DIGEST OF CRIMINAL LAWS

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October 1, 2021

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FOREWORD

The *Digest of Criminal Laws* is intended to provide police officers with a small, convenient version of Maryland law to have available while they are on duty. This book does not contain every Maryland law, although efforts were made to include as many relevant laws as possible. In some instances, the text of laws are reprinted. In other instances, the laws are summarized or simply mentioned. Officers must read the text of any law they intend to cite and obtain competent legal advice if they have questions.

Court decisions also impact police practice. However, due to space limitations, it is impractical to include case summaries in the *Digest*.

Guide to Citations

References to article and section numbers are to the Annotated Code of Maryland unless otherwise indicated.

"USCA" refers to federal laws in the United States Code Annotated.

"Op. A. G. " refers to Opinions of the Attorney General of Maryland. Cases from Maryland appeals courts are cited as_Md._(year), which is the Court of Appeals (highest court), or_Md. App._(year), which is the Court of Special Appeals (second highest court). Cases from both these courts may also be cited in the Atlantic Reporter, such as_A. 2d_(year). Cases are referred by volume, court, page number, and then year. Newly decided cases may be accessible only through a database and will be cited by year and reference number (e. g. 2010 WL12345 – "WL" stands for Westlaw) until they are assigned an "official" citation. Case law has not been reviewed in this publication since 2016. With the exception of citations prior to 2016, the contents of the Digest are based solely on the Annotated Code of Maryland.

Disclaimer and Cautionary Note

The information in the *Digest* is not intended to substitute for the advice of legal counsel and should not be used as the basis for any claim or defense in any civil or criminal case. Due to the dynamic nature of law enforcement and the impact of court decisions and legislative changes, you must review this information in light of current State and federal law and regulations, along with your department's policy and procedure.

The staff of the Police and Correctional Training Commissions welcomes suggestions for ways to improve this material so you can use it effectively. Suggestions concerning content should be directed to:

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I. USEFUL PHONE AND CONTACT INFORMATION

U.S. Department of State – When Detaining or Arresting a Foreign National – Instructions are available through the website www.travel.state.gov/content/travel/en/consularnotification.html. On the bar at the top of the page, click on "U.S. Visa." On the page that appears, click on "Consular Notification and Access" link at the bottom of the page. This website contains step-by-step instructions and has available links to other related information. Further questions may be directed to:

Consular Notification and Access (CAN)
U.S. Department of State
CA/P
SA-17, 12th Floor Washington, DC 20522-1712
Phone: (202) 485-6160
Urgent after-hours inquiries: (202) 647-1512
Website: travel.state.gov/CNA

Environmental Issues –

General Inquiries – For general inquires, phone the Maryland Department of the Environment (MDE) at (410) 537-3000 or (800) 633-6101 and the MDE operator will direct your call.

Environmental Crimes – If you have a question about environmental crimes, phone the Environmental Crimes Unit (410) 537-3333 or (800) 633-6101 ext. 3333. After normal business hours, phone (410) 486-3101 or (800) 525-5555 and the Maryland State Police/ Pikesville Duty Officer will forward your call to the on-call Environmental Crimes Unit attorney/investigator.

Air Pollution – Questions about air pollution, asbestos, dust, odors, open burning, radiation, smoke, etc. should be referred to the MDE/ Air and Radiation Management Administration (410) 537-3215 or (800) 633-6101 ext. 3215. After working hours, phone (866) 633-4686.

Hazardous Waste – Questions about littering/solid waste violations, landfills, recycling, sludge, etc. should be referred to the MDE/Waste Management Administration/Solid Waste Program (410) 537-3315. After normal business hours phone (866) 633-4686.

Medical Waste/Infectious Waste – The MDE/Emergency Response Program responds to phone calls concerning medical waste and infectious waste. Phone: (866) 633-4686 (24 hours a day).

Water Pollution – Questions about water pollution, sediment and erosion control, wastewater treatment plants, discharge of any substance into surface and groundwater that is not a permitted dis- charge should be referred to the Water Management Administration (410) 537-3510 during normal business hours. After normal business hours phone (866) 633-4686.

Office of Chief Medical Examiner – Death Investigations. Upon encountering any dead human body or remains, State law requires that the Office of the Chief Medical Examiner be notified immediately so that representative of the Office may conduct an investigation into the death. Notice to the Office of Chief Medical Examiner may be given 24 hours a day by phoning the Investigation Unit at (410) 333-3271.

Terrorist Activity – When reporting suspected terrorist activity, officers are required to follow all established protocols. The phone numbers below are provided to assist officers in collecting or verifying information.

Maryland Aviation Administration
Airport Police ..... (410) 859-7040
Fire & Rescue ..... (410) 859-7222
FBI Baltimore Office ..... (410) 265-8080
Maryland Emergency Management Agency
(MEMA) ..... (410) 517-3600
Maryland Transportation Authority Police ..... (410) 537-7777
(888) 754-0098
Maryland Homeland Security ..... (410) 974-3901
Martins Airport (Dundalk) ..... (410) 682-8800
Maryland Air National Guard (Martins Airport –
(Dundalk) ..... (410) 918-6210
Federal Emergency Management Agency
(FEMA) ..... (800) 621-3362
Center for Disease Control (CDC) ..... (202) 245-0600

II. GENERAL POLICE POWERS
ARREST – AUTHORITY

Definition: Distinction Between Felony Arrests and Misdemeanor Arrests

The law of arrest in Maryland is in common law and statutory form. The basic distinction in Maryland's law of arrest is that between a felony and a misdemeanor.

Generally, of course, felonies are the "more serious" and misdemeanors are the "less serious" offenses. The courts have tried to evolve a law of arrest, which on the one side would protect society from crime and criminals and on the other side would protect the individual from arbitrary arrest. The solution has been to permit the officer to arrest without a warrant for a felony, but to restrict the right of arrest for a misdemeanor.

It is generally recognized that an arrest is the taking, seizing, or detaining of the person of another (1) by touching or putting hands on him; (2) or by any act that indicates an intention to take him into custody and that subjects him to the actual control and will of the person making the arrest; or (3) by the consent of the person to be arrested. *Bouldin v. State*, 276 Md. 511, 515-516 (1976).

Four elements must coalesce to constitute a legal arrest: (1) an intent to arrest; (2) under a real or pretended authority; (3) accompanied by a seizure or detention of the person; and (4) which is understood by the person arrested.

Authority of Police Officers

(b)(1) Subject to the limitations of paragraph (3) of this subsection, a police officer may make arrests, conduct investigations, and otherwise enforce the laws of the state throughout the state without limitations as to jurisdiction.

(2) This section does not authorize a police officer who acts under the authority granted by this section to enforce the Maryland vehicle law beyond the police officer's sworn jurisdiction, unless the officer is acting under a mutual aid agreement authorized under subsection 2-105 of this subtitle.

(3) A police officer may exercise the powers granted by this section when:

(i)(1) The police officer is participating in a joint investigation with officials from another state, federal, or local law enforcement unit, at least one of which has local jurisdiction;

(2) The police officer is rendering assistance to another police officer;

(3) The police officer is acting at the request of a police officer or state police officer; or

(4) an emergency exists; and

(ii) The police officer is acting in accordance with regulations adopted by the police officer's employing unit to carry out this section.

(4) The powers granted by this section are in addition to the powers granted by subsections 5-801, 5-802, 5-807, 5-808, and 5-901 of the Criminal Law Article and to the powers of fresh pursuit granted by Subtitle 3 of this Title.

(c) A police officer who acts under authority of this section shall notify the following persons of an investigation or enforcement action:

Police Chief, Police Commissioner, Sheriff, Secretary of Natural Resources, State Police Barrack Commander or their designee.

(See statute for actual wording) Criminal Procedure Article § 2-102

Authority of Federal Law Enforcement Officers

A federal law enforcement officer may make an arrest with or without a warrant for violations of the United States Code and carry firearms in the performance of the officer's duties. A federal law enforcement officer may make arrests and execute arrest and search and seizure warrants issued under the laws of the state when the federal law enforcement officer is participating in a joint investigation with state or local officials, rendering assistance to a police officer, acting at the request of a local police officer or state police officer, or an emergency exists. Within areas of the National Park System, a United States Park Police Officer may exercise the authority of a police officer to issue a citation under this section.

(See statute for actual wording)

Criminal Procedure Article § 2-104

Juveniles – Arrest Warrant and Taking Child into Custody

See "Juvenile Offenders" under the Heading "IV. Alphabetical Listing of Laws".

Exemptions from Arrest

Friendly foreign Sovereigns and their attendants, their Ambassadors and other diplomatic agents, public ministers and their attendants, household, and retinue are exempt from arrest, entry of their houses, or subjection to the process of law of the country visited.

A member of the organized militia may not be arrested on any process not issued by a military authority while going to, remaining at, or returning from a place that the member is required to attend for military duty.

Public Safety Article § 13-905

United States Senators and Representatives shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Article I, Section 6, United States Constitution.

Editor's Note: The Supreme Court has ruled on several occasions that the "constitutional freedom from arrest does not exempt Members of Congress from the operation of the ordinary criminal laws, even though imprisonment may prevent or interfere with the performance of their duties as Member".

Gravel v. United States, 92 S.Ct. 2614, 408 US 606, 33 L. Ed. 2d 583 (1972).

Charging by Citation

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

(2)(i) "Citation" means a written charging document that an officer or fire marshal issues to a defendant, alleging the defendant has committed a crime.

(ii) "Citation" does not include an indictment, information, or statement of charges.

(3) "Fire marshal" means:

(i) the State Fire Marshal;

(ii) a deputy State fire marshal; or

(iii) as designated under § 6–304 of the Public Safety Article:

1. an assistant State fire marshal; or

2. a special assistant State fire marshal.

(4) "Police officer" has the meaning stated in § 2–101 of this article.

(b) Within areas of the National Park System, a United States Park Police officer may exercise the authority of a police officer to issue a citation under this section.

(c)(1)(i) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer shall charge by citation for:

1. any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;

2. any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less, except:

A. failure to comply with a peace order under § 3–1508 of the Courts Article;

B. failure to comply with a protective order under § 4–509 of the Family Law Article;

C. violation of a condition of pretrial or posttrial release under § 5–213.1 of this article;

D. possession of an electronic control device after conviction of a drug felony or crime of violence under § 4–109(b) of the Criminal Law Article;

E. violation of an out–of–state domestic violence order under § 4–508.1 of the Family Law Article; or

F. abuse or neglect of an animal under § 10–604 of the Criminal Law Article; or

3. possession of marijuana under § 5–601 of the Criminal Law Article.

(ii) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer may charge by citation for:

1. sale of an alcoholic beverage to an underage drinker or intoxicated person under Alcoholic Beverages Article;

2. malicious destruction of property under § 6–301 of the Criminal Law Article, if the amount of damage to the property is less than $500; or

3. misdemeanor theft under § 7–104(g)(2) of the Criminal Law Article.

(2) A police officer may charge a defendant by citation only if:

(i) the officer is satisfied with the defendant's evidence of identity;

(ii) the officer reasonably believes that the defendant will comply with the citation;

(iii) the officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;

(iv) the defendant is not subject to arrest for another criminal charge arising out of the same incident; and

(v) the defendant complies with all lawful orders by the officer.

(3) A police officer who has grounds to make a warrant less arrest for an offense that may be charged by citation under this subsection may:

(i) issue a citation in lieu of making the arrest; or

(ii) make the arrest and subsequently issue a citation in lieu of continued custody.

(d)(1) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a fire marshal may issue a citation for:

(i) discharging fireworks without a permit under § 10–104 or § 10–110 of the Public Safety Article;

(ii) possessing with intent to discharge or allowing the discharge of fireworks under § 10–104 or § 10–110 of the Public Safety Article; or

(iii) maintaining a fire hazard under § 6–317 of the Public Safety Article.

(2) A fire marshal may issue a citation if the fire marshal is satisfied with the defendant's evidence of identity and reasonably believes that the defendant will comply with the citation.

(e)(1) This section does not apply to a citation that is:

(i) authorized for a violation of a parking ordinance or a regulation adopted by a State unit or political subdivision of the State under Title 26, Subtitle 3 of the Transportation Article;

(ii) authorized by the Department of Natural Resources under § 1–205 of the Natural Resources Article; or

(iii) authorized by Baltimore City under § 16–16A (special enforcement officers) of the Code of Public Local Laws of Baltimore City for violation of a code, ordinance, or public local law of Baltimore City concerning building, housing, health, fire, safety, zoning, or sanitation.

(2) Except as otherwise expressly provided by law, the Chief Judge of the District Court shall prescribe a uniform, statewide form of a citation.

(3) Except for the uniform motor vehicle citation form, the law enforcement agencies of the State, the United States Park Police, and the Office of the State Fire Marshal shall reimburse the District Court for printing the citation forms that law enforcement officers and the State Fire Marshal require.

Criminal Procedure Article § 4-101

WARRANTLESS ARREST

In General

(a) A police officer may arrest without a warrant a person who commits or attempts to commit a felony or misdemeanor in the presence or within the view of the police officer.

(b) A police officer who has probable cause to believe that a felony or misdemeanor is being committed in the presence or within the view of the police officer may arrest without a warrant any person whom the police officer reasonably believes to have committed the crime.

(c) A police officer without a warrant may arrest a person if the police officer has probable cause to believe that a felony has been committed or attempted and the person has committed or attempted to commit the felony whether or not in the presence or within the view of the police officer.

Criminal Procedure Article § 2-202

Warrantless Arrest for Commission of Specified Crimes

(a) A police officer without a warrant may arrest a person if the police officer has probable cause to believe:

(1) that the person has committed a crime listed in subsection (b) of this section; and

(2) that unless the person is arrested immediately, the person:
(i) may not be apprehended;
(ii) may cause physical injury or property damage to another; or
(iii) may tamper with, dispose of, or destroy evidence.
(b) The crimes referred to in subsection (a)(1) of this section are:
(1) manslaughter by vehicle or vessel under § 2–209 of the Criminal Law Article;
(2) malicious burning under § 6–104 or § 6–105 of the Criminal Law Article or an attempt to commit the crime;
(3) malicious mischief under § 6–301 of the Criminal Law Article or an attempt to commit the crime;
(4) a theft crime where the value of the property or services stolen is less than $1,000 under § 7–104 or § 7–105 of the Criminal Law Article or an attempt to commit the crime;
(5) the crime of giving or causing to be given a false alarm of fire under § 9–604 of the Criminal Law Article;
(6) indecent exposure under § 11–107 of the Criminal Law Article;
(7) a crime that relates to controlled dangerous substances under Title 5 of the Criminal Law Article or an attempt to commit the crime;
(8) the wearing, carrying, or transporting of a handgun under § 4–203 or § 4–204 of the Criminal Law Article;
(9) carrying or wearing a concealed weapon under § 4–101 of the Criminal Law Article;
(10) prostitution and related crimes under Title 11, Subtitle 3 of the Criminal Law Article; and
(11) violation of a condition of pretrial or posttrial release under § 5–213.1 of this article.
Criminal Procedure Article § 2-203

Warrantless Arrest - Domestic Abuse

(a) A police officer without a warrant may arrest a person if:
(1) the police officer has probable cause to believe that:
(i) the person battered the person's spouse or another person with whom the person resides:
(ii) there is evidence of physical injury; and
(iii) unless the person is arrested immediately, the person:
1. may not be apprehended;
2. may cause physical injury or property damage to another; or
3. may tamper with, dispose of, or destroy evidence.
(2) A report to the police was made within 48 hours of the alleged incident.
(b) If the police officer has probable cause to believe that mutual battery occurred and arrest is necessary under subsection (a) of this section, the police officer shall consider whether one of the persons acted in self-defense when determining whether to arrest the person whom the police officer believes to be the primary aggressor.
Criminal Procedure Article § 2-204

Warrantless Arrest – Violation of Protective Order

A police officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of a protective order as described in § 4–508.1(c) or § 4–509(b) of the Family Law Article.

(Note: Family Law Article § 4-508.1 and § 4-509 pertain to out-of-state protective orders and interim protective orders, temporary protective orders and final protective orders. See statute for text of these provisions.)

Criminal Procedure Article § 2-204.1

Warrantless Arrest – Stalking

A police officer without a warrant may arrest a person if:

(1) The police officer has probable cause to believe the person has engaged in stalking under section 3-802 of the Criminal Law Article;

(2) There is credible evidence other than the statements of the alleged stalking victim to support the probable cause under item (1) of this section; and

(3) The police officer has reason to believe the alleged stalking victim or another person is in danger of imminent bodily harm or death.

Criminal Procedure Article § 2-205

Warrantless Arrest During State of Emergency

See statute for actual wording.

(a) This section applies during a public crisis, disaster, rioting, catastrophe, or similar public emergency, as these terms are defined in the Public Safety Article, and when public safety is imperiled, or on reasonable apprehension of immediate danger of public safety being imperiled.

(b) During a time described in subsection (a) of this section, the authority to make an arrest without a warrant granted to police officers under this title is granted to a person who:

(1) is serving under a proclamation of a state of emergency issued by the Governor, as provided in the Public Safety Article, as:

(i) a member of a law enforcement unit that is listed in § 2-101 (c) of this title; or

(ii) A member of the militia called into action by the Governor, as provided in the Public Safety Article; or

(2) is serving as a member of the militia ordered into active service by the Governor under the Public Safety Article; or

(3) is a member of the armed forces of the United States under orders to aid civil authorities of the State in enforcing law and order, subject to subsection (c) of this section.

(c) The grant of authority under subsection (b)(3) of this section does not limit or impair any power or duty of a member of the armed forces of the United States or authorize any action incompatible with federal law or regulations.

Criminal Procedure Article § 2-206

Warrantless Arrest for Violations of Transportation Article

(See Listing of Offenses in Transportation Article § 26-206)

WARRANTS FOR ARREST AND CHARGING DOCUMENTS

Warrant of Arrest

The Maryland Constitution prohibits general or vague warrants and warrants that are not supported by a sworn statement.

Md. Const., Decl. of Rts., Art 26.

Definition – a written order by a judicial officer commanding a peace officer to arrest the person named.

Md. Rule 4-101

Issuance – Generally, a warrant will be issued (instead of a summons) to secure an individuals' appearance in court if there is probable cause to believe the individual committed the offense, and is dangerous, or there is a substantial likelihood the individual will not respond to summons.

Md. Rule 4-212(d)

Service and Execution – A sheriff or other peace officer shall serve the warrant by arresting the individual. A copy of the warrant and charging document must be served along with the actual arrest. The peace officer must take the defendant before a judicial officer (without unnecessary delay)(District Court–24 hours; Circuit Court–not later than next court session after arrest), and then promptly make return of service to the court that issued the warrant.

Md. Rule 4-212(e), (g)

Secrecy – Court records pertaining to the charging documents and issuance of warrants are not open to public inspection until either the warrant is served and returned, or 90 days have passed since the warrant was issued.

Md. Rule 4-212(d)

Destruction – The District Court is authorized to establish a system for destroying (among other papers) arrest warrants that are more than 3 years old, delivered to law enforcement for service, but were not served.

Courts and Judicial Proceedings Article § 1-605.

Execution of Arrest Warrant – Defendant Not in Custody

(e) Unless the defendant is in custody, a warrant shall be executed by the arrest of the defendant.

Unless the warrant and charging document are served at the time of the arrest, the officer shall inform the defendant of the nature of the offense charged and of the fact that a warrant has been issued. A copy of the warrant and charging document shall be served on the defendant promptly after the arrest. The defendant shall be taken before a judicial officer of the District Court without unnecessary delay and in no event later than 24 hours after arrest or, if the warrant so specifies, before a judicial officer of the Circuit Court without unnecessary delay and in no event later than the next session of court after the date of arrest. The court shall process the defendant pursuant to Rule 4-216 and may make provision for the appearance or waiver of counsel pursuant to Rule 4-215.

Md. Rule 4-212

The law generally treats the use of force as "privileged" if necessary to carry out the officer's underlying duty to execute a court order. One executing an order of a court is privileged, if such process or order is valid or fair on its face, to use such force against the person of another as is authorized by the order or is reasonably necessary for the execution of the order.

84 *Opinions of the Attorney General* 105 at p. 114 (1999), note 8 (other citations omitted). But the fact that an officer has authority to use force in a particular circumstance does not necessarily imply that the officer has a duty to use force. *C. f., Ashburn v. Anne Arundel County*, 306 Md. 617(1986).

Bench Warrant

A bench warrant is a process issued by a judge from the bench,

that is, by the court itself, for the arrest of a person, either in a case of contempt of court, or after an indictment has been found, or to bring in a witness who has not obeyed the subpoena. It requires all the formalities of other warrants of arrest. It is always issued by a judge at an official sitting.

Hospital Warrant

(e) "Hospital warrant" means the legal document issued by a court that:

(1) Authorizes any law enforcement officer in the state to apprehend an individual who is alleged to have violated an order for conditional release and transport the individual to a facility designated by the department; and

(2)Requires that the issuance of the warrant is entered in the person's criminal history record information of the Criminal Justice Information System.

Criminal Procedure Article § 3-101

(For more detailed information see Criminal Procedure Article.)

Retake Warrant

The warden or designee may issue a retake warrant for the apprehension and return of an escapee.

Any sheriff or police officer authorized to serve criminal process, to whom a warrant for the retaking of an escapee shall be delivered, is authorized and required to execute such warrant in accordance with the directions contained therein. A sheriff or police officer making an arrest under this section shall promptly notify the Division of Correction of the arrest.

(See statute for complete wording)

Correctional Services Article § 3-214

Filing of Charging Document

(a) The original citation shall be filed in District Court promptly after its issuance and service.

(b) Statement of Charges.

(1) *Before Any Arrest*. Except as otherwise provided by statute, a judicial officer may file a statement of charges in the District Court against a defendant who has not been arrested for that offense upon written application containing an affidavit showing probable cause that the defendant committed the offense charged. If not executed by a peace officer, the affidavit shall be made and signed before a judicial officer.

(2) *After Arrest*. When a defendant is arrested without a warrant, the officer who has custody of the defendant shall forthwith cause a statement of charges to be filed against the defendant in the District Court. At the same time or as soon thereafter as is practicable, the officer shall file an affidavit containing facts showing probable cause that the defendant committed the offense charged.

Md. Rule 4-211

EXECUTING AN ARREST

Force in Making Arrest

Any force used must be reasonable under the circumstances. Exactly what is "reasonable" is not capable of precise definition but depends on the facts and circumstances of each particular case, as judged by the perspective of a reasonable officer on the scene.

See *Graham v. Connor*, 490 U.S. 386, 109 S.Ct. 1865 (1989).

Generally, officers should use the least amount of force that is necessary to control an incident, effect an arrest, or to protect themselves or others from harm or death as may be necessary to take the prisoner into custody. If, however, he is resisted he may repel force with force. In making an arrest, officer should always consider the enormity of the crime and the character of resistance and use only such a force as may be necessary to overcome the resistance and make the arrest.

Resisting or Interfering with Arrest

A person may not intentionally resist a lawful arrest or interfere with an individual who the person has reason to know is a police officer who is making or attempting to make a lawful arrest or detention of another person. Violation of this section is a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000.

(See statute for complete language.)

Criminal Law Article § 9-408

Removing a Firearm from a Law Enforcement Officer

(a) In this section, "law enforcement officer" means:

(1) a law enforcement officer who, in an official capacity, is authorized by law to make arrests;

(2) a sheriff, deputy sheriff, or assistant sheriff; or

(3) an employee of the Division of Correction, the Patuxent Institution, the Division of Pretrial Detention and Services, the Division of Parole and Probation, a local correctional facility, or any booking facility.

(b) A person may not knowingly remove or attempt to remove a firearm from the possession of a law enforcement officer if:

(1) the law enforcement officer is lawfully acting within the course and scope of employment; and

(2) the person has knowledge or reason to know that the law enforcement officer is employed as a law enforcement officer.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

Criminal Law Article § 4-103

Duty to Semiconscious or Unconscious Suspects

(1) Before a law enforcement officer may charge with a crime a person who is found by the law enforcement officer in a semiconscious or unconscious condition, the law enforcement officer shall make a diligent effort to determine whether the person suffers from epilepsy, diabetes, a cardiac condition, or another type of illness that causes semi consciousness or unconsciousness; and is carrying the identification bracelet, tag, or card described in subsection (b) of this section.

(2) If the law enforcement officer determines that the person suffers from an illness that causes semi consciousness or unconsciousness, and the person is carrying the bracelet, tag, or card described in subsection

(b) of this section, the law enforcement officer shall:

(i) notify the person's physician immediately; or

(ii) have the person immediately transported to:

1. a physician; or

2. a facility where the services of a physician are available.

(b) A person who suffers from epilepsy, diabetes, a cardiac condition, or other type of illness that causes temporary blackouts,

semiconscious periods, or complete unconsciousness may wear an identification bracelet or metal tag or carry an identification card that is engraved, stamped, or imprinted with the person's name, type of illness, physician's name, and required medication.

(c)(1) A person may not willfully and knowingly falsify identification described in subsection (b) of this section.

(2) A person may not deliberately misrepresent an illness that causes blackouts, semi consciousness, or unconsciousness as described in subsection (b) of this section.

(3)A person who violates this subsection is guilty of misdemeanor and on conviction is subject to a fine not exceeding $500.

Criminal Procedure Article § 2-107

Detention/Arrest of Foreign Nationals – Consular Notification

Depending on the foreign national's country of origin, his or her arrest may trigger a requirement to notify that country's consular officials within a specified period of time. After determining the foreign national's identity and country of origin (which should be located on the individual's passport or travel authorization documents), officers need to ascertain whether the individual is from a "mandatory notification" country, and if so, how to contact the nearest consular official for that country.

Arresting officers are strongly encouraged to immediately contact their supervisor and proceed according to direction from the U.S. Department of State. Due to current dynamics such as the relationship of the U.S. with other countries, applicable treaties, and foreign policy, police agencies are strongly encouraged to obtain consular notification instructions directly from the U.S. Department of State. Contact information for the Department of State is listed under the heading, "Useful Phone and Contact Information" at the front of the *Digest*.

ARREST POWERS AND OTHER AUTHORITY – MISCELLANEOUS OFFICERS

Powers of Correctional Officers, Parole and Probation Officers

Correctional employees monitoring inmates on home detention and parole and probation officers supervising offenders on home detention have the same powers to arrest these individuals as are set forth in this title for police officers. Correctional officers in local correctional facilities designated by the managing official under Section 11-802 of the Correctional Services Article have the same powers to arrest persons on the property of the facility as are set forth in this title for police officers.

