

SENATE BILL 73

M1, D3, E2

(PRE-FILED)

4r0674
CF 4r0783

By: **Senator Colburn**

Requested: October 18, 2013

Introduced and read first time: January 8, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Talbot County – Chesapeake Bay Critical Area – Prosecution or Civil Suit for**
3 **Certain Violations**

4 FOR the purpose of requiring a criminal prosecution or a suit for a civil penalty for a
5 certain offense occurring in the Chesapeake Bay Critical Area in Talbot County
6 to be brought within a certain number of years after the Critical Area
7 Commission for the Chesapeake and Atlantic Coastal Bays or the local
8 authorities in fact knew or reasonably should have known of a certain violation;
9 providing for the application of this Act; and generally relating to prosecutions
10 for certain offenses occurring in Talbot County.

11 BY repealing and reenacting, without amendments,
12 Article – Courts and Judicial Proceedings
13 Section 5–106(a)
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2013 Supplement)

16 BY adding to
17 Article – Courts and Judicial Proceedings
18 Section 5–106(dd)
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2013 Supplement)

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

23 **Article – Courts and Judicial Proceedings**

24 5–106.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as provided by this section and § 1-303 of the Environment
2 Article, a prosecution for a misdemeanor shall be instituted within 1 year after the
3 offense was committed.

4 (DD) (1) THIS SUBSECTION APPLIES IN TALBOT COUNTY TO AN
5 OFFENSE THAT:

6 (I) OCCURS IN THE CHESAPEAKE BAY CRITICAL AREA, AS
7 DEFINED IN § 8-1807 OF THE NATURAL RESOURCES ARTICLE; AND

8 (II) IS A VIOLATION OF A LOCAL LAW THAT RELATES TO
9 ENVIRONMENTAL PROTECTION OR NATURAL RESOURCE CONSERVATION,
10 INCLUDING A LOCAL LAW REGULATING:

- 11 1. GRADING;
- 12 2. SEDIMENT CONTROL;
- 13 3. STORMWATER MANAGEMENT;
- 14 4. ZONING;
- 15 5. CONSTRUCTION; OR
- 16 6. HEALTH AND PUBLIC SAFETY.

17 (2) A CRIMINAL PROSECUTION OR A SUIT FOR A CIVIL PENALTY
18 FOR AN OFFENSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL
19 BE INSTITUTED WITHIN 3 YEARS AFTER THE CRITICAL AREA COMMISSION FOR
20 THE CHESAPEAKE AND ATLANTIC COASTAL BAYS OR THE LOCAL AUTHORITIES
21 IN FACT KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
23 construed to apply only prospectively and may not be applied or interpreted to have
24 any effect on or application to any offense occurring before the effective date of this
25 Act.

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