

# SENATE BILL 547

M1, M2

(3lr2471)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environmental Matters* —

Introduced by **Senators Middleton and Frosh**

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 **Natural Resources – Nuisance Organisms – Penalties**

3 FOR the purpose of creating a separate criminal offense for each nuisance organism  
4 imported or possessed in violation of certain provisions of law or regulation;  
5 establishing a certain total maximum fine for offenses arising out of the same  
6 enforcement action; authorizing a judge to award a certain monetary reward to  
7 a person who provides information leading to a certain conviction, under certain  
8 circumstances; and generally relating to nuisance organisms.

9 BY repealing and reenacting, without amendments,  
10 Article – Natural Resources  
11 Section 4–205.1(a)(8)  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume)

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### 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 BY repealing and reenacting, with amendments,  
 2 Article – Natural Resources  
 3 Section 4–205.1(i)  
 4 Annotated Code of Maryland  
 5 (2012 Replacement Volume)

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

8 **Article – Natural Resources**

9 4–205.1.

10 (a) (8) “Nuisance organism” means a nonnative aquatic organism that  
 11 will foreseeably alter and threaten to harm the ecosystem or the abundance and  
 12 diversity of native or naturalized fish and other organisms.

13 (i) **(1)** In addition to any other penalty provided under law, a person who  
 14 violates a provision of this section **OR A REGULATION ADOPTED UNDER THIS**  
 15 **SECTION** is guilty of a misdemeanor and on conviction is subject to imprisonment not  
 16 exceeding 30 days or a fine not exceeding \$2,500 or both **FOR EACH OFFENSE, BUT**  
 17 **NOT EXCEEDING A TOTAL OF \$25,000 FOR OFFENSES ARISING OUT OF THE SAME**  
 18 **ENFORCEMENT ACTION.**

19 **(2) EACH NUISANCE ORGANISM IMPORTED OR POSSESSED IN**  
 20 **VIOLATION OF THIS SECTION OR A REGULATION ADOPTED UNDER THIS SECTION**  
 21 **CONSTITUTES A SEPARATE OFFENSE.**

22 ~~**(3) (i) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS**~~  
 23 ~~**PARAGRAPH, ON ENTERING A CONVICTION FOR A VIOLATION UNDER THIS**~~  
 24 ~~**SECTION, A JUDGE MAY AWARD A PORTION OF ANY FINES COLLECTED UNDER**~~  
 25 ~~**THIS SECTION TO A PERSON WHO PROVIDED INFORMATION LEADING TO THE**~~  
 26 ~~**CONVICTION.**~~

27 ~~**(II) AN AWARD THAT IS GRANTED UNDER THIS PARAGRAPH**~~  
 28 ~~**MAY NOT EXCEED ONE HALF OF THE TOTAL FINES COLLECTED UNDER THIS**~~  
 29 ~~**SECTION.**~~

30 ~~**(III) AN AWARD UNDER THIS PARAGRAPH MAY NOT BE MADE**~~  
 31 ~~**TO A LAW ENFORCEMENT OFFICER OR TO AN EMPLOYEE OF THE DEPARTMENT.**~~

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 33 June 1, 2013.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.