(See statute for actual wording)

Criminal Procedure Article § 2-207

Authority of Parole and Probation Agents

(a) There is a Warrant Apprehension Unit in the Division of Parole and Probation.

(b) The Director may authorize parole and probation employees of the Warrant Apprehension Unit to:

(1) execute warrants for the retaking of offenders;

(2) execute warrants for the arrest of probationers for whom a warrant is issued for an alleged violation of probation;

(3) obtain and execute search warrants as authorized under § 6–109 of this subtitle; and

(4) arrest offenders in the program as authorized under § 2–207 of the Criminal Procedure Article.

(c) A parole and probation employee who is authorized to make arrests under this section shall:

(1) meet the minimum qualifications required by the Police Training and Standards Commission; and

(2) complete satisfactorily the training prescribed by the Police Training and Standards Commission.

(d) A parole and probation employee who is authorized to make arrests under this section may also exercise the powers of a peace officer and police officer.

Correctional Services Article § 6-106

Powers of State Fire Marshal and Assistants

(a) Warrantless arrest powers for commission of specified felonies.

(1) The State Fire Marshal or a full-time investigative and inspection assistant of the State Fire Marshal may arrest a person without a warrant if the State Fire Marshal or assistant has probable cause to believe:

(i) A felony that is a crime listed in paragraph (2) of this subsection has been committed or attempted; and

(ii) the person to be arrested has committed or attempted the felony whether or not in the presence or within view of the State Fire Marshal or assistant.

(2) The powers of arrest set forth in paragraph (1) of this subsection apply only to the crimes listed in this paragraph and to attempts, conspiracies, and solicitations to commit these crimes:

(i) Murder under Section 2-201(4) of the Criminal Law Article;

(ii) Setting fire to a dwelling or occupied structure under Section 6-102 of the Criminal Law Article;

(iii) Setting fire to a structure under Section 6-103 of the Criminal Law Article;

(iv) a crime that relates to destructive devices under Section 9-504 of the Criminal Law Article; and

(v) Making a false statement or rumor as to destructive device under Section 9-504 of the Criminal Law Article.

(b)(1) The State Fire Marshal or a full-time investigative and inspection assistant of the State Fire Marshal may arrest a person without a warrant if the State Fire Marshal or assistant has probable cause to believe:

(i) the person has committed a crime listed in paragraph (2) of this subsection; and

(ii) Unless the person is arrested immediately, the person:

1. May not be apprehended;

2. May cause physical injury or property damage to another; or

3. May tamper with, dispose of, or destroy evidence.

(2) The crimes referred to in paragraph (1) of this subsection are:

(i) A crime that relates to a device that is constructed to represent a destructive device under Section 9-505 of the Criminal Law Article;

(ii) Malicious burning in the first or second degree under Sections 6-104 or 6-105 of the Criminal Law Article;

(iii) Burning the contents of a trash container under Section 6-108 of the Criminal Law Article;

(iv) Making a false alarm of fire under Section 9-604 of the Criminal Law Article;

(v) A crime that relates to burning or attempting to burn property as part of a religious or ethnic crime under Sections 10-303 or 10-304 of the Criminal Law Article;

(vi) A crime that relates to interference, obstruction, or false representation of fire and safety personnel under the Public Safety Article Section 6-602;

(vii) Threatening arson or attempting, causing, aiding, counseling, or procuring arson in the first or second degree or malicious burning in the first or second degree under Title 6, Subtitle 1 of the Criminal Law Article.

(c) Other warrantless arrest powers.

(l)The State Fire Marshal or a full-time investigative and inspection assistant of the State Fire Marshal may act under the authority granted by Section 2-102 of this title to police officers as provided under paragraph (2) of this subsection.

(2) When acting under the authority granted by Section 2-102 of this title, The State Fire Marshal or a full-time investigative and inspection assistant in the State Fire Marshal has the powers of arrest set forth in subsections 2-202, 2-203, and 2-204 of this subtitle. (See statute for required notifications.)

Criminal Procedure Article § 2-208

Powers of Security Guards at Nuclear Power Plants

(a) In this section, "security officer" means a proprietary or contractual security officer of a license holder of a nuclear power plant facility in the state.

(b) Subject to subsection(c) of this section, if a nuclear power plant facility is placed under heightened level of security condition by a federal agency pursuant to federal law, the license holder of a nuclear power plant facility in the state may authorize a security officer, without a warrant, to stop and detain any person who the owner or security officer has reasonable grounds to believe has:

(1) entered or trespassed on posted property of the nuclear power plant facility in violation of Section 6-402 of the Article; or

(2) violated any local, state, or federal law, regulation, or order in an area controlled by the license holder of the nuclear power plant facility.

(c) A security officer who detains a person under subsection (b) of this section shall, as soon as practicable:

(1) notify an appropriate law enforcement agency about the alleged crime committed by the person; and

(2) release the person to the detention or custody of a law enforcement officer.

(d) if notice to a law enforcement agency is provided as required under subsection (c) of this section and the law enforcement agency determines not to investigate the alleged crime or declines to take the detained person into detention or custody, the security officer shall release the person as soon as practicable.

Criminal Law Article § 9-706.1

Special Police Officers

Each person appointed under this subtitle as a special police officer is charged with the protection and preservation of peace and good order on the property described in the application for the commission.

The officer has the power to arrest persons who trespass or commit offenses thereon. The officer has, and may exercise, the powers of a police officer upon the property described in the application for the commission and may exercise these powers in any county or city of the State in connection with the care, custody, and protection of other property of the requesting authority or other property, real or personal, for which it has assumed an obligation to maintain or protect. In order to facilitate the orderly ingress and egress of traffic to and from the property described in the application, the officer has authority to direct and control traffic on public highways and roads adjacent to and in the immediate vicinity of the property described in the application when this activity is approved in advance by the Secretary of the Department of State Police; however, only a special police officer with a probationary or permanent appointment as a security officer or a member of any industrial police force who holds a special police commission, and has completed the basic training course for police officers as established by the Police Training and Standards Commission, pursuant to the Public Safety Article may make arrests or issue traffic citations for violations of any of the provisions of the Maryland Vehicle Law or any other State or local traffic laws or regulations. The officer may exercise this power only upon the property of the officer's employer as described in the application for the commission unless the officer is in active pursuit of an individual for the purpose of immediate apprehension. The officer is responsible for any abuse of the officer's powers or the exercise of them on property not within the officer's jurisdiction. The requesting authority for whose convenience and protection the officer has been appointed is also responsible for any wrongful actions committed by the officer in the course of the officer's duties as well as any abuse of the powers granted by the Commission either on or off the premises.

Public Safety Article § 3-301 – 3-316

Railroad Police

(a) Each railroad police officer has all the powers granted to a peace or police officer.

(b) A railroad police officer may exercise the powers granted under this subtitle only if the railroad police officer:

(1) is on real or personal property owned, leased, operated, or controlled by the railroad company that employs the railroad police officer;

(2) is in fresh pursuit of a suspect;

(3) is requested or authorized to act by the executive officer or chief police officer of a county; or

(4) is ordered to act by the Governor.

Public Safety Article § 3-406

Military Department Powers When Ordered Into Service of State

The Governor shall have the power in times of public crisis, disaster, rioting, catastrophe, insurrection, invasion, tumult, breach of peace or upon reasonable apprehension of the imminence to enforce the laws of this State, or to carry on any of the functions of the militia of this State, or any part, or whenever, by the law of the land, martial law maybe declared, to order into the active service of the State all or any part of the militia as he may deem proper or necessary. Whenever the militia is inactive service each and every member so ordered to active State duty shall be vested, in enforcing the laws of this State, with all the authority of peace or police officers for the duration of such

active State duty of such members, and their bailiwick shall extend throughout the State. Active State service or active duty shall not include drill periods or preparations there for or equivalent training, or annual field training of the militia while in its capacity as National Guard of the United States, unless the Governor shall provide specifically to the contrary. Whenever the militia or any part is in the active service of the State, the ranking officer of the militia ordered into active State service, or his subordinates on active State duty, shall cooperate with local law enforcement authorities or, as the exigencies of the case may require, pursuant only to proper order from the Governor, subordinate the local law enforcement authorities, including the State Police, to their direction and control and shall assume all the powers vested in these subordinated law enforcement authorities.

(See statute for actual wording.)

Public Safety Article § 13-701

National Guard – Police Powers of On-Site Technicians

All members of the Maryland National Guard, who are designated by the Adjutant General of Maryland as National Guard full time support personnel pursuant to the provisions of 32 U.S.C. and who are under the control or jurisdiction of the Military Department, State of Maryland, and who are acting in such capacity, are hereby invested, in and for the military area to which assigned, with the same police power, authority and status, with respect to criminal matters and the enforcement of the law relating thereto, as sheriffs, constables, police or peace officers possess and exercise in their respective jurisdictions; and all such persons shall also have all the immunities and matters of defense now available, or such as hereafter may be made available, to sheriffs, constables, police or peace officers, in any suit, criminal or civil, brought against them in consequence of acts done in the course of their employment and duty.

(See statute for actual wording.)

Public Safety Article § 13-402

Authority of Officers of Other States to Arrest in Maryland – Fresh Pursuit

(a) A member of a state, county, or municipal law enforcement unit of another state who enters this State in fresh pursuit and continues within this State in fresh pursuit of a person to arrest the person on the ground that the person is believed to have committed a felony in the other state has the same authority to arrest and hold the person in custody as has a member of a duly organized State, county, or municipal corporation law enforcement unit of this State to arrest and hold a person in custody on the ground that the person is believed to have committed a felony in this State.

(b) This section does not make unlawful an arrest in this State that would otherwise be lawful.

Criminal Procedure Article § 2-305

Humane Society Officers Arrest Powers – Cruelty

(a) Except as provided in subsection (b) of this section, if an officer a humane society sees a person committing a misdemeanor that involves cruelty to an animal, the officer shall arrest and bring before the district court the person committing the misdemeanor.

(b) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control shall enforce this section.

Criminal Law Article § 10-609

FRESH PURSUIT
Definition, Conditions and Authority of Officers

(a) *Scope of section.* This section applies to a law enforcement officer of a jurisdiction in the state who engages in fresh pursuit of a person in the state.

(b) *Elements of fresh pursuit.*

(1) Fresh pursuit is pursuit that is continuous and without unreasonable delay.

(2) Fresh pursuit need not be instant pursuit.

(3) In determining whether the pursuit meets the elements of fresh pursuit, a court shall apply the requirements of the common law definition of fresh pursuit that relates to these elements.

(c) *Conditions for fresh pursuit.* A law enforcement officer may engage in fresh pursuit of a person who:

(1) Has committed or is reasonably believed by the law enforcement officer to have committed a felony in the jurisdiction in which the law enforcement officer has the power of arrest; or

(2) has committed a misdemeanor in the presence of the law enforcement officer in the jurisdiction in which the law enforcement officer has the power of arrest.

(d) *Authority of officer engaged in fresh pursuit.* A law enforcement officer who is engaged in fresh pursuit of a person may:

(1) Arrest the person anywhere in the state and hold the person in custody; and

(2) Return the person to the jurisdiction in which a court has proper venue for the alleged to have been committed by the person.

Criminal Procedure Article § 2-301

Fresh Pursuit Authority of Officers of Other States to Arrest in Maryland

Generally, out-of-State law enforcement officers are authorized to enter Maryland in fresh pursuit of a person that is believed to have committed a felony in the other State. The out-of-State officers have the same authority to arrest and hold that person as a law enforcement officer authorized by Maryland. (See statute for actual wording.)

Criminal Procedure Article § 2-305

Pursuit of Officers Across Maryland/Virginia Water Boundaries

(a)(1) When, in the opinion of the legally constituted authorities of Maryland, there has occurred on the waters of Maryland a violation of this Article, or when, in the opinion of the legally constituted authorities of Virginia, there has occurred on the waters of Virginia a violation of the laws of Virginia enforceable under subsection 28.2 900, code of Virginia, the legally constituted authorities of the State in which the offense was committed may pursue the offender up to and across the Maryland Virginia boundary into the state in which the offender flees.

(2) If a capture is made in continuous pursuit under the authority of paragraph (1) of this subsection, the offender, vessel, and property shall be dealt with as authorized by the laws of the State in which the offense was committed.

(b) This section shall be in effect for so long as the Commonwealth of Virginia has in force similar legislation authorizing legally constituted authorities of Maryland to pursue and make arrests in Virginia for violations of the law of Maryland.

Natural Resources Article § 1-210

ENFORCEMENT OF VEHICLE-RELATED LAWS

Authority to Charge

(a) A police officer may charge a person with a violation of any of the following, if the officer has probable cause to believe that the person has committed or is committing the violation:

(1) The Maryland Vehicle Law, including any rule or regulation adopted under any of its provisions;

(2) A traffic law or ordinance of any local authority;

(3) Title 9, Subtitle 2 of the Tax – General Article (motor carrier tax);

(4) Title 9, Subtitle 3 of the Tax–General Article (motor fuel tax);

(5) Title 10, Subtitle 4 of the Business Regulation Article (petroleum transports);

(6) § 10-323 of the Business Regulation Article (altering fuels); or

(7) § 10-323.2 of the Business Regulation Article (re-dyed diesel).

(b) A police officer who charges a person under this section shall issue a written traffic citation to the person charged. See § 26-201(c) for specifics relating to content of citation.

Transportation Article § 26-201

Note: Designated Employees of Motor Vehicle Administration's Investigative Division may issue citations for certain vehicle-related violations. See Transportation Article § 12-104.1

Arrest – Vehicle Laws

(a) A police officer may arrest without a warrant a person for a violation of the Maryland Vehicle Law, including any rule or regulation adopted under it, or for a violation of any traffic law or ordinance of any local authority of this State, if:

(1) the person has committed or is committing the violation within the view or presence of the officer, and the violation is any of the following:

(i) A violation of § 21–1411 or § 22–409 of this article, relating to vehicles transporting hazardous materials; or

(ii) A violation of § 24–111 or § 24–111.1 of this article, relating to the failure or refusal to submit a vehicle to a weighing or to remove excess weight from it;

(2) the person has committed or is committing the violation within the view or presence of the officer, and either:

(i) the person does not furnish satisfactory evidence of identity; or

(ii) the officer has reasonable grounds to believe that the person will disregard a traffic citation;

(3) The officer has probable cause to believe that the person has committed the violation, and the violation is any of the following offenses:

(i) driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, or in violation of an alcohol restriction;

(ii) driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol or while impaired by any controlled dangerous substance;

(iii) failure to stop, give information, or render reasonable assistance, as required by §§ 20–102 and 20–104 of this article, in the event of an accident resulting in bodily injury to or death of any person;

(iv) driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked;

(v) failure to stop or give information, as required by §§ 20–103 through 20–105 of this article, in the event of an accident resulting in damage to a vehicle or other property;

(vi) any offense that caused or contributed to an accident resulting in bodily injury to or death of any person;

(vii) fleeing or attempting to elude a police officer;

(viii) driving or attempting to drive a vehicle in violation of § 16– 101 of this article;

(ix) a violation of § 14–110(b), (c), (d), or (e) of this article; or

(x) a violation of § 21–1116(a) of this article that results in serious bodily injury to another person;

(4) the person is a nonresident and the officer has probable cause to believe that:

(i) the person has committed the violation; and

(ii) the violation contributed to an accident; or

(5) The officer has probable cause to believe that the person has committed the violation, and, subject to the procedures set forth in § 26–203 of this subtitle, the person is issued a traffic citation and refuses to acknowledge its receipt by signature.

(b) An arrest under this section shall be made in the same manner as, and without more force than, in misdemeanor cases.

(c) A person arrested under this section shall be taken without unnecessary delay before a District Court commissioner, as specified in § 26-401 of this title, unless the arresting officer in his discretion releases the individual upon the individual's written promise to appear for trial.

Transportation Article § 26-202

Police Order for Assistance from a Motor Vehicle Operator

If an officer orders a driver to assist him in enforcing the law or making an arrest, the officer's employer (government unit) is liable for the damages caused by the officer's negligence.

Transportation Article § 19-101

Officers may not direct any driver, owner, or passenger of a vehicle to participate in a roadblock. If this happens, the officer's employer (government unit) is liable for resulting damages, regardless of whether the officer was negligent.

Transportation Article § 19-102

Note: The common law made it a crime for citizens to refuse to assist a police officer. Over the years, that rule changed to disallow commandeering citizens' cars for roadblocks, and to provide for compensation for officers' negligence. Maryland case law does not rule out the possibility of police authority to summons citizens to assist in enforcing the law, but does not provide what the limits of that authority may be.

Keesling v. State, 288 Md. 579, 585-589, and note 2 (1980).

ENTRY OF PREMISES

Warrantless Entry

The 4th Amendment to the U.S. Constitution requires that police entering a dwelling must knock on the door and announce their identity and purpose before attempting forcible entry. The knock-and-announce requirement may give way if circumstances present a threat of physical violence, or if police have reason to believe evidence

would be destroyed if advance notice is given. *Wilson v. Arkansas*, 514 U.S. 927, 115 S.Ct. 1914 (1995).

To justify a no-knock entry, police must have a reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would be dangerous or futile, or it would inhibit the effective investigation of the crime by, for example, allowing destruction of evidence. *Richards v. Wisconsin*, 520 U.S. 385, 117 S.Ct. 1416 (1997).

There is no automatic exception to the knock-and-announce requirement for felony drug investigations. *Richards v. Wisconsin*, 520 U.S. 385, 117 S.Ct. 1416(1997).

Exigent circumstances may justify a warrantless entry. Maryland courts consider the following in deciding if exigent circumstances exist:

1. That a grave offense is involved;
2. That the suspect is reasonably believed to be armed;
3. That there exists more than minimum probable cause based upon reasonably trustworthy information to believe that the suspect committed the crime involved;
4. That there is strong reason to believe that the suspect is in the premises being entered;
5. That there is a likelihood that the suspect will escape if not swiftly apprehended;
6. That reasonableness of police attitude and conduct is demonstrated through circumstances demonstrating a peaceable entry.

Gaynor v. State, 50 Md. App. 600, 603-604 (1982).

Entry with Warrant

Generally, a police officer executing a search warrant must give proper notice of his purpose and authority and be denied admittance before he can use force to break and enter the premises to be searched. Exceptions to this general rule may apply if officers have a reasonable belief they would be in danger if they knocked and announced their presence, exigent circumstances exist, or the warrant specifically authorizes a no-knock entry.

State v. Lee, 374 Md. 275 (2003).

SEARCHES

Consent to Search

A search warrant is not necessary if consent to search the premises is given by an individual who has authority, including apparent authority, over the premises. *State v. Miller*, 144 Md. App. 643 (2002). However, a physically present co-occupant's express refusal to consent to search prevails over another co-occupant's consent. *Georgia v. Rudolph*, 126 S.Ct. 1515 (2002). (This rule does not apply in cases where police enter a home to accompany and protect a domestic violence victim.)

Search warrants

Definition – A written order by a judicial officer commanding a peace officer to search for and seize the property described. Md. Rule 4-101. Generally, a judge may issue a search warrant if there is probable cause to believe a crime is being committed on property, or there is property subject to seizure on a person or on premises, within the judge's jurisdiction.

Application for search warrant–The Annotated Code of Maryland specifies detailed requirements for a search warrant application and the manner of submitting the application to a judge. Required procedures in executing the warrant are also specified. Law enforcement officers need to take great care that these procedures and requirements are followed.

See Criminal Procedure Article § 1-203(a).

Requirements – The Maryland Constitution prohibits general or vague warrants and warrants that are not supported by a sworn statement. Md. Const., Decl. of Rts., Art 26. Specific warrant requirements are set forth in Criminal Procedure Article § 1-203, and Md. Rule 4-601. Generally, search warrants must contain sufficient probable cause to justify searching and seizing, and must be supported by a personal knowledge statement under oath (affidavit) describing the factual basis for probably cause. the person and place to be searched and seized must be described with particularity. The warrant must be served within 15 calendar days after it was issued, after which it expires and is void. The return must be made to the issuing judge, along with the inventory of property seized. Returned warrants are kept sealed, but may be viewed by persons whose property was seized, or per court order.

(A) (1) In this subsection, "No-Knock Search Warrant" means a search warrant that authorizes the executing law enforcement officer to enter a building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purpose.

(2) A circuit court judge or District Court judge may issue forthwith a search warrant whenever it is made to appear to the judge, by application as described in paragraph (3) of this subsection, that there is probable cause to believe that:

(i) a misdemeanor or felony is being committed by a person in a building, apartment, premises, place, or thing within the territorial jurisdiction of the judge; or

(ii) property subject to seizure under the criminal law of the State is on the person or in or on the building, apartment, premises, place, or thing.

(3) (i) An application for a search warrant shall be:

(1) in writing;

(2) signed, dated, and sworn to by the applicant; and

(3) accompanied by an affidavit that:

(a) sets forth the basis for probable cause as described in paragraph (1) of this subsection; and

(b) contains facts within the personal knowledge of the affiant that there is probable cause.

(ii) An application for a search warrant may be submitted to a judge:

(1) by in-person delivery of the application, the affidavit, and a proposed search warrant;

(2) by secure fax, if a complete and printable image of the application, the affidavit, and a proposed search warrant are submitted; or

(3) by secure electronic mail, in a complete and printable image of the application, the affidavit, and a proposed warrant are submitted.

(iii) The applicant and the judge may converse about the search warrant application:

(1) in person;

(2) via telephone; or

(3) via video.

(iv) The judge may issue the search warrant:

(1) by signing the search warrant, indicating the date and time of issuance on the search warrant, and physically delivering the signed and dated search warrant, the application, and the affidavit to the applicant;

(2) by signing the search warrant, writing the date and time of issuance on the search warrant, the application, and the affidavit to the applicant by secure fax; or

(3) by signing the search warrant, either electronically or in writing, indicating the date and time of issuance on the search warrant, and sending complete and printable images of the signed and dated search warrant, the application, and the affidavit to the applicant by secure electronic mail.

(v) The judge shall file a copy of the signed and dated search warrant, the application, and the affidavit with the court.

(vi) (1) If approved in writing by a police supervisor and the State's Attorney, an application for a search warrant may contain a request that the search warrant be a no-knock search warrant, on the ground that there is a reasonable suspicion to believe that, without the authorization the life or safety of the executing officer or another person may be endangered.

2. An application for a no-knock search warrant under this subparagraph[h shall contain:

a. a description of the evidence in support of the application;

b. an explanation of the investigative activities that have been undertaken and the information that has been gathered to support the request for a no-knock search warrant;

c. an explanation of why the affiant is unable to detain the suspect or search the premises using other, less invasive methods;

d. acknowledgement that any police officers who will execute the search warrant have successfully completed the same training in breach and call-out entry procedures as SWAT team members;

e. a statement as to whether the search warrant can effectively be executed during daylight hours and, if not, what facts or circumstances preclude effective execution in daylight hours; and

f. a list of any additional occupants of the premises by age and gender, as well as an indication as to whether any individuals with cognitive or physical disabilities or pets reside at the premises, if known.

3. A no-knock search warrant shall be executed between 8:00 a.m. and 7:00 p.m., absent exigent circumstances.

(4) The search warrant shall:

(i) be directed to a duly constituted police officer, the State Fire Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire Marshal to search the suspected person, building, apartment, premises, place, or thing and to seize any property found subject to seizure under the criminal laws of the State;

(ii) name or describe with reasonable particularity:

1. the person, building, apartment, premises, place, or thing to be searched;

2. the grounds for the search; and

3. the name of the applicant on whose application the search warrant was issued; and

(iii) if warranted by application as described in paragraph (3) of this subsection, authorize the executing law enforcement officer to enter the building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purposes.

(5) (i) The search and seizure under the authority of a search warrant shall be made within 10 calendar days after the day that the search warrant is issued.

(ii) After expiration of the 10-day period, the search warrant is void.

(6) The executing law enforcement officer shall give a copy of the search warrant, the application, and the affidavit to an authorized occupant of the premises searched or eave a copy of the search warrant, the application, and the affidavit at the premises searched.

(7) (i) The executing law enforcement officer shall prepare a detailed search warrant return which shall include the date and time of the execution of the search warrant.

(ii) The executing law enforcement officer shall:

1. give a copy of the search warrant to an authorized occupant of the premises searched or leave a copy of the return at the premises searched; and

2. file a copy of the search warrant return with the court in person, by secure fax, or by secure electronic mail.

(8) (i) In tis paragraph, "exigent circumstances" retains its judicially determined meaning.

(ii) While executing a search warrant, a police officer shall be clearly recognizable and identifiable as a police officer, wearing a uniform, badge, and tag bearing the name and identification number of the police officer.

(iii) 1. This subparagraph applies to a police officer whose law enforcement agency requires the use of body-worn cameras.

2. A police officer executing a search warrant shall use a body-worn camera during the course of the search in accordance with the policies established by the police officer's law enforcement agency.

(iv) Unless executing a no-knock search warrant, a police officer shall allow a minimum of 20 seconds for the occupants of a residence to respond and open the door before the police officer attempts to enter the residence, absent exigent circumstances.

(v) A police officer may not use flashbang, stun, distraction, or other similar military-style devices when executing a search warrant, absent exigent circumstances.

Criminal Procedure Article § 1-203

Administrative Search Warrants – Fire Premises

(f) The State Fire Marshal or the designee of the State Fire Marshal, a full time fire investigator who is a member of a fire department, or a police officer may apply to a judge of the District Court or a Circuit Court for an Administrative Search warrant to enter a vehicle, building, or premises where a fire has occurred to conduct a search to determine the cause and origin of the fire.

Public Safety Article §6-315

Public Schools Student Search

For the purpose of permitting a principal, assistant principal, or school security guard of a public school to make a reasonable search of a student on the school premises if he has a reasonable belief that the student has certain items in the student's possession.

(a) A principal, assistant principal or school security guard of a public school may make a reasonable search of a student on the school premises or on school sponsored trip the searcher has a reasonable belief that the student has in the student's possession an item, the possession of which is a criminal offense under the laws of this State.

(b)(1) Subject to the provisions of paragraph (2) of this subsection, a county board may authorize a teacher of a public school to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in the students possession an item, the possession of which is a criminal offense under the laws of this state or a violation of any other state law or a rule or regulation of the county board.

(2) To qualify to conduct a search under this subsection, a teacher shall be designated in writing by a principal and receive training to conduct a search commensurate with the training received by a principal.

(c) A search under subsection(a) or (b) of this section shall be made in the presence of a third party.

