6 revive or otherwise affect law that is the subject of other acts, whether those acts were
7 signed by the Governor prior to or after the signing of this Act.

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