

BY: Senator Ready

AMENDMENTS TO SENATE BILL 1

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– **Law Enforcement Officers**”; in the same line, after “**Coverings**” insert “– **Individuals at a Demonstration and Law Enforcement Officers**”; in line 3, after “of” insert “prohibiting the use of a face covering by an individual at a demonstration;”; in line 9, after “to” insert “the use of face coverings by individuals at a demonstration and”; and after line 9, insert:

“BY repealing and reenacting, without amendments,

Article - Criminal Law

Section 4-208(a)(1), (2), and (6)

Annotated Code of Maryland

(2021 Replacement Volume and 2025 Supplement)

BY adding to

Article - Criminal Law

Section 10-206

Annotated Code of Maryland

(2021 Replacement Volume and 2025 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 21, insert:

“Article – Criminal Law

4-208.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Demonstration” means one or more persons demonstrating, picketing, speechmaking, marching, holding a vigil, or engaging in any other similar conduct that involves the communication or expression of views or grievances and that has the effect, intent, or propensity to attract a crowd or onlookers.

(ii) “Demonstration” does not include the casual use of property by visitors or tourists that does not have the intent or propensity to attract a crowd or onlookers.

(6) (i) “Public place” means a place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose.

(ii) “Public place” is not limited to a place devoted solely to the uses of the public.

(iii) “Public place” includes:

1. the front or immediate area or parking lot of a store, restaurant, tavern, shopping center, or other place of business;

2. a public building, including its grounds and curtilage;

3. a public parking lot;

4. a public street, sidewalk, or right-of-way;

5. a public park; and

6. other public grounds.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DEMONSTRATION” HAS THE MEANING STATED IN § 4-208 OF THIS ARTICLE.

(3) (I) “FACE COVERING” MEANS ANY OPAQUE MASK, GARMENT, HELMET, HEADGEAR, OR OTHER ITEM THAT CONCEALS OR OBSCURES THE FACE OF AN INDIVIDUAL.

(II) “FACE COVERING” INCLUDES A BALACLAVA, SKI MASK, NECK GAITER, OR TACTICAL MASK.

(III) “FACE COVERING” DOES NOT INCLUDE:

1. A TRANSLUCENT FACE SHIELD OR CLEAR MASK THAT DOES NOT CONCEAL THE WEARER’S FACE;

2. A MEDICAL GRADE OR SURGICAL MASK WORN TO PROTECT AGAINST THE TRANSMISSION OF DISEASE OR INFECTION; OR

3. A GARMENT WORN FOR RELIGIOUS PURPOSES.

(4) “PUBLIC PLACE” HAS THE MEANING STATED IN § 4-208 OF THIS ARTICLE.

(B) THIS SECTION DOES NOT APPLY TO A FACE COVERING WORN TO PROTECT AGAINST INCLEMENT WEATHER OR EXPOSURE TO ANY HARMFUL ENVIRONMENTAL CONDITIONS.

(C) AN INDIVIDUAL MAY NOT WEAR A FACE COVERING WHILE AT A DEMONSTRATION AT A PUBLIC PLACE.

(D) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A CIVIL OFFENSE AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,500.

(E) (1) A POLICE OFFICER MAY ISSUE A CITATION TO AN INDIVIDUAL WHO THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE IS COMMITTING OR HAS COMMITTED A VIOLATION OF THIS SECTION.

(2) ADJUDICATION UNDER THIS SECTION:

(I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE; AND

(II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT MAY RESULT FROM A CRIMINAL CONVICTION.

(3) A CITATION ISSUED UNDER THIS SECTION SHALL BE SIGNED BY THE POLICE OFFICER WHO ISSUED THE CITATION AND SHALL CONTAIN:

(I) THE NAME AND ADDRESS OF THE INDIVIDUAL CHARGED;

(II) THE STATUTE ALLEGEDLY VIOLATED;

(III) THE DATE, LOCATION, AND TIME THAT THE VIOLATION OCCURRED;

(IV) THE FINE THAT MAY BE IMPOSED;

(V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS ALLOWED; AND

(VI) A NOTICE THAT STATES THAT THE DISTRICT COURT SHALL PROMPTLY SEND THE PERSON A SUMMONS TO APPEAR FOR TRIAL.

(4) (I) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.

(II) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF A FINE FOR A VIOLATION OF THIS SECTION.

(5) (I) THE LAW ENFORCEMENT AGENCY OF THE POLICE OFFICER WHO ISSUED THE CITATION SHALL FORWARD TO THE DISTRICT COURT HAVING VENUE A COPY OF THE CITATION AND A REQUEST FOR TRIAL.

(II) THE DISTRICT COURT SHALL PROMPTLY SCHEDULE THE CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

(6) IN ANY PROCEEDING FOR A CIVIL OFFENSE UNDER THIS SECTION:

(I) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;

(II) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF CRIMINAL CASES;

(III) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT UNDERSTANDS THOSE CHARGES;

(IV) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR WITNESSES ON BEHALF OF THE DEFENDANT, OR TO TESTIFY ON THE DEFENDANT'S OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;

(V) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND

(VI) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

1. GUILTY OF A CIVIL OFFENSE; OR

2. NOT GUILTY OF A CIVIL OFFENSE.

(7) WHEN A DEFENDANT HAS BEEN FOUND GUILTY OF A CIVIL OFFENSE UNDER THIS SECTION AND A FINE HAS BEEN IMPOSED BY THE COURT,

THE COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE SUSPENDED OR DEFERRED UNDER CONDITIONS THAT THE COURT MAY ESTABLISH.

(8) THE DEFENDANT MAY BE LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT AND FOR PAYMENT TO THE CRIMINAL INJURIES COMPENSATION FUND.

(9) (I) A DEFENDANT WHO HAS BEEN FOUND GUILTY OF A CIVIL OFFENSE UNDER THIS SECTION HAS THE SAME RIGHT TO APPEAL OR TO FILE A MOTION FOR A NEW TRIAL OR A MOTION FOR A REVISION OF A JUDGMENT PROVIDED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(II) A MOTION SHALL BE MADE IN THE SAME MANNER AS PROVIDED IN THE TRIAL OF CRIMINAL CASES, AND THE COURT, IN RULING ON THE MOTION, HAS THE SAME AUTHORITY PROVIDED IN THE TRIAL OF CRIMINAL CASES.

(10) THE STATE'S ATTORNEY FOR A COUNTY MAY PROSECUTE A CIVIL OFFENSE UNDER THIS SECTION IN THE SAME MANNER AS PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

(11) IN A CIVIL OFFENSE CASE UNDER THIS SECTION, THE STATE'S ATTORNEY MAY:

(I) ENTER A NOLLE PROSEQUI IN OR PLACE THE CASE ON THE STET DOCKET; AND

(II) EXERCISE AUTHORITY IN THE SAME MANNER AS PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.”.