(d)(1) A principal, assistant principal, or school security guard of a public school may make a search of the physical plant of the school and its appurtenances including the lockers of students.

(2) The right of the school officials to search the locker shall be announced or published previously in the school.

(e) The Department shall adopt rules and regulations relating to the searches permitted under this section.

Education Article § 7-308

Limited Search, Seizure, and Arrest – Person Carrying/ Transporting Firearm

(a) Limited search.

(1) A law enforcement officer may make an inquiry and conduct a limited search of a person under paragraph (2) of this subsection if the officer, in light of the officer's observations, information, and experience, reasonably believes that:

(i) the person may be wearing, carrying, or transporting a handgun in violation of § 4-203 of this subtitle;

(ii) because the person possesses a handgun, the person is or presently may be dangerous to the officer or to others;

(iii) under the circumstances, it is impracticable to obtain a search warrant; and

(iv) to protect the officer or others, swift measures are necessary to discover whether the person is wearing, carrying, or transporting a handgun.

(2) If the circumstances specified under paragraph (1) of this subsection exist, a law enforcement officer:

(i) may approach the person and announce the officer's status as a law enforcement officer;

(ii) may request the name and address of the person;

(iii) if the person is in a vehicle, may request the person's license to operate the vehicle and the registration of the vehicle;

(iv) may ask any question and request any explanation that may be reasonably calculated to determine whether the person is unlawfully wearing, carrying, or transporting a handgun in violation of § 4-203 of this subtitle; and

(v) if the person does not offer an explanation that dispels the officer's reasonable beliefs described in paragraph (1) of this subsection,

may conduct a search of the person limited to a patting or frisking of the person's clothing in search of a handgun.

(3) A law enforcement officer acting under this subsection shall take into account all circumstances of the occasion, including the age, appearance, physical condition, manner, and gender of the person approached.

(b) Seizure of handgun and arrest.

(1) If the officer discovers that the person is wearing, carrying, or transporting a handgun, the officer may demand evidence from the person of the person's authority to wear, carry, or transport the handgun in accordance with § 4-203(b) of this Article.

(2) If the person does not produce the evidence specified in paragraph (1) of this subsection, the officer may seize the handgun and arrest the person.

(c) Written report.

(1) A law enforcement officer who conducts a search or seizure in accordance with this section shall file a written report with the law enforcement officer's employer unit within 24 hours after the search or seizure.

(2) The report shall be on a form that the secretary of public safety and correctional services prescribes, shall include the name of the person searched, and shall describe the circumstances surrounding and the reasons for the search or seizure.

(3) A copy of the report shall be sent to the secretary of the state police.

(d) On request of a law enforcement officer, the attorney general shall defend the officer in a civil action, including any appeal, in which the officer issued for conducting a search or seizure under this section that is alleged to be unreasonable and unlawful.

(e) Construction of section.

(1) This section may not be construed to limit the right of a law enforcement officer to conduct any other type of search or seizure or make an arrest that is otherwise authorized by law.

(2) The provisions of this section are in addition to and not limited by the provisions of Title 2 of the Criminal Procedure Article.

Criminal Law Article § 4-206

EVIDENCE

Generally

Maryland Rules of Evidence. (See Md. Rules 5-101 through 5-1008 for full text of Rules).

Complete, accurate, truthful, convincing evidence, and plenty of it, is what secures convictions.

In a criminal action, no person can be compelled to testify against himself. A defendant is presumed to be innocent of a crime charged unless the contrary can be proven. The court before which charges are brought makes its decision from evidence that is presented during the trial of facts. Every police officer should keep in mind when gathering evidence its admissibility during the trial, and of its tendency to establish or refute guilt.

It must be:

- Relevant - Tends to establish the fact at issue.
- Material - Affects fact or issue in case significantly.
- Competent - Matters pertaining to the issue through medium of persons qualified to testify.

Evidence is "any species of proof, or probative matter, legally presented at the trial of an issue by the act of the parties and through the medium of witnesses, records, documents, concrete objects, etc., for the purpose of inducing belief in the minds of the court or jury as to their contention".

There are three major classifications of evidence: Direct, circumstantial and physical. *Black's Law Dictionary*.

Direct evidence is testimony about a relevant fact by a witness describing what he saw or knows of his own knowledge.

Circumstantial evidence is indirect evidence; that from which something may be inferred.

Physical evidence requires no explanation, merely identification of photographs, X-rays, knife, bullet, etc.

Besides the three major classifications, frequently in court actions the word "evidence" is compounded or used with a descriptive term, some of which are as follows:

Accomplice's Evidence–Not deemed sufficient unless corroborated by another witness, not an accomplice.

Competent Evidence – Pertaining to the facts at issue.

Incompetent Evidence – It is not permitted to be presented in relation to the particular matter at issue, due to the lack of originality or of some defect in the witness, document or of the evidence itself.

Conclusive Evidence–That which is so strong and convincing as to overbear all proof to the contrary beyond any reasonable doubt.

Corroborative Evidence – Strengthening or confirming, also additional evidence of a different character in support of the same point.

Cumulative Evidence – More evidence proving a point already established.

Documentary Evidence – Supplied by writing and documents by which ideas are represented on material substances relative to the fact at issue.

Expert Evidence – Given in relation to scientific, professional or technical matter by experts qualified to speak with authority by reason of their special training, skill or familiarity with subject at issue.

Opinion Evidence – A conclusion of what the witness thinks, believes, or infers in regard to the fact at issue.

Testimonial Evidence – Sworn statement.

Prima Facie Evidence – Good and sufficient on its face; and if not rebutted or contradicted, will remain sufficient.

Irrelevant Evidence – Opposite of relevant.

Legally Sufficient Evidence – The amount of proof which would satisfy an unprejudiced mind beyond a reasonable doubt.

Hearsay Evidence – An out of court statement which is offered at trial, by someone who heard it, to establish the truth of the matter asserted in the statement. What the witness heard another person say. Generally inadmissible but can be admissible if certain exceptions apply, such as prior statements, excited utterances, dying declarations, statement against interest, etc.

Former Testimony – Testimony given as a witness in any proceeding, or in a deposition taken in compliance with law, if the party against whom the testimony is now offered had an opportunity and motive to develop that testimony, and of the declarant is now unavailable as a witness.

Character Evidence refers to the defendant's reputation as spoken

of or discussed in the community in which he lives, not among a few business associates.

Dying Declarations – A statement made by a declarant while believing his death was imminent, concerning the cause or circumstances of what the declarant believed to be his impending death, is admissible if the declarant is now unavailable as a witness. The courts have held that it is reasonable to assume that an individual who knows he is going to die is more likely to tell the truth than if he is in perfect health and under oath.

For an individual's statement to (later) be admissible as a dying declaration, his statement must show that he believes he is going to die as a result of the injury. The following is a sample of the questions that may be asked to establish a statement as a dying declaration:

- What is your name?
- Where do you live?
- Have you any hopes of recovery from the effects of the injury you have sustained?
- Are you willing to make a true statement as to how you were injured?

If the victim is about to die, and does not believe it, a doctor should be requested to tell him so. If he still refuses to admit his belief in near death, the statement cannot be admitted as evidence. It should be taken anyhow.

When possible, the victim of the crime and the person accused should confront each other. Important admissions or identifications are often obtained this way.

Confessions and Statements – A confession is an acknowledgment in express words by the accused in a criminal case of the guilt of the crime accused of or of some essential part of it. For a confession or statement to be used as evidence in court the following guidelines must be followed:

When a suspect is taken into custody or otherwise deprived of his freedom he must be "warned" that:

(1) he has the absolute right to remain silent,

(2) he must be informed that anything he says can be used against him in a court of law,

(3) he must be informed that he has the right to have an attorney present, and if he cannot afford an attorney, one will be appointed for him prior to any questioning, if he so desires,

(4) if the individual indicates in any manner, at any time prior to or during questioning that he wishes to remain silent, the interrogation must cease. If he requests an attorney, interrogation must cease until an attorney is present and at that time he must be given an opportunity to confer privately with counsel and to have him present during subsequent questioning. If authorities conclude that they will not provide counsel for a reasonable period of time during which investigations in the field are carried out, they may do so without violating his privilege against self -incrimination, so long as they do not question him during that period.

Routine processing without questioning (fingerprinting, photographing) does not violate his privilege against self-incrimination. Reasonable grounds must exist for this processing and it may be by reasonable force where necessary. After these warnings have been given, and an opportunity to exercise these rights afforded, the individual may knowingly and intelligently waive these rights and agree

to answer questions or make a statement. Failure to ask for a lawyer does not, in itself, constitute a waiver, and until such warnings and waiver are proven by the prosecution at the trial, no evidence obtained as a result of interrogation can be introduced. Any evidence that the accused was threatened, tricked, or cajoled into a waiver will show that the individual did not voluntarily waive his privilege and statements or evidence resulting from this will be suppressed.

Voluntary Confession – Preceding guidelines do not require police to stop a person who enters a police station and states that he wishes to confess to a crime, or a person who calls the police to offer a confession or any other statement he desires to make.

Judicial Notice – A court may take judicial notice of facts that are either generally known within the jurisdiction or capable of accurate and ready determination by referring to sources whose accuracy cannot reasonably be questioned: the explosive nature of gasoline; the sun rises in the east; name of the President, etc.

Evidence - DNA

(c) In any criminal proceeding, the evidence of a DNA profile is admissible to prove or disprove the identity of any person.

Courts and Judicial Proceedings Article § 10-915

Statements of Witnesses

Statements should be written out and submitted for any correction the witness may wish to make, and for the witness's signature. Each page of the statement should be signed by the witness and officers. The witness's signature will be taken before other witnesses, who will certify as to the correctness of the signature. When the statement is not in the handwriting of the person making it, the following phrase, or one substantially like it, should be added: "I have read the above statement consisting of pages, and I wish to state that the facts and matters therein contained are true and correct". The same procedure should be adopted when securing statements from witnesses other than the defendant who may be used in the case. Remember it is better to have too many than too few witnesses. For the want of a witness statement, many a case or conviction was lost. The original notes must be preserved for future use in court because members of the department will appear in court and will be held responsible for the production of all evidence or property.

EVIDENCE OBTAINED BY ELECTRONIC MEANS

Wiretaps

Interception of Communications generally:

For definitions see Courts and Judicial Proceedings Article § 10-401. For purposes for which wiretap may be obtained, see Courts and Judicial Proceedings Article § 10-402

Breaking and Entering to place or remove Wiretapping/ Surveillance Equipment

Any person who breaks and enters, enters under false pretenses, or trespasses, upon any premises with the intent to place, adjust or remove wiretapping or electronic surveillance or eavesdropping equipment without a court order is guilty of a felony and upon conviction may be imprisoned for not more than ten years.

Courts and Judicial Proceedings Article § 10-412

Manufacture, Possession, or Sale of Intercepting Device

(a) Except as otherwise specifically provided in this subtitle; and person who manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, knowing or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications, is guilty of felony and is subject to imprisonment for not more five years or a fine of not more than $10,000, or both.

(b)It is lawful under this section for:

(1) A provider of wire or electronic communication service or an officer, agent, or employee of, or a person under contract with, a service provider, in the normal course of the business of providing that wire or electronic communication service to manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications.

(2) A person under contract with the United States, a state, a political subdivision of a state, or the District of Columbia, in the normal course of the activities of the United, States, a state, a political subdivision thereof, or the District of Columbia, to manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications.

(3) An officer, agent, or employee of the United States in the normal course of his lawful activities to manufacture, assemble, possess or sell any electronic, mechanical, or other device knowing or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications. However, any sale made under the authority of this paragraph may only be for the purpose of disposing of obsolete or surplus devices.

(4) An officer, agent, or employee of a law enforcement agency of this State or a political subdivision of this State in the normal course of his lawful activities to manufacture, assemble, possess or sell any electronic, mechanical, or other device knowing or having reason to know that the design of the devise renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications, provided, however, that the particular officer, agent, or employee is specifically authorized by the chief administrator of the employer law enforcement agency to manufacture, assemble or possess the device for a particular law enforcement purpose and the device is registered in accordance with Section 10-411 of this subtitle. However, any sale made under the authority of this paragraph may only be for the purpose of disposing of obsolete or surplus devices.

Courts and Judicial Proceedings Article § 10-403

Lawful Disclosure or Use of Contents of Communication

(a) Any investigative or law enforcement officer who, by means authorized by this subtitle, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose the contents to another investigative or law enforcement officer of any state, or any political subdivision of a state, the United States, or any territory, protectorate, or possession of the United States, including

the District of Columbia, to the extent that the disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

(b) Any investigative or law enforcement officer who, by any means authorized by this subtitle, has obtained knowledge of the contents of any wire or oral communication or evidence derived therefrom or an investigative or law enforcement officer of any state or any political subdivision of a state, the United States or any territory, protectorate, or possession of the United States, including the District of Columbia who obtains such knowledge by lawful disclosure may use the contents to the extent that the use is appropriate to the proper performance of his official duties.

(c)(1) Any person who has received, by any means authorized by this subtitle, any information concerning a wire, oral, or electronic communication, or evidence derived therefrom intercepted in accordance with the provisions of this subtitle, may disclose the contents of the communication or the derivative evidence while giving testimony under oath or affirmation in any proceeding held under the authority of any state or any political subdivision of a state, the United States or any territory, protectorate, or possession of the United States including the District of Columbia.

(2) Any person who has received any information concerning a wire, oral, or electronic communication intercepted in any state or any political subdivision of a state, the United States or any territory, protect orate, or possession of the United States including the District of Columbia in accordance with the law of that jurisdiction, but that would be in violation of this subtitle if the interception was made in this state, or evidence derived from the communication, may disclose the contents of that communication or the derivative evidence while giving testimony under oath or affirmation in any proceeding held under the authority of this state if:

(i) At least one of the parties to the communication was outside the state during the communication;

(ii) The interception was not made as part of or in furtherance of an investigation conducted by or on behalf of law enforcement officials of this state; and

(iii) All parties to the communication were co-conspirators in a crime of violence as defined in Section 14-101 of the Criminal Law Article.

(d) An otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this subtitle, does not lose its privileged character.

(e) When an investigative or law enforcement officer, while engaged in intercepting wire or oral communications in the manner authorized herein, intercepts wire or oral communications relating to offenses other than those specified in the order of authorization, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in subsections (a) and (b) of this section. The contents and any evidence derived therefrom may be used under subsection (c) of this section when authorized or approved by a judge of competent jurisdiction where the judge finds on subsequent application that the contents were otherwise intercepted, in accordance with the provisions of this subtitle. The application shall be made as soon as practicable.

(f) Any law enforcement officer of the United States, who has lawfully received any information concerning a wire or oral communication or evidence lawfully derived therefrom, which would

have been lawful for a law enforcement officer of this State pursuant to Section 10-402(c)(2) of this subtitle to receive, may disclose the contents of that communication or the derivative evidence while giving testimony under oath or affirmation in any held under the authority of this State.

Court and Judicial Proceedings Article § 10-407

Law Enforcement – Access to Location Information from an Electronic Device

See under heading "ELECTRONIC COMMUNICATIONS AND TRANSMISSIONS"

EXTRADITION – UNIFORM ACT

It is the duty of the Governor of this State to have arrested and deliver up to the executive authority of any other state any person charged in that state with treason, felony or other crime who has fled from justice and is found in this State.

Criminal Procedure Article § 9-102

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III. CRIMINAL RESPONSIBILITY

CONSPIRACY

Conspiracy is a plan or understanding between two or more persons to commit an unlawful act. The crime is complete when the agreement is entered into.

Quaglione v. State, 15 Md. App. 571 (1972)

The punishment cannot exceed the maximum punishment allowable for the crime that was conspired to commit.

Criminal Law Article § 1-202

ACCESSORY

Before the fact

For purposes of criminal charges, there is no difference between an accessory before the fact and a principal. An accessory before the fact may be charged, tried, convicted, and sentenced for a crime regardless of whether the principal in the crime has been convicted or even charged with that crime.

Criminal Procedure Article § 4-204

After the fact

To be charged as accessory after the fact, the accessory must take some action to assist the felon avoid the consequences of his crime and must not be guilty of the underlying felony as a principal.

State v. Hawkins, 326 Md. 270 (1992) (emphasis added).

Note: Maryland law does not seem to authorize charging accessory after the fact to a misdemeanor, and instead takes the approach that all involved in misdemeanor are chargeable as principals.

Sine v. State, 40 Md. App. 628 (1978), *cert. denied*, 284 Md. 748 (1978).

(a) Unless otherwise provided by law and except as provided in subsection (b) of this section, a person who is convicted of being an accessory after the fact to a felony is guilty of a felony and on conviction is subject to the lesser of:

(1) imprisonment not exceeding 5 years; or

(2) a penalty not exceeding the maximum penalty provided by law for committing the underlying felony.

(b)(1) A person who is convicted of being an accessory after the fact to murder in the first degree is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years.

(2) A person who is convicted of being an accessory after the fact to murder in the second degree is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years.

Criminal Law Article § 1-301

PROOF OF INTENT - FRAUD, THEFT, AND RELATED CRIMES

In a trial for counterfeiting, issuing, disposing of, passing, altering, stealing, embezzling, or destroying any kind of instrument, or theft by the obtaining of property by false pretenses, it is sufficient to prove that the defendant did the act charged with an intent to defraud without proving an intent by the defendant to defraud a particular person.

Criminal Law Article § 1-401

INFANCY

The infancy defense is another way of saying the law presumes young children are unable to form criminal intent, and for that reason cannot be subjected to criminal prosecution. Under Maryland common law, the infancy defense is a complete defense to the criminal prosecution of children under 7 years, because they are conclusively presumed incapable of criminal intent. Children between 7 and 13 years are presumed incapable of criminal intent, but the strength of that presumption decreases as a child approaches 13. A child between 7 and 13 may be subject to criminal prosecution or delinquency proceedings, but the State must introduce evidence to show the child actually was capable of forming criminal intent, despite his young age.

Devon T., 85 Md. App. 674 (1991); *In re. William A.,* 313 Md. 690 (1988).

IV. ALPHABETICAL LISTING OF CRIMINAL LAWS

A

ABANDONED PROPERTY

Disposition
See Commercial Law Article § 17-101 to 17-326.

Abandoned Refrigerator
(a) A person may not place or allow to be placed outside of a building or dwelling an abandoned or discarded refrigerator, icebox, or freezer cabinet that:
(1) is in a place accessible to children;
(2) is uncrated; and
(3) has a door or a lock that cannot be released for opening from the inside.
(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $100 or both.
Criminal Law Article § 10-109

ABDUCTION

Conflict as to Lawful Custodian
(a) This section applies if there is a conflict between a custody order of a court of this State and a custody order of another state.
(b) Except as provided in subsection (c) of this section, a custody order of a court of this State prevails over a custody order of a court of another state.
(c) A custody order of a court of another state prevails over a custody order of this State if the court in the other state passed its custody order:
(1) after the custody order was passed by a court of this State; and
(2) in proceedings in which the lawful custodian under the custody order of a court of this State:
(i) consented to the custody order passed by the court of the other state; or
(ii) participated personally as a party.
Family Law Article § 9-303

Relative of Child Under 16 - Prohibited Acts in this State
If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not:
(1) abduct, take, or carry away the child from the lawful custodian to a place within this State;
(2) having acquired lawful possession of the child, detain the child within this State for more than 48 hours after the lawful custodian demands that the child be returned;
(3) harbor or hide the child within this State, knowing that possession of the child was obtained by another relative in violation of this subsection; or
(4) act as an accessory to an act prohibited by this section.
Family Law Article § 9-304

Same - Outside of this State

(a) If a child is under the age 16 years, a relative who knows that another person is the lawful custodian of the child may not:

(1) abduct, take or carry away from the lawful custody to a place in another state;

(2) having acquired lawful possession of the child, detain the child in another State for more than 48 hours after the lawful custodian demands that the child be returned;

(3) harbor or hide the child in another state knowing that possession of this child was obtained by another relative in violation of this section; or

(4) act as an accessory to an act prohibited by this section.

(b) If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not:

(1) abduct, take, or carry away the child from the lawful custodian to a place that is outside of the United States or a territory of the United States or the District of Columbia or the commonwealth of Puerto Rico;

(2) having acquired lawful possession of the child, detain the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the commonwealth of Puerto Rico for more than 48 hours after the lawful custodian demands that the child be returned;

(3) harbor or hide the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the commonwealth of Puerto Rico knowing that possession of the child was obtained by another relative in violation of this section; or

(4) act as an accessory to an act prohibited by this section.

Family Law Article § 9-305

ABUSE OR NEGLECT OF VULNERABLE ADULTS

First Degree

(a)(1) Definitions. – In this section and §§ 3-605 and 3-606 of this subtitle the following words have the meanings indicated.

(2)(i) "Abuse" " means the sustaining of physical pain or injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the vulnerable adult's health or welfare is harmed or threatened.

(ii) "Abuse" includes the sexual abuse of a vulnerable adult.

(iii) "Abuse" does not include an accepted medical or behavioral procedure ordered by a health care provider authorized to practice under the Health Occupations Article or § 13-516 of the Education Article acting within the scope of the health care provider's practice.

(3) "Caregiver" means a person under a duty to care for a vulnerable adult because of a contractual undertaking to provide care.

(4) "Family member" means a relative of a vulnerable adult by blood, marriage, adoption, or the marriage of a child.

(5) "Household" means the location:

(i) in which the vulnerable adult resides;

(ii) where the abuse or neglect of a vulnerable adult is alleged to have taken place; or

(iii) where the person suspected of abusing or neglecting a vulnerable adult resides.

(6) "Household member" means an individual who lives with or is a regular presence in a home of a vulnerable adult at the time of the alleged abuse or neglect.

(7)(i) "Neglect" means the intentional failure to provide necessary assistance and resources for the physical needs of a vulnerable adult, including:

1. food;
2. clothing;
3. toileting;
4. essential medical treatment;
5. shelter; or
6. supervision.

(ii) "Neglect" does not include the provision of nonmedical remedial care and treatment for the healing of injury or disease that is:

1. given with the consent of the vulnerable adult; and
2. recognized by State law in place of medical treatment.

(8) "Serious physical injury" means physical injury that:

(i) creates a substantial risk of death; or

(ii) causes permanent or protracted serious:

1. disfigurement;
2. loss of the function of any bodily member or organ; or
3. impairment of the function of any bodily member or organ.

(9)(i) "Sexual abuse" means an act that involves sexual molestation or exploitation of a vulnerable adult.

(ii) "Sexual abuse" includes:

1. incest;
2. rape;
3. sexual offense in any degree; and
4. unnatural or perverted sexual practices.

(10) "Vulnerable adult" means an adult who lacks the physical or mental capacity to provide for the adult's daily needs.

(b)(1) Prohibited. – A caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult that:

(i) results in the death of the vulnerable adult;

(ii) causes serious physical injury to the vulnerable adult; or

(iii) involves sexual abuse of the vulnerable adult.

(2) A household member or family member may not cause abuse or neglect of a vulnerable adult that:

(i) results in the death of the vulnerable adult;

(ii) causes serious physical injury to the vulnerable adult; or

(iii) involves sexual abuse of the vulnerable adult.

(c) Penalty and (d) Sentencing – See Statute for Text.

Criminal Law Article § 3-604

Second Degree

(For Definitions, see Criminal Law Article § 3-604(a))

(a) Scope of section. – This section does not apply to abuse that involves sexual abuse of a vulnerable adult.

(b)(1) Prohibited. – A caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult.

(2) A household member or family member may not cause abuse or neglect of a vulnerable adult.

(c) Penalty and (d) Sentencing – See Statute for Text

Criminal Law Article § 3-605

Investigation

A report of present or past abuse or neglect of a vulnerable adult is to be investigated in accordance with particular statutes. See Criminal Law Article § 3-606 for the citation to the statutes in conformity with which the investigations are to be conducted.

ADVERTISING

False and Fraudulent Advertising

(a) For the purpose of purchasing, selling, or disposing of property or a service, a person may not advertise a statement containing a representation of fact that the person knows, or by the exercise of reasonable care should know, to be untrue, deceptive, or misleading.

(b) A person may not offer for sale repossessed, reconditioned, rebuilt, or secondhand property, knowing the property to be repossessed, reconditioned, rebuilt, or secondhand, unless:

(1) the property is identified clearly as repossessed, reconditioned, rebuilt, or secondhand; or

(2) the circumstances of the sale make it clear to a reasonable purchaser that the property is repossessed, reconditioned, rebuilt, or secondhand.

(c) A person may not knowingly advertise for sale property or a service that the person does not possess or control for the purpose of inducing or increasing the sale of other property or service that the person possesses or controls.

(d)(1) A person who issues, sells, or offers to sell a passenger ticket to board a vessel may not omit reference to the country of registry of the vessel in any advertisement or any other similar Printed-paper or notice, written or oral, regarding:

(i) the voyage or the ticket that entitles or purports to entitle its owner, purchaser, or holder to the voyage;

(ii) the vessel for which the voyage is sold or offered;

(iii) the line that the vessel is part of; or

(iv) if applicable, that the person is an agent for the line or vessel.

(2) Reference in a printed advertisement to the country of registry of the vessel shall be no less prominently displayed than the balance of the material appearing in the advertisement.

(e) A person may not advertise for sale property subject to a ground rent at a stated price or on terms stating the amount of any installment payments without also stating the amount of the annual ground rent for the property.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

Commercial Law Article § 14-2902

Bait and Switch

(a) A person may not advertise for sale merchandise, commodities, or service through an advertisement describing the merchandise, commodities, or service:

(1) as part of a plan or scheme with the intent not to sell the

merchandise, commodity, or service at the advertised price; or

(2) with the intent not to sell the merchandise, commodity, or service.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

Commercial Law Article § 14-2903

False and Misleading Information through Electronic Mail

(b) A person may not initiate the transmission, conspire with another person to initiate the transmission, or assist in the transmission of commercial electronic mail that:

(1) is from a computer in the State or sent to an electronic mail address that the sender knows or should have known is held by a resident of the State; and

(2)(i) uses a third party's Internet domain name or electronic mail address without the permission of the third party;

(ii) contains false or misleading information about the origin or the transmission path of the commercial electronic mail; or

(iii) contains false or misleading information in the subject line that has the capacity, tendency, or the effect of deceiving the recipient.

Commercial Law Article § 14-3002

AIRCRAFT

Low Altitude Flights

Flight in aircraft over the lands and waters of this State is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water is put by the owner, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the lands or waters of another, without his consent, is unlawful except in the case of a forced landing.

