

SB0002/568775/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “circumstances;” insert “providing that a violation of this Act may only be enforced as a secondary action;”; in line 13, after “terms;” insert “providing for the termination of this Act;”; and after line 15, insert:

“BY repealing and reenacting, without amendments,
Article – Health – General
Section 18–213.2(a)(7) and (8)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 27, insert:

“Article – Health – General

18–213.2.

- (a) (7) “First responder” means a:
- (i) Fire fighter;
 - (ii) Emergency medical technician;
 - (iii) Rescue squad member;
 - (iv) Law enforcement officer;

(Over)

(v) Correctional officer; or

(vi) Sworn member of the State Fire Marshal's office.

(8) "Law enforcement officer" means any individual who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

(i) The Department of State Police;

(ii) The Baltimore City Police Department;

(iii) The police department, bureau, or force of any county;

(iv) The police department, bureau, or force of any incorporated city or town;

(v) The office of the sheriff of any county;

(vi) The police department, bureau, or force of any bicounty agency or constituent institution of the University System of Maryland, Morgan State University, St. Mary's College, or of any institution under the jurisdiction of the Maryland Higher Education Commission;

(vii) The Maryland Aviation Administration police force of the Department of Transportation, the Maryland Transit Administration police force of the Department of Transportation, the Maryland Transportation Authority police force, and the Maryland Port Administration police force of the Department of Transportation;

(viii) The law enforcement officers of the Department of Natural Resources;

(ix) The Field Enforcement Bureau of the Comptroller's Office;
or

(x) The Internal Investigative Unit of the Department of Public Safety and Correctional Services.”.

AMENDMENT NO. 3

On page 3, in line 8, strike “**EMERGENCY USE**” and substitute “**USE**”; strike beginning with the comma in line 8 down through “**A**” in line 10 and substitute “**TO CALL A**”; strike beginning with the semicolon in line 10 down through “**AND**” in line 15 and substitute “**FOR PURPOSES RELATED TO AN EMERGENCY THAT IS ONGOING AT THE TIME THE CALL IS MADE;**”; and strike beginning with “**LAW**” in line 19 down through “**PERSONNEL**” in line 20 and substitute “**FIRST RESPONDERS, AS DEFINED IN § 18-213.2 OF THE HEALTH – GENERAL ARTICLE;**

(II) STATE HIGHWAY ADMINISTRATION EMPLOYEES OR CONTRACTORS ACTING UNDER THE AUTHORITY OF § 8-602 OF THIS ARTICLE IN AN EMERGENCY SITUATION; AND

(III) AN INDIVIDUAL DRIVING FOR A TRANSPORTATION SERVICE OPERATING UNDER § 2-103.3 OF THIS ARTICLE; AND

(3) USE OF A TWO-WAY RADIO THAT OPERATES WITH PUSH-TO-TALK TECHNOLOGY BY AN INDIVIDUAL OPERATING A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN § 16-803 OF THIS ARTICLE”.

AMENDMENT NO. 4

On page 4, in line 7, after “(E)” insert “**A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**”

(F)”.

AMENDMENT NO. 5

On page 4, in lines 10 and 12, strike “**\$100**” and “**\$250**”, respectively, and substitute “**\$50**” and “**\$100**”, respectively; in line 16, strike “(F)” and substitute “(G)”; and in the same line, strike “(E)” and substitute “(F)”.

AMENDMENT NO. 6

On page 4, in line 26, strike “October 1, 2008” and substitute “July 1, 2008. It shall remain effective for a period of 2 years and, at the end of June 30, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect”.