
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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 15, 2006

CHAPTER _____

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~~, alter, or cause another to falsify or alter
6 any permit, license, or certificate to demonstrate compliance with certain
7 environmental regulatory requirements; making it a misdemeanor, subject to
8 certain penalties, to knowingly possess or display or submit to the Department
9 of the Environment or any other person any falsified or altered permit, license,
10 or certificate to demonstrate compliance with certain environmental regulatory
11 requirements; requiring certain fines to be deposited into certain special funds;
12 requiring the Attorney General to take charge of, investigate, prosecute, and
13 defend on behalf of the State cases arising under this Act; providing for the
14 construction of this Act; and generally relating to criminal penalties for
15 falsifying or making alterations to documents required to demonstrate
16 compliance with certain environmental regulatory requirements.

17 BY adding to
18 Article - Environment
19 Section 1-302
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 2005 Supplement)

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

1

Article - Environment

2 1-302.

3 (A) A PERSON WHO KNOWINGLY FALSIFIES ~~OR, ALTERS, OR CAUSES ANOTHER~~
4 ~~TO FALSIFY OR ALTER~~ ANY PERMIT, LICENSE, OR CERTIFICATE ISSUED ~~OR REQUIRED~~
5 PURSUANT TO THIS ARTICLE TO DEMONSTRATE COMPLIANCE WITH ANY
6 ENVIRONMENTAL REGULATION, PERMIT CONDITION, OR OTHER REGULATORY
7 REQUIREMENT UNDER THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON
8 CONVICTION IS SUBJECT TO:

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

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

15 (B) A PERSON WHO KNOWINGLY POSSESSES ~~OR, DISPLAYS, OR SUBMITS TO~~
16 ~~THE DEPARTMENT OR ANY OTHER PERSON~~ ANY FALSIFIED OR ALTERED PERMIT,
17 LICENSE, OR CERTIFICATE ISSUED ~~OR REQUIRED~~ PURSUANT TO THIS ARTICLE TO
18 DEMONSTRATE COMPLIANCE WITH ANY ENVIRONMENTAL REGULATION, PERMIT
19 CONDITION, OR OTHER REGULATORY REQUIREMENT UNDER THIS ARTICLE IS
20 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

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

23 (2) ~~IF THE CONVICTION IS FOR A VIOLATION COMMITTED SUBSEQUENT~~
24 ~~TO A CONVICTION OF THE PERSON UNDER ANY SECTION OF THIS ARTICLE, A FINE~~
25 ~~NOT EXCEEDING \$50,000 FOR EACH VIOLATION OR IMPRISONMENT NOT EXCEEDING 2~~
26 ~~YEARS OR BOTH.~~

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

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

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

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