Transportation Article § 5-1001

Aircraft – Reckless Operation

It shall be unlawful for any person to operate an aircraft in the air or on the ground or water, while under the influence of intoxicating liquor, narcotics, or other habit forming drug, or to operate an aircraft in the air or on the ground or water, in a careless or reckless manner so as to endanger the life or property of another. In any proceeding charging careless or reckless operation of aircraft in violation of this section, the court determining whether the operation was careless or reckless shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

Transportation Article § 5-1006

Aircraft -Towing Advertisement

(a) A person may not operate an aircraft towing an advertisement for promotional purposes in violation of applicable federal aviation regulations that relate to altitude or horizontal radius over any public or private sporting arena in Baltimore City.

(b)Any person who violates any provisions of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,500.

Transportation Article § 5-1007

Firearms or Explosives Aboard Aircraft

(a) Except as specifically authorized by State or federal law, a person may not be aboard, board, or attempt to board any aircraft engaged in certificated air commerce services with any firearm or explosive on or about his person, whether openly or concealed.

(b) Penalty-Felony-subject to imprisonment not exceeding 10 years.

Transportation Article § 5-1008

Pointing Laser at Aircraft

(a) In this section, "laser pointer" has the meaning stated in § 3–806 of this subtitle.

(b) This section does not apply to the use of a laser pointer:

(1) by an individual conducting research and development or flight testing for an aircraft manufacturer or the Federal Aviation Administration;

(2) by a member of the United States Department of Defense or the United States Department of Homeland Security acting in an official capacity during an activity related to research and development, flight testing, or training;

(3) by a law enforcement officer, as defined in § 3–101 of the Public Safety Article, acting in an official capacity;

(4) by an individual attempting to make the individual's location known; or

(5)by an individual attempting to give a warning signal.

(c) A person may not knowingly and willfully shine, point, or focus the beam of a laser pointer on an individual operating an aircraft.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,500 or both.

Criminal Law Article § 3-807

ALCOHOLIC BEVERAGE LAWS

Possession, Storage, Transportation, etc. – Generally

(a)(1) No alcoholic beverages shall be bought, possessed, stored, imported, transported, kept or suffered to be bought, possessed, stored, imported, transported or kept in any vehicle, vessel or air craft or on any premises or under his charge or control by any person except:

(i) by a consumer or,

(ii) by a licensee as provided in this Article or,

(iii) by a person under 21 years of age who may have in his possession or transport alcoholic beverages for any lawful purpose with the knowledge and consent of his parent or guardian or incident to the lawful employment of the person as provided for in this Article. However, this exception shall not be construed to permit a person under the age of 21 to buy or consume alcoholic beverages, nor to possess, store, import, transport or keep alcoholic beverages for his own use, nor to buy, possess, store, import, transport or keep alcoholic beverages for any purpose in any county or Baltimore City where otherwise prohibited by this Article or any other law of this State.

See Alcoholic Beverages Article § 1-401 for exact text.

Removal of Partially Consumed Bottle of Wine from Licensed Premises

(a) Notwithstanding any other provision of this article, a person who purchases at a licensed premises a meal and a bottle of wine, the contents of which are partially consumed with the meal, may remove the bottle and its contents from the licensed premises if the license holder or employee of the license holder inserts a cork in or places a cap on the bottle.

(b) A bottle of wine that is removed from the licensed premises under subsection (a) of this section is an "open container" for purposes of § 10-125 of the Criminal Law Article.

Alcoholic Beverages Article

Sales to Minors and Intoxicated Persons Prohibited

(a)(1) A licensee under the provisions of this Article, or any of his employees, may not sell or furnish any alcoholic beverages at any time to a person under 21 years of age.

Alcoholic Beverages Article

Note: A licensee may accept as proof of age the person's State driver's license or ID card, or a U.S. Military identification card.

Misrepresentation of Age

An individual may not knowingly and willfully make a misrepresentation or false statement as to the age of that individual or another to any person licensed to sell alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic beverage to an individual.

Criminal Law Article § 10-113

False Documentation

An individual under the age of 21 years may not possess a card or document that falsely identifies the age of the individual under circumstances that reasonably indicate an intention to violate the provisions of this part.

Criminal Law Article § 10-115

Failure to Provide Proof of Age

(a) A person being issued a citation under §§ 10-113 through 10-119 of this subtitle or § 26-103 of the Education Article (intoxicating beverages on school premise) may not fail or refuse to furnish proof of identification and age on request of the person issuing the citation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

Criminal Law Article § 10-120

Obtaining for Underage Consumption

An individual may not obtain, or attempt to obtain by purchase or otherwise, an alcoholic beverage from any person licensed to sell alcoholic beverages for consumption by another who the individual obtaining or attempting to obtain the beverage knows is under the age of 21 years.

Criminal Law Article § 10-116 – See § 10-121 for Penalties

Furnishing for or Allowing Underage Consumption; Exceptions to Prohibition

(a) Except as provided in subsection (c) of this section, a person may not furnish an alcoholic beverage to an individual if:

(l) the person furnishing the alcoholic beverage knows that the individual is under the age of 21 years; and

(2)the alcoholic beverage is furnished for the purpose of consumption by the individual under the age of 21 years.

(b) Except as provided in subsection (c) of this section, an adult may not knowingly and willfully allow an individual under the age of 21 years actually to possess or consume an alcoholic beverage at a residence, or within the curtilage of a residence that the adult owns or leases and in which the adult resides.

(c)(1) The prohibition set forth in subsection (a) of this section does not apply if the person furnishing the alcoholic beverage and the individual to whom the alcoholic beverage is furnished:

(i) are members of the same immediate family, and the alcoholic beverage is furnished and consumed in a private residence or within the curtilage of the residence; or

(ii) are participants in a religious ceremony.

(2) The prohibition set forth in subsection (b) of this section does not apply if the adult allowing the possession or consumption of the alcoholic beverage and the individual under the age of 21 years who possesses or consumes the alcoholic beverage:

(i) are members of the same immediate family, and the alcoholic beverage is possessed and consumed in a private residence, or within the curtilage of the residence, of the adult; or

(ii) are participants in a religious ceremony.

(d) A person may not violate subsection (a) or (b) of this section if the violation involves an individual under the age of 21 years who:

(1) the person knew or reasonably should have known would operate a motor vehicle after consuming the alcoholic beverage; and

(2) as a result of operating a motor vehicle while under the influence of alcohol or while impaired by alcohol, causes serious physical injury or death to the individual or another.

Criminal Law Article § 10-117 – See § 10-121 for Penalties

Penalties for Violation of § 10-116 (Obtaining for Underage Consumption) and § 10-117 (Furnishing for or Allowing Underage Consumption)

(a) This section does not apply to a person who:

(1) was acting in the capacity of a licensee, or an employee of a licensee, under Alcoholic Beverages Article; and

(2) has committed a violation of and is subject to the penalties under Alcoholic Beverages Article.

(b) An adult who violates § 10–116 or § 10–117 of this subtitle is guilty of a misdemeanor and on conviction is subject to:

(1) a fine not exceeding $2,500 for a first offense; or

(2) a fine not exceeding $5,000 for a second or subsequent offense.

Criminal Law Article § 10-121

Underage Possession; Exceptions to Prohibition

(a)Except as provided in subsection (b)(1) of this section, and subject to subsection (b)(2) of this section, an individual under the age of 21 years may not:

(l) possess or have under the individual's charge or control an alcoholic beverage unless the individual is a bona fide employee of the license holder as defined in Alcoholic Beverages Article and the alcoholic beverage is in the possession or under the charge or control of the individual in the course of the individual's employment and during regular working hours; or

(2)consume an alcoholic beverage.

(b)(1) The prohibitions set forth in subsection (a)(1) and (2) of this section do not apply if:

(i) 1. an adult furnishes the alcoholic beverage to the individual or allows the individual to possess or consume the alcoholic beverage;

2. the individual possessing or consuming the alcoholic beverage and the adult who furnished the alcoholic beverage to the individual or allowed the individual to possess or consume the alcoholic beverage are members of the same immediate family; and

3. the alcoholic beverage is furnished and consumed in a private residence of the adult or within the curtilage of the residence; or

(ii) the individual consumes the alcoholic beverage as a participant in a religious ceremony.

(2) An individual may not be stopped on suspicion of a violation of subsection (a)(2) of this section or charged with a violation of subsection (a)(2) of this section unless the individual is observed in possession of an alcoholic beverage.

Criminal Law Article § 10-114

Unregistered Keg

(a) Except for a person licensed as an alcoholic beverages licensee under Alcoholic Beverages Article who possesses a keg in the course of that person's business, a person may not knowingly:

(1) possess a keg that has not been registered under or does not have a registration form affixed to it as required by Alcoholic Beverages Article; or

(2) remove, alter, or obliterate, or allow to be removed, altered, or obliterated, a registration form that is affixed to a keg.

(b) A person may not allow an individual under the age of 21 years to consume any of the contents of a keg purchased by that person.

Criminal Law Article § 10-118

Citation and Penalties for Alcoholic Beverage Violations

(a)(1) A person who violates §§ 10–113 through 10–115 or § 10– 118 of this part shall be issued a citation under this section.

(2) A minor who violates § 10–116 or § 10–117(a) of this part shall be issued a citation under this section.

(b)(1) A citation for a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part may be issued by:

(i) a police officer authorized to make arrests;

(ii) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) or (b) of the Natural Resources Article; and

(iii) subject to paragraphs (2) and (3) of this subsection, in Anne Arundel County, Frederick County, Harford County, Kent County, Montgomery County, Prince George's County and Talbot County, and only in the inspector's jurisdiction, an alcoholic beverages inspector who investigates license violations under Alcoholic Beverages Article.

(2) In Anne Arundel County, Frederick County, Harford County, Kent

County, Montgomery County, Prince George's County, and Talbot County the inspector shall successfully complete an appropriate program of training in the proper use of arrest authority and pertinent police procedures as required by the Board of License Commissioners.

(3) In Anne Arundel County, Harford County, Kent County, Montgomery County, Prince George's County, and Talbot County the inspector may not carry a firearm in the performance of the inspector's duties.

(c) A person authorized under this section to issue a citation shall issue it if the person has probable cause to believe that the person charged is committing or has committed a Code violation.

(d)(1) Subject to paragraph (2) of this subsection, the form of citation issued to an adult shall be as prescribed by the District Court and shall be uniform throughout the State.

(2) The citation issued to an adult shall contain:

(i) the name and address of the person charged;

(ii) the statute allegedly violated;

(iii) the location, date, and time that the violation occurred;

(iv) the fine that may be imposed;

(v) a notice stating that prepayment of the fine is not allowed;

(vi) a notice that the District Court shall promptly send the person charged a summons to appear for trial;

(vii) the signature of the person issuing the citation; and

(viii) a space for the person charged to sign the citation.

(3) The form of citation issued to a minor shall:

(i) be prescribed by the State Court Administrator;

(ii) be uniform throughout the State; and

(iii) contain the information listed in § 3–8A–33(b) of the Courts Article.

(e) – (m) SEE STATUTE FOR TEXT

Criminal Law Article § 10-119

AWOL (Alcohol Without Liquid) Machine

(a) In this section, "AWOL machine" means an Alcohol Without Liquid device, a Vaportini, or any similar device that mixes an alcoholic product with pure oxygen or other gas to produce a vaporized product that can be inhaled.

(b) A person may not:

(1) Use an AWOL machine to inhale alcohol vapor or otherwise introduce alcohol in any form into the human body; or

(2) With the intent to introduce alcohol into the human body, possess, purchase, transfer, or offer for sale or use an AWOL machine

(c)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

(2) Each violation of this section is a separate offense.

Alcoholic Beverages Article § 6-323

Alcoholic Beverages - Powdered

(a) A person may not sell of offer for sale alcoholic beverages that are sold in powder or crystalline form for direct use or use in combination with water or any other substance.

(b)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

(2) each violation of this section is a separate offense

Alcoholic Beverages Article § 6-326

Alcoholic Beverages Interstate Shipment

(a)(1) A person in the business of selling or distributing alcoholic beverages in or from another state may not ship, cause to be shipped, or deliver alcoholic beverages directly to a recipient in this state if the seller, distributor, shipper, transporter, or recipient does not hold the requisite license or permit under this Article.

(2) The prohibition under paragraph (1) of this subsection includes alcoholic beverages that are ordered or purchased through a computer network.

(b) A person who violates this section is guilty of a felony and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 2 years or both.

Alcoholic Beverages Article § 6-327

ANIMALS

Crimes Relating to Animals – Cruelty

Definitions.

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

(b) "Animal" means a living creature except a human being.

(c)(1) "Cruelty" means the unnecessary or unjustifiable physical pain or suffering caused or allowed by an act, omission, or neglect.

(2) "Cruelty" includes torture and torment.

(d) "Humane society" means a society or association incorporated in Maryland for the prevention of cruelty to animals.

Criminal Law Article § 10-601

Abuse or Neglect of Animal

(a) A person may not:

(1) overdrive or overload an animal;

(2) deprive an animal of necessary sustenance;

(3) inflict unnecessary suffering or pain on an animal;

(4) cause, procure, or authorize an act prohibited under item (1), (2), or (3) of this subsection; or

(5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with:

(i) nutritious food in sufficient quantity;

(ii) necessary veterinary care;

(iii) proper drink;

(iv) proper air;

(v) proper space;

(vi) proper shelter; or

(vii) proper protection from the weather.

(b)(1) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both.

(2) as a condition of sentencing, the court may order a defendant convicted of violating this section to:

(i) participate in and pay for psychological counseling; and

(ii) pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant.

(3) as a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.

Criminal Law Article § 10-604

Aggravated Cruelty to Animals

(a)(1) In this section, "sexual contact with an animal" means any act:

(i) involving:

(1) a person touching the sex organs or anus of an animal;

(2) contact between:

(a) the sex organ or anus of a person and the mouth, sex organ, or anus of an animal; or

(b) the sex organ or anus of an animal, and the mouth, sex organ, or anus of a person; or

(3) insertion of:

(a) any part of the body of a person into the opening of the vagina or anus of an animal;

(b) any part of an animal's body into the opening of the vagina or anus of a person; or

(c) any object into the opening of the vagina or anus of an animal; and

(ii) committed for the purpose of sexual arousal, sexual gratification, abuse, or financial gain.

(2) "Sexual contact with an animal" does not include:

(i) an accepted veterinary practice;

(ii) artificial insemination of an animal for reproductive purposes;

(iii) expected animal husbandry practices, including:

(1) grooming;

(2) bathing;

(3) breeding;

(4) assisting with birthing process; or

(5) any other activity that provides care for an animal; or

(iv) generally accepted practices relating to the judging of breed confirmation.

(b) A person may not:

(1) intentionally:

i. mutilate an animal;

ii. torture an animal;

iii. cruelly beat an animal;

iv. cruelly kill an animal; or

v. engage in sexual contact with an animal.

(2) cause, procure, or authorize an act prohibited under item (1) of this subsection; or

(3) except in the case of self–defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

(c)(1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to participate in and pay for psychological counseling; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

Criminal Law Article § 10-606

Cockfight

(a) *Definitions. - (see statute)*

(b) A person may not:

(1) use or allow the use of a fowl, cock, or other bird to fight with another animal;

(2) possess, with the intent to unlawfully use, an implement of cockfighting;

(3) arrange or conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird;

(4) possess, own, sell, transport, or train a fowl, cock, or other bird with the intent to use the fowl, cock, or other bird in a cockfight; or

(5) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird.

(c)(1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to:

(1) participate in and pay for psychological counseling; and

(2) pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

Criminal Law Article § 10-608

Cruelty to Animals – Implement of Dogfighting

(a)(1) in this section, "implement of dogfighting" means an implement, an object, a device, or a drug intended or designed:

(i) to enhance the fighting ability of a dog; or

(ii) for use in a deliberately conducted event that uses a dog to fight with another dog.

(2) "Implement of dogfighting" includes:

(i) a breaking stick designed for insertion behind the molars of a dog to break the dog's grip on another animal or object;

(ii) a cat mill that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit, or other small animal beyond the grasp of the dog;

(iii) a springpole that has a biting surface attached to a stretchable device, suspended at a height sufficient to prevent an animal from reaching the biting surface while touching the ground;

(iv) a fighting pit or other confined area designed to contain a dogfight;

(v) a breeding stand or rape stand used to immobilize female dogs for breeding purposes; and

(vi) any other instrument or device that is commonly used in the training for, in the preparation for, in the conditioning for, in the breeding for, in the conducting of, or otherwise in furtherance of a dogfight.

(b) a person may not possess, with the intent to unlawfully use, an implement of dogfighting.

(c)(1) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $5,000 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

(3) Each implement of dogfighting possessed in violation of this section is a separate offense.

Criminal Law Article § 10-607.1

Deer – Killed by Person Operating a Motor Vehicle

(f) Any person who, while operating a motor vehicle on any highway in the State, accidentally strikes and kills a deer on the highway may have the deer if the person produces visible evidence of collision with the deer to any Natural Resources police officer, State law enforcement officer, or other designated representative of the Secretary. The provisions of this subsection shall be applicable to deer killed by collision with a motor vehicle at any time whether during the open season for killing deer or during the legally closed season.

Natural Resources Article § 10-415

Dogfight – Arranging, Conducting, etc.

(a) In this section, "baiting" means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog.

(b) A person may not:

(1) use or allow a dog to be used in a dogfight or for baiting;

(2) arrange or conduct a dogfight;

(3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight or for baiting; or

(4) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a dogfight or for baiting.

(c)(1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to:

(1) participate in and pay for psychological counseling; and

(2) pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

Criminal Law Article § 10-607

Dogfight – Attending

(a) A person may not knowingly attend a deliberately conducted dogfight as a spectator.

(b) A person may not knowingly attend as a spectator a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(c)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

(3) Each implement of dogfighting possessed in violation of this section is a separate offense.

Criminal Law Article § 10-605

Dog – Poisoning

(a)A person may not willfully and maliciously give poison or ground glass to a dog, or expose poison or ground glass, with the intent that a dog ingests it.

(b)A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 for each violation.

Criminal Law Article § 10-618

Dog – Dangerous

(d) A dog owner may not:

(1) leave a dangerous dog unattended on the owner's real property unless the dog is:

(i) confined indoors;

(ii) in a securely enclosed and locked pen; or

(iii) in another structure designed to restrain the dog; or

(2) allow a dangerous dog to leave the owner's real property unless the dog is leashed and muzzled, or is otherwise securely restrained and muzzled.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500.

(See statute for complete language) Criminal Law Article § 10-619

Animal as Prize

(b) Without the approval of the Secretary of Agriculture, a person may not give away a live animal as:

(1) a prize for, or inducement to enter, a contest, game, or other competition;

(2) an inducement to enter a place of amusement; or

(3) an incentive to make a business agreement if the offer is to attract trade.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

Criminal Law Article § 10-610

Abandoning Domestic Animal

(a) A person who owns, possesses, or has custody of a domestic animal may not drop or leave the animal on a road, in a public place, or on private property with the intent to abandon the animal.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

Criminal Law Article § 10-612

Interference with Equines

(a) In this section, "equine" includes horses, donkeys, mules, and ponies.

(b) This section does not apply to the owner of the equine or a person acting on behalf of or at the direction of the owner of the equine.

(c) A person may not:

(1) willfully and maliciously interfere with, injure, destroy, or tamper with an equine used for:

(i) racing or breeding;

(ii) a competitive exhibition of skill, breed, or stamina; or
(iii) any other lawful activity;
(2) willfully start, instigate, engage in, or further an act that interferes with, injures, destroys, or tampers with an equine used for:
(i) racing or breeding;
(ii) a competitive exhibition of skill, breed, or stamina; or
(iii) any other lawful activity;
(3) commit an act that tends to interfere with, injure, destroy, or tamper with an equine used for:
(i) racing or breeding;
(ii) a competitive exhibition of skill, breed, or stamina; or
(iii) any other lawful activity;
(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.
Criminal Law Article § 3-201

Harm to Service Animals
(a) In this section, "service animal" has the meaning stated in § 7-701 of the Human Services Article.
(b) A person may not willfully and maliciously:
(1) kill a service animal or allow an animal that the person owns or over which the person has immediate control to kill a service animal;
(2) injure a service animal or allow an animal that the person owns or over which the person has immediate control to injure a service animal; or
(3) interfere with the use of a service animal or allow an animal that the person owns or over which the person has immediate control to interfere with the use of a service animal.
(c) (1) A person who violates subsection (b) (1) or (2) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $2,500 or both.
(2) A person who violates subsection (b) (3) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year of a fine not exceeding $1,000 or both.
Refer to Criminal Law Article § 10 – 626 for additional information

Livestock – Unlawfully Opening Enclosure
Opening Enclosure of Another.
(a) A person may not willfully and maliciously open the gate of another's field, pasture, or enclosure that encloses livestock.
(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.
Agriculture Article § 3-701

Wild Animals
(b)(1) A person may not import into the State, offer for sale, trade, barter, possess, breed, or exchange a live:
(i) fox, skunk, raccoon, or bear;
(ii) caiman, alligator, or crocodile;
(iii) member of the cat family other than the domestic cat;
(iv) hybrid of a member of the cat family and a domestic cat if the

hybrid weighs over 30 pounds;

(v) member of the dog family other than the domestic dog;

(vi) hybrid of a member of the dog family and a domestic dog;

(vii) nonhuman primate, including a lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or

(viii) poisonous snake in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae.

(2)(i) This paragraph does not apply to an entity described in subsection (a)(1)(i), (iii), (iv), (v), (vi), (vii), or (viii) of this section.

(ii) Except as provided in subparagraph (iii) of this paragraph, the holder of a Class C Exhibitor's License under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., may not possess a nonhuman primate, bear, lion, tiger, leopard, clouded leopard, snow leopard, jaguar, cheetah, or cougar or a hybrid of one of these animals that was not owned by the holder of the license on June 30, 2014.

(iii) The holder of a Class C Exhibitor's License under the Animal Welfare Act, 7 U.S.C. § 2131 et seq. may acquire or breed a nonhuman primate, bear, lion, tiger, leopard, clouded leopard, snow leopard, jaguar, cheetah, or cougar or a hybrid of one of these animals if the holder:

1. maintains a liability insurance policy of at least $1,000,000;
2. has a paid full–time director;
3. has at least one paid full–time staff member trained in the care of each species that the holder keeps;
4. has an animal disposition policy that provides for the placement of animals in appropriate facilities if the holder's facility closes; and
5. maintains and implements a training plan regarding zoonotic disease risk and prevention.

(c)(1)A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(i) if an individual, a fine not exceeding $1,000; or

(ii) if not an individual, a fine not exceeding $10,000.

(2) The provisions of this section may be enforced by:

(i) any State or local law enforcement officer; or

(ii) the local animal control authority for the jurisdiction where the violation occurs.

Criminal Law Article § 10-621 - For exceptions to the prohibitions under this statute, see the complete text of the statute. For provisions concerning seizure of such animals, see § 10-621(d)(1).

ARSON AND BURNING

Statutory Definitions

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

(b)(1) "Dwelling" means a structure any part of which has been adapted for overnight accommodation of an individual, regardless of whether an individual is actually present.

(2) "Dwelling" includes a kitchen, shop, barn, stable, or outbuilding that is a parcel to, belongs to, or adjoins the dwelling.

(c) "Maliciously" means acting with intent to harm a person or property.

(d)(1) "Structure" means a building or other construction, a vehicle, or watercraft.

(2) "Structure" includes a:

(i) barn, stable, pier, wharf, and any facility attached to a pier or wharf;

(ii) tent, public building, or public bridge; and
(iii) railroad car.
(e) "Willfully" means acting intentionally, knowingly, and purposely.
Criminal Law Article § 6-101

Arson in the First Degree
(a) A person may not willfully and maliciously set fire to or burn:
(1) a dwelling; or
(2) a structure in or on which an individual who is not a participant is present.
(b) A person who violates this section is guilty of the felony of arson in the first degree and on conviction is subject to imprisonment not exceeding 30 years or a fine not exceeding $50,000 or both.
(c) It is not a defense to a prosecution under this section that the person owns the property.
Criminal Law Article § 6-102

Arson in the Second Degree
(a) A person may not willfully and maliciously set fire to or burn a structure that belongs to the person or to another.
(b) A person who violates this section is guilty of the felony of arson in the second degree and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $30,000 or both.
(c) It is not a defense to a prosecution under this section that the person owns the property.
Criminal Law Article § 6-103

Separate Units in a Structure – Separate Violations
If a structure is divided into separately owned or leased units, each unit is a separate structure for purposes of prosecution under this subtitle.
Criminal Law Article § 6-110

Malicious Burning of Personal Property in the First Degree
(a) This section applies to a violation involving property damage of $1,000 or more.
(b) A person may not willfully and maliciously set fire to or burn the personal property of another.
(c) A person who violates this section is guilty of the felony of malicious burning in the first degree and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.
Criminal Law Article § 6-104

Malicious Burning of Personal Property in the Second Degree
(a) This section applies to a violation involving property damage of less than $1,000.
(b) A person may not willfully and maliciously set fire to or burn the personal property of another.
(c) A person who violates this section is guilty of the misdemeanor of malicious burning in the second degree and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.
Criminal Law Article § 6-105

Attempt to Burn Structure or Property

Placing or distributing a flammable, explosive, or combustible material or device in or near a structure or personal property in preparation for burning the structure or property is an attempt to burn the structure or property.

Criminal Law Article § 6-109

Burning with Intent to Defraud

(a) A person may not set fire to or burn property of any kind with the intent to defraud another.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 6-106

Threats – Burning or Explosive

(a) A person may not threaten verbally or in writing to:

(1) set fire to or burn a structure; or

(2) explode a destructive device, as defined in § 4-501 of this Article, in, on, or under a structure.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

Criminal Law Article § 6-107

Fire in Open Air

(a) Any individual or corporation that willfully, maliciously, or with intent, sets on fire, or causes to be set on fire, any woods, brush, grass, or stubble, on land not his own, is guilty of a misdemeanor and upon conviction is subject to a fine not less than $25 nor exceeding $2,000, or imprisonment for not less than 30 days not exceeding five years, or both with costs imposed in the discretion of the court.

(b) An individual or corporation may not carelessly or negligently set on fire, or cause to be set on fire any woods, brush, grass, grain, or stubble resulting in damage to the property of another. Setting a fire contrary to the provisions of this subsection or allowing it to escape to the injury of adjoining lands, is prima facie proof of carelessness or neglect within the meaning of this subsection. The land owner from whose land the fire originated also is liable in a civil action for damages for injury resulting from the fire, and for the cost of fighting and extinguishing the fire, unless he can prove to the satisfaction of the court before which the case is tried that the injury complained of was suffered without any negligence on the part of the owner or his agents.

