

SENATE BILL 590

M3

(8lr2721)

ENROLLED BILL

—*Judicial Proceedings / Environmental Matters*—

Introduced by **Senators Pinsky, Brochin, Frosh, Lenett, Raskin, and Rosapepe**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Environment – Statute of Limitations**

3 FOR the purpose of altering the statute of limitations for prosecution of and suits for
4 certain violations of certain laws relating to the environment; declaring the
5 intent of the General Assembly; *providing for the application of this Act*; and
6 generally relating to laws relating to the environment.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 5–106(a) and 5–107
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2007 Supplement)

12 BY repealing
13 Article – Courts and Judicial Proceedings

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 Section 5–106(n)
 2 Annotated Code of Maryland
 3 (2006 Replacement Volume and 2007 Supplement)

4 BY adding to
 5 Article – Environment
 6 Section 1–303
 7 Annotated Code of Maryland
 8 (2007 Replacement Volume and 2007 Supplement)

9 BY repealing
 10 Article – Environment
 11 Section 2–610.2, 8–509.1, and 9–343.1
 12 Annotated Code of Maryland
 13 (2007 Replacement Volume and 2007 Supplement)

14 BY renumbering
 15 Article – Courts and Judicial Proceedings
 16 Section 5–106(o) through (bb), respectively
 17 to be Section 5–106(n) through (aa), respectively
 18 Annotated Code of Maryland
 19 (2006 Replacement Volume and 2007 Supplement)

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

22 **Article – Courts and Judicial Proceedings**

23 5–106.

24 (a) Except as provided by this section **AND § 1–303 OF THE ENVIRONMENT**
 25 **ARTICLE**, a prosecution for a misdemeanor shall be instituted within 1 year after the
 26 offense was committed.

27 [(n) A prosecution for an offense of the controlled hazardous substance law
 28 under § 7–265(b) of the Environment Article shall be instituted within 2 years after
 29 commission of the offense.]

30 5–107.

31 Except as provided in § 5–106 of this subtitle **AND § 1–303 OF THE**
 32 **ENVIRONMENT ARTICLE**, a prosecution or suit for a fine, penalty, or forfeiture shall
 33 be instituted within one year after the offense was committed.

34 **Article – Environment**

1 **1-303.**

2 **A CRIMINAL PROSECUTION OR SUIT FOR A CIVIL PENALTY FOR VIOLATION**
3 **OF ANY PROVISION OF THIS ARTICLE OR ANY RULE, REGULATION, ORDER, OR**
4 **PERMIT ADOPTED OR ISSUED UNDER THIS ARTICLE, SHALL BE INSTITUTED**
5 **WITHIN 3 YEARS AFTER THE DATE THE DEPARTMENT KNEW OR REASONABLY**
6 **SHOULD HAVE KNOWN OF THE VIOLATION.**

7 [2-610.2.

8 A criminal prosecution for a violation brought under § 2-609.1 of this subtitle,
9 or a civil action to collect a civil penalty for a violation brought under § 2-610 of this
10 subtitle, shall be instituted within 3 years after the violation was committed.]

11 [8-509.1.

12 A criminal prosecution or a civil action to collect a civil penalty for a violation
13 brought under § 8-509 of this subtitle shall be instituted within 3 years after the
14 violation was committed.]

15 [9-343.1.

16 A criminal prosecution or suit for a civil penalty for violation of any provision of
17 this subtitle or any rule, regulation, order, or permit adopted or issued under this
18 subtitle, shall be instituted within 3 years after the violation was committed.]

19 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-106(o)
20 through (bb), respectively, of Article – Courts and Judicial Proceedings of the
21 Annotated Code of Maryland be renumbered to be Section(s) 5-106(n) through (aa),
22 respectively.

23 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
24 General Assembly that this Act provide consistency and certainty among the regulated
25 community regarding the statute of limitations for criminal prosecution or civil suit for
26 penalty for specified violations of environmental law.

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be
28 construed to apply only prospectively and may not be applied or interpreted to have any
29 effect on or application to any violation of any provision of the Environment Article or
30 any rule, regulation, order, or permit adopted or issued under the Environment Article
31 before the effective date of this Act.

32 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 2008.