CHAPTER 193

(Senate Bill 590)

AN ACT concerning

Environment – Statute of Limitations

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

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

BY repealing
    Article – Courts and Judicial Proceedings
    Section 5–106(n)
    Annotated Code of Maryland
    (2006 Replacement Volume and 2007 Supplement)

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

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

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

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

Article – Courts and Judicial Proceedings

5–106.

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

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

5–107.

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

Article – Environment

1–303.

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

[2–610.2.

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

[8–509.1.

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

[9–343.1.

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

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

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

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

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

Approved by the Governor, April 24, 2008.