(c) Any person who discovers a forest or brush fire not under the control of some person shall extinguish it or report it to the local fire warden.

(d) The provisions of this section do not contravene other provisions of law relating to the liability for fires of railroad companies.

Natural Resources Article § 5-704

Burning Trash Container

(a) A person may not willfully and maliciously set fire to or burn the contents of a dumpster or trash receptacle that belongs to another.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine

not exceeding $500 or both.
Criminal Law Article § 6-108

ASSAULT

Definitions
(a) In this subtitle the following words have the meanings indicated.
(b) "Assault" means the crimes of assault, battery, and assault and battery, which retain their judicially determined meanings.
(c)(1) "Law enforcement officer" has the meaning stated in § 3-101(e)(1) of the Public Safety Article without application of § 3-101(e)(2).
(2) "Law enforcement officer" includes:
(i) a correctional officer at a correctional facility; and
(ii) an officer employed by the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, Section 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified in Section 10-204 of the Transportation Article.
(d) "Serious physical injury" means physical injury that:
(1) creates a substantial risk of death; or
(2) causes permanent or protracted serious:
(i) disfigurement;
(ii) loss of the function of any bodily member or organ; or
(iii) impairment of the function of any bodily member or organ.
Criminal Law Article § 3-201

Assault in the First Degree - Strangulation
(a) In this section, "strangulation" means impeding the normal breathing or blood circulation of another person by applying pressure to the other person's throat or neck.
(b)(1) A person may not intentionally cause or attempt to cause serious physical injury to another.
(2) A person may not commit an assault with a firearm, including:
(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle, as those terms are defined in § 4-201 of this Article;
(ii) an assault pistol, as defined in § 4-301 of this Article;
(iii) a machine gun, as defined in § 4-401 of this Article; and
(iv) a regulated firearm, as defined in Section 5-101 of the Public Safety Article.
(3) A person may not commit an assault by intentionally strangling another.
(c) A person who violates this section is guilty of the felony of assault in the first degree and on conviction is subject to imprisonment not exceeding 25 years.
Criminal Law Article § 3-202

Assault in the Second Degree
(a) A person may not commit an assault.
(b) Except as provided in subsection (c) of this section, a person who violates subsection (a) of this section is guilty of a misdemeanor of assault in the 2nd degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $2,500 or both.
(c)(1) In this subsection, "physical injury" means any impairment of physical condition, excluding minor injuries.

(2) A person may not intentionally cause physical injury to another person if the person knows or has reason to know that the other is:

(i) a law enforcement officer engaged in the performance of the officer's official duties;

(ii) a parole or probation agent engaged in the performance of the agent's official duties; or

(iii) a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing medical care or rescue services.

(3) a person who violates paragraph (2) of this subsection is guilty of a felony of assault in the 2nd degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

Peace Orders – Generally
Courts and Judicial Proceedings Article §§3-1501 to3-1509
(see statute for exact wording)

(a)(1) A petitioner may seek relief under this subtitle by filing with the court, or with a commissioner under the circumstances specified in § 3–1503.1 (a) of this subtitle, a petition that alleges the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition:

(i) An act that causes serious bodily harm;

(ii) An act that places the petitioner in fear of imminent serious bodily harm;

(iii) Assault in any degree;

(iv) False imprisonment;

(v) Harassment under § 3–803 of the Criminal Law Article;

(vi) Stalking under § 3–802 of the Criminal Law Article;

(vii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article; or

(viii) Malicious destruction of property under § 6–301 of the Criminal Law Article.

(ix) Misuse of telephone facilities

(x) Misuse of electronic communication

(xi) Revenge porn

(xii) Visual surveillance

(2) A petition may be filed under this subtitle if:

(i) The act described in paragraph (1) of this subsection is alleged to have occurred in the State; or

(ii) The petitioner is a resident of the State, regardless of whether the act described in paragraph (1) of this subsection is alleged to have occurred in the State.

Courts and Judicial Proceedings Articles § 3-1503

Note: The process is generally similar to that of a domestic violence protective order, because the court issues an *ex parte* and then a final peace order after allowing the respondent the opportunity for a hearing. However, unlike domestic violence protective orders, there is no requirement of any relationship between the petitioner and respondent.

Peace Orders – Law Enforcement Responsibilities

Serve respondent with interim peace order –

(f) A law enforcement officer shall:

(1) immediately on receipt of petition and interim peace order, serve them on the respondent named in the order; and

(2) immediately after service, make a return of service to the commissioner's office or, if the Office of District Court Clerk is open for business, to the clerk. (Courts and Judicial Proceedings Article § 3-1503.1)

Serve respondent with temporary peace order unless respondent already served with interim peace order –

(b)(1) Except as provided in paragraph 2 of this subsection, a law enforcement officer immediately shall serve the temporary peace order on the respondent. (Courts and Judicial Proceedings Article § 3-1504)

Possible service of final peace order –

(e)(1) A copy of the final peace order shall be served on the petitioner, the respondent, the appropriate law enforcement agency, and any other person the court determines is appropriate, in open court or, if the person is not present at the final peace order hearing, by first- class mail to the person's last known address.

Courts and Judicial Proceedings Article § 3-1505

Failure to Comply with Peace Order

(a) Misdemeanor - On conviction fine not exceeding $1,000 or imprisonment not exceeding 90 days or both.
(See statute for actual wording)

(b)A law enforcement officer shall arrest with or without a warrant and take into custody an individual whom the officer has probable cause to believe is in violation of a temporary peace order peace order in effect at the time of the violation.

Courts and Judicial Proceedings Article § 3-1508

B

BLACKMAIL, EXTORTION AND OTHER THREATS

Statutory Prohibition and Penalties

(a) This section does not apply to legitimate efforts by employees or their representatives to obtain certain wages, hours, or working conditions.

(b) A person may not obtain, attempt to obtain, or conspire to obtain money, property, labor, services, or anything of value from another person with the person's consent, if the consent is induced by wrongful use of actual or threatened:

(1) force or violence;

(2) economic injury; or

(3) destruction, concealment, removal, confiscation, or possession of any immigration or government identification document with intent to harm the immigration status of another person.

(c)(1) If the value of the property, labor, or services is at least $1,000 but less than $10,000, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(2) If the value of the property, labor, or services is at least $10,000 but less than $100,000, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $15,000 or both.

(3) If the value of the property, labor, or services is $100,000 or more, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 25 years or a

fine not exceeding $25,000 or both.

(d) If the value of the property, labor, or services is less than $1,000, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $1,000 or both.

(e) A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

Criminal Law Article § 3-701

Extortion by State or Local Government Officer or Employee

(b) An officer or employee of the State or of a political subdivision may not wrongfully obtain or attempt to obtain money, property, or anything of value from a person with the person's consent, if the consent is obtained under color or pretense of office, under color of official right, or by wrongful use of actual or threatened force or violence.

(c) If the value of the property is at least $1,000 but less than $10,000, a person who violates this section:

(1) is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both; and

(2) notwithstanding any pardon, shall be barred permanently from employment by the State or by a political subdivision.

(d) If the value of the property is at least $10,000 but less than $100,000, a person who violates this section:

(1) is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $15,000 or both; and

(2) notwithstanding any pardon, shall be barred permanently from employment by the State or by a political subdivision.

(e) If the value of the property is $100,000 or more, a person who violates this section:

(1) is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $25,000 or both; and

(2) notwithstanding any pardon, shall be barred permanently from employment by the State or by a political subdivision.

(f) If the value of the property is less than $1,000, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.

(g) A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

Criminal Law Article § 3-702

Government Official or Employee Coercing Government Employee to Give up Compensation

(a) An officer or employee of the state or of a county, municipal corporation, bi-county agency, or multi-county agency may not, by force, intimidation, or threat, induce a person employed in work financed wholly or partly by the state or by a county, municipal corporation bi-county agency, or multi-county agency to give up any compensation to which the person is entitle d under a contract or otherwise.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(c) A prosecution for a crime under this section shall be instituted within 5 years after the crime was committed.

Criminal Law Article § 3-703

Extortion by False Accusation

(a) A person, with the intent to unlawfully extort money, property, or anything of value from another, may not falsely accuse or threaten to falsely accuse another of a crime or of anything that, if the accusation were true, would tend to bring the other into contempt or disrepute.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

Criminal Law Article § 3-704

Extortion – Immigration Status

(a) This section does not apply to legitimate efforts by employees or their representatives to obtain certain wages, hours, or working conditions.

(b) A person may not obtain, attempt to obtain, or conspire to obtain money, property, labor, services, or anything of value from another person with the person's consent, if the consent is induced by wrongful use of actual or threatened:

(1) force or violence;

(2) economic injury;

(3) destruction, concealment, removal, confiscation, or possession of any immigration or government identification document with intent to harm the immigration status of another person; or

(4) notification of law enforcement officials about another person's undocumented or illegal immigration status.

(c)(1) If the value of the property, labor, or services is at least $1,000 but less than $10,000, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(2) If the value of the property, labor, or services is at least $10,000 but less than $100,000, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $15,000 or both.

(3) If the value of the property, labor, or services is $100,000 or more, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $25,000 or both.

(d) If the value of the property, labor, or services is less than $1,000, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $1,000 or both.

(e) A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

Criminal Law Article § 3-701

Extortion by Verbal Threat

(a) A person, with the intent to unlawfully extort money, property, or anything of value from another, may not verbally threaten to:

(1) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute; or

(2)(i) cause physical injury to a person;

(ii) inflict emotional distress on a person;
(iii) cause economic damage to a person; or
(iv) cause damage to the property of a person.
(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.
Criminal Law Article § 3-705

Extortion by Written Threat
(a)(1) This section applies to any writing, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark or designation.
(2)(i) cause physical injury to a person;
(ii) inflict emotional distress on a person;
(iii) cause economic damage to a person; or
(iv) cause damage to the property of a person.
(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.
Criminal Law Article § 3-706

Coercing or Intimidating Another to Contribute or Donate
(a) This section does not prohibit picketing in connection with a labor dispute, as defined in § 4-301 of the Labor and Employment Article.
(b) A person or group may not engage in an act or conduct solely to coerce or intimidate another person to contribute or donate any money, goods, materials, or services to a social, economic, or political association or organization.
(c)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $100 or both.
(2) Each day on which a violation of this section occurs is a separate violation.
Criminal Law Article § 3-707

BOATS AND WATERCRAFT

Boat Act
See Natural Resources Article §§ 8-701 – 8-743

Damaging or Interfering with Use of Public Wharf or Landing
(a) A person may not:
(1) interfere with the use of a public landing;
(2) do anything to destroy the usefulness of the public landing; or
(3) damage a wharf or structure erected on the wharf by the state, a county, or a person under a written agreement with a state unit or a county for public benefit.
(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not less than $25.
Natural Resources Article § 8-724.1

Boating – Operating while Intoxicated or Under the Influence
(a) A person may not operate or attempt to operate a vessel while the person:
(1) is intoxicated;
(2) is under the influence of alcohol;
(3) is so far under the influence of any drug, combination of drugs,

or combination of one or more drugs and alcohol that the person cannot operate a vessel safely; or

(4) is under the influence of any controlled dangerous substance, as defined in Criminal Law Article § 5-101, unless the person is entitled to use the controlled dangerous substance under the laws of the State.

(b)(1) Except as provided under paragraph (2) of this subsection, the evidentiary presumptions and procedures established under subsection 10-302 through 10-308 of the Courts and Judicial Proceedings Article are applicable to any violation of this section.

(2) If at any time of testing an individual has an alcohol concentration that meets the intoxicated per se definition under 11-127.1 of the Transportation Article, as defined by an analysis of the individual's blood or breath, it shall be prima facia evidence that the individual was operation a vessel while intoxicated.

(c) It is not a defense to a charge of violating subsection (a)(3) of this section that the person charged is or was entitled under the laws of this state to use the drug, combination of drugs, or combination of 1 or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely operating a vessel.

(d)(1) Notwithstanding any other provision of this title, a person who violates paragraph (1) of subsection (a) of this section is guilty of a misdemeanor and upon conviction:

(i) for a first offense, shall be subjected to a fine of not more than $1,000 or imprisonment for not more than 1 year or both;

(ii) for a second offense, shall be subject to a fine of not more than $2,000 or imprisonment for not more than 2 years or both; and

(iii) for a third or subsequent offense, shall be subject to a fine of not more than $3,000 or imprisonment for not more than 3 years or both.

(2) Notwithstanding any other provisions of this title, a person who violates paragraph (2), (3), or (4) of subsection (a) of this section is guilty of a misdemeanor and upon conviction:

(i) for a first offense, shall be subject to a fine of not more than $500 or imprisonment for not more than 2 months or both; and

(ii) for a second or subsequent offense, shall be subject to a fine of not more than $1,000 or imprisonment of not more than 1 year or both.

(e) If a person is charged with a violation of this section, the court may find the person guilty of any lesser included offense under any subsection of this section.

Natural Resources Article § 8-738

Boats, Operating Recklessly

(a) A person may not:

(1) operate a vessel recklessly or in a manner that may endanger another or the property of another on a bay, creek, lake, river, or stream in the state; or

(2) come into a wharf or bathing shore recklessly or in a manner that may endanger a person or property.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine of not less than $25 and not exceeding $200 or both.

Natural Resources Article § 8-738.1

Boats, Trespassing on

(See "Trespass – Generally": "Trespass – Entering Private Property

After Having Been Notified Not to do So")

BRIBERY

Bribery of Public Employee

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

(2) "Political subdivision" includes a:

(i) county;

(ii) municipal corporation;

(iii) bi-county or multicounty agency;

(iv) county board of education;

(v) public authority; or

(vi) special taxing district that is not a homeowners association.

(3)(i) "Public employee" means an officer or employee of:

1. the state; or

2. a political subdivision of the state.

(2) "Public employee" includes:

1. an executive officer of the state;

2. a judge of the state;

3. a judicial officer of the state;

4. a member or officer of the general assembly;

5. a member of the police force of Baltimore City or the Department of State Police; and

6. a member, officer, or executive officer of a political subdivision.

(b) A person may not bribe or attempt to bribe a public employee to influence the public employee in the performance of an official duty of the public employee.

(c) A public employee may not demand or receive a bribe, fee, reward, or testimonial to:

(1) influence the performance of the official duties of the public employee; or

(2) neglect or fail to perform the official duties of the public employee.

(d) A person who violates this section is guilty of the misdemeanor of bribery and on conviction:

(1) is subject to imprisonment for not less than 2 years and not exceeding 12 years or a fine not less than $100 and not exceeding $5,000 or both;

(2) may not vote; and

(3) may not hold an office of trust or profit in the state.

Criminal Law Article § 9-201

Bribery of Juror; Acceptance of Bribe by Juror

(a) A person may not bribe or attempt to bribe a juror for rendering a verdict.

(b) A juror may not accept a bribe for rendering a verdict.

(c) A person who violates this section is guilty of a misdemeanor and on conviction:

(1) is subject to imprisonment for not less than 18 months and not exceeding 6 years; and

(2) may not serve on a jury in the future.

Criminal Law Article § 9-202

Bribery of Voter

(a)(1) A person, including a candidate for office, may not give or

directly or indirectly promise a gift or reward to secure a vote or a ballot at an election under the constitution and laws of the state.

(2) A person may not keep or allow to be kept a house or other accommodation in the state on an election day where, before the close of the election, the person, at the person's expense, gratuitously provides alcoholic beverages to voters.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) imprisonment not exceeding 6 months or a fine not exceeding $500 or both; and

(2) any other penalties applicable under the constitution.

Criminal Law Article § 9-203

Bribery of Person Participating in or Connected with Athletic Contest

(a) A person may not bribe or attempt to bribe another who is participating in or connected with an athletic contest held in the state.

(b) A person who violates this section is guilty of the misdemeanor of bribery and on conviction is subject to imprisonment for not less than 6 months and not exceeding 3 years or a fine not less than $100 and not exceeding $5,000 or both.

Criminal Law Article § 9-204

Acceptance of Bribe by Person Participating in or Connected with Athletic Contest

(a) A person participating in or connected with an athletic contest may not accept a bribe to alter the outcome of the athletic contest.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 9-205

BURGLARY AND RELATED CRIMES

Definitions

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

(b) "Break" retains its judicially determined meaning except to the extent that its meaning is expressly or impliedly changed in this subtitle.

(c)(1) "Burglar's tool" means a tool, instrument, or device adapted, designed, or used to commit or facilitate the commission of a burglary crime.

(2) "Burglar's tool" includes:

(i) a picklock, key, crowbar, pry bar, jack, or bit;

(ii) explosive material including nitroglycerine, dynamite, or gunpowder; and

(iii) a device capable of burning through metal, concrete, or other solid material, including an acetylene torch, electric arc, burning bar, thermal lance, or oxygen lance.

(d) "Crime of violence" has the meaning stated in § 14-101 of this Article.

(e) "Dwelling" retains its judicially determined meaning except to the extent that its meaning is expressly or impliedly changed in this subtitle.

(f) "Enter" retains its judicially determined meaning except to the extent that its meaning is expressly or impliedly changed in this subtitle.

(g)(1) "Firearm" includes:

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun,

and short-barreled rifle, as those terms are defined in § 4-201 of this Article;

(ii) a machine gun, as defined in § 4-401 of this Article; and

(iii) a regulated firearm, as defined in the Public Safety Article 5-101.

(2) "Firearm" does not include a firearm that has been modified to be permanently inoperative.

(h)(1) "Storehouse" retains its judicially determined meaning.

(2) "Storehouse" includes:

(i) a building or other construction, or a watercraft;

(ii) a barn, stable, pier, wharf, and any facility attached to a pier or wharf;

(iii) a storeroom or public building; and

(iv) a trailer, aircraft, vessel, or railroad car.

Criminal Law Article § 6-201

Limitation on Charging Separate Violations

For purposes of prosecution under this subtitle, a unit in a building or structure that is divided into separately owned or leased units may not be considered a separate dwelling or storehouse unless it is objectively apparent that each unit constitutes a separate dwelling or storehouse.

Criminal Law Article § 6-209

Burglary in the First Degree and Home Invasion

(a) A person may not break and enter the dwelling of another with the intent to commit theft.

(b) A person may not break and enter the dwelling of another with the intent to commit a crime of violence.

(c) A person who violates subsection (a) of this section is guilty of the felony of burglary in the first degree and on conviction is subject to imprisonment not exceeding 20 years.

(d) A person who violates subsection (b) of this section is guilty of the felony of home invasion and on conviction is subject to imprisonment not exceeding 25 years.

Criminal Law Article § 6-202

Burglary in the Second Degree

(a) A person may not break and enter the storehouse of another with the intent to commit theft, a crime of violence, or arson in the second degree.

(b) A person may not break and enter the storehouse of another if the person intends to steal, take, or carry away a firearm.

(c) A person who violates this section is guilty of a felony. See Statute for complete language.

Criminal Law Article § 6-203

Burglary in the Third Degree

(a) A person may not break and enter the dwelling of another with the intent to commit a crime.

(b) A person who violates this section is guilty of the felony of burglary in the third degree and on conviction is subject to imprisonment not exceeding 10 years.

Criminal Law Article § 6-204

Burglary in the Fourth Degree

(a) A person may not break and enter the dwelling of another.

(b) A person may not break and enter the storehouse of another.
(c) A person, with the intent to commit theft, may not be in or on:
(1) the dwelling or storehouse of another; or
(2) a yard, garden, or other area belonging to the dwelling or storehouse of another.
(d) A person may not possess a burglar's tool with the intent to use or allow the use of the burglar's tool in the commission of a violation of this subtitle.
(e) A person who violates this section is guilty of the misdemeanor of burglary in the fourth degree and on conviction is subject to imprisonment not exceeding 3 years.
Criminal Law Article § 6-205

Burglary with Explosives
(a) A person may not open or attempt to open a vault, safe, or other secure repository by the use of a destructive device, as defined in § 4-501 of this Article, while committing burglary in the first, second, or third degree.
(b) A person who violates this section is guilty of the felony of burglary with destructive device and on conviction is subject to imprisonment not exceeding 20 years.
Criminal Law Article § 6-207

Breaking and Entering Motor Vehicle – Rogue and Vagabond
(a) A person may not possess a burglar's tool with the intent to use or allow the use of the burglar's tool in the commission of a crime involving the breaking and entering of a motor vehicle.
(b) A person may not be in or on the motor vehicle of another with the intent to commit theft of the motor vehicle or property that is in or on the motor vehicle.
(c) A person who violates this section is guilty of a misdemeanor, shall be considered a rogue and vagabond, and on conviction is subject to imprisonment not exceeding 3 years.
Criminal Law Article § 6-206

Breaking and Entering a Research Facility
(a)(1) In this section the following words have the meanings indicated.
(2)(i) "Enclosure" means a building, structure, aircraft, watercraft, or vehicle, and each:
1. separately secured or occupied portion of it; and
2. structure appurtenant or connected to it.
(ii) "Enclosure" includes a trailer and a sleeping car.
(3) "Research" means a studious and serious inquiry, examination, investigation, or experimentation designed to discover or accumulate data, theories, technologies, or applications for a governmental, scientific, educational, or proprietary purpose.
(4) "Research facility" means an enclosure or separately secured yard, pad, pond, laboratory, pasture, or pen used to conduct research, house research subjects, or store supplies, records, data, prototypes, or equipment necessary to or derived from research.
(5)(i) "Research property" means property, regardless of value, related to research in a research facility.
(ii) "Research property" includes a sample, specimen, research subject, record, data, test result, or proprietary information.
(b) A person may not break and enter a research facility without the

permission of the research facility with the intent to:

(1) obtain unauthorized control over research property;

(2) alter or eradicate research property;

(3) damage or deface research property;

(4) move research property in a manner intended to cause harm to it;

(5) destroy or remove research property; or

(6) engage in conduct that results in the removal of research property.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 6-208

C

CEMETERIES AND HUMAN REMAINS

Definitions

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

(b)(1) "Associated funerary object" means an item of human manufacture or use that is intentionally placed:

(i) with human remains at the time of interment in a burial site; or

(ii) after interment, as a part of a death ceremony of a culture, religion, or group.

(2) "Associated funerary object" includes a gravestone, monument, tomb, or other structure in or directly associated with a burial site.

(d) "Permanent cemetery" means a cemetery that is owned by:

(1) a cemetery company regulated under title 5 of the Business Regulation Article;

(2)a nonprofit organization; or

(3)the State.

(c)(1) "Burial site" means a natural or prepared physical location, whether originally located below, on, or above the surface of the earth, into which human remains or associated funerary objects are deposited as a part of a death ceremony of a culture, religion, or group.

(2) "Burial site" includes the human remains and associated funerary objects that result from a shipwreck or accident and are left intentionally to remain at the site.

Criminal Law Article § 10-401

Removing Human Remains without Authority

Except as provided in subsections (b) and (f) of this section, a person may not remove or attempt to remove human remains from a burial site.

(See Statute for complete text)

Criminal Law Article § 10-402

Removal of Human Remains or Funerary Object

(b) A person may not knowingly sell, buy, or transport for sale or profit, or offer to buy, sell, or transport for sale or profit:

(1) unlawfully removed human remains; or

(2) an associated funerary object obtained in violation of § 10-404 of this subtitle.

(c)A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

Criminal Law Article § 10-403

Human Organs – Selling or Buying Prohibited

See Health General Article §§ 5-408 and 5-409

Burial or Disposal of Human Body

(a) An individual may not bury or dispose of a body except:

(1) In a family burial plot or other area allowed by a local ordinance;

(2) In a crematory;

(3) In a cemetery;

(4) By donating the body to medical science; or

(5) By removing the body to another state for final disposition in accordance with the laws of the other state.

(b) An individual who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

Health - General Article § 5-514

Destroying Funerary Objects; Indecent Conduct

(a)(1) Subject to the provisions of paragraph (2) of this subject, a person may not willfully destroy, damage, deface, or remove:

(i) an associated funerary object or another structure placed in a cemetery; or

(ii) a building, wall, fence, railing, or other work, for the use, protection, or ornamentation of a cemetery.

(2) The provisions of paragraph (1) of this subsection do not prohibit the removal of a funerary object or a building, wall, fence, railing, or other object installed for the use, protection, or ornamentation of a cemetery or burial site, for the purpose of repair or replacement, either at the request of or with the permission of heirs or descendants of the deceased or the owner or manager of the cemetery or burial site.

(b)(1) Subject to the provisions of paragraph (2) of this subsection, a person may not willfully destroy, damage, or remove a tree, plant, or shrub in a cemetery.

(2) The provisions of paragraph (1) of this subsection do not prohibit normal maintenance of a cemetery or burial site, including trimming of trees and shrubs, removal of weeds or noxious growths, grass cutting, or other routine care and maintenance.

(c) A person may not engage in indecent or disorderly conduct in a cemetery.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a violation of subsection(a) of this section, imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both; and

(2) for a violation of subsection (b) or (c) of this section, imprisonment not exceeding 2 years or a fine not exceeding $500 or both.

(e) A person who violates this section shall pay for the restoration of any damaged or defaced real or personal property in a cemetery to the owner of the property or to the owner of the cemetery.

(f) This section does not prohibit the removal of human remains or a funerary object from an abandoned cemetery if:

(1) the removal is authorized by the State's Attorney of the county in which the cemetery containing the human remains or funerary object is located; and

(2) the human remains or funerary object are placed in an accessible place in a permanent cemetery.

Criminal Law Article § 10-404

CHILDREN AND MINORS

(Also See "Minors – Capacity")

Abduction of Child under 16 for Prostitution

(a) For the purpose of committing a crime under Title 3, Subtitle 3 of this article, a person may not:

(1) persuade or entice or aid in the persuasion or enticement of an individual under the age of 16 years from the individual's home or from the custody of the individual's parent or guardian; and

(2) knowingly secrete or harbor or aid in the secreting or harboring of the individual who has been persuaded or enticed in the manner described in item (1) of this subsection.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 11-305

(Note: For forfeiture provisions associated with violations of this provision, see Criminal Procedure Article § 13-501 - 13-536.)

Abduction by Child's Relative

If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not, with the intent to deprive the lawful custodian of the custody of the child:

(1) abduct, take, or carry away the child from the lawful custodian to a place within this State;

(2) having acquired lawful possession of the child, detain the child within this State for more than 48 hours after the lawful custodian demands that the child be returned;

(3) harbor or hide the child within this State, knowing that possession of the child was obtained by another relative in violation of this section; or

(4) act as an accessory to an act prohibited by this section.

