
By: **Chair, Education, Health, and Environmental Affairs Committee (By
Request - Departmental - Environment)**

Introduced and read first time: January 16, 2006

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Falsifying and Altering Permits, Licenses, and Certificates - Criminal**
3 **Penalties**

4 FOR the purpose of making it a misdemeanor, subject to certain penalties, to
5 knowingly falsify or make alterations to any permit, license, or certificate to
6 demonstrate compliance with certain environmental regulatory requirements;
7 making it a misdemeanor, subject to certain penalties, to knowingly possess or
8 display any falsified or altered permit, license, or certificate to demonstrate
9 compliance with certain environmental regulatory requirements; requiring
10 certain fines to be deposited into certain special funds; and generally relating to
11 criminal penalties for falsifying or making alterations to documents required to
12 demonstrate compliance with certain environmental regulatory requirements.

13 BY adding to
14 Article - Environment
15 Section 1-302
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 2005 Supplement)

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

20 **Article - Environment**

21 1-302.

22 (A) A PERSON WHO KNOWINGLY FALSIFIES OR ALTERS ANY PERMIT, LICENSE,
23 OR CERTIFICATE ISSUED PURSUANT TO THIS ARTICLE TO DEMONSTRATE
24 COMPLIANCE WITH ANY ENVIRONMENTAL REGULATION, PERMIT CONDITION, OR
25 OTHER REGULATORY REQUIREMENT UNDER THIS ARTICLE IS GUILTY OF A
26 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

1 (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$25,000 OR
2 IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH; OR

3 (2) IF THE CONVICTION IS FOR A VIOLATION COMMITTED SUBSEQUENT
4 TO A CONVICTION OF THE PERSON UNDER ANY SECTION OF THIS ARTICLE, A FINE
5 NOT EXCEEDING \$50,000 FOR EACH VIOLATION OR IMPRISONMENT NOT EXCEEDING 2
6 YEARS OR BOTH.

7 (B) A PERSON WHO KNOWINGLY POSSESSES OR DISPLAYS ANY FALSIFIED OR
8 ALTERED PERMIT, LICENSE, OR CERTIFICATE ISSUED PURSUANT TO THIS ARTICLE
9 TO DEMONSTRATE COMPLIANCE WITH ANY ENVIRONMENTAL REGULATION, PERMIT
10 CONDITION, OR OTHER REGULATORY REQUIREMENT UNDER THIS ARTICLE IS
11 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

12 (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$10,000 OR
13 IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH; OR

14 (2) IF THE CONVICTION IS FOR A VIOLATION COMMITTED SUBSEQUENT
15 TO A CONVICTION OF THE PERSON UNDER ANY SECTION OF THIS ARTICLE, A FINE
16 NOT EXCEEDING \$50,000 FOR EACH VIOLATION OR IMPRISONMENT NOT EXCEEDING 2
17 YEARS OR BOTH.

18 (C) ANY FINE IMPOSED IN ACCORDANCE WITH THIS SECTION SHALL BE
19 ORDERED PAID INTO ANY APPLICABLE SPECIAL FUND AUTHORIZED TO RECEIVE
20 FINES FOR VIOLATIONS OF ANY SECTION OF THIS ARTICLE THAT REQUIRES OR
21 AUTHORIZES THE DOCUMENT THAT IS THE SUBJECT OF THIS VIOLATION.

22 (D) (1) THE ATTORNEY GENERAL SHALL TAKE CHARGE OF, INVESTIGATE,
23 PROSECUTE, AND DEFEND ON BEHALF OF THE STATE EVERY CASE ARISING UNDER
24 THE PROVISIONS OF THIS SECTION, INCLUDING THE RECOVERY OF ANY FINES.

25 (2) THE PROVISIONS OF THIS SECTION MAY NOT LIMIT OR AFFECT THE
26 POWER OR AUTHORITY OF THE STATE'S ATTORNEY FOR EACH COUNTY AND THE CITY
27 OF BALTIMORE UNDER ARTICLE 10, § 34 OF THE CODE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
29 effect October 1, 2006.