

HOUSE BILL 999

P5

4lr1871

By: The Speaker (By Request – Department of Legislative Services – Code Revision)

Introduced and read first time: February 6, 2014

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2014

CHAPTER _____

1 AN ACT concerning

2 **Code Revision – Miscellaneous Provisions**

3 FOR the purpose of revising, without substantive changes, certain provisions of the
4 Annotated Code of Maryland in order to effectuate the purposes of the Code
5 Revision process; repealing as obsolete provisions of law relating to the time
6 allowed for clerks of court and registers of wills to complete unfinished business
7 on retirement; revising, without substantive change, certain provisions relating
8 to operation of certain stores by mining companies, the DNA Technology Fund,
9 the State Aid for Police Protection Fund, open meetings of State boards and
10 commissions, and certain State-issued licenses and sanctions for certain drug
11 crimes; specifying that this Act may not be deemed to constitute a substantive
12 change in the law; specifying that certain catchlines, captions, and notes are not
13 law and may not be considered to have been enacted as part of this Act;
14 requiring the publisher of the Annotated Code of Maryland, in consultation with
15 and subject to the approval of the Department of Legislative Services, to correct
16 certain cross-references and terminology and to follow a certain procedure; and
17 generally relating to the formal revision of the Annotated Code of Maryland.

18 BY repealing

19 Article 23 – Miscellaneous Companies

20 Section 235 and the subheading “Railroad Companies” and the heading “III.

21 Particular Classes of Corporations”; and the article designation “Article

22 23 – Miscellaneous Companies”

23 Annotated Code of Maryland

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.



1 (2011 Replacement Volume and 2013 Supplement)

2 BY repealing

3 Article 41 – Governor – Executive and Administrative Departments

4 Section 1–205 and the subtitle “Subtitle 2. Units, Boards, and Commission”;

5 1–501 through 1–507 and the subtitle “Subtitle 5. Licensing – Controlled

6 Dangerous Substance Offenses” and the title “Title 1. General Provisions;

7 4–301 and the subtitle “Subtitle 3. DNA Technology Fund”; 4–401

8 through 4–406 and the subtitle “Subtitle 4. State Aid for Police Protection

9 Fund” and the title “Title 4. Law Enforcement, Public Safety, and

10 Correctional Services”; and the article designation “Article 41 – Governor

11 – Executive and Administrative Departments”

12 Annotated Code of Maryland

13 (2010 Replacement Volume and 2013 Supplement)

14 BY repealing

15 Article 36 – Fees of Officers

16 Section 8 and 9 and the subheading “Execution for Fees”; and the article
17 designation “Article 36 – Fees of Officers”

18 Annotated Code of Maryland

19 (2010 Replacement Volume and 2013 Supplement)

20 BY adding to

21 Article – Business Regulation

22 Section 19–801 to be under the new subtitle “Subtitle 8. Mining Companies”

23 Annotated Code of Maryland

24 (2010 Replacement Volume and 2013 Supplement)

25 BY adding to

26 Article – Public Safety

27 Section 4–401 through 4–404 to be under the new subtitle “Subtitle 4. DNA

28 Technology Fund”; and 4–501 through 4–509 to be under the new subtitle

29 “Subtitle 5. State Aid for Police Protection Fund” and the amended title

30 “Title 4. Law Enforcement Funds and Grant Programs”

31 Annotated Code of Maryland

32 (2011 Replacement Volume and 2013 Supplement)

33 BY adding to

34 Article – State Government

35 Section 8–505; and 10–1401 through 10–1407 to be under the new subtitle

36 “Subtitle 14. Licensing – Controlled Dangerous Substance Offenses”

37 Annotated Code of Maryland

38 (2009 Replacement Volume and 2013 Supplement)

39 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
40 MARYLAND, That the following Section(s) of the Annotated Code of Maryland be
41 repealed:

1 Article 23 – Miscellaneous Companies

2 Section 235 and the subheading “Railroad Companies” and the heading “III.
3 Particular Classes of Corporations”; and the article designation “Article
4 23 – Miscellaneous Companies”

5 Article 41 – Governor – Executive and Administrative Departments

6 Section 1–205 and the subtitle “Subtitle 2. Units, Boards, and Commission”;
7 1–501 through 1–507 and the subtitle “Subtitle 5. Licensing – Controlled
8 Dangerous Substance Offenses” and the title “Title 1. General Provisions;
9 4–301 and the subtitle “Subtitle 3. DNA Technology Fund”; 4–401
10 through 4–406 and the subtitle “Subtitle 4. State Aid for Police Protection
11 Fund” and the title “Title 4. Law Enforcement, Public Safety, and
12 Correctional Services”; and the article designation “Article 41 – Governor
13 – Executive and Administrative Departments”

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
15 read as follows:

16 **[Article 36 – Fees of Officers]**

17 **[Execution for Fees]**

18 [8.

19 Each clerk and register of wills shall have six months from the time he retires
20 from office to complete the unfinished business of his office and shall have, during that
21 period, a right, on receipt therefor to his successor, to all needful papers, in order to
22 enable him to complete and finish his business.]

23 [9.

24 Each clerk and register of wills on coming into office shall complete all the
25 unfinished business which shall be in his office unfinished by his predecessor within
26 the six months given in § 8, and such clerk or register shall be allowed the usual fees
27 for so doing, the same to be paid by said predecessor; and the last official bond of said
28 predecessor shall be responsible for the same in cases where said predecessor has
29 received the fees therefor; and in cases where the fees have not been received by his
30 said predecessor, such clerk or register completing said business shall be entitled to
31 said fees therefor and shall collect the same from the parties owing the same in the
32 like manner that he collects other fees for similar services.]

33 REVISOR’S NOTE: Former Article 36, §§ 8 and 9, which provided for the
34 procedures for completing unfinished business to be followed when a
35 clerk or register of wills retires from office, are repealed based on the
36 opinion from the Office of the Attorney General that these sections have

1 been rendered obsolete by the subsequent enactment of § 2–103 of the
2 Courts Article, which allocates responsibility for the completion of
3 unfinished business to the incoming clerk or register, and by other
4 enactments that alter the manner in which clerks and registers are
5 compensated. *See 98 Opinions of the Attorney General* 98 (2013).

6 **Article – Business Regulation**

7 **SUBTITLE 8. MINING COMPANIES.**

8 **19–801. OPERATION OF STORES.**

9 **(A) MINING COMPANIES.**

10 **A MINING COMPANY FORMED OR ORGANIZED IN THE STATE MAY NOT**
11 **OWN, OPERATE, HOLD ANY INTEREST IN, OR RECEIVE PROFITS FROM ANY**
12 **STORE.**

13 **(B) EMPLOYEE COOPERATIVES.**

14 **THIS SECTION DOES NOT PROHIBIT THE EMPLOYEES OF A MINING**
15 **COMPANY FROM FORMING A COOPERATIVE STORE.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 23, § 235.

18 In subsection (a) of this section, the reference to a mining company
19 formed or organized “in the State” is substituted for the former reference
20 to a mining company formed or organized “under any of the provisions of
21 this article, or which has organized under any existing laws, charter or
22 act of the General Assembly of this State” for brevity.

23 Also in subsection (a) of this section, the reference to “operat[ing]” a store
24 is substituted for the former reference to “conduct[ing] or carry[ing] on” a
25 store for clarity and brevity.

26 Also in subsection (a) of this section, the former reference to receiving
27 “any portion of the” profits from a store is deleted as surplusage.

28 In subsection (b) of this section, the phrase “[t]his section does not
29 prohibit” is substituted for the former phrase “nothing herein contained
30 shall prevent” for clarity.

31 Also in subsection (b) of this section, the reference to the employees of “a
32 mining company” is substituted for the former reference to the employees
33 of “any corporation” for clarity.

Article – Public Safety

Title 4. Law Enforcement Funds AND GRANT PROGRAMS.

SUBTITLE 4. DNA TECHNOLOGY FUND.

4–401. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–301(a)(1).

The only changes are in style.

(B) DNA.

“DNA” MEANS DEOXYRIBONUCLEIC ACID.

REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–301(a)(2).

No changes are made.

(C) DNA TECHNOLOGY EQUIPMENT.

“DNA TECHNOLOGY EQUIPMENT” MEANS EQUIPMENT USED FOR DNA TESTING PURPOSES, INCLUDING THE PURPOSES LISTED IN § 2–505 OF THIS ARTICLE.

REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–301(a)(3).

The only changes are in style.

Defined term: “DNA” § 4–401

(D) EXECUTIVE DIRECTOR.

“EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–301(a)(4).

No changes are made.

1 **(E) FUND.**

2 **“FUND” MEANS THE DNA TECHNOLOGY FUND.**

3 REVISOR’S NOTE: This subsection is new language derived without
4 substantive change from former Art. 41, § 4–301(a)(5).

5 The former reference to the Fund “established under this section” is
6 deleted as surplusage.

7 **(F) LOCAL LAW ENFORCEMENT AGENCY.**

8 **“LOCAL LAW ENFORCEMENT AGENCY” MEANS AN AGENCY OF A COUNTY**
9 **OR MUNICIPAL CORPORATION IN THE STATE THAT PERFORMS POLICE**
10 **PROTECTION FUNCTIONS.**

11 REVISOR’S NOTE: This subsection is new language derived without
12 substantive change from former Art. 41, § 4–301(a)(6).

13 The former phrase “including Baltimore City” is deleted in light of §
14 1–107 of the General Provisions Article, which provides that the word
15 “county” is to be construed to include Baltimore City.

16 The General Provisions Article Review Committee notes, for
17 consideration by the General Assembly, that it is unclear whether
18 sheriffs are included in the definition of “local law enforcement agency”.
19 According to the Governor’s Office for Crime Control and Prevention,
20 sheriff’s offices are considered to fall under the definition of “local law
21 enforcement agency” when the office is performing police protection
22 functions. The General Assembly may wish to clarify the extent to which
23 sheriff’s offices are included in the definition of “local law enforcement
24 agency”.