Family Law Article § 9-304

(a) If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not, with the intent to deprive the lawful custodian of the custody of the child:

(1) abduct, take, or carry away the child from the lawful custodian to a place in another state;

(2) having acquired lawful possession of the child, detain the child in another state for more than 48 hours after the lawful custodian demands that the child be returned;

(3) harbor or hide the child in another state knowing that possession of the child was obtained by another relative in violation of this section; or

(4) act as an accessory to an act prohibited by this section.

(b) If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not, with the intent to deprive the lawful custodian of the custody of the child:

(1) abduct, take, or carry away the child from the lawful custodian to a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico;

(2) having acquired lawful possession of the child, detain the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico for more than 48 hours after the lawful custodian demands that the child be returned;

(3) harbor or hide the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico knowing that possession of the child was obtained by another relative in violation of this section; or

(4) act as an accessory to an act prohibited by this section. Family Law Article § 9-305

Child – Sale, Barter, or Trade

(a) A person may not sell, barter, or trade, or offer to sell, barter, or trade, a minor for money, property, or anything else of value.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both for each violation.

Criminal Law Article § 3-603

Child Abuse – Mandatory Reporting, Immunity, & Investigation

The purpose of this subtitle is to protect children who have been the subject of abuse or neglect by:

(1) mandating the reporting of any suspected abuse or neglect;

(2) giving immunity to any individual who reports, in good faith, a suspected incident of abuse or neglect;

(3) requiring prompt investigation of each reported suspected incident of abuse or neglect;

(4) causing immediate, cooperative efforts by the responsible agencies on behalf of children who have been the subject of reports of abuse or neglect; and

(5) requiring each local department to give the appropriate service in the best interest of the abused or neglected child.

Family Law Article § 5-702

Child Abuse and Neglect – Generally

Definitions.

(a) Except as otherwise provided in § 5-705.1 of this subtitle, in this subtitle the following words have the meanings indicated.

(b) "Abuse" means:

(1) the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or

(2) sexual abuse of a child, whether physical injuries are sustained or not.

(c) "Administration" means the Social Services Administration of the Department.

(d) "Centralized confidential database" means the Department's confidential computerized data system that contains information regarding child abuse and neglect investigations and assessments.

(e) "Child" means any individual under the age of 18 years.

(f) Repealed.

(g)(1) "Educator or human service worker" means any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.

(2) "Educator or human service worker" includes:

(i) any teacher;

(ii) any counselor;

(iii) any social worker;

(iv) any caseworker; and

(v) any probation or parole officer.

(h) "Family member" means a relative by blood, adoption, or marriage of a child.

(i)(1) "Health practitioner" includes any person who is authorized to

practice healing under the Health Occupations Article or § 13-516 of the Education Article.

(2) "Health practitioner" does not include an emergency medical dispatcher.

(i) "Household" means the location:

(1) in which the child resides;

(2) where the abuse or neglect is alleged to have taken place; or

(3) where the person suspected of abuse or neglect resides.

(k) "Household member" means a person who lives with, or is a regular presence in, a home of a child at the time of the alleged abuse or neglect.

(l) Repealed.

(m) "Indicated" means a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur.

(n)(1) "Law enforcement agency" means a State, county, or municipal police department, bureau, or agency.

(2) "Law enforcement agency" includes:

(i) a State, county, or municipal police department or agency;

(ii) a sheriff's office;

(iii) a State's Attorney's office; and

(iv) the Attorney General's office.

(o) Except as provided in §§ 5-705.1 and 5-714 of this subtitle, "local department" means the local department that has jurisdiction in the county:

(1) where the allegedly abused or neglected child lives; or

(2) if different, where the abuse or neglect is alleged to have taken place.

(p) "Local department case file" means that component of the Department's confidential computerized database that contains information regarding child abuse and neglect investigations to which access is limited to the local department staff responsible for the investigation.

(q) "Local State's Attorney" means the State's Attorney for the county:

(1) where the allegedly abused or neglected child lives; or

(2) if different, where the abuse or neglect is alleged to have taken place.

(r) "Mental injury" means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

(s) "Neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

(1) that the child's health or welfare is harmed or placed at substantial risk of harm; or

(2) mental injury to the child or a substantial risk of mental injury.

(t) "Police officer" means any State or local officer who is authorized to make arrests as part of the officer's official duty.

(u) "Record" means the original or any copy of any documentary material, in any form, including a report of suspected child abuse or neglect, that is made by, received by, or received from the State, a county, or a municipal corporation in the State, or any subdivision or agency concerning a case of alleged child abuse or neglect.

(v) "Report" means an allegation of abuse or neglect, made or received under this subtitle.

(w) "Ruled out" means a finding that abuse, neglect, or sexual abuse did not occur.

(x) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.

(y) "Sexual abuse" means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.

(1) sexual molestation or exploitation of a child by:

(i) a parent;

(ii) a household member or family member;

(iii) a person who has permanent or temporary care or custody of the child;

(iv) a person who has responsibility for supervision of the child; or

(v) a person who, because of the person's position or occupation, exercises authority over the child; or

(2) sex trafficking of a child by any individual.

(z) "Sexual molestation or exploitation" includes:

(1) allowing or encouraging a child to engage in:

(i) obscene photography, films, poses, or similar activity;

(ii) pornographic photography, films, poses, or similar activity; or

(iii) prostitution;

(2) incest;

(3) rape;

(4) sexual offense in any degree; and

(5) unnatural or perverted sexual practices.

(aa) "unsubstantiated" means of finding that there is an insufficient amount of evidence to support a finding of indicated or rolled out.

Family Law Article § 5-701

Required Reporting of Suspected Child Abuse or Neglect.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

(1) who has reason to believe that a child has been subjected to abuse or neglect, shall notify the local department or the appropriate law enforcement agency; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b)(1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

(i) an oral report, by telephone or direct communication, as soon as possible to the local department or appropriate law enforcement agency; and

(ii) a written report:

1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney.

(2)(i) An agency to which an oral report of suspected abuse or neglect is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

(2) the name and home address of the child's parent or other person who is responsible for the child's care;

(3) the whereabouts of the child;

(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and

(5) any other information that would help to determine:

(i) the cause of the suspected abuse or neglect; and

(ii) the identity of any individual responsible for the abuse or neglect.

Family Law Article § 5-704

Penalty - Preventing or Interfering with making a Child Abuse or Neglect Report

(a) An individual may not intentionally prevent or interfere with the making of a report of suspected abuse or neglect required by § 5–704 or § 5–705.1(c)(2) of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

Family Law Article § 5-705.2

Required Investigation of Child Abuse or Neglect Reports; Investigative Process

(a)(1) In this section, "alternative response" means a component of the child protective services program that provides for a comprehensive assessment of:

(i) risk of harm to the child;

(ii) risk of subsequent child abuse or neglect;

(iii) family strengths and needs; and

(iv) the provision of or referral for necessary services.

(2) "Alternative response" does not include:

(i) an investigation; or

(ii) a formal determination as to whether child abuse or neglect has occurred.

(b) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency, or both, if jointly agreed on, shall make a thorough investigation of a report of suspected abuse or neglect to protect the health, safety, and welfare of the child or children.

(c) Within 24 hours after receiving a report of suspected physical or sexual abuse of a child who lives in this State that is alleged to have occurred in this State, and within 5 days after receiving a report of suspected neglect or suspected mental injury of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency shall:

(1) see the child;

(2) attempt to have an on–site interview with the child's caretaker;

(3) decide on the safety of the child, wherever the child is, and of other children in the household; and

(4) decide on the safety of other children in the care or custody of the alleged abuser.

(d) The investigation under subsection (c) of this section shall include:

(1) a determination of the nature, extent, and cause of the abuse or neglect, if any;

(2) if mental injury is suspected, an assessment by two of the following:

(i) a licensed physician, as defined in § 14–101 of the Health Occupations Article;

(ii) a licensed psychologist, as defined in § 18–101 of the Health Occupations Article; or

(iii) a licensed social worker, as defined in § 19–101 of the Health Occupations Article; and

(3) if the suspected abuse or neglect is verified:

(i) a determination of the identity of the person or persons responsible for the abuse or neglect;

(ii) a determination of the name, age, and condition of any other child in the household;

(iii) an evaluation of the parents and the home environment;

(iv) a determination of any other pertinent facts or matters; and

(v) a determination of any needed services.

(e) On request by the local department, the local State's Attorney shall assist in an investigation under subsections (c) and (d) of this section.

(f) The local department, the appropriate law enforcement agencies, the State's Attorney within each county and Baltimore City, the local department's office responsible for child care regulation, and the local health officer shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (c) and (d) of this section and prosecution of reported cases of suspected abuse or neglect.

(g)(1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (c) and (d) of this section.

(2) The joint investigation procedure shall:

(i) include appropriate techniques for expediting validation of sexual abuse complaints;

(ii) include investigation techniques designed to:

1. decrease the potential for physical harm to the child; and

2. decrease any trauma experienced by the child in the investigation and prosecution of the case; and

(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases.

(h)(1) To the extent possible, an investigation under subsections

(c) and (d) of this section shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect by the local department or law enforcement agencies.

(2) An investigation under subsections (c) and (d) of this section that is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

(i) Within 10 days after the local department or law enforcement

agency receives the first notice of suspected abuse of a child who lives in this State that is alleged to have occurred in this State, the local department or law enforcement agency shall report to the local State's Attorney the preliminary findings of the investigation.

(j) Within 5 business days after completion of the investigation of suspected abuse of a child who lives in this State that is alleged to have occurred in this State, the local department and the appropriate law enforcement agency, if that agency participated in the investigation, shall make a complete written report of its findings to the local State's Attorney.

(k) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred outside of this State, the local department shall:

(1) forward the report to the appropriate agency outside of this State that is authorized to receive and investigate reports of suspected abuse or neglect;

(2) cooperate to the extent requested with the out–of–state agency investigating the report; and

(3) if determined appropriate by the local department:

(i) interview the child to assess whether the child is safe; and

(ii) provide services to the child and the child's family.

(1) Notwithstanding the provisions of this section, the Secretary may implement an alternative response program for selected reports of abuse or neglect.

(m)(1) The Department shall convene a multidisciplinary alternative response advisory council.

(2) The advisory council shall consist of the following members:

(i) the Secretary of Human Resources, or the Secretary's designee;

(ii) the Secretary of Health and Mental Hygiene, or the Secretary's designee;

(iii) the State Superintendent of Schools, or the Superintendent's designee;

(iv) a representative from the Maryland Disability Law Center;

(v) a representative from a child advocacy organization;

(vi) a representative from a community partner or a local service provider;

(vii) a pediatrician with experience in diagnosing and treating injuries related to abuse and neglect;

(viii) an attorney with experience representing children or adults in abuse and neglect cases;

(ix) a representative from the Office of the Public Defender;

(x) a parent or guardian who has personal experience with the child protective services system;

(xi) a child who has personal experience with the child protective services system;

(xii) two representatives from local departments of social services; and

(xiii) two representatives from local citizens review panels.

(3) The Secretary of Human Resources or the Secretary's designee shall be the chair of the advisory council.

(4) The advisory council shall advise the Department on:

(i) the development of the alternative response implementation plan, which may include a pilot program;

(ii) oversight and monitoring of the alternative response implementation plan;

(iii) consulting with local citizens review panels, local services affiliates, and other local partners for feedback and recommendations on the alternative response implementation plan;

(iv) defining the scope of the independent evaluation of the implementation of the alternative response program; and

(v) defining the scope of the ongoing evaluation of the alternative response program.

(n) Only a low risk report of abuse or neglect may be considered for an alternative response.

(o) A report that is not assigned for an alternative response shall be assigned for investigation in accordance with this section.

(p) The following reports of suspected abuse or neglect may not be assigned for an alternative response:

(1) sexual abuse; and

(2) abuse or neglect:

(i) occurring in an out–of–home placement;

(ii) resulting in death or serious physical or mental injury;

(iii) if, in the previous 3 years, the individual suspected of abuse or neglect has been identified as responsible for abuse or neglect as documented in the records of the local department; or

(iv) if the individual suspected of abuse or neglect has had one report assigned for an alternative response within the past 12 months or two reports assigned for an alternative response within the past 24 months.

(q) A report assigned for an alternative response may be reassigned at any time for an immediate investigation based on any of the following factors and circumstances:

(1) a reassessment of the report or relevant facts;

(2) a determination that the case satisfies a criterion in subsection

(p) of this section; or

(3) a family's inability or refusal to participate in the alternative response assessment.

(r) A report assigned for an investigation may be reassigned for an alternative response at any time based on:

(1) a reassessment of the report or relevant facts that demonstrate that the case meets the criteria for an alternative response;

(2) a determination that accepted services would address all issues of risk of abuse or neglect and child safety; and

(3) approval by a caseworker supervisor.

(s) When a report is referred for an alternative response, the local department shall:

(1) see the child and the child's parent or primary caretaker within 24 hours of receiving a report of physical abuse;

(2) see the child and the child's parent or primary caretaker within 5 days of receiving a report of neglect;

(3) attempt to have an on–site interview with the child's parent or primary caretaker;

(4) evaluate the child's home environment;

(5) decide on the safety of the child, wherever the child is, and of other children in the household;

(6) decide on the safety of other children in the care or custody of the individual suspected of abuse or neglect;

(7) advise the appropriate law enforcement agency that the report has been assigned for an alternative response, if the law enforcement agency made the report of abuse or neglect;

(8) inform the individual suspected of child abuse or neglect of the allegations made against the individual in a manner consistent with laws protecting the rights of the person who made the report;

(9) complete an alternative response assessment within 60 days after the receipt of the report;

(10) within 10 days after completing the alternative response assessment, provide a written report to the family members who are participating in the alternative response assessment as to whether and what services are necessary to address:

(i) the safety of the child or other children in the household; and

(ii) the risk of subsequent abuse or neglect; and

(11) consistent with the assessment and any safety or services plans:

(i) render any appropriate services in the best interests of the child;

(ii) refer the family or child for additional services; or

(iii) as necessary for the safety of the child or other children in the household, establish a plan to monitor the safety plan and the provision or completion of appropriate services.

(t) The local department:

(1) shall:

(i) maintain complete records related to an alternative response and services for 3 years after the report was received if there is no subsequent child welfare involvement; and

(ii) expunge complete records related to an alternative response and services if there is no subsequent child welfare involvement after 3 years;

(2) may not use or disclose records related to an alternative response for purposes of responding to a request for background information for employment or voluntary services; and

(3) shall protect from disclosure records related to an alternative response in accordance with § 1–202 of the Human Services Article.

Family Law Article § 5-706

Civil and Criminal Immunity for Persons Reporting Child Abuse or Neglect

Any person who makes or participates in making a report of abuse or neglect under § 5–704, § 5–705, or § 5–705.1 of this subtitle or a report of substantial risk of sexual abuse under § 5–704.1 of this subtitle or participates in an investigation or a resulting judicial proceeding shall have the immunity described under § 5–620 of the Courts and Judicial Proceedings Article from civil liability or criminal penalty.

Family Law Article § 7-708

Investigator's Right to Enter Household

(a) If a representative of a local department is conducting an investigation under this subtitle, the representative may enter the household, if the representative:

(1) previously has been denied the right of entry; and

(2) has probable cause to believe that a child is in serious, immediate danger.

(b) A police officer shall accompany the representative and may use reasonable force, if necessary, to enable the representative to gain entry.

(c) The representative may remove the child temporarily, without prior approval by the juvenile court, if the representative believes that the child is in serious, immediate danger.

(d) If a child is removed from a household under this section, the local department shall have the child thoroughly examined by a

physician and a report of this examination shall be included in a report made under § 5-706(i) of this subtitle within the time specified.

Family Law Article § 5-709

Requirement that Physician Examine Child; Immunity

(a)(1) In this section, Emergency Medical treatment means medical or surgical care rendered by a physician or health care institution to a child under this section:

(i) to relieve any urgent illness or life threatening health condition; or

(ii) to determine the nature or extent of any abuse or neglect.

(2) Emergency Medical Treatment does not include:

(i) non-emergency outpatient treatment; or

(ii) periodic non-emergency healthcare.

(b) Any physician who is licensed or authorized to practice medicine in this State shall examine or treat any child, with or without the consent of the child's parent, guardian, or custodian, to determine the nature and extent of any abuse or neglect to the child if the child is brought to the physician:

(1) in accordance with a court order;

(2) by a representative of a local department who states that the representative believes the child is an abused or neglected child; or

(3) by a police officer who states that the officer believes that the child is an abused or neglected child.

(c) If a physician examines a child under subsection (b) of this section and determines that emergency medical treatment is indicated, the physician may treat the child, with or without the consent of the child's parent, guardian, or custodian.

(d)(1) A physician who examines or treats a child under this section is immune from any civil liability that may result from the failure to obtain consent from the child's parent, guardian, or custodian for the examination or treatment of the child.

(2) The immunity extends to:

(i) any health care institution with which the physician is affiliated, or to which the child is brought; and

(ii) any individual working under the control of supervision of the physician or under the control or supervision of the health care institution.

(e)(1) In accordance with regulations adopted by the Secretary of Health and Mental Hygiene, the Department of Health and Mental Hygiene shall pay for emergency medical treatment charges that are incurred on behalf of a child who is examined or treated under this section.

(2) The child's parent or guardian is liable to the Department of Health and Mental Hygiene for the payments and shall take any steps necessary to secure health benefits available for the child from a public or private benefit program.

(3) The local department shall:

(i) immediately determine whether a child treated or examined under this section is eligible for medical assistance payments; and

(ii) secure medical assistance benefits for any eligible child examined or treated under this section.

(f) To the extent possible, the Governor shall include in the annual State budget funds for the payment of emergency medical treatment for children examined or treated under this section.

Family Law Article § 5-712

Child Abuse – By Parent or Person with Custody

(a) Definitions. (See Statute)

(b)(1) A parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not:

(i) cause abuse to the minor that:

(1) results in the death of the minor; or

(2) causes severe physical injury to the minor.

(ii) engage in a continuing course of conduct which includes three or more acts that would constitute a violation of subsection (d) of this section.

(2) Except as provided in subsection (c) of this section, a person who violates paragraph (1) of this subsection is guilty of the felony of child abuse in the first degree and on conviction is subject to:

(i) imprisonment not exceeding 25 years; or

(ii) if the violation results in the death of the victim, imprisonment not exceeding 40 years.

(c) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) imprisonment not exceeding 25 years; or

(2) if the violation results in the death of the victim, imprisonment not exceeding 40 years.

(d)(1)(i) A parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause abuse to the minor.

(ii) A household member or family member may not cause abuse to a minor

(2) Except as provided in subsection © of this section, a person who violates paragraph (1) of this subsection is guilty of the felony of child abuse in the second degree and on conviction is subject to imprisonment not exceeding 15 years.

(e) Omitted.

Criminal Law Article § 3-601

Committing a Crime of Violence in a Residence when a Minor is Present

(a)(1) A person may not commit a crime of violence as defined in § 5–101 of the Public Safety Article when the person knows or reasonably should know that a minor who is at least 2 years old is present in a residence.

(2) For the purposes of paragraph (1) of this subsection, a minor is present if the minor is within sight or hearing of the crime of violence.

(b) A person who violates this section is subject to imprisonment not exceeding 5 years in addition to any other sentence imposed for the crime of violence.

Criminal Law Article § 3-601.1

Child Neglect – By Parent, Family Member, Household Member

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

(2) "Family member" has the meaning stated in § 3–601 of this subtitle.

(3) "Household member" has the meaning stated in § 3–601 of this subtitle.

(4) "Mental injury" means the substantial impairment of a minor's mental or psychological ability to function.

(5)(i) "Neglect" means the intentional failure to provide necessary assistance and resources for the physical needs or mental health of a minor that creates a substantial risk of harm to the minor's physical health or a substantial risk of mental injury to the minor.

(ii) "Neglect" does not include the failure to provide necessary assistance and resources for the physical needs or mental health of a minor when the failure is due solely to a lack of financial resources or homelessness.

(b) A parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not neglect the minor.

(c) A person who violates this section is guilty of the misdemeanor of child neglect and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(d) A sentence imposed under this section shall be in addition to any other sentence imposed for a conviction arising from the same facts and circumstances unless the evidence required to prove each crime is substantially identical.

Criminal Law Article § 3-602.1

Notice of Suspected Abuse or Neglect

(a) A person who is required to provide notice of suspected abuse or neglect of a child or make a written report of suspected abuse or neglect of a child under § 5-704 of Family Law Article may not knowingly fail to provide the required notice or make the required written report if the person has actual knowledge of the abuse or neglect.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $10,000 or imprisonment not exceeding 3 years or both.

(c) This section applies only to a failure to report child abuse or neglect that occurs during the time the child is a minor.

Criminal Law Article § 3-602.2

Child – Unattended

(a) A person who is charged with the care of a child under the age of 8 years may not allow the child to be locked or confined in a dwelling, building, enclosure, or motor vehicle while the person charged is absent and the dwelling, building, enclosure, or motor vehicle is out of the sight of the person charged unless the person charged provides a reliable person at least 13 years old to remain with the child to protect the child.

(b) A person who violated this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 or imprisonment not exceeding 30 days, or both.

Family Law Article § 5-801

Child's Access to Firearms

(a) Definitions.

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

(2) "Ammunition" means a cartridge, shell, or other device containing

explosive or incendiary material designed and intended for use in a firearm.

(3) "Child" means an individual under the age of 16 years.

(4)(i) "Firearm" means a handgun, rifle, shotgun, short-barreled rifle, or short-barreled shotgun, as those terms are defined in § 4-201 of this title, or any other firearm.

(ii) "Firearm" does not include an antique firearm as defined in § 4-201 of this title.

(b) This section does not apply if:

(1) the child's access to a firearm is supervised by an individual at least 18 years old;

(2) the child's access to a firearm was obtained as a result of an unlawful entry;

(3) the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or

(4) the child has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article.

(c) A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

Criminal Law Article § 4-104

Adult Sexual Displays – Selling or Offering to Sell to Minor

(a) A person may not knowingly sell or offer to sell to a minor:

(1) a picture, photograph, drawing, sculpture, motion picture, film, or other visual representation or image of an individual or portion of the human body that depicts sadomasochistic abuse, sexual conduct, or sexual excitement;

(2) a book, magazine, paperback, pamphlet, or other written or printed matter however reproduced, that contains:

(i) any matter enumerated in item (1) of this section;

(ii) obscene material; or

(iii) explicit verbal descriptions or narrative accounts of sadomasochistic abuse, sexual conduct, or sexual excitement; or

(3) a sound recording that contains:

(i) obscene material; or

(ii) explicit verbal descriptions or narrative accounts of sadomasochistic abuse, sexual conduct, or sexual excitement.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

Criminal Law Article § 11-102

Nudity and Sexual Displays – Exhibition to Minors

Definitions – See Statute

(b) For monetary consideration or other valuable commodity or service, a person may not knowingly:

(1) exhibit to a minor without the presence of the minor's parent or guardian a motion picture show or other presentation described in subsection (a) of this section;

(2) sell to a minor an admission ticket or other means to gain entrance to a motion picture show or other presentation described in subsection (a) of this section; or

(3) admit a minor without the presence of the minor's parent or guardian to premises where a motion picture show or other presentation described in subsection (a) of this section is exhibited.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

Criminal Law Article § 11-103

Allowing Minors to Enter or Remain on Premises

(a) A person who operates or is employed in a sales, cashier, or managerial capacity in a retail establishment may not knowingly allow a minor without the presence of the minor's parent or guardian to enter or remain on any premises where an item or activity detailed in § 11-102(a) of this subtitle is shown, displayed, or depicted.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

Criminal Law Article § 11-104

Sale or Display of Obscene Item to Minor

See statute for definitions

(b)(1) A person may not willfully or knowingly display or exhibit to a minor an item:

(i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or

(ii) that consists of an obscene picture of a nude or partially nude figure.

(2) A person may not willfully or knowingly engage in the business of displaying, exhibiting, selling, showing, advertising for sale, or distributing to a minor an item:

(i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or

(ii) that consists of an obscene picture of a nude or partially nude figure.

(3) If a newsstand or other place of business is frequented by minors, the owner, operator, franchisee, manager, or an employee with managerial responsibility may not openly and knowingly display at the place of business an item whose sale, display, exhibition, showing, or advertising is prohibited by paragraph (2) of this subsection.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 11-203

Child Pornography

(a) A person may not:

(1) cause, induce, solicit, or knowingly allow a minor to engage as a subject in the production of obscene matter or a visual representation or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct;

(2) photograph or film a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct; use a computer to depict or describe a minor engaging in an obscene act, sadomasochistic abuse, or

sexual conduct;

(4) knowingly promote, distribute or possess with the intent to distribute any matter, visual representation, or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct; or

(5) use a computer to knowingly compile, enter, transmit, make, print, publish, reproduce, cause, allow, buy, sell, receive, exchange, or disseminate any notice, statement, advertisement, or minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for the purpose of engaging in, facilitating, encouraging, offering, or soliciting unlawful sadomasochistic abuse or sexual conduct of or with a minor.

(b) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) for a first violation, imprisonment for 10 years or a fine not exceeding $25,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 20 years or a fine not exceeding $50,000 or both.

Criminal Law Article § 11-207 (Note: For statute of limitations, see Courts and Judicial Proceedings Article § 5-106. Note: For forfeiture provisions associated with violations of this provision, see Criminal Procedure Article §§ 13-501 -13-536)

Possession of Visual Representation of Child under 16 Engaged in Certain Sexual Acts

(a) A person may not knowingly possess and intentionally retain a film, videotape, photograph, or other visual representation showing an actual child under the age of 16 years:

(1) engaged as a subject of sadomasochistic abuse;

(2) engaged in sexual conduct; or

(3) in a state of sexual excitement.

(b)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $2,500 or both.

(2) A person who violates this section, having previously been convicted under this section, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(c) Nothing in this section may be construed to prohibit a parent from possessing visual representations of the parent's own child in the nude unless the visual representations show the child engaged:

(1) as a subject of sadomasochistic abuse; or

(2) in sexual conduct and in a state of sexual excitement.

(d) It is an affirmative defense to a charge of violating this section that the person promptly and in good faith:

(1) took reasonable steps to destroy each visual representation; or

(2) reported the matter to a law enforcement agency.

