

HOUSE BILL 1563

M3, E1

6lr3434

By: **Delegate Carter**

Introduced and read first time: February 22, 2016

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Reduction of Lead Risk in Housing – False Reports – Criminal Penalties**

3 FOR the purpose of establishing criminal penalties for an accredited inspector who verifies
4 a certain report required to be submitted to the Department of the Environment that
5 contains a statement that the inspector knows or reasonably should know is false;
6 establishing criminal penalties for an owner of an affected property who submits a
7 certain report of an accredited inspector to the Department that contains a statement
8 that the owner knows or reasonably should know is false; and generally relating to
9 reducing lead risk in housing.

10 BY adding to

11 Article – Environment

12 Section 6–853 and 6–854

13 Annotated Code of Maryland

14 (2013 Replacement Volume and 2015 Supplement)

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

17 **Article – Environment**

18 **6–853.**

19 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN**
20 **ACCREDITED INSPECTOR WHO VERIFIES ANY REPORT REQUIRED TO BE SUBMITTED**
21 **TO THE DEPARTMENT UNDER THIS SUBTITLE THAT CONTAINS A STATEMENT THAT**
22 **THE INSPECTOR KNOWS OR REASONABLY SHOULD KNOW IS FALSE IS GUILTY OF A**
23 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 90 DAYS**
2 **OR A FINE NOT EXCEEDING \$10,000 OR BOTH; AND**

3 **(2) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 180**
4 **DAYS OR A FINE NOT EXCEEDING \$20,000 OR BOTH.**

5 **(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION AFTER**
6 **BEING CONVICTED OF TWO PREVIOUS VIOLATIONS OF SUBSECTION (A) OF THIS**
7 **SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO**
8 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$50,000 OR**
9 **BOTH.**

10 **6-854.**

11 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN OWNER**
12 **OF AFFECTED PROPERTY WHO SUBMITS A REPORT OF AN ACCREDITED INSPECTOR**
13 **TO THE DEPARTMENT UNDER THIS SUBTITLE THAT CONTAINS A STATEMENT THAT**
14 **THE OWNER KNOWS OR REASONABLY SHOULD KNOW IS FALSE IS GUILTY OF A**
15 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

16 **(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 90 DAYS**
17 **OR A FINE NOT EXCEEDING \$10,000 OR BOTH; AND**

18 **(2) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 180**
19 **DAYS OR A FINE NOT EXCEEDING \$20,000 OR BOTH.**

20 **(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION AFTER**
21 **BEING CONVICTED OF TWO PREVIOUS VIOLATIONS OF SUBSECTION (A) OF THIS**
22 **SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO**
23 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$50,000 OR**
24 **BOTH.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2016.