25 **4–402. DNA TECHNOLOGY FUND.**

26 **(A) ESTABLISHED.**

27 **THERE IS A DNA TECHNOLOGY FUND.**

28 **(B) PURPOSE.**

29 **THE PURPOSE OF THE FUND IS TO ASSIST THE DEPARTMENT OF STATE**
30 **POLICE AND LOCAL LAW ENFORCEMENT AGENCIES IN ACQUIRING DNA**
31 **TECHNOLOGY EQUIPMENT NEEDED TO TEST DNA SAMPLES.**

1 **(C) ADMINISTRATION.**

2 **THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.**

3 **(D) STATUS.**

4 **(1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
5 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

6 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY**
7 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN CONJUNCTION**
8 **WITH THE EXECUTIVE DIRECTOR.**

9 **(E) COMPOSITION.**

10 **THE FUND CONSISTS OF MONEY RECEIVED FROM ANY PRIVATE ENTITY**
11 **OR FEDERAL AGENCY FOR THE PURPOSE OF COLLECTING AND TESTING DNA**
12 **SAMPLES.**

13 **(F) INVESTMENTS.**

14 **THE STATE TREASURER MAY INVEST THE MONEY IN THE FUND IN THE**
15 **SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

16 **(G) PAYMENTS.**

17 **THE STATE TREASURER SHALL MAKE PAYMENTS OUT OF THE FUND TO**
18 **THE DEPARTMENT OF STATE POLICE AND LOCAL LAW ENFORCEMENT**
19 **AGENCIES IF THE EXECUTIVE DIRECTOR AUTHORIZES THE PAYMENTS.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 41, § 4-301(b) and (c).

22 In subsection (c) of this section, the former reference to administering the
23 Fund "in accordance with this section and other applicable law" is deleted
24 as surplusage.

25 In subsection (d)(1) of this section, the reference to a "special" nonlapsing
26 fund is substituted for the former reference to a "continuing" nonlapsing
27 fund for accuracy.

28 Defined terms: "DNA" § 4-401
29 "DNA technology equipment" § 4-401
30 "Executive Director" § 4-401
31 "Fund" § 4-401

1 “Local law enforcement agency” § 4–401

2 **4–403. GRANTS FROM FUND.**

3 (A) APPLICATION PROCEDURES.

4 THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR THE
5 DEPARTMENT OF STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES TO
6 USE WHEN APPLYING FOR MONEY FROM THE FUND.

7 (B) CONTENT OF APPLICATION.

8 AN APPLICANT SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH ANY
9 INFORMATION THE EXECUTIVE DIRECTOR CONSIDERS NECESSARY TO MAKE
10 GRANTS FOR DNA TECHNOLOGY EQUIPMENT.

11 (C) COMPARATIVE NEEDS OF LOCAL LAW ENFORCEMENT AGENCIES.

12 THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS TO THE DEPARTMENT
13 OF STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES TO PURCHASE OR
14 REPLACE DNA TECHNOLOGY EQUIPMENT BASED ON THE NEEDS OF THE
15 DEPARTMENT OF STATE POLICE AND THE COMPARATIVE NEED OF EACH LOCAL
16 LAW ENFORCEMENT AGENCY AS DETERMINED FROM THE INFORMATION
17 PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

18 (D) PROOF OF EXPENDITURES.

19 AFTER THE DEPARTMENT OF STATE POLICE OR A LOCAL LAW
20 ENFORCEMENT AGENCY RECEIVES NOTICE FROM THE EXECUTIVE DIRECTOR
21 OF A GRANT AWARD, THE DEPARTMENT OF STATE POLICE OR THE LOCAL LAW
22 ENFORCEMENT AGENCY SHALL SUBMIT PROOF OF EXPENDITURES ON DNA
23 TECHNOLOGY EQUIPMENT TO THE EXECUTIVE DIRECTOR.

24 ~~[NOTE TO COMMITTEE: The Committee asked staff to ask GOCPP how~~
25 ~~subsection (d) is applied. According to GOCPP, grants for the DNA~~
26 ~~Technology Fund run for a period of 1 year and grantees receive notice of~~
27 ~~the award shortly before the start date of January 1. The grantee submits~~
28 ~~quarterly reports on expenditures at which point GOCPP provides~~
29 ~~reimbursement. Given this information, staff does not recommend~~
30 ~~amending the statute since GOCPP has established a mechanism~~
31 ~~through which grantees are providing proof of expenditures.]~~

32 REVISOR'S NOTE: This section is new language derived without substantive
33 change from former Art. 41, § 4–301(d), (e), and (f).

1 In subsections (a) and (b) of this section, the references to “money” from
2 the Fund are substituted for the former references to “aid” from the Fund
3 for clarity.

4 In subsection (b) of this section, the reference to “[a]n applicant” is
5 substituted for the former reference to “[t]he Department of State Police
6 and a local law enforcement agency applying for aid from the Fund” for
7 brevity.

8 Also in subsection (b) of this section, the reference to “grants” is
9 substituted for the former reference to “awards” for consistency with
10 subsection (c) of this section.

11 Defined terms: “DNA technology equipment” § 4–401

12 “Executive Director” § 4–401

13 “Fund” § 4–401

14 “Local law enforcement agency” § 4–401

15 **4–404. ANNUAL REPORT.**

16 **ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE EXECUTIVE DIRECTOR**
17 **SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE**
18 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE DISTRIBUTION OF**
19 **MONEY UNDER THIS SUBTITLE.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 41, § 4–301(g).

22 The reference to “money” is substituted for the former reference to “aid”
23 for clarity.

24 Defined term: “Executive Director” § 4–401

25 **SUBTITLE 5. STATE AID FOR POLICE PROTECTION FUND.**

26 **4–501. DEFINITIONS.**

27 **(A) IN GENERAL.**

28 **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
29 **INDICATED.**

30 REVISOR’S NOTE: This subsection is new language derived without
31 substantive change from the introductory language of former Art. 41, §
32 4–403(a).

1 The phrase “the following words have the meanings indicated” is
2 substituted for the former phrase “[a]s used in” as standard language for
3 a definition section.

4 **(B) ADJUSTED ASSESSED VALUATION OF REAL PROPERTY.**

5 **“ADJUSTED ASSESSED VALUATION OF REAL PROPERTY” MEANS THE SUM**
6 **OF:**

7 **(1) 100% OF THE ASSESSED VALUATION OF THE OPERATING REAL**
8 **PROPERTY OF PUBLIC UTILITIES;**

9 **(2) 40% OF THE ASSESSED VALUATION OF ALL OTHER REAL**
10 **PROPERTY FOR STATE PURPOSES, AS REPORTED BY THE DEPARTMENT OF**
11 **ASSESSMENTS AND TAXATION AS OF JULY 1 OF THE SECOND FISCAL YEAR**
12 **PRECEDING THE FISCAL YEAR FOR WHICH THE CALCULATION OF STATE AID IS**
13 **TO BE MADE; AND**

14 **(3) 20% OF NEW PROPERTY ASSESSED BETWEEN JULY 1 AND**
15 **DECEMBER 31 OF THE SECOND PRECEDING FISCAL YEAR.**

16 REVISOR’S NOTE: This subsection is new language derived without
17 substantive change from the first sentence of former Art. 41, §
18 4–403(a)(4).

19 Defined term: “Real property” § 4–501

20 **(C) AGGREGATE EXPENDITURES FOR POLICE PROTECTION.**

21 **“AGGREGATE EXPENDITURES FOR POLICE PROTECTION” MEANS THE SUM**
22 **OF EXPENDITURES FOR POLICE PROTECTION OF A COUNTY AND OF EVERY**
23 **QUALIFYING MUNICIPALITY IN THE COUNTY.**

24 REVISOR’S NOTE: This subsection is new language derived without
25 substantive change from former Art. 41, § 4–403(a)(10).

26 The former reference to aggregate expenditures for police protection “for
27 a subdivision” is deleted as surplusage.

28 The former phrase “, as defined above,” is deleted as surplusage.

29 Defined terms: “County” § 4–501

30 “Expenditures for police protection” § 4–501

31 “Qualifying municipality” § 4–501

32 **(D) COUNTY.**

1 **“COUNTY” DOES NOT INCLUDE BALTIMORE CITY.**

2 REVISOR’S NOTE: This subsection is new language derived without
3 substantive change from former Art. 41, § 4–403(a)(1).

4 The term “county” is substituted for the former defined term
5 “‘[s]ubdivision’ means any county of Maryland” for brevity, clarity, and
6 specificity because a subdivision could include a county and a
7 municipality.

8 The former phrase “or where the context requires, the governing body
9 thereof” is deleted as implicit in the reference to a county.