Criminal Law Article § 11-208

Hiring Minor for Prohibited Purpose

(a) A person may not hire, employ, or use an individual, if the person knows, or possesses facts under which the person should reasonably know, that the individual is a minor, to do or assist in doing an act described in § 11-203 of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 11-209

Sexual Solicitation of a Minor

(b)(1) A person may not, with the intent to commit a violation of sections 3-304, or 3-307 of this subtitle, or articles 11-303, 11-304, 11-305, 11-306, or 11-307 of this article, knowingly solicit a minor, or an individual the person believes to be a minor, to engage in activities that would be unlawful for the person to engage in under sections 3-304, or 3-307 of this subtitle, or articles 11-303, 11-304, 11-305, 11-306, or 11-307 of this article.

(2) A person may not, with the intent to commit a violation of article 3-304 or article 3-307 of this subtitle or article 11-303, article 11-304, article 11-305, article 11-306, or article 11-307 of this article, knowingly solicited the consent of a parent, guardian, or custodian of a minor, or a law enforcement officer posing as a parent, guardian, or custodian of a minor, to engage in activities with a minor that would be unlawful for the person to engage in under article 3-304 or article 3-307 of this subtitle or articles §§ 11-303, 11-304, 11-305, 11-306, or 11-307 of this article.

(c) A violation of this section is considered to be committed in the State for purposes of determining jurisdiction if the solicitation:

(1) originated in this State; or

(2) is received in the State.

(d) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) For a first offence, imprisonment not exceeding 10 years or a fine not exceeding $25,000 or both; and

(2) For a second or subsequent offence, imprisonment not exceeding 20 years or a fine not exceeding $50,000 or both.

Criminal Law Article § 3-324

(Note: For forfeiture provisions associated with violations of this provision, see Criminal Procedure Article §§ 13-501 - 13-536)

Report that Child is Missing is Required

(a) In this section, "missing child" means a minor whose whereabouts are unknown to a parent or other person who has permanent care and custody or responsibility for the supervision of the minor.

(b) Except as provided in subsection (c) of this section, a parent or other person who has permanent care or custody or responsibility for the supervision of a minor under the age of 13 years may not recklessly or willfully fail to notify the appropriate law enforcement agency that the minor is a missing child within 24 hours of the time at which the parent or other person knew or should have known that the minor is a missing child.

(c) This section does not apply if the fact that the minor is a missing child has already been reported to the appropriate law enforcement agency.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years.

Criminal Law Article § 3-608

Missing Children - Definitions

(a) In this subtitle the following words have the meanings indicated:

(b) "Law enforcement Agency" means a State, county, or municipal police department or agency, or a sheriff's department.

(c) "Missing Child" means a person who is:

(1) Under the age of 18 years; and

(2) The subject of a missing persons report filed with a law enforcement agency in this State and whose whereabouts are unknown.

Family Law Article § 9-401

Missing Child - Law Enforcement Duties

(a) On receipt of a report regarding a missing child by a law enforcement agency, the law enforcement agency shall immediately determine if:

(1) the missing child has not been the subject of a prior missing persons report;

(2) the missing child suffers from a mental or physical handicap or illness;

(3) the disappearance of the missing child is of a suspicious or dangerous nature;

(4) the person filing the report of a missing child has reason to believe that the missing child may have been abducted;

(5) the missing child has ever been previously the subject of a child abuse report filed with the State or local law enforcement agency; or

(6) the missing child is under 17 years of age.

(b) Upon conclusion by the law enforcement agency that anyone of the conditions specified in subsection (a) of this section exists, the law enforcement agency shall immediately:

(1) enter all necessary and available information into the Maryland Interagency Law Enforcement Systems (MILES) and the National Crime Information Center (NCIC) computer networks;

(2) institute appropriate intensive search procedures, including the coordination of volunteer search teams;

(3) notify the National Center for Missing and Exploited Children and forward to the State Clearing house for missing children a copy of the missing persons report involving the missing child;

(4) notify the appropriate local department of social services, and, to the extent possible, obtain any information that may assist in the locating of the missing child; and

(5) enlist the aid of the State Police, when appropriate, in locating the missing child.

(c) If the conditions specified in subsection (a) of this section do not exist, the law enforcement agency shall:

(1) immediately seek to determine the circumstances surrounding the disappearance of the missing child; and

(2) implement the procedures set forth in subsection (b) of this section within 12 hours of the filing of a report regarding a missing child, if the missing child has not been located.

(d) Notwithstanding any provision of law to the contrary, if a missing child has not been located within 24 hours of the filing of a missing persons report and either the local law enforcement agency of the State police have reason to believe that the missing child may not be located in a jurisdiction other than the jurisdiction where the missing persons report was filed, the Maryland State Police shall enter the investigation and, in cooperation with the appropriate local law enforcement agencies,

assist State and National efforts to locate the missing child.

(e)(1) A law enforcement agency may not adopt rules, regulations, or policies that prohibit or discourage the filing of a report or the taking of any action on a report that a child is a missing child or that a child is believed to be a missing child.

(f) Every person filing a report of a missing child shall be required to notify the local law enforcement agency and the State Police immediately upon the locating of the missing child if it is unlikely that the local law enforcement agency or the State Police have knowledge that the missing child has been located.

Family Law Article § 9-402

State Clearing House for Missing Children

(a) There is a State Clearing house for missing children operated by the State Police that is responsible for:

(1) the receipt, collection, and distribution of general information and annual statistics regarding missing children; and

(2) coordination of law enforcement agencies and other interested persons or groups within and outside the State regarding information on children who have disappeared from, or are thought to be located in, Maryland.

(b) For children who have disappeared from or are thought to be located in the State, the State Clearinghouse for Missing Children:

(1) shall publish:

(i) the names of and relevant available information on missing children; and

(ii) annual statistics regarding missing children; and

(2) may establish and maintain a list of organizations and groups that provide volunteer search teams or resources relating to missing children

(c) The State Police Secretary may develop, in cooperation with local law enforcement agencies, a plan for voluntary fingerprinting programs for children.

(d) and (e) – Omitted. Family Law Article § 9-403

Death of Child - Reporting Required

(a) Unless the death of a minor has already been reported to the appropriate law enforcement agency or medical authority, a parent or other person who has permanent care or custody or responsibility for the supervision of a minor shall report the death of the minor to the appropriate law enforcement agency or medical authority within 5 hours of becoming aware of the death.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years.

Criminal Law Article § 3-609

COMPUTERS

(See Also "Electronic Communications and Transmissions")

Unauthorized Access to Computers and Related Material

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

(2) "Access" means to instruct, communicate with, store data in, retrieve or intercept data from, or otherwise use the resources of a computer program, computer system, or computer network.

(3)(i) "Aggregate amount" means a direct loss of property or services incurred by a victim.

(ii) "Aggregate amount" includes:

1. the value of any money, property, or service lost, stolen, or rendered unrecoverable by the crime; or

2. any actual reasonable expenditure incurred by the victim to verify whether a computer program, computer, computer system, or computer network was altered, acquired, damaged, deleted, disrupted, or destroyed by access in violation of this section.

(4)(i) "Computer" means an electronic, magnetic, optical, organic, or other data processing device or system that performs logical, arithmetic, memory, or storage functions.

(ii) "Computer" includes property, a data storage facility, or a communications facility that is directly related to or operated with a computer.

(iii) "Computer" does not include an automated typewriter, a typesetter, or a portable calculator.

(5)"Computer control language" means ordered statements that direct a computer to perform specific functions.

(6) "Computer database" means a representation of information, knowledge, facts, concepts, or instructions that:

(i) is intended for use in a computer, computer system, or computer network; and

(ii)(1) is being prepared or has been prepared in a formalized manner; or

(2) is being produced or has been produced by a computer, computer system, or computer network.

(7) "Computer network" means the interconnection of one or more computers through:

(i) the use of a satellite, microwave, line, or other communication medium; and

(ii) terminals or a complex consisting of two or more interconnected computers regardless of whether the interconnection is continuously maintained.

(8) "Computer program" means an ordered set of instructions or statements that may interact with related data and, when executed in a computer system, causes a computer to perform specified functions.

(9) "Computer services" includes computer time, data processing, and storage functions.

(10) "Computer software" means a computer program, instruction, procedure, or associated document regarding the operation of a computer system.

(11) "Computer system" means one or more connected or unconnected computers, peripheral devices, computer software, data, or computer programs.

(12) "Ransomware" means a computer or data contaminant, encryption, or lock that:

(i) is placed or introduced without authorization into a computer, a computer network, or a computer system; and

(ii) restricts access by an authorized person to a computer, computer data, a computer network, or a computer system in a manner that results in the person responsible for the placement or introduction of the contaminant, encryption, or lock demanding payment of money or other consideration to remove the contaminant, encryption, or lock

(b) This section does not preclude the applicability of any other provision of this code.

(c)(1) A person may not intentionally, willfully, and without

authorization access:

(i) attempt to access, cause to be accessed, or exceed the person's authorized access to all or part of a computer network, computer control language, computer, computer software, computer system, computer service, or computer database; or

(ii) copy, attempt to copy, possess, or attempt to possess the contents of all or part of a computer database accessed in violation of item (i) of this paragraph.

(2) A person may not commit an act prohibited by paragraph (1) of this subsection with the intent to:

(i) cause the malfunction or interrupt the operation of all or any part of a computer, computer network, computer control language, computer software, computer system, computer services, or computer data; or

(ii) alter, damage, or destroy all or any part of data or a computer program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer services, or computer database.

(3) A person may not intentionally, willfully, and without authorization:

(i) possess, identify, or attempt to identify a valid access code; or

(ii) publicize or distribute a valid access code to an unauthorized person.

(4) A person may not commit an act prohibited under this subsection with the intent to interrupt or impair the functioning of:

(i) State government;

(ii) a service, device, or system related to the production, transmission, delivery, or storage of electricity or natural gas in the State that is owned, operated, or controlled by a person other than a public service company, as defined in § 1-101 of the Public Utility Companies Article; or

(iii) a service provided in the State by a public service company as defined in § 1-101 of the Public Utility Companies Article.

(iv) a health care facility, as defined in § 18 - 338.1 of the Health – General Article; or

(v) a public school, as defined in § 1 – 101of the Education Article.

(5) (i) this paragraph does not apply to a person who has a bona fide scientific, governmental, governmental, testing, news, or other similar justification for possessing ransomware.

(ii) a person may not knowingly possess ransomware with the intent to use the ransomware for the purpose of introduction to the computer, computer network, or computer system of another person with the authorization of the other person.

(d)(1) A person who violates subsection (c)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

(2) A person who violates subsection (c)(2) or (3) of this section:

(i) if the aggregate amount of the loss is $10,000 or more, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both; or

(ii) if the aggregate amount of the loss is less than $10,000, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(3) A person who violated subsection (c)(4) of this section:

(i) if the aggregate amount of the loss is $10,000 or more, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $105,000 or both; or

(ii) if the aggregate amount of the loss is less than $10,000, is guilty

of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $25,000 or both.

(4) A person who violates subsection (c) (5) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $5,000 or both.

(e) Access achieved in violation of this section under a single scheme or a continuing course of conduct may be considered as one violation.

(f) A court of competent jurisdiction may try a person prosecuted under this section in any county in this state where:

(1) the defendant performed the act; or

(2) the accessed computer is located.

(g) (1) A person who has suffered a specific and direct injury because of a violation of this section may bring a civil action in a court of competent jurisdiction.

(2) In an action under this subsection, the court may award actual damages and reasonable attorney's fees and court costs.

(3) A conviction for an offense under this subsection is not a prerequisite for maintenance of an action under this subsection

Criminal Law Article § 7-302

Internet Crimes

See statute for the procedure to obtain information that resides on a server controlled by an interactive computer service provider.

Criminal Law Article § 11-208.1

Also See Statute on Spam Deterrence

Criminal Law Article § 3-805.1

CONTROLLED DANGEROUS SUBSTANCES, DRUGS, PRESCRIPTIONS AND INHALANTS

Drug substances and inhalants are classified and regulated under Title 5 of the Criminal Law Article, Annotated Code of Maryland. It is important to be familiar with the defined terms appearing in this title, particularly those in § 5-101. Among these defined terms are "authorized provider," "controlled dangerous substance," "drug," "prescription drug," "drug paraphernalia," "narcotic drug," "marijuana," "distribute," "possess," "manufacturer," "produce," "deliver," "administer," etc. "Opium" is defined in Criminal Law Article § 5-503.

Subtitle 4 of Title 5 classifies "controlled dangerous substances" into five separate "schedules. " Provisions in Title 5 place various restrictions on the drugs listed in these schedules. Subtitle 5 of Title 5 contains provisions related to prescriptions.

In addition to classifying and defining controlled dangerous substances, drugs, prescription drugs and inhalants, Title 5 outlines prohibited acts with regard to them. This includes possession, administering, manufacturing, distributing, possession with intent to distribute, etc. The Title also outlines drug offenses related to subjects such as schools, minors, fake drugs, drug kingpins and volume dealers.

The following is an outline of the salient provisions of Criminal Law Article, Title 5, Annotated Code of Maryland. Reference should be made to the text of the appropriate statutes for a complete understanding of the applicable law.

Select Defined Terms:

(See Criminal Law Article § 5-101 for Complete List of Defined Terms)

(g)(1) ***"Controlled dangerous substance"*** means:

(i) a drug or substance listed in Schedule I through Schedule V; or

(ii) an immediate precursor to a drug or substance listed in Schedule I through Schedule V that:

1. by regulation the Department designates as being the principal compound commonly used or produced primarily for use to manufacture a drug or substance listed in Schedule I through Schedule V;

2. is an immediate chemical intermediary used or likely to be used to manufacture a drug or substance listed in Schedule I through Schedule V; and

3. must be controlled to prevent or limit the manufacture of a drug or substance listed in Schedule I through Schedule V.

(2) "Controlled dangerous substance" does not include distilled spirits, wine, malt beverages, or tobacco.

(h) ***"Controlled paraphernalia"*** means:

(1) a hypodermic syringe, needle, or any other object or combination of objects adapted to administer a controlled dangerous substance by hypodermic injection;

(2) a gelatin capsule, glassine envelope, or other container suitable for packaging individual quantities of a controlled dangerous substance; or

(3) lactose, quinine, mannite, mannitol, dextrose, sucrose, procaine hydrochloride, or any other substance suitable as a diluent or adulterant.

(i) ***"Deliver"*** means to make an actual, constructive, or attempted transfer or exchange from one person to another whether or not remuneration is paid or an agency relationship exists.

(j) ***"Department"*** means the Department of Health and Mental Hygiene.

(k) ***"Depressant or stimulant drug"*** means a drug that contains any quantity of a substance that the Attorney General of the United States by regulation designates as having a potential for abuse because of:

(1) a depressant or stimulant effect on the central nervous system; or

(2) a hallucinogenic effect.

(l)(1) ***"Dispense"*** means to deliver to the ultimate user or the human research subject by or in accordance with the lawful order of an authorized provider.

(2) "Dispense" includes to prescribe, administer, package, label, or compound a substance for delivery.

(m) ***"Distribute"*** means, with respect to a controlled dangerous substance, to deliver other than by dispensing.

(n)(1) ***"Drug"*** means:

(i) a substance recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary;

(ii) a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

(iii) except for food, a substance intended to affect the structure or function of the body of humans or other animals; or

(iv) a substance intended for use as a component of any substance specified in item (i), (ii), or (iii) of this paragraph.

(2) "Drug" does not include a device or an accessory, part, or

component of a device.

(o) ***"Drug dependent person"*** means a person who:

(1) is using a controlled dangerous substance; and

(2) is in a state of psychological or physical dependence, or both, that:

(i) arises from administration of that controlled dangerous substance on a continuous basis; and

(ii) is characterized by behavioral and other responses that include a strong compulsion to take the substance on a continuous basis in order to experience its psychological effects or to avoid the discomfort of its absence.

(p)(1) ***"Drug paraphernalia"*** means equipment, a product, or material that is used, intended for use, or designed for use, in:

(i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, or concealing a controlled dangerous substance in violation of this title; or

(ii) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of this title.

(2) "Drug paraphernalia" includes:

(i) a kit used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled dangerous substance or from which a controlled dangerous substance can be derived;

(ii) a kit used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled dangerous substance;

(iii) an isomerization device used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled dangerous substance;

(iv) testing equipment used, intended for use, or designed for use in analyzing the strength, effectiveness, or purity of a controlled dangerous substance;

(v) a scale or balance used, intended for use, or designed for use in weighing or measuring a controlled dangerous substance;

(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a controlled dangerous substance;

(vii) a separation gin or sifter used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance;

(ix) a capsule, balloon, envelope, or other container used, intended for use, or designed for use in packaging small quantities of a controlled dangerous substance;

(x) a container or other object used, intended for use, or designed for use in storing or concealing a controlled dangerous substance;

(xi) a hypodermic syringe, needle, or other object used, intended for use, or designed for use in parenterally injecting a controlled dangerous substance into the human body; and

(xii) an object used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as:

1. a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with

or without screen, permanent screen, hashish head, or punctured metal bowl;

2. a water pipe;

3. a carburetion tube or device;

4. a smoking or carburetion mask;

5. an object known as a roach clip used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;

6. a miniature spoon used for cocaine and cocaine vials;

7. a chamber pipe;

8. a carburetor pipe;

9. an electric pipe;

10. an air–driven pipe;

11. a chillum;

12. a bong; and

13. an ice pipe or chiller.

(q)(1) ***"Manufacture",*** with respect to a controlled dangerous substance, means to produce, prepare, propagate, compound, convert, or process a controlled dangerous substance:

(i) directly or indirectly by extraction from substances of natural origin;

(ii) independently by chemical synthesis; or

(iii) by a combination of extraction and chemical synthesis.

(2) "Manufacture" includes to package and repackage a controlled dangerous substance and label and relabel its containers.

(3) "Manufacture" does not include:

(i) to prepare or compound a controlled dangerous substance by an individual for the individual's own use; or

(ii) to prepare, compound, package, or label a controlled dangerous substance:

1.by an authorized provider incidental to administering or dispensing a controlled dangerous substance in the course of professional practice; or

2.if the controlled dangerous substance is not for sale by an authorized provider, or by the authorized provider's agent under
the authorized provider's supervision, for or incidental to research, teaching, or chemical analysis.

(r)(1) ***"Marijuana"*** means:

(i) all parts of any plant of the genus Cannabis, whether or not the plant is growing;

(ii) the seeds of the plant;

(iii) the resin extracted from the plant; and

(iv) each compound, manufactured product, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

(2) "Marijuana" does not include:

(i) the mature stalks of the plant;

(ii) fiber produced from the mature stalks;

(iii) oil or cake made from the seeds of the plant;

(iv) except for resin, any other compound, manufactured product, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake; or

(v) the sterilized seed of the plant that is incapable of germination.

(vi) hemp as defined in § 14-101 of the Agriculture Article.

Criminal Law Article § 5-101

Prohibited Acts – Controlled Dangerous Substances Dispensing of Certain Substances Listed in Schedule II.

(a) Except as provided in subsection (b) of this section, a person may not dispense a controlled dangerous substance without a written prescription or an electronic prescription from an authorized provider if the substance is:

(1) listed in schedule II; and

(2) a drug to which § 21-220 of the Health - General Article applies.

(b) A controlled dangerous substance to which subsection (a) of this section applies may be dispensed without a written prescription or an electronic prescription by:

(1) an authorized provider who:

(i) is not a pharmacist; and

(ii) dispenses the controlled dangerous substance directly to an ultimate user; or

(2) a pharmacist if:

(i) an emergency exists;

(ii) the pharmacist dispenses the drug under regulations of the department on an oral prescription that the pharmacist reduces promptly to writing and keeps on file; and

(iii) federal law authorizes the oral prescription.

(c) A prescription for a controlled dangerous substance listed in schedule II shall be kept on file in conformity with the requirements for records and inventories under § 5-306 of this title.

(d) A person may not refill a prescription for a controlled dangerous substance listed in Schedule II.

Criminal Law Article § 5-501

Unlawfully Distributing Controlled Dangerous Substance

(a) A registrant may not:

(1) distribute or dispense a controlled dangerous substance listed in Schedule I or Schedule II in violation of § 5-303(d) of this title; or

(2) distribute a controlled dangerous substance listed in Schedule I or Schedule II in the course of the registrant's legitimate business, except in accordance with an order form under § 5-303(d) of this title.

(b) penalties-See statute

Criminal Law Article § 5-904

Substance Listed in Schedule III or Schedule IV

(a) Except when dispensed directly to an ultimate user by an authorized provider who is not a pharmacist, a controlled dangerous substance listed in Schedule III or Schedule IV that is a drug to which § 21-220 of the Health - General Article applies may not be dispensed without a written or oral prescription.

(b) Unless renewed by the authorized provider, the prescription may not be:

(1) filled or refilled more than 6 months after the date of prescription; or

(2) refilled more than five times.

Criminal Law Article § 5-504

Substance Listed in Schedule V

(a) Controlled dangerous substance listed in Schedule V may not be distributed or dispensed except for a medical purpose.

(b) When dispensing the controlled dangerous substance, an authorized provider shall securely affix to the container, in addition to any other label already there, a label with:

(1) the dispenser's name, signature, and registry number;
(2) the date on which the controlled dangerous substance is dispensed; and
(3) the purchaser's name.
Criminal Law Article § 5-505

Possessing, Obtaining or Administering Controlled Dangerous Substance; "Medical Necessity" Penalty Provision and Affirmative Defense for Marijuana Use

(a) Except as otherwise provided in this title, a person may not:
(l)possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or
(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:
(i) fraud, deceit, misrepresentation, or subterfuge;
(ii) the counterfeiting or alteration of a prescription or a written order;
(iii) the concealment of a material fact;
(iv) the use of a false name or address;
(v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or
(vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

(c)(1) Except as provided in paragraphs (2) and (3) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding $25,000 or both.

(2)(i) Except as provided in subparagraph (ii) of this paragraph, a person whose violation of this section involves the use or possession of marijuana in the amount of 10 grams or more is guilty of the misdemeanor of possession of marijuana and is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

(ii) 1. A first finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding $100.

2. A second finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding $250.

3. A third or subsequent finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding $500.

4. A. In addition to a fine, a court shall order a person under the age of 21 years who commits a violation punishable under subsubparagraph 1, 2, or 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

B. In addition to a fine, a court shall order a person at least 21 years old who commits a violation punishable under subsubparagraph 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to

an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

(3)(i) 1. In this paragraph the following words have the meanings indicated.

2. "Bona fide physician–patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient's medical condition.

3. "Caregiver" means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the patient, including assisting with the medical use of marijuana, who:

A. is a resident of the State;

B. is at least 21 years old;

C. is an immediate family member, a spouse, or a domestic partner of the patient;

D. has not been convicted of a crime of violence as defined in § 14–101 of this article;

E. has not been convicted of a violation of a State or federal controlled dangerous substances law;

F. has not been convicted of a crime of moral turpitude;

G. has been designated as caregiver by the patient in writing that has been placed in the patient's medical record prior to arrest;

H. is the only individual designated by the patient to serve as caregiver; and

I. is not serving as caregiver for any other patient.

4. "Debilitating medical condition" means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician–patient relationship:

A. cachexia or wasting syndrome;

B. severe or chronic pain;

C. severe nausea;

D. seizures;

E. severe and persistent muscle spasms; or

F. any other condition that is severe and resistant to conventional medicine.

(ii) 1. In a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

2. Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed marijuana because of medical necessity, the court shall dismiss the charge.

(iii) 1. In a prosecution for the use or possession of marijuana under this section, it is an affirmative defense that the defendant used or possessed marijuana because:

A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician–patient relationship;

B. the debilitating medical condition is severe and resistant to conventional medicine; and

C. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.

2. A. In a prosecution for the possession of marijuana under this section, it is an affirmative defense that the defendant possessed marijuana because the marijuana was intended for medical use by an individual with a debilitating medical condition for whom the defendant is a caregiver.

B. A defendant may not assert the affirmative defense under this subsubparagraph unless the defendant notifies the State's Attorney of the defendant's intention to assert the affirmative defense and provides the State's Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in Maryland Rules 4–262 and 4–263.

3. An affirmative defense under this subparagraph may not be used if the defendant was:

A. using marijuana in a public place or assisting the individual for whom the defendant is a caregiver in using the marijuana in a public place; or

B. in possession of more than 1 ounce of marijuana.

(d) The provisions of subsection (c)(2)(ii) of this section making the possession of marijuana a civil offense may not be construed to affect the laws relating to:

(1) operating a vehicle or vessel while under the influence of or while impaired by a controlled dangerous substance; or

(2) seizure and forfeiture.

Criminal Law Article § 5-601

Marijuana – Citation; Civil Offense

(a) A police officer shall issue a citation to a person who the police officer has probable cause to believe has committed a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana.

(b)(1) A violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana is a civil offense.

(2) Adjudication of a violation under § 5–601 of this part involving the use or possession of less than 10 grams of marijuana:

(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.

(c)(1) A citation issued for a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana shall be signed by the police officer who issues the citation and shall contain:

(i) the name, address, and date of birth of the person charged;

(ii) the date and time that the violation occurred;

(iii) the location at which the violation occurred;

(iv) the fine that may be imposed;

(v) a notice stating that prepayment of the fine is allowed, except as provided in paragraph (2) of this subsection; and

(vi) a notice in boldface type that states that the person shall:

1. pay the full amount of the preset fine; or

2. request a trial date at the date, time, and place established by the District Court by writ or trial notice.

(2)(i) If a citation for a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana is issued to a person under the age of 21 years, the court shall summon the person for trial.

(ii) If the court finds that a person at least 21 years old who has been issued a citation under this section has at least twice previously been found guilty under § 5–601 of this part involving the use or possession of less than 10 grams of marijuana, the court shall summon the person for trial.

(d) The form of the citation shall be uniform throughout the State and shall be prescribed by the District Court.

(e)(1) The Chief Judge of the District Court shall establish a schedule for the prepayment of the fine.

(2) Prepayment of a fine shall be considered a plea of guilty to a Code violation.

(3) A person described in subsection (c)(2) of this section may not prepay the fine.

(f) A person issued a citation for a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(g) A citation for a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana and the official record of a court regarding the citation are not subject to public inspection and may not be included on the public Web site maintained by the Maryland Judiciary.

Criminal Law Article § 5-601.1

Distributing, Possession with Intent to Distribute, or Dispensing Controlled Dangerous Substance

Except as otherwise provided in this title, a person may not:

(1) distribute or dispense a controlled dangerous substance; or

(2) possess a controlled dangerous substance in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance.