10 **(E) EXECUTIVE DIRECTOR.**

11 **“EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE**
12 **GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.**

13 REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–403(a)(7).

14 The only changes are in style.

15 **(F) EXPENDITURES FOR POLICE PROTECTION.**

16 **(1) “EXPENDITURES FOR POLICE PROTECTION” MEANS**
17 **EXPENSES FOR THE FISCAL YEAR IMMEDIATELY PRECEDING THE FISCAL YEAR**
18 **FOR WHICH THE CALCULATION OF STATE AID UNDER THIS SUBTITLE IS TO BE**
19 **MADE FOR:**

20 **(I) SALARIES, WAGES, AND OTHER OPERATING EXPENSES**
21 **FOR POLICE PROTECTION;**

22 **(II) CAPITAL OUTLAYS FROM CURRENT OPERATING FUNDS**
23 **FOR POLICE PROTECTION;**

24 **(III) DEBT SERVICE IDENTIFIABLE FOR POLICE**
25 **PROTECTION;**

26 **(IV) OFFICERS OF A SHERIFF’S OFFICE TO THE EXTENT THAT**
27 **THE OFFICERS PERFORM POLICE PROTECTION FUNCTIONS; AND**

28 **(V) TRAFFIC CONTROL, PARK POLICE, AND A SHARE OF THE**
29 **COST OF A CENTRAL ALARM SYSTEM PROPORTIONATE TO ITS POLICE USE.**

1 **(2) “EXPENDITURES FOR POLICE PROTECTION” DOES NOT**
 2 **INCLUDE EXPENSES FOR COLLECTING FROM OR SERVICING PARKING METERS**
 3 **OR CONSTRUCTING OR OPERATING LOCAL CORRECTIONAL FACILITIES.**

4 REVISOR’S NOTE: This subsection is new language derived without
 5 substantive change from the first and third through sixth sentences of
 6 former Art. 41, § 4–403(a)(3).

7 In the introductory language of paragraph (1) of this subsection, the
 8 reference to State aid “under this subtitle” is added for clarity.

9 Also in the introductory language of paragraph (1) of this subsection, the
 10 phrase “means expenses” is substituted for the former phrase “shall be
 11 those” for clarity.

12 In paragraph (1)(iii) of this subsection, the former reference to “properly”
 13 identifiable debt service is deleted as surplusage.

14 In paragraph (1)(iv) of this subsection, the reference to “officers of a
 15 sheriff’s office” is substituted for the former reference to “sheriffs” for
 16 accuracy because there is only one sheriff for each county and the other
 17 officers are deputy sheriffs or officers with other ranks or titles.

18 Also in paragraph (1)(iv) of this subsection, the former reference to
 19 “constables” is deleted as obsolete. According to the Governor’s Office of
 20 Crime Control and Protection, no counties use constables for police
 21 protection.

22 In paragraph (2) of this subsection, the reference to “local correctional
 23 facilities” is substituted for the former reference to “jails” to use more
 24 modern terminology.

25 The second sentence of former Art. 41, § 403(a)(3), which gave examples
 26 from fiscal years 1969 and 1970 on how to calculate “expenditures for
 27 police protection”, is deleted as unnecessary.

28 **(G) FUND.**

29 **“FUND” MEANS THE STATE AID FOR POLICE PROTECTION FUND.**

30 REVISOR’S NOTE: This subsection is new language added to avoid repetition of
 31 the full name of the State Aid for Police Protection Fund.

32 The General Provisions Article Review committee notes, for consideration
 33 by the General Assembly, that the State Aid for Police Protection Fund is
 34 not a traditional fund since the statute creating the fund does not provide
 35 for a funding source. According to the Governor’s Office for Crime Control

1 and Prevention, general funds are used to provide grants. The committee
 2 chose to retain the term “Fund” in order to avoid an interpretation among
 3 grantees that changes have been made to the Fund. The General
 4 Assembly may wish to further clarify the name of the program.

5 **(H) MUNICIPALITY.**

6 **(1) “MUNICIPALITY” MEANS AN INCORPORATED CITY OR TOWN.**

7 **(2) “MUNICIPALITY” DOES NOT INCLUDE BALTIMORE CITY.**

8 ~~[NOTE TO COMMITTEE: Staff checked to see if Chevy Chase is a~~
 9 ~~special taxing district. It is not.]~~

10 REVISOR’S NOTE: This subsection is new language derived without
 11 substantive change from former Art. 41, § 4–403(a)(2).

12 In this subsection, the former phrase “or where the context requires, the
 13 governing body thereof” is deleted as implicit in the reference to a
 14 municipality.

15 In paragraph (1) of this subsection, the former phrase “, within
 16 Maryland” is deleted as surplusage.

17 **(I) NET TAXABLE INCOME.**

18 **“NET TAXABLE INCOME” MEANS THE TAXABLE INCOME OF INDIVIDUALS**
 19 **UNDER TITLE 10 OF THE TAX – GENERAL ARTICLE, AS CERTIFIED BY THE**
 20 **COMPTROLLER FOR THE THIRD COMPLETED CALENDAR YEAR PRECEDING THE**
 21 **FISCAL YEAR FOR WHICH THE CALCULATION OF STATE AID IS TO BE MADE.**

22 REVISOR’S NOTE: This subsection is new language derived without
 23 substantive change from the first sentence of former Art. 41, §
 24 4–403(a)(5).

25 The second sentence of former Art. 41, § 4–403(a)(5), which gave an
 26 example for how to calculate net taxable income, is deleted as
 27 unnecessary.

28 **(J) QUALIFIED POLICE OFFICER.**

29 **“QUALIFIED POLICE OFFICER” MEANS A POLICE OFFICER THAT THE**
 30 **EXECUTIVE DIRECTOR DETERMINES TO BE QUALIFIED UNDER § 4–504(D) OF**
 31 **THIS SUBTITLE.**

1 REVISOR'S NOTE: This subsection is new language added to avoid the lengthy
 2 reference to a police officer that the Executive Director determines to be
 3 qualified under § 4–504(d) of this subtitle.

4 Defined term: “Executive Director” § 4–501

5 **(K) QUALIFYING MUNICIPALITY.**

6 **“QUALIFYING MUNICIPALITY” MEANS A MUNICIPALITY THAT:**

7 **(1) (I) HAS EXPENDITURES FOR POLICE PROTECTION THAT**
 8 **EXCEED \$5,000; AND**

9 **(II) EMPLOYS AT LEAST ONE FULL–TIME QUALIFIED POLICE**
 10 **OFFICER; OR**

11 **(2) (I) HAS EXPENDITURES FOR POLICE PROTECTION THAT**
 12 **EXCEED \$80,000; AND**

13 **(II) EMPLOYS AT LEAST TWO PART–TIME QUALIFIED POLICE**
 14 **OFFICERS FROM A COUNTY POLICE DEPARTMENT OR COUNTY SHERIFF’S**
 15 **DEPARTMENT.**

16 REVISOR'S NOTE: This subsection is new language derived without
 17 substantive change from former Art. 41, § 4–403(a)(8).

18 In paragraphs (1)(i) and (2)(i) of this subsection, the former phrases “, as
 19 defined above,” are deleted as surplusage.

20 In paragraphs (1)(ii) and (2)(ii) of this subsection, the former references to
 21 qualified police officers “, as determined by the executive director” are
 22 deleted as unnecessary in light of the defined term “qualified police
 23 officer”.

24 Defined terms: “County” § 4–501

25 “Expenditures for police protection” § 4–501

26 “Municipality” § 4–501

27 “Qualified police officer” § 4–501

28 **(L) REAL PROPERTY.**

29 **“REAL PROPERTY” MEANS ALL PROPERTY CLASSIFIED AS REAL**
 30 **PROPERTY UNDER § 8–101(B) OF THE TAX – PROPERTY ARTICLE.**

31 REVISOR'S NOTE: This subsection formerly was the second sentence of Art. 41,
 32 § 4–403(a)(4).

1 No changes are made.

2 **(M) SWORN OFFICER.**

3 **“SWORN OFFICER” MEANS:**

4 **(1) A LAW ENFORCEMENT OFFICER CERTIFIED BY THE POLICE**
5 **TRAINING COMMISSION; OR**

6 **(2) A FULL-TIME PROBATIONARY EMPLOYEE OF A LOCAL**
7 **GOVERNMENT WHO:**

8 **(I) IS HIRED TO ATTEND A POLICE TRAINING ACADEMY TO**
9 **BECOME A CERTIFIED LAW ENFORCEMENT OFFICER; AND**

10 **(II) IS IN TRAINING OR IS FUNCTIONING AS A LAW**
11 **ENFORCEMENT OFFICER PENDING TRAINING.**

12 REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–403(a)(12).

13 No changes are made.

14 **(N) WEALTH BASE.**

15 **“WEALTH BASE” MEANS THE SUM OF THE ADJUSTED ASSESSED**
16 **VALUATION OF REAL PROPERTY AND NET TAXABLE INCOME.**

17 REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–403(a)(9).

18 The former reference to the wealth base “of a subdivision” is deleted as
19 surplusage.

20 The only other changes are in style.

21 Defined terms: “Adjusted assessed valuation of real property” § 4–501

22 “Net taxable income” § 4–501

23 “Real property” § 4–501

24 **GENERAL REVISOR’S NOTE TO SECTION**

25 Former Art. 41, § 4–403(a)(11), which provided a definition for
26 “[e]quivalent of X dollars per capita”, is deleted as unnecessary because
27 that term is no longer used in this revised article.

28 **4–502. LIMITS ON SPENDING REQUIREMENTS.**

1 **NOTHING IN THIS SUBTITLE MAY BE CONSTRUED AS REQUIRING A**
 2 **COUNTY OR QUALIFYING MUNICIPALITY TO SPEND MORE FOR POLICE**
 3 **PROTECTION THAN THE GREATER OF:**

4 **(1) THE ACTUAL EXPENDITURES FOR POLICE PROTECTION, NOT**
 5 **INCLUDING CAPITAL EXPENDITURES; OR**

6 **(2) THE SUM OF:**

7 **(I) THE AMOUNT RECEIVED IN STATE AID UNDER THIS**
 8 **SUBTITLE; AND**

9 **(II) LOCAL FUNDS EQUAL TO THE PERCENTAGE OF LOCAL**
 10 **WEALTH USED IN CALCULATING THE STATE SHARE IN BASIC EXPENDITURES**
 11 **UNDER § 4-506(B) OF THIS SUBTITLE.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 41, § 4-402(b).

14 In the introductory language of this section, the reference to "this
 15 subtitle" is substituted for the former reference to "herein" for clarity.

16 In item (1) of this section, the former reference to expenditures for police
 17 protection ", as defined in § [4-501] of this subtitle," is deleted as
 18 surplusage.

19 In item (2)(i) of this section, the reference to this "subtitle" is substituted
 20 for the former reference to this "program" for clarity.

21 Defined terms: "County" § 4-501

22 "Expenditures for police protection" § 4-501

23 "Qualifying municipality" § 4-501

24 **4-503. STATE AID FOR POLICE PROTECTION FUND.**

25 **(A) ESTABLISHED.**

26 **THERE IS A STATE AID FOR POLICE PROTECTION FUND.**

27 **(B) PURPOSES.**

28 **THE FUND PROVIDES A CONTINUING GRANT FROM THE GENERAL FUND**
 29 **OF THE STATE THAT SHALL BE USED EXCLUSIVELY TO PROVIDE ADEQUATE**
 30 **POLICE PROTECTION IN THE COUNTIES AND QUALIFYING MUNICIPALITIES**

1 THROUGH THE SHARING OF COSTS ON AN EQUITABLE BASIS WITHIN CERTAIN
2 LIMITS RELATED TO POPULATION FACTORS.

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 41, §§ 4-401 and 4-402(a).

5 In subsection (b) of this section, the reference to the Fund "provid[ing]" a
6 continuing grant is substituted for the former reference to the Fund "is" a
7 continuing grant for clarity.

8 Also in subsection (b) of this section, the former reference to the Fund
9 being "intended for" adequate police protection is deleted as surplusage.

10 Also in subsection (b) of this section, the former reference to "State and
11 subdivision" sharing of costs is deleted as surplusage.

12 Also in subsection (b) of this section, the former phrase "to be used for the
13 purpose and distributed in the manner hereinafter specified" is deleted as
14 surplusage.

15 Defined terms: "County" § 4-501
16 "Fund" § 4-501
17 "Qualifying municipality" § 4-501

18 **4-504. ADMINISTRATION OF FUND.**

19 **(A) IN GENERAL.**

20 **THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.**

21 **(B) CERTIFICATION OF GRANTS.**

22 **THE EXECUTIVE DIRECTOR SHALL:**

23 **(1) CERTIFY TO THE COMPTROLLER, COUNTIES, AND QUALIFYING**
24 **MUNICIPALITIES THE AMOUNT OF PAYMENTS UNDER THIS SUBTITLE TO THE**
25 **COUNTIES AND QUALIFYING MUNICIPALITIES; AND**

26 **(2) ADOPT REGULATIONS AND REQUIRE REPORTS THAT ARE**
27 **NECESSARY TO CERTIFY THE AMOUNTS.**

28 **(C) STANDARDS OF POLICE PROTECTION.**

29 **IN ADMINISTERING THE FUND, THE EXECUTIVE DIRECTOR SHALL:**

1 **(1) MAKE A CONTINUING EFFORT TO ESTABLISH STANDARDS OF**
2 **POLICE PROTECTION ADEQUATE TO THE VARIOUS LOCAL SITUATIONS; AND**

3 **(2) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE,**
4 **REPORT PERIODICALLY TO THE GENERAL ASSEMBLY ON PROGRESS IN**
5 **ESTABLISHING AND MEETING THOSE STANDARDS, INCLUDING THE PAYMENT**
6 **AMOUNTS CERTIFIED UNDER SUBSECTION (B) OF THIS SECTION AND ANY OTHER**
7 **RELEVANT FISCAL INFORMATION.**

8 **(D) DETERMINING QUALIFICATIONS FOR POLICE OFFICERS.**

9 **THE EXECUTIVE DIRECTOR SHALL APPLY THE MINIMUM STANDARDS**
10 **DETERMINED BY THE POLICE TRAINING COMMISSION UNDER TITLE 3,**
11 **SUBTITLE 2 OF THIS ARTICLE TO DETERMINE WHETHER POLICE OFFICERS ARE**
12 **QUALIFIED.**

13 **(E) MINIMUM STANDARDS FOR POLICE OFFICERS.**

14 **THE POLICE TRAINING COMMISSION SHALL PRINT AND DISTRIBUTE TO**
15 **ALL MUNICIPALITIES ITS REGULATIONS THAT SET FORTH THE MINIMUM**
16 **STANDARDS FOR POLICE QUALIFICATIONS.**

17 **(F) FAILURE TO MEET MINIMUM STANDARDS.**

18 **(1) IF A MUNICIPALITY FAILS TO MEET THE MINIMUM STANDARDS**
19 **FOR POLICE QUALIFICATIONS FOR 2 SUCCESSIVE YEARS, THE EXECUTIVE**
20 **DIRECTOR SHALL WITHHOLD FROM THE MUNICIPALITY PAYMENTS THAT**
21 **WOULD OTHERWISE BE PAYABLE THE SECOND YEAR.**

22 **(2) (I) ANY PAYMENT WITHHELD FOR NONCOMPLIANCE IS**
23 **FORFEITED.**

24 **(II) A MUNICIPALITY MAY NOT MAKE A CLAIM FOR THE**
25 **WITHHELD PAYMENT.**

26 **REVISOR'S NOTE:** This section is new language derived without substantive
27 change from former Art. 41, § 4-406.

28 In subsection (b)(1) of this section, the reference to payments "under this
29 subtitle" is added for clarity.

30 In subsection (d) of this section, the reference to the "Executive Director"
31 is added for clarity.

1 Also in subsection (d) of this section, the reference to determining
 2 “whether police officers are qualified” is substituted for the former
 3 reference to determining “qualification under § [4–501(j)] of this subtitle”
 4 for clarity.

5 In subsection (e) of this section, the former reference to “rules” is deleted
 6 to distinguish between regulations of executive units and rules of judicial
 7 and legislative units and to establish consistency in the use of words.

8 In subsection (f)(1) of this section, the reference to minimum standards
 9 “for police qualifications” is added for clarity.

10 Also in subsection (f)(1) of this section, the reference to payments “that
 11 would otherwise be payable” the second year is substituted for the former
 12 reference to payments “with respect to” the second year for clarity.

13 In subsection (f)(2) of this section, the reference to the “withheld
 14 payment” is substituted for the former reference to the “funds” for clarity
 15 and consistency with subsection (f)(1) of this section.

16 Defined terms: “County” § 4–501
 17 “Executive Director” § 4–501
 18 “Fund” § 4–501
 19 “Municipality” § 4–501
 20 “Qualifying municipality” § 4–501

21 **4–505. POPULATION AND DENSITY DETERMINATIONS.**

22 **FOR POPULATION AND DENSITY DETERMINATIONS UNDER THIS**
 23 **SUBTITLE:**

24 **(1) POPULATION NUMBERS FOR A COUNTY SHALL BE THOSE**
 25 **ESTIMATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AS OF**
 26 **JULY 1 OF EACH YEAR; AND**

27 **(2) THE PERCENTAGE OF POPULATION RESIDING IN**
 28 **MUNICIPALITIES SHALL BE DETERMINED FROM TIME TO TIME BY THE MOST**
 29 **RECENTLY PUBLISHED FEDERAL DECENNIAL CENSUS DATA.**

30 ~~[NOTE TO COMMITTEE: The committee asked staff to look into why~~
 31 ~~GOCPP uses population figures from the federal census and not from the~~
 32 ~~Department of Health and Mental Hygiene (DHMH) as the statute~~
 33 ~~requires. According to GOCPP, DHMH also uses federal census data so~~
 34 ~~this is why federal data is used. Given this information, staff does not~~
 35 ~~recommend amending the statute.]~~

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 41, § 4-403(a)(6).

3 In the introductory language of this section, the phrase "[f]or population
4 and density determinations under this subtitle" is added for clarity.

5 In item (1) of this section, the reference to population "numbers" is
6 substituted for the former references to population "figures for total
7 number of people" and "figures used in per capita and density
8 determinations" for brevity.

9 Defined terms: "County" § 4-501
10 "Municipality" § 4-501

11 **4-506. CALCULATION OF GRANTS.**

12 **(A) IN GENERAL.**

13 **SUBJECT TO § 4-507 OF THIS SUBTITLE AND THE LIMITATIONS AND**
14 **REQUIREMENTS PROVIDED IN THIS SUBTITLE, EACH FISCAL YEAR THE STATE**
15 **SHALL PAY TO EACH COUNTY AND EACH QUALIFYING MUNICIPALITY, IN THE**
16 **MANNER PROVIDED IN THIS SUBTITLE, AN AMOUNT DETERMINED AS PROVIDED**
17 **IN THIS SECTION.**

18 **(B) SHARE IN BASIC EXPENDITURE.**

19 **(1) IF THE AGGREGATE EXPENDITURES FOR POLICE PROTECTION**
20 **IN A COUNTY EQUAL OR EXCEED \$6.00 PER PERSON, THE STATE SHALL PAY TO**
21 **THE COUNTY THE AMOUNT BY WHICH \$6.00 PER PERSON EXCEEDS 0.09% OF**
22 **THE WEALTH BASE OF THE COUNTY.**

23 **(2) IF THE AGGREGATE EXPENDITURES FOR POLICE PROTECTION**
24 **IN A COUNTY ARE LESS THAN \$6.00 PER PERSON, THE STATE SHALL PAY TO THE**
25 **COUNTY THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE**
26 **PROTECTION EXCEED THE AMOUNT OBTAINED BY MULTIPLYING 0.09% OF THE**
27 **WEALTH BASE OF THE COUNTY TIMES A FRACTION:**

28 **(I) THE NUMERATOR OF WHICH IS THE AGGREGATE**
29 **EXPENDITURES FOR POLICE PROTECTION; AND**

30 **(II) THE DENOMINATOR OF WHICH IS \$6.00 PER PERSON.**

31 **(C) SHARE OVER BASIC EXPENDITURE.**

1 **(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IN**
2 **ADDITION TO THE AMOUNT, IF ANY, PAYABLE UNDER SUBSECTION (B) OF THIS**
3 **SECTION, THE STATE SHALL PAY TO EACH COUNTY 25% OF THE AMOUNT BY**
4 **WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY**
5 **EXCEED \$6.00 PER PERSON.**

6 **(2) FOR A COUNTY WITH A POPULATION DENSITY OF LESS THAN**
7 **100 PER SQUARE MILE AND IN WHICH LESS THAN 30% OF THE TOTAL**
8 **POPULATION RESIDES IN A MUNICIPALITY, THE STATE SHALL MAKE NO**
9 **PAYMENT UNDER THIS SUBSECTION.**

10 **(3) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST**
11 **100 BUT LESS THAN 500 PER SQUARE MILE, AND FOR A COUNTY WITH A**
12 **POPULATION DENSITY OF LESS THAN 100 PER SQUARE MILE AND IN WHICH AT**
13 **LEAST 30% OF THE TOTAL POPULATION RESIDES IN A MUNICIPALITY, PAYMENT**
14 **UNDER THIS SUBSECTION MAY NOT EXCEED \$3.50 PER PERSON.**

15 **(4) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST**
16 **500 BUT LESS THAN 900 PER SQUARE MILE, PAYMENT UNDER THIS SUBSECTION**
17 **MAY NOT EXCEED \$7.50 PER PERSON.**

18 **(5) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST**
19 **900 BUT LESS THAN 1,100 PER SQUARE MILE, PAYMENT UNDER THIS**
20 **SUBSECTION MAY NOT EXCEED \$8.00 PER PERSON.**

21 **(6) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST**
22 **1,100 BUT LESS THAN 1,300 PER SQUARE MILE, PAYMENT UNDER THIS**
23 **SUBSECTION MAY NOT EXCEED \$9.25 PER PERSON.**

24 **(7) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST**
25 **1,300 BUT LESS THAN 8,000 PER SQUARE MILE, PAYMENT UNDER THIS**
26 **SUBSECTION SHALL BE:**

27 **(I) 25% OF THE AMOUNT BY WHICH AGGREGATE**
28 **EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$6.00 PER**
29 **PERSON BUT DO NOT EXCEED \$36.00 PER PERSON; AND**

30 **(II) 50% OF THE AMOUNT BY WHICH AGGREGATE**
31 **EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$36.00 PER**
32 **PERSON BUT DO NOT EXCEED \$45.50 PER PERSON.**

33 **(8) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST**
34 **8,000 PER SQUARE MILE, PAYMENT UNDER THIS SUBSECTION SHALL BE:**

1 **(I) 25% OF THE AMOUNT BY WHICH AGGREGATE**
2 **EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$6.00 PER**
3 **PERSON BUT DO NOT EXCEED \$36.00 PER PERSON; AND**

4 **(II) 50% OF THE AMOUNT BY WHICH AGGREGATE**
5 **EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$36.00 PER**
6 **PERSON BUT DO NOT EXCEED \$101.50 PER PERSON.**

7 **(D) MINIMUM GRANT.**

8 **(1) THE STATE SHALL PAY TO EACH COUNTY THE AMOUNT BY**
9 **WHICH \$2.50 PER PERSON EXCEEDS THE TOTAL PAYMENTS DETERMINED**
10 **UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION.**

11 **(2) A COUNTY FOR WHICH THE POPULATION ESTIMATE IS LESS**
12 **THAN THE POPULATION ESTIMATED FOR THE FIRST YEAR OF THE GRANT MAY**
13 **NOT RECEIVE IN ANY YEAR A SMALLER AMOUNT OF STATE AID FOR POLICE**
14 **PROTECTION THAN IT RECEIVED IN ANY PREVIOUS YEAR IF IT HAS NOT**
15 **REDUCED THE LEVEL OF EXPENDITURES FOR POLICE PROTECTION WHICH**
16 **ENTITLED IT TO THE AMOUNT OF THE PREVIOUS YEAR'S GRANT.**

17 **(E) INCENTIVE GRANT.**

18 **IN ADDITION TO THE PAYMENTS MADE UNDER SUBSECTIONS (B), (C), AND**
19 **(D) OF THIS SECTION, THE STATE SHALL PAY TO EACH COUNTY WITH A**
20 **POPULATION DENSITY OF LESS THAN 500 PER SQUARE MILE, \$2.00 PER**
21 **PERSON.**

22 **(F) SUPPLEMENTAL GRANT.**

23 **(1) IN ADDITION TO THE PAYMENTS MADE UNDER SUBSECTIONS**
24 **(B) THROUGH (E) OF THIS SECTION, THE STATE SHALL PAY:**

25 **(I) TO EACH COUNTY, \$2.50 PER PERSON, SUBJECT TO**
26 **PARAGRAPH (2) OF THIS SUBSECTION;**

27 **(II) TO BALTIMORE CITY, \$0.50 PER PERSON; AND**

28 **(III) TO EACH COUNTY THAT BORDERS THE DISTRICT OF**
29 **COLUMBIA, IN ADDITION TO THE AMOUNT REQUIRED UNDER ITEM (I) OF THIS**
30 **PARAGRAPH, \$0.50 PER PERSON LIVING IN THE COUNTY WITHIN 1 MILE OF THE**
31 **BORDER BETWEEN THE STATE AND THE DISTRICT OF COLUMBIA.**

1 **(2) THE STATE SHALL ALLOCATE THE SUPPLEMENTAL GRANT ON**
2 **A PER PERSON BASIS AMONG THE COUNTY AND THE QUALIFYING**
3 **MUNICIPALITIES IN THAT COUNTY AND DISTRIBUTE THE RESULTING**
4 **ALLOCATION TO EACH COUNTY AND QUALIFYING MUNICIPALITY.**

5 **(G) ADDITIONAL GRANT.**

6 **EACH FISCAL YEAR, THE STATE SHALL PAY TO EACH COUNTY AN**
7 **ADDITIONAL GRANT EQUAL TO THE GREATER OF:**

8 **(1) 10% OF THE TOTAL OF THE PAYMENTS DETERMINED UNDER**
9 **SUBSECTIONS (B) THROUGH (E) OF THIS SECTION; OR**

10 **(2) AN AMOUNT NOT TO EXCEED \$1 PER PERSON.**

11 **(H) ADDITIONAL MINIMUM PAYMENT.**

12 **THE STATE SHALL PAY EACH COUNTY THE AMOUNT BY WHICH THE GRANT**
13 **PAID TO THE COUNTY IN FISCAL YEAR 1984 EXCEEDS THE TOTAL PAYMENTS**
14 **DETERMINED UNDER SUBSECTIONS (B) THROUGH (G) OF THIS SECTION.**

15 **(I) MUNICIPAL SWORN OFFICER ALLOCATION.**

16 **EACH FISCAL YEAR, THE STATE SHALL PAY TO EACH QUALIFYING**
17 **MUNICIPALITY, IN ADDITION TO THE PAYMENTS MADE UNDER SUBSECTIONS (B)**
18 **THROUGH (H) OF THIS SECTION, \$1,950 FOR EACH SWORN OFFICER ACTUALLY**
19 **EMPLOYED ON A FULL-TIME BASIS BY THE QUALIFYING MUNICIPALITY, AS**
20 **DETERMINED BY THE EXECUTIVE DIRECTOR.**

21 **(J) ALLOCATION OF GRANT.**

22 **THE PAYMENT MADE TO EACH COUNTY UNDER SUBSECTIONS (B), (C), (D),**
23 **(E), (G), AND (H) OF THIS SECTION SHALL BE ALLOCATED TO EACH COUNTY AND**
24 **QUALIFYING MUNICIPALITY BY MULTIPLYING THE TOTAL PAYMENT BY A**
25 **FRACTION:**

26 **(1) THE NUMERATOR OF WHICH EQUALS THE EXPENDITURES FOR**
27 **POLICE PROTECTION OF THE COUNTY OR THE QUALIFYING MUNICIPALITY; AND**

28 **(2) THE DENOMINATOR OF WHICH EQUALS THE AGGREGATE**
29 **EXPENDITURES FOR POLICE PROTECTION.**

30 ~~**[NOTE TO COMMITTEE: The committee asked staff to have budget**~~
31 ~~**analysts at the Department of Legislative Services review this subtitle. In**~~

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~~particular, the committee asked whether certain references in this section to “if any” and “an amount equivalent to”, regarding the calculation of various grants, could be removed. According to the DLS budget analysts, these references add no additional meaning and can be removed. This draft reflects the removal of these references.]~~

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 41, § 4–403(b) and (c).

Throughout this section, the former phrase “, if any,” is deleted as surplusage.

In subsection (a) of this section, the reference to “each fiscal year” is substituted for “the fiscal year beginning July 1, 2004, and thereafter” for brevity.

In subsection (b)(1) of this section, the reference to the wealth base “of the county” is added for clarity.

Also in subsection (b)(1) of this section, the former phrase “the equivalent of” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “the amount obtained by multiplying 0.09% of the wealth base of the county times a fraction: (i) the numerator of which is the aggregate expenditures for police protection; and (ii) the denominator of which is \$6.00 per person” is substituted for the former reference to “that proportion of 0.09 percent of the wealth base which aggregate expenditures for police protection bear to the equivalent of \$6.00 per capita” for clarity.

In subsections (c)(1) and (i) of this section, the former phrase “an amount equal to” is deleted as surplusage.

In subsection (c)(1), (7), and (8) of this section, the references to aggregate expenditures for police protection “in the county” are added for clarity.

In subsection (c)(1) of this section, the phrase “[e]xcept as otherwise provided in this subsection,” is substituted for the former phrase “[p]rovided however” for clarity.

In subsection (c)(2) of this section, the reference to “the State ... mak[ing]” no payment is substituted for the former reference to “there ... be[ing]” no payment for clarity.

In subsection (f)(1)(iii) of this section, the reference to living “in the county within 1 mile of the border between the State and the District of

1 Columbia” is substituted for the former reference to living “in this State
2 within 1 mile of the border” for clarity.

3 In the introductory language of subsection (g) and in subsection (h) of this
4 section, the references to “the State” are added for clarity.

5 In the introductory language of subsection (g) of this section, the
6 reference to “[e]ach fiscal year” is substituted for the former phrase “[f]or
7 the fiscal year ending June 30, 1981, and for each fiscal year thereafter”
8 for brevity.

9 In subsection (h) of this section, the reference to “fiscal year 1984” is
10 substituted for the former reference to “the fiscal year ending June 30,
11 1984” for brevity.

12 In subsection (i) of this section, the reference to “[e]ach fiscal year” is
13 substituted for the former phrase “[f]or fiscal year 2009 and each fiscal
14 year thereafter” for brevity.

15 Also in subsection (i) of this section, the former reference to a sworn
16 “police” officer is deleted in order to use the defined term provided in §
17 4–501 of this subtitle.

18 In subsection (j) of this section, the reference to allocating a payment “by
19 multiplying the total payment by a fraction: (1) the numerator of which
20 equals the expenditures for police protection of the county or the
21 qualifying municipality; and (2) the denominator of which equals the
22 aggregate expenditures for police protection” is substituted for the former
23 reference to payment “in the exact proportion which the expenditures for
24 police protection of the subdivision and of each qualifying municipality
25 bear to aggregate expenditures for police protection” for clarity.

26 Defined terms: “Aggregate expenditures for police protection” § 4–501

27 “County” § 4–501

28 “Executive Director” § 4–501

29 “Expenditures for police protection” § 4–501

30 “Municipality” § 4–501

31 “Qualifying municipality” § 4–501

32 “Sworn officer” § 4–501

33 “Wealth base” § 4–501

34 **4–507. REDUCTION FOR CRIME AND WEALTH ASSESSMENTS.**

35 **(A) DEFINITIONS.**

36 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
37 **MEANINGS INDICATED.**

1 **(2) “CRIME ASSESSMENT” MEANS AN AMOUNT OBTAINED FOR**
2 **EACH COUNTY OR BALTIMORE CITY BY MULTIPLYING THE PERCENT OF TOTAL**
3 **PART I CRIMES IN THE STATE THAT WERE COMMITTED IN THE COUNTY OR**
4 **BALTIMORE CITY BY 10% OF THE COSTS FOR THE CRIME LABORATORY OF THE**
5 **STATE POLICE AS PROVIDED IN THE STATE BUDGET FOR THE FISCAL YEAR OF**
6 **THE ASSESSMENT.**

7 **(3) “PART I CRIMES” MEANS THE CRIMES REPORTED BY THE**
8 **STATE POLICE AS PART I CRIMES IN THE ANNUAL UNIFORM CRIME REPORT**
9 **FOR THE SECOND COMPLETED CALENDAR YEAR PRECEDING THE FISCAL YEAR**
10 **OF THE CRIME ASSESSMENT.**

11 **(4) “WEALTH ASSESSMENT” MEANS AN AMOUNT OBTAINED FOR**
12 **EACH COUNTY OR BALTIMORE CITY BY MULTIPLYING THE PERCENT OF THE**
13 **TOTAL WEALTH BASE OF THE STATE THAT IS ATTRIBUTABLE TO THE WEALTH**
14 **BASE OF THE COUNTY OR BALTIMORE CITY BY 20% OF THE COSTS FOR THE**
15 **CRIME LABORATORY OF THE STATE POLICE AS PROVIDED IN THE STATE**
16 **BUDGET FOR THE FISCAL YEAR OF THE ASSESSMENT.**

17 **(B) CALCULATION OF REDUCTION.**

18 **FOR EACH FISCAL YEAR, THE AMOUNT DETERMINED UNDER § 4-506 OF**
19 **THIS SUBTITLE FOR EACH COUNTY OR BALTIMORE CITY SHALL BE REDUCED BY**
20 **THE SUM OF THE CRIME ASSESSMENT AND THE WEALTH ASSESSMENT FOR THE**
21 **COUNTY OR BALTIMORE CITY.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 41, § 4-403(d).

24 In subsection (b) of this section, the phrase “[f]or each fiscal year” is
25 substituted for the former phrase “[f]or the fiscal year beginning July 1,
26 2004, and for each fiscal year thereafter” for brevity.

27 Defined terms: “County” § 4-501
28 “Wealth base” § 4-501

29 **4-508. PAYMENTS FROM FUND.**

30 **THE STATE TREASURER SHALL MAKE THE PAYMENTS REQUIRED UNDER**
31 **THIS SUBTITLE TO EACH COUNTY AND QUALIFYING MUNICIPALITY:**

32 **(1) ON WARRANTS OF THE COMPTROLLER;**

33 **(2) AT THE END OF EACH QUARTER OF EACH FISCAL YEAR; AND**

1 **(3) IN APPROXIMATELY EQUAL AMOUNTS FOR EACH QUARTER TO**
2 **THE APPROPRIATE COUNTY OR QUALIFYING MUNICIPALITY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 41, § 4-404.

5 In the introductory language of this section, the reference to payments
6 "required under this subtitle" is substituted for the former reference to
7 payments "out of the State Aid for Police Protection Fund" to reflect that
8 the payments are made from the General Fund of the State in the
9 manner required under this subtitle.

10 In item (2) of this section, the former reference to each fiscal year
11 "thereafter" is deleted as surplusage.

12 Defined terms: "County" § 4-501
13 "Qualifying municipality" § 4-501

14 **4-509. NONCOMPLIANCE.**

15 **(A) NOTICE.**

16 **IF THE EXECUTIVE DIRECTOR FINDS THAT A COUNTY IS NOT COMPLYING**
17 **WITH § 4-502 OF THIS SUBTITLE, THE EXECUTIVE DIRECTOR SHALL NOTIFY**
18 **THE COUNTY OR QUALIFYING MUNICIPALITY OF THE NONCOMPLIANCE.**

19 **(B) REFERRAL OF DISPUTE.**

20 **IF A COUNTY OR QUALIFYING MUNICIPALITY DISPUTES THE FINDING IN**
21 **THE NOTICE ISSUED UNDER SUBSECTION (A) OF THIS SECTION WITHIN 30 DAYS**
22 **OF THE ISSUANCE OF THE NOTICE, THE DISPUTE SHALL BE PROMPTLY**
23 **REFERRED TO THE SECRETARY OF BUDGET AND MANAGEMENT, WHO SHALL**
24 **MAKE A FINAL DETERMINATION.**

25 **(C) SUSPENSION OF PAYMENT.**

26 **ON RECEIPT OF CERTIFICATION OF NONCOMPLIANCE BY THE EXECUTIVE**
27 **DIRECTOR OR THE SECRETARY OF BUDGET AND MANAGEMENT, THE**
28 **COMPTROLLER SHALL SUSPEND, UNTIL NOTIFICATION OF COMPLIANCE IS**
29 **RECEIVED, PAYMENT OF ANY FUNDS DUE THE COUNTY OR QUALIFYING**
30 **MUNICIPALITY FOR THE CURRENT FISCAL YEAR, UNDER § 4-506 OF THIS**
31 **SUBTITLE, TO THE EXTENT THAT THE STATE'S AID DUE THE COUNTY OR**
32 **QUALIFYING MUNICIPALITY IN THE CURRENT FISCAL YEAR UNDER § 4-506 OF**

1 **THIS SUBTITLE EXCEEDS THE AMOUNT THAT THE COUNTY OR QUALIFYING**
2 **MUNICIPALITY RECEIVED IN THE PRIOR FISCAL YEAR.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 41, § 4-405.

5 In subsection (a) of this section, the former reference to "the maintenance
6 of effort provisions of" § 4-502 of this subtitle is deleted as unnecessary in
7 light of the cross-reference to § 4-502.

8 In subsection (b) of this section, the reference to the finding "in the notice
9 issued under subsection (a) of this section" is added for clarity.

10 In subsection (c) of this section, the former phrase ", as the case may be,"
11 is deleted as surplusage.

12 Defined terms: "County" § 4-501
13 "Executive Director" § 4-501
14 "Qualifying municipality" § 4-501

15 **Article – State Government**

16 **8-505. OPEN MEETINGS OF STATE BOARDS AND COMMISSIONS.**

17 **NO BOARD OR COMMISSION IN CONTROL OF A UNIT IN THE EXECUTIVE**
18 **BRANCH OF THE STATE GOVERNMENT MAY FINALLY ADOPT A RESOLUTION OR**
19 **REGULATION AT A MEETING NOT OPEN TO THE PUBLIC.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 41, § 1-205.

22 The reference to not adopting a resolution or regulation "at a meeting not
23 open to the public" is substituted for the former references to "[a]ll
24 meetings, regular and special, ... shall be public meetings and open to the
25 public at all times" and "[n]othing contained herein shall be construed to
26 prevent any such board or commission from holding an executive session
27 from which the public is excluded" in light of an opinion of the Attorney
28 General, 94 Op. Atty. Gen. Md. 161 (2009), which stated that the
29 provisions of Art. 41, § 1-205 are largely duplicative of the Open
30 Meetings Act, except that certain resolutions that fall within the
31 definition of an administrative function would not be covered under the
32 Open Meetings Act but would be included under Art. 41, § 1-205.

33 The reference to "a unit" is substituted for the former reference to "any
34 department, bureau or other agency". The term "unit" is used as the

1 general term for an entity in the State government because it is inclusive
2 enough to include all those entities.

3 The reference to the “Executive Branch of the State government” is
4 substituted for the former obsolete reference to the “Executive
5 Department in the government of Maryland”.

6 The former reference to a adopting an “ordinance” is deleted as
7 unnecessary because boards and commissions do not have authority to
8 adopt ordinances.

9 The former reference to a “rule” is deleted as included in the reference to
10 a “regulation”. *See* General Revisor’s Note to article.

11 The General Provisions Article Review Committee notes, for
12 consideration by the General Assembly, that the application of this
13 section is unclear. Although there may be departments that control
14 various boards, the committee is not aware of a board or commission that
15 is in control of any department, bureau, or other agency of the Executive
16 Branch. In addition, it is unclear whether independent State agencies
17 overseen in some respect by a board that were created after this section
18 was enacted would be subject to this section. The committee strongly
19 recommends that the General Assembly either repeal or clarify this
20 section.

21 For provisions governing open meetings, *see* Title 3 of the General
22 Provisions Article.

23 **SUBTITLE 14. LICENSING — CONTROLLED DANGEROUS SUBSTANCE**
24 **OFFENSES.**

25 **10–1401. DEFINITIONS.**

26 **(A) IN GENERAL.**

27 **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
28 **INDICATED.**

29 **REVISOR’S NOTE:** This subsection formerly was Art. 41, § 1–501(a).

30 No changes are made.

31 **(B) DRUG CRIME.**

32 **“DRUG CRIME” MEANS:**

1 **(1) A VIOLATION OF TITLE 5 OF THE CRIMINAL LAW ARTICLE;**

2 **(2) A VIOLATION OF TITLE 12 OF THE CRIMINAL PROCEDURE**
3 **ARTICLE; OR**

4 **(3) A VIOLATION OF THE LAW OF ANY OTHER JURISDICTION IF**
5 **THE PROHIBITED CONDUCT WOULD BE A VIOLATION OF TITLE 5 OF THE**
6 **CRIMINAL LAW ARTICLE OR TITLE 12 OF THE CRIMINAL PROCEDURE ARTICLE**
7 **IF COMMITTED IN THE STATE.**

8 REVISOR'S NOTE: This subsection formerly was Art. 41, § 1-501(b).

9 The only changes are in style.

10 **(C) LICENSE.**

11 **(1) "LICENSE" MEANS A LICENSE, PERMIT, CERTIFICATION,**
12 **REGISTRATION, OR OTHER LEGAL AUTHORIZATION:**

13 **(I) ISSUED OR GRANTED TO AN INDIVIDUAL BY A**
14 **LICENSING AUTHORITY; AND**

15 **(II) REQUIRED FOR ENGAGING IN EMPLOYMENT, AN**
16 **OCCUPATION, OR A PROFESSION.**

17 **(2) "LICENSE" INCLUDES A COMMERCIAL DRIVER'S LICENSE**
18 **ISSUED UNDER TITLE 16, SUBTITLE 8 OF THE TRANSPORTATION ARTICLE.**

19 **(3) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
20 **SUBSECTION, "LICENSE" DOES NOT INCLUDE:**

21 **(I) A LICENSE TO DRIVE A MOTOR VEHICLE ISSUED BY THE**
22 **MOTOR VEHICLE ADMINISTRATION UNDER TITLE 16 OF THE TRANSPORTATION**
23 **ARTICLE; OR**

24 **(II) THE REGISTRATION OF AN AGENT, ISSUER AGENT, OR**
25 **INVESTMENT ADVISOR REPRESENTATIVE UNDER THE MARYLAND SECURITIES**
26 **ACT AND REGULATIONS ADOPTED UNDER THAT ACT.**

27 REVISOR'S NOTE: This subsection formerly was Art. 41, § 1-501(c).

28 In paragraph (3)(ii) of this subsection, the former parenthetical reference
29 to "(Title 11 of the Corporations and Associations Article)" is deleted as
30 surplusage.

1 The only other changes are in style.

2 Defined term: "Licensing authority" § 10-1401

3 **(D) LICENSEE.**

4 **"LICENSEE" MEANS A HOLDER OF A LICENSE ISSUED BY A LICENSING**
5 **AUTHORITY.**

6 REVISOR'S NOTE: This subsection formerly was Art. 41, § 1-501(d).

7 No changes are made.

8 Defined terms: "License" § 10-1401
9 "Licensing authority" § 10-1401

10 **(E) LICENSING AUTHORITY.**

11 **"LICENSING AUTHORITY" MEANS AN AGENCY OF THE STATE THAT ISSUES**
12 **A LICENSE.**

13 REVISOR'S NOTE: This subsection is new language derived without
14 substantive change from former Art. 41, § 1-501(e)(1).

15 Former Art. 41, § 1-501(e)(2), which defined "licensing authority" to
16 include the Motor Vehicle Association for purposes of issuing a
17 commercial driver's license, is deleted as unnecessary in light of the
18 definition of "license", which includes a commercial driver's license issued
19 under Title 16, Subtitle 8 of the Transportation Article.

20 Defined term: "License" § 10-1401

21 **10-1402. DISCLOSURE OF CONVICTIONS.**

22 **(A) REQUIRED.**

23 **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AS A**
24 **CONDITION ON THE ISSUANCE OR RENEWAL OF A LICENSE, A LICENSING**
25 **AUTHORITY MAY REQUIRE AN INDIVIDUAL APPLYING FOR A LICENSE TO**
26 **DISCLOSE WHETHER THE INDIVIDUAL HAS BEEN CONVICTED OF A DRUG CRIME**
27 **COMMITTED ON OR AFTER JANUARY 1, 1991.**

28 **(B) ISSUANCE OF LICENSES.**

1 **SUBJECT TO § 10-1405 OF THIS SUBTITLE, IF AN INDIVIDUAL APPLYING**
2 **FOR A LICENSE HAS BEEN CONVICTED OF A DRUG CRIME COMMITTED ON OR**
3 **AFTER JANUARY 1, 1991, A LICENSING AUTHORITY MAY:**

4 **(1) REFUSE TO ISSUE A LICENSE TO THE INDIVIDUAL; OR**

5 **(2) ISSUE A LICENSE TO THE INDIVIDUAL SUBJECT TO ANY TERMS**
6 **AND CONDITIONS THAT THE LICENSING AUTHORITY CONSIDERS APPROPRIATE**
7 **UNDER § 10-1404 OF THIS SUBTITLE.**

8 **(C) FAILURE TO MAKE DISCLOSURES.**

9 **A LICENSING AUTHORITY MAY SUSPEND OR REVOKE A LICENSEE'S**
10 **LICENSE IF THE LICENSEE FAILS TO DISCLOSE INFORMATION THAT THE**
11 **LICENSING AUTHORITY REQUIRES UNDER SUBSECTION (A) OF THIS SECTION,**
12 **UNLESS THE LICENSEE SHOWS GOOD CAUSE FOR THE FAILURE TO DISCLOSE.**

13 **(D) CONSTRUCTION OF SECTION.**

14 **IF A LICENSING AUTHORITY, ON OR BEFORE JANUARY 1, 1990, REQUIRED**
15 **AN APPLICANT FOR AN INITIAL LICENSE OR A LICENSE RENEWAL TO DISCLOSE A**
16 **CRIMINAL RECORD OR PRIOR OFFENSE RELATED TO A CONTROLLED**
17 **DANGEROUS SUBSTANCE, THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT**
18 **THE LICENSING AUTHORITY FROM:**

19 **(1) CONTINUING TO REQUIRE AN APPLICANT TO DISCLOSE A**
20 **CRIMINAL RECORD OR PRIOR OFFENSE RELATED TO A CONTROLLED**
21 **DANGEROUS SUBSTANCE, REGARDLESS OF THE DATE OF THE OFFENSE; AND**

22 **(2) TAKING ANY ACTION AUTHORIZED BY LAW, INCLUDING**
23 **REFUSING TO ISSUE A LICENSE, IF THE APPLICANT:**

24 **(I) DISCLOSES A CRIMINAL RECORD OR PRIOR OFFENSE**
25 **RELATED TO A CONTROLLED DANGEROUS SUBSTANCE; OR**

26 **(II) WRONGFULLY CONCEALS A CRIMINAL RECORD OR**
27 **PRIOR OFFENSE RELATED TO A CONTROLLED DANGEROUS SUBSTANCE.**

28 **REVISOR'S NOTE:** This section is new language derived without substantive
29 change from former Art. 41, § 1-502.

30 In subsection (b)(2) of this section, the reference to issuing a license "to
31 the individual" is added for clarity and conformity with subsection (b)(1)
32 of this section.

1 Defined terms: "Drug crime" § 10-1401
2 "License" § 10-1401
3 "Licensee" § 10-1401
4 "Licensing authority" § 10-1401

5 **10-1403. IMPOSITION OF PROBATION, SUSPENSION, REVOCATION, AND OTHER**
6 **SANCTIONS.**

7 **SUBJECT TO § 10-1405 OF THIS SUBTITLE, IF A LICENSING AUTHORITY**
8 **RECEIVES NOTIFICATION UNDER § 5-810 OF THE CRIMINAL LAW ARTICLE THAT**
9 **A LICENSEE HAS BEEN CONVICTED OF A DRUG CRIME COMMITTED ON OR AFTER**
10 **JANUARY 1, 1991, THE LICENSING AUTHORITY MAY:**

11 **(1) (I) REPRIMAND THE LICENSEE;**

12 **(II) PLACE THE LICENSEE ON PROBATION FOR A**
13 **REASONABLE PERIOD OF TIME; OR**

14 **(III) SUSPEND OR REVOKE THE LICENSE;**

15 **(2) ASSESS THE LICENSEE, IN ACCORDANCE WITH APPLICABLE**
16 **REGULATIONS, ALL OR PART OF THE COST OF ANY DISCIPLINARY PROCEEDING**
17 **AND SANCTION; OR**

18 **(3) IMPOSE ANY OTHER SANCTION OR TAKE ANY OTHER ACTION**
19 **AUTHORIZED BY LAW.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 41, § 1-503.

22 Defined terms: "Drug crime" § 10-1401
23 "License" § 10-1401
24 "Licensee" § 10-1401
25 "Licensing authority" § 10-1401

26 **10-1404. CONDITIONS OF PROBATION.**

27 **(A) IN GENERAL.**

28 **IF A LICENSEE IS PLACED ON PROBATION UNDER § 10-1402 OR § 10-1403**
29 **OF THIS SUBTITLE, THE LICENSING AUTHORITY MAY:**

30 **(1) REQUIRE THE LICENSEE TO SUBMIT TO PERIODIC DRUG**
31 **TESTING DURING THE PERIOD OF PROBATION;**

1 **(2) REQUIRE THE LICENSEE TO PARTICIPATE IN APPROPRIATE**
2 **COUNSELING OR TREATMENT; AND**

3 **(3) IMPOSE ANY OTHER REASONABLE TERM OR CONDITION OF**
4 **PROBATION.**

5 **(B) VIOLATION.**

6 **IF A LICENSEE WHO IS ON PROBATION VIOLATES ANY CONDITION OF**
7 **PROBATION, THE LICENSING AUTHORITY MAY:**

8 **(1) REVOKE THE PROBATION;**

9 **(2) SUSPEND OR REVOKE THE LICENSEE'S LICENSE; OR**

10 **(3) IMPOSE ADDITIONAL TERMS OF PROBATION.**

11 REVISOR'S NOTE: This section formerly was Art. 41, § 1-504.

12 The only changes are in style.

13 The General Provisions Article Review Committee notes, for
14 consideration by the General Assembly, that although subsection (a) of
15 this section refers to a licensee being placed on probation under §
16 10-1402 of this subtitle, there is no specific reference to probation in §
17 10-1402. The committee chose to retain the reference to § 10-1402 due to
18 the fact that § 10-1402(b) refers to this section, which provides for the
19 conditions of probation that may be imposed by a licensing authority.

20 Defined terms: "License" § 10-1401

21 "Licensee" § 10-1401

22 "Licensing authority" § 10-1401

23 **10-1405. PROCEDURES.**

24 **(A) IN GENERAL.**

25 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
26 **SUBSECTION, A LICENSING AUTHORITY SHALL COMPLY WITH TITLE 10,**
27 **SUBTITLE 2 OF THIS ARTICLE BEFORE TAKING ANY ACTION UNDER THIS**
28 **SUBTITLE:**

29 **(I) IN REGARD TO AN INITIAL LICENSE APPLICATION OR AN**
30 **APPLICATION FOR A LICENSE RENEWAL; OR**

1 **(II) AGAINST A LICENSEE.**

2 **(2) THE MARYLAND RULES SHALL GOVERN IN THE CASE OF A**
3 **LAWYER OR AN APPLICANT FOR ADMISSION TO THE BAR.**

4 **(B) CONSIDERATIONS IN DENIAL OF LICENSE OR IMPOSITION OF**
5 **SANCTIONS GENERALLY.**

6 **IN DECIDING WHETHER TO DENY AN APPLICATION FOR A LICENSE OR**
7 **WHETHER TO IMPOSE LICENSE SANCTIONS AGAINST A LICENSEE AND THE**
8 **NATURE OF THE SANCTIONS, A LICENSING AUTHORITY SHALL CONSIDER:**

9 **(1) THE RELATIONSHIP BETWEEN THE DRUG CRIME AND THE**
10 **LICENSE, INCLUDING:**

11 **(I) THE LICENSEE'S ABILITY TO PERFORM THE TASKS**
12 **AUTHORIZED BY THE LICENSE; AND**

13 **(II) WHETHER THE PUBLIC WILL BE PROTECTED IF:**

14 **1. IN THE CASE OF AN APPLICANT, THE LICENSE IS**
15 **ISSUED; OR**

16 **2. IN THE CASE OF A LICENSEE, THE LICENSE IS NOT**
17 **SUSPENDED OR REVOKED;**

18 **(2) THE NATURE AND CIRCUMSTANCES OF THE DRUG CRIME;**

19 **(3) THE DATE OF THE DRUG CRIME, IF AN INDIVIDUAL IS**
20 **APPLYING FOR A LICENSE OR LICENSE RENEWAL; AND**

21 **(4) ANY OTHER RELEVANT INFORMATION.**

22 **(C) ADDITIONAL CONSIDERATIONS IN IMPOSITION OF SANCTIONS.**

23 **IF A LICENSING AUTHORITY DECIDES THAT SANCTIONS AGAINST A**
24 **LICENSEE MAY BE APPROPRIATE, BEFORE IMPOSING SANCTIONS THE**
25 **LICENSING AUTHORITY:**

26 **(1) SHALL CONSIDER THE IMPACT ANY SANCTIONS MAY HAVE ON**
27 **THIRD PERSONS; AND**

1 **(2) TO PROTECT THE RIGHTS OF INNOCENT THIRD PERSONS, MAY**
 2 **TAKE ANY ACTION THAT IS IN THE INTERESTS OF JUSTICE AND THAT IS NOT**
 3 **INCONSISTENT WITH THIS SUBTITLE.**

4 **(D) COMPLETION OF CONTRACTS BY LICENSEE.**

5 **IF A LICENSING AUTHORITY DECIDES TO SUSPEND OR REVOKE A LICENSE,**
 6 **THE LICENSING AUTHORITY MAY GRANT THE LICENSEE A REASONABLE TIME**
 7 **PERIOD TO COMPLETE ANY EXISTING CONTRACTS.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 41, § 1-505.

10 In the introductory language of subsection (b) of this section, the former
 11 reference to the "applicant's" application is deleted as surplusage.

12 Defined terms: "Drug crime" § 10-1401

13 "License" § 10-1401

14 "Licensee" § 10-1401

15 "Licensing authority" § 10-1401

16 **10-1406. COMMERCIAL DRIVERS' LICENSES.**

17 **(A) DISQUALIFICATION OR OTHER ACTION.**

18 **IF AN INDIVIDUAL WHO IS CONVICTED OF A DRUG CRIME COMMITTED ON**
 19 **OR AFTER JANUARY 1, 1991, HOLDS A COMMERCIAL DRIVER'S LICENSE, THE**
 20 **MOTOR VEHICLE ADMINISTRATION MAY DISQUALIFY THE INDIVIDUAL FROM**
 21 **DRIVING A COMMERCIAL MOTOR VEHICLE OR TAKE ANY OTHER ACTION**
 22 **AUTHORIZED UNDER THIS SUBTITLE.**

23 **(B) ISSUANCE OF NONCOMMERCIAL DRIVER'S LICENSE.**

24 **IF THE MOTOR VEHICLE ADMINISTRATION DISQUALIFIES AN INDIVIDUAL**
 25 **FROM DRIVING A COMMERCIAL MOTOR VEHICLE UNDER THIS SUBTITLE, THE**
 26 **MOTOR VEHICLE ADMINISTRATION SHALL ISSUE A NONCOMMERCIAL DRIVER'S**
 27 **LICENSE TO THE INDIVIDUAL IF:**

28 **(1) THE INDIVIDUAL SURRENDERS THE COMMERCIAL DRIVER'S**
 29 **LICENSE; AND**

30 **(2) THE INDIVIDUAL'S DRIVING PRIVILEGE IS NOT OTHERWISE**
 31 **REFUSED, SUSPENDED, REVOKED, OR CANCELED IN THE STATE OR ANY OTHER**
 32 **STATE.**

1 **(C) CONSTRUCTION OF SECTION.**

2 **THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE**
3 **MOTOR VEHICLE ADMINISTRATION TO DISQUALIFY AN INDIVIDUAL FROM**
4 **DRIVING A COMMERCIAL MOTOR VEHICLE OR TAKING ANY OTHER ACTION**
5 **REQUIRED OR AUTHORIZED UNDER THE MARYLAND VEHICLE LAW.**

6 REVISOR'S NOTE: This section formerly was Art. 41, § 1–506.

7 In subsection (a) of this section, the former phrase “[s]ubject to the
8 provisions of this subtitle” is deleted as surplusage.

9 The only other changes are in style.

10 For provisions relating to the authority of the Motor Vehicle
11 Administration to disqualify an individual from driving a commercial
12 motor vehicle, *see* § 16–812(e) of the Transportation Article.

13 Defined term: “Drug crime” § 10–1401

14 **10–1407. REGULATIONS.**

15 **EACH LICENSING AUTHORITY MAY ADOPT REGULATIONS TO CARRY OUT**
16 **THIS SUBTITLE.**

17 REVISOR'S NOTE: This section formerly was Art. 41, § 1–507.

18 The only changes are in style.

19 Defined term: “Licensing authority” § 10–1401

20 **SECTION 3. AND BE IT FURTHER ENACTED,** That it is the intention of the
21 General Assembly that, except as expressly provided in this Act, this Act shall be
22 construed as a nonsubstantive revision, and may not otherwise be construed to render
23 any substantive change in the law of the State.

24 **SECTION 4. AND BE IT FURTHER ENACTED,** That the catchlines, captions,
25 Revisor's Notes, Special Revisor's Notes, and General Revisor's Notes contained in this
26 Act are not law and may not be considered to have been enacted as part of this Act.

27 **SECTION 5. AND BE IT FURTHER ENACTED,** That the publisher of the
28 Annotated Code of Maryland, in consultation with and subject to the approval of the
29 Department of Legislative Services, shall correct, with no further action required by
30 the General Assembly, cross-references and terminology rendered incorrect by this
31 Act or by any other Act of the General Assembly of 2014 that affects provisions

1 enacted by this Act. The publisher shall adequately describe such correction in an
2 editor's note following the section affected.

3 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.