Criminal Law Article § 5–602.

Distribution of Controlled Dangerous Substances – Fentanyl

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

(2) "Opioid" means a controlled dangerous substance listed in § 5 – 402(b) or (c) or § 5 – 403(b)(1) or (3)(i) or (ii) or (c) of this title.

(3)(i) "Opioid analogue" means a substance:

1.that has a chemical structure similar to the chemical structure of an opioid; and

2. that has a stimulant, depressant, or hallucinogenic effect on the central nervous system.

(ii) "Opioid analogue" does not include:

1. a controlled dangerous substance;

2. a substance for which there is an approved new drug application; or

3. a substance approved for investigational use under § 506 of the Federal Food, Drug and Cosmetic Act.

(b) Except as otherwise provided in this title, a person may not distribute an opioid or opioid analogue, the use of which causes the death of another.

(c) A person who violates subsection (b) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(d) It is not a defense under this section that the defendant did not distribute the opioid or opioid analogue directly to the decedent.

(e) A person who, in good faith, seeks, provides, or assists with the provision of medical assistance for a person experiencing a medical emergency after using an opioid or opioid analogue shall be immune from criminal prosecution for a violation of this section if the evidence for the criminal prosecution was obtained solely as a result of the person's seeking,

providing, or assisting with the provision of medical assistance.

(f) For the purpose of this section, the sharing of an opioid or opioid analogue without remuneration of the exchange of goods or services does not constitute distribution.

Criminal Law Article § 5 – 602.1 – See statute for complete text.

Manufacturing a Controlled Dangerous Substance

Except as otherwise provided in this title, a person may not manufacture a controlled dangerous substance, or manufacture, distribute, or possess a machine, equipment, instrument, implement, device, or a combination of them that is adapted to produce a controlled dangerous substance under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance in violation of this title.

Criminal Law Article § 5-603

Methadone – Dispensing by "Authorized Provider"

An authorized provider may not dispense methadone, directly or by prescription, unless:

(1)the authorized provider is associated with a controlled drug therapy program authorized by the department; or

(2) an emergency or medical situation exists under regulations that the department adopts in cooperation with the Medical and Chirurgical Faculty of Maryland.

Criminal Law Article § 5-502

Opium

(a) In this section, "opium" includes:

(1) codeine; and

(2) a natural or synthetic compound, manufactured substance, salt, derivative, mixture, or preparation of opium.

(b)(1) Except on a valid prescription of an authorized prescriber as defined in the Health Occupations Article, a person may not dispense, give, or sell a preparation containing opium or any of its derivatives.

(2) This subsection does not apply to:

(i) a sale made to an authorized provider; or

(ii) a sale made by a manufacturer, distributor, or licensed pharmacy to a hospital or institution that operates a dispensary in which an authorized provider is in charge.

(c)(1) Except on a prescription from an authorized prescriber as defined in § 12-101 of the Health Occupations Article, a person may not possess or control a preparation containing opium or its derivatives.

(2) A person may possess or control a preparation containing opium or its derivatives if the possession or control is in the regular course of lawful business, occupation, profession, employment, or duty of the person.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, a fine not exceeding $1000;

(2) for a second violation, a fine not exceeding $2000; or

(3) for each subsequent violation, imprisonment not exceeding 18 months.

Criminal Law Article § 5-503

Miscellaneous Prohibited Acts – Activities Related to Prohibited Substances

(a) Except as otherwise authorized by this title, a person may not:

(1) omit, remove, alter, or obliterate a symbol required by federal law for a substance governed by this title;

(2) refuse or fail to make, keep, or furnish a record, notification, order form, statement, invoice, or information required under this title;

(3) refuse entry into a premises or inspection, if the entry or inspection is authorized under this title; or

(4) as a registrant or other authorized person under this title, keep or maintain a store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or other place that is:

(i) resorted to by persons using a controlled dangerous substance in violation of this title for the purpose of using a controlled dangerous substance; or

(ii) used for keeping or selling a controlled dangerous substance in violation of this title.

(b) Unless authorized by the registrant's registration, a registrant may not manufacture, distribute, or dispense a controlled dangerous substance to another registrant or other authorized person.

(c) An authorized provider may not prescribe, administer, manufacture, distribute, dispense, or possess a controlled dangerous substance or controlled paraphernalia except:

(1) in the course of regular professional duties; and

(2) in conformity with this title, standards of the authorized provider's profession relating to controlled dangerous substances or controlled paraphernalia.

(d) A controlled dangerous substance or controlled paraphernalia manufactured, distributed, dispensed, possessed, prescribed, or administered in violation of subsection(c) of this section is contraband.

(e) penalties-See statute.

Criminal Law Article § 5-902

<u>Inhalants</u>:

Definition and Prohibited Acts

(a) Scope of Section.

(1) This section applies to fingernail polish, model airplane glue, or any other substance that causes intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system when smelled or inhaled.

(2) This section does not apply to:

(i) the inhalation of anesthesia for medical or dental purposes; or

(ii) controlled dangerous substances.

(b)(1) A person may not deliberately smell or inhale a substance listed in paragraph (2) of this subsection in an amount that causes intoxication, excitement, stupefaction, or dulling of the brain or nervous system.

(2) This section applies to a drug or any other noxious substance or chemical that contains:

(i) an aldehyde;

(ii) butane;

(iii) butyl nitrite;

(iv) a chlorinated hydrocarbon;

(v) ether;

(vi) a fluorinated hydrocarbon;

(vii) a ketone;

(viii) methyl benzene;
(ix) nitrous oxide;
(x) an organic acetate; or
(xi) another substance containing solvents releasing toxic vapors.
(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.
Criminal Law Article § 5-708

Distribution of Inhalant and Instruction on Inhaling
(a) In this section, "distribute" includes actual, constructive, or attempted transfer, exchange, or delivery, regardless of remuneration or agency relationship.
(b) A person may not distribute or possess with intent to distribute to another a substance listed in § 5-708 of this subtitle:
(1) with the intent to induce unlawful inhaling of the substance; or
(2) with the knowledge that the other will unlawfully inhale the substance.
(c) A person may not:
(1) instruct another in the practice of inhaling or smelling that is prohibited under § 5-708(b) of this subtitle; or
(2) distribute a butane canister to a minor.
(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $1,000 or both.
Criminal Law Article § 5-709

Offenses Related to Tangible Objects:
Equipment Capable of Producing Controlled Dangerous Substance
Except as otherwise provided in this title, a person may not manufacture, distribute, or possess a machine, equipment, instrument, implement, device, or a combination of them that is adapted to produce a controlled dangerous substance under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance in violation of this title.
Criminal Law Article § 5-603

Drug Paraphernalia – Defined; Use/Possession Prohibited; "Medical Necessity" Penalty Provision and Affirmative Defense for Use/Possession Related to Marijuana
(a) To determine whether an object is drug paraphernalia, a court shall consider, among other logically relevant factors:
(1) any statement by an owner or a person in control of the object concerning its use;
(2) any prior conviction of an owner or a person in control of the object under a State or federal law relating to a controlled dangerous substance;
(3) the proximity of the object, in time and space, to a direct violation of this section or to a controlled dangerous substance;
(4) a residue of a controlled dangerous substance on the object;
(5) direct or circumstantial evidence of the intent of an owner or a person in control of the object to deliver it to another who, the owner or the person knows or should reasonably know, intends to use the object to facilitate a violation of this section;

(6) any instructions, oral or written, provided with the object concerning its use;

(7) any descriptive materials accompanying the object that explain or depict its use;

(8) national and local advertising concerning use of the object;

(9) the manner in which the object is displayed for sale;

(10) whether the owner or a person in control of the object is a licensed distributor or dealer of tobacco products or other legitimate supplier of related items to the community;

(11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(12) the existence and scope of legitimate uses for the object in the community; and

(13) expert testimony concerning use of the object.

(b) The innocence of an owner or a person in control of the object as to a direct violation of this section does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

(c)(1) This subsection does not apply to the use or possession of drug paraphernalia involving the use or possession of marijuana

(2) Unless authorized under this title, a person may not use or possess with intent to use drug paraphernalia to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating subsection (d)(4) of this section is subject to the penalty specified under paragraph (2)(ii) of this subsection.

(4)(i) 1. In this paragraph the following words have the meanings indicated.

2. "Bona fide physician–patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient's medical condition.

3. "Caregiver" means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the patient, including assisting with the medical use of marijuana, who:

A. is a resident of the State;

B. is at least 21 years old;

C. is an immediate family member, a spouse, or a domestic partner of the patient;

D. has not been convicted of a crime of violence as defined in § 14–101 of this article;

E. has not been convicted of a violation of a State or federal controlled dangerous substances law;

F. has not been convicted of a crime of moral turpitude;

G. has been designated as caregiver by the patient in writing that has

been placed in the patient's medical record prior to arrest;

H. is the only individual designated by the patient to serve as caregiver; and

I. is not serving as caregiver for any other patient.

4. "Debilitating medical condition" means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician–patient relationship:

A. cachexia or wasting syndrome;

B. severe or chronic pain;

C. severe nausea;

D. seizures;

E. severe and persistent muscle spasms; or

F. any other condition that is severe and resistant to conventional medicine.

(ii) 1. In a prosecution under this subsection involving drug paraphernalia related to marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

2. Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed drug paraphernalia related to marijuana because of medical necessity, the court shall dismiss the charge.

(iii) 1. In a prosecution under this subsection involving drug paraphernalia related to marijuana, it is an affirmative defense that the defendant used or possessed drug paraphernalia related to marijuana because:

A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician–patient relationship;

B. the debilitating medical condition is severe and resistant to conventional medicine; and

C. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.

2. A. In a prosecution under this subsection involving drug paraphernalia related to marijuana, it is an affirmative defense that the defendant possessed drug paraphernalia related to marijuana because the drug paraphernalia related to marijuana was intended for medical use by an individual with a debilitating medical condition for whom the defendant is a caregiver.

B. A defendant may not assert the affirmative defense under this subsubparagraph unless the defendant notifies the State's Attorney of the defendant's intention to assert the affirmative defense and provides the State's Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in Maryland Rules 4–262 and 4–263.

3. An affirmative defense under this subparagraph may not be used if the defendant was:

A. using marijuana in a public place or assisting the individual for whom the defendant is a caregiver in using the marijuana in a public place; or

B. in possession of more than 1 ounce of marijuana.

(d)(1) Unless authorized under this title, a person may not deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably

should know, that the drug paraphernalia will be used to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating paragraph (4) of this subsection is subject to imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(4) If a person who is at least 18 years old violates paragraph (1) of this subsection by delivering drug paraphernalia to a minor who is at least 3 years younger than the person, the person is guilty of a separate misdemeanor and on conviction is subject to imprisonment not exceeding 8 years or a fine not exceeding $15,000 or both.

(e)(1) A person may not advertise in a newspaper, magazine, handbill, poster, sign, mailing, or other writing or publication, or by sound truck, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, wholly or partly, is to promote the sale or delivery of drug paraphernalia.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

Criminal Law Article § 5-619

Paraphernalia – Prohibited Acts

(a) Unless authorized under this title, a person may not:

(1) obtain or attempt to obtain controlled paraphernalia by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) counterfeiting a prescription or a written order;

(iii) concealing a material factor the use of a false name or address;

(iv) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(v) making or issuing a false or counterfeit prescription or written order; or

(2) possess or distribute controlled paraphernalia under circumstances which reasonably indicate an intention to use the controlled paraphernalia for purposes of illegally administering a controlled dangerous substance.

(b) Evidence of circumstances that reasonably indicate an intent to use controlled paraphernalia to manufacture, administer, distribute, or dispense a controlled dangerous substance unlawfully include the close proximity of the controlled paraphernalia to an adulterant, dilutent, or equipment commonly used to illegally manufacture, administer, distribute, or dispense controlled dangerous substances, including:

(1) a scale;

(2) a sieve;

(3) a strainer;

(4) a measuring spoon;

(5) staples;
(6) a stapler;
(7) a glassine envelope;
(8) a gelatin capsule;
(9) procaine hydrochloride;
(10) mannitol;
(11) lactose;
(12) quinine; and
(13) a controlled dangerous substance.

(c) Information that is communicated to a physician to obtain controlled paraphernalia from the physician in violation of this subtitle is not a privileged communication.

(c) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor.

(See Statute for penalty)

Criminal Law Article § 5-620

Ancillary Offenses:

Keeping a Common Nuisance

(a) "Common nuisance" means a dwelling, building, vehicle, vessel, aircraft, or other place:

(1) resorted to by individuals for the purpose of administering illegally controlled dangerous substances; or

(2) where controlled dangerous substances or controlled paraphernalia are manufactured, distributed, dispensed, stored, or concealed illegally.

(b) A person may not keep a common nuisance.

Criminal Law Article § 5-605

Counterfeit Substances

(a) In this section, "counterfeit substance" means a controlled dangerous substance, or its container or labeling, that:

(1) without authorization, bears a likeness of the trademark, trade name, or other identifying mark, imprint, number, or device of a manufacturer, distributor, or dispenser other than the actual manufacturer, distributor, or dispenser; and

(2) thereby falsely purports or is represented to be the product of, or to have been distributed by, the other manufacturer, distributor, or dispenser.

(b) Except as otherwise provided in this title, a person may not:

(1) create or distribute a counterfeit substance; or

(2) possess a counterfeit substance with intent to distribute it.

(c) Except as otherwise provided in this title, a person may not manufacture, distribute, or possess equipment that is designed to print, imprint, or reproduce an authentic or imitation trademark, trade name, other identifying mark, imprint, number, or device of another onto a drug or the container or label of a drug, rendering the drug a counterfeit substance.

Criminal Law Article § 5-604

Faked Controlled Dangerous Substances:

Faked CDS – Distributing

(a) A person may not distribute, attempt to distribute, or possess with intent to distribute a non-controlled substance:

(1) that the person represents as a controlled dangerous substance;
(2) that the person intends for use or distribution as a controlled dangerous substance; or
(3) under circumstances where one reasonably should know that the non-controlled substance will be used or distributed for use as a controlled dangerous substance.
(b) To determine if a person has violated this section, the court or other authority shall include in its consideration:
(1) whether the non-controlled substance was packaged in manner normally used to distribute a controlled dangerous substance illegally;
(2) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of consideration was substantially greater than the reasonable value of the non-controlled substance; and
(3) whether the physical appearance of the non-controlled substance is substantially identical to that of a controlled dangerous substance.
(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $15,000 or both.
(d) It is not a defense to a prosecution under this section that the defendant believed that the non-controlled substance was a controlled dangerous substance.
Criminal Law Article § 5-617

Faked CDS – Possession and Purchase Offenses
(a) Except as authorized in this title, a person may not possess or purchase a non-controlled substance that the person reasonably believes is a controlled dangerous substance.
(b) To determine if a person has violated this section, the court shall include in its consideration:
(1) whether the non-controlled substance was packaged in a manner normally used to illegally distribute a controlled dangerous substance;
(2) if the non-controlled substance was purchased, whether the amount of the consideration was substantially greater than the reasonable value of the non-controlled substance; and
(3) whether the physical appearance of the non-controlled substance is substantially identical to that of a controlled dangerous substance.
(c) It is not a defense to a prosecution under this section that the substance a person possessed or purchased was not a controlled dangerous substance if the person reasonably believed that it was a controlled dangerous substance.
(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.
Criminal Law Article § 5-618

<u>Firearms; Weapons; and Misc. Offenses in Relation to Drug Crime:</u> Use of Weapon as Separate Crime
(b) During and in relation to a drug trafficking crime, a person may not:
(1) possess a firearm under sufficient circumstances to constitute a nexus to the drug trafficking crime; or
(2) use, wear, carry, or transport a firearm.
(c) Penalty. See Statute for exact language
In addition to the sentence provided for the drug trafficking crime, a

person who violates subsection (b) of this section is guilty of a felony and the court shall double the minimum mandatory sentence if a firearm is used.

Criminal Law Article § 5-621

Firearm Crimes

(b) A person may not possess, own, carry, or transport a firearm if that person has been convicted of:

(1) a felony under this title;

(2) a crime under the laws of another state or of the United States that would be a felony under this title if committed in this State;

(3) conspiracy to commit a crime referred to in items (1) and (2) of this subsection; or

(4) an attempt to commit a crime referred to in items (1) and (2) of this subsection.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

Criminal Law Article § 5-622

Providing Drugs without Consent of Individual:
Administering Drug to an Individual to Commit Certain Offenses Against the Individual

(a) In this section, "drug" does not include alcohol.

(b) A person may not administer a controlled dangerous substance or other drug to another without that person's knowledge and commit against that other:

(1) a crime of violence as defined in § 14-101 of this Article; or

(2) a sexual offense in the third degree under § 3-307 of this Article.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

Criminal Law Article § 5-624

Unsolicited Mailing

(b) A person may not send by mail a prescription drug, controlled dangerous substance, or medicine to "resident", "occupant", or to a named addressee who has not requested that the prescription drug, controlled dangerous substance, or medicine be mailed.

Criminal Law Article § 5-703

Schools and Minors:
Controlled Dangerous Substance Near a School

(a) A person may not manufacture, distribute, dispense, or possess with intent to distribute a controlled dangerous substance in violation of § 5-602 of this subtitle or conspire to commit any of these crimes:

(1)in a school vehicle, as defined under § 11-154 of the Transportation Article; or

(2)in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary educational purposes.

(b) Subsection (a) of this section applies whether or not:

(1)school was in session at the time of the crime; or

(2) the real property was being used for purposes other than school purposes at the time of the crime.

(felony-see statute for penalty)

Note-Must be within 1,000 ft. of property owned or used for school purposes.

Criminal Law Article § 5-627

Use of Minor in Controlled Dangerous Substance Offense

(a)(1)(i) Except as provided in subparagraph (ii) of this paragraph, a person may not hire, solicit, engage, or use a minor to manufacture, deliver, or distribute on behalf of that person a controlled dangerous substance in sufficient quantity to reasonably indicate under all the circumstances an intent to distribute the controlled dangerous substance.

(ii) This paragraph does not prohibit a person from hiring, soliciting, engaging, or using a minor to manufacture, deliver, or distribute a controlled dangerous substance if the manufacturing, delivering, or distributing has a lawful purpose.

(2) A person may not transport, carry, or otherwise bring a minor into the state to use the minor to violate this section or § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-612, § 5-613, § 5-617, or § 5-627 of this Article.

(b) A who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $20,000 or both.

Criminal Law Article § 5-628

Prescription Drug Offenses:

Prohibited Dispensing of Prescription Drugs

(b) A person may not dispense a prescription drug except:

(1) on an authorized provider's:

(i) electronic prescription; or

(ii) written prescription; or

(iii) oral prescription that the pharmacist reduces to writing and files; or

(2) by refilling a written prescription, an electronic prescription, or an oral prescription that is authorized:

(i) by the authorized provider in the original prescription; or

(ii) by oral direction that the pharmacist reduces to writing and files.

(c) A person may not dispense a prescription drug by filling or refilling a written prescription, an electronic prescription, or an oral prescription of an authorized provider unless the drug bears a label that, in addition to any requirements of the department or federal law, contains:

(1) the name and address of the dispenser;

(2) the serial number and date of the prescription;

(3) the name of the authorized provider; and

(4) if stated in the prescription, the name and address of the patient and the directions for use.

(d) Except as otherwise provided under this title, a person may not:

(1) manufacture, distribute, or possess with intent to distribute a prescription drug;

(2) affix a false or counterfeit label to a package, container, or other receptacle containing a prescription drug;

(3) omit, remove, alter, or obliterate a label or symbol that is required by federal, state, or local law on a prescription drug; or

(4) obtain or attempt to obtain a prescription drug by:

(i) fraud, deceit, or misrepresentation;

(ii) the counterfeiting or altering of a prescription or written order;

(iii) concealing a material fact;

(iv) using a false name or address;
(v) falsely assuming the title of or falsely representing that the person is a manufacturer, distributor, or authorized provider; or
(vi) making or issuing a false or counterfeit prescription or written order.
(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.
Criminal Law Article § 5-701

Sale of Drug Different from that Ordered
(a)(1) This subsection applies to a person engaged in the business of selling prescription drugs, controlled dangerous substances, medicines, chemicals, or preparations for medical use or of compounding or dispensing these in accordance with physicians' prescriptions.
(2) A person subject to this subsection may not knowingly sell or deliver to another a drug, medicine, chemical, or preparation for medicinal use that is recognized or authorized by the latest edition of the United States pharmacopoeia and national formulary or prepared according to the private formula of another that is:
(i) other or different from the prescription drug, controlled dangerous substance, medicine, chemical, or preparation that is ordered or called for by the person; or
(ii) except as authorized under § 12-504 of the Health Occupations Article, called for in a prescription of a physician or other authorized provider.
(b) Subsection (a) of this section applies to a person acting on the person's own behalf or as an agent or employee of some other person.
(c)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment of not less than 1 month and not exceeding 1 year or a fine of not less than $100 and not exceeding $500 or both.
(2) A person convicted under this section may not practice pharmacy under a certificate or registration issued under State law.
Criminal Law Article § 5-702

False Prescriptions
(a) Except as otherwise provided in this title, a person may not pass, issue, make, or possess a false, counterfeit, or altered prescription for a controlled dangerous substance with intent to distribute the controlled dangerous substance.
(b) Information that is communicated to an authorized prescriber in an effort to obtain a controlled dangerous substance in violation of subsection (a) of this section is not a privileged communication.
Criminal Law Article § 5-606
(Also See "Counterfeiting and Forgery" – "Counterfeiting Prescription")

<u>Providers:</u>
Volume Dealer
(a) A person may not manufacture, distribute, dispense, or possess:
(1) 50 pounds or more of marijuana;
(2) 448 grams or more of cocaine;
(3) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of cocaine

(4) 50 grams or more of cocaine base, commonly known as "crack";

(5) 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(6) 28 grams or more of any mixture containing a detectable amount as scientifically measured using representative sampling methodology, of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(7) 5 grams or more of fentanyl or any structural variation of fentanyl that is scheduled by the United States Drug Enforcement Administration;

(8) 28 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of fentanyl or any structural variation of fentanyl that is scheduled by the United States Drug Enforcement Administration;

(9) 1,000 dosage units or more of lysergic acid diethylamide;

(10) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;

(11) 16 ounces or more of phencyclidine in liquid form;

(12) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of phencyclidine;

(13) 448 grams or more of methamphetamine; or

(14) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of methamphetamine.

(b) For the purpose of determining the quantity of a controlled dangerous substance involved in individual acts of manufacturing, in subsection (a) of this section, the reference to the "signature" of the distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense under subsection (a) of this section, the acts may be aggregated if each of the acts occurred within a 90-day period.

(c)(1) A person who is convicted of a violation of subsection (a) of this section shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not exceeding $100,000.

(2) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

Criminal Law Article § 5-612

"Drug Kingpin"

(a) In this section, "drug kingpin" means an organizer, supervisor, financier, or manager who acts as a coconspirator in a conspiracy to manufacture, distribute, dispense, transport in, or bring into the state a controlled dangerous substance.

(b)(1) A drug kingpin who conspires to manufacture, distribute, dispense, transport in, or bring into the state a controlled dangerous substance in an amount listed in § 5-612 of this subtitle is guilty of a felony and on conviction is subject to imprisonment for not less than 20 years and not exceeding 40 years without the possibility of parole or a fine not exceeding $1,000,000 or both.

(2) A court may not suspend any part of the mandatory minimum sentence of 20 years.

(3) the person is not eligible for parole during the mandatory minimum sentence.

(c) It is not a defense to a prosecution under this section that the controlled dangerous substance was brought into or transported in the state solely for ultimate distribution or dispensing in another jurisdiction.

(d) Notwithstanding any other provision of this title, a conviction under this section does not merge with the conviction for any crime that is the object of the conspiracy.

(e) The provisions of § 6-220 of the Criminal Procedure Article do not apply to a conviction under this section.

Criminal Law Article § 5-613

Importer of Certain Controlled Dangerous Substances

(a)(1) *Unlawful amounts*. Unless authorized by law to possess the substance, a person may not bring into the state:

(i) 45 kilograms or more of marijuana;

(ii) 28 grams or more of cocaine;

(iii) any mixture containing 28 grams or more of cocaine;

(iv) 4 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(v) 1,000 dosage units of lysergic acid diethylamide;

(vi) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;

(vii) 28 grams or more of phencyclidine in liquid or powder form;

(viii) 112 grams or more of any mixture containing phencyclidine;

(ix) 1,000 dosage units or more of methaqualone;

(x) 28 grams or more of methamphetamine;

(xi) any mixture containing 28 grams or more of methamphetamine;

(xii) 4 grams or more of fentanyl or a fentanyl analogue.

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $50,000 or both.

(b)(1) *Same – Smaller amounts of marijuana*. Unless authorized by law to possess the marijuana, a person may not bring into the state more than 5 kilograms but less than 45 kilograms of marijuana.

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

Criminal Law Article § 5-614

Proceeds of Drug Crime

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

(2) "Drug crime" means:

(i) a crime under this title; or

(ii) a crime committed in another jurisdiction that would be a crime under this title if committed in this State.

(3) "Financial transaction" means:

(i) a payment;

(ii) a purchase;

(iii) a sale;

(iv) a loan;

(v) a pledge;

(vi) a transfer;

(vii) a delivery;

(viii) a deposit;

(ix) a withdrawal; or

(x) an extension of credit or exchange of a monetary instrument or

equivalent property, including precious metals, stones or jewelry, airline tickets, stamps, or credit in a financial institution as defined in § 1-101 of the Financial Institutions Article.

(4) "Monetary Instrument" means:

(i) coin or currency of the united states or any other country;

(ii) a bank check;

(iii) a travelers' check;

(iv) a money order;

(v) an investment security; or

(vi) a negotiable instrument.

(5) "Proceeds" means money or any other property with a value exceeding $10,000.

(b) Except for a financial transaction necessary to preserve a person's right to representation as guaranteed by the 6th amendment to the United States Constitution and Article 21 of the Maryland Declaration of Rights, a person may not, with the intent to promote a drug crime or with the intent to conceal or disguise the nature, location, source, ownership, or control of proceeds of a drug crime:

(1) receive or acquire proceeds knowing that the proceeds are derived from a drug crime;

(2) engage in a financial transaction involving proceeds knowing that the proceeds are derived from a drug crime;

(3) give, sell, transfer, trade, invest, conceal, transport, or maintain an interest in proceeds knowing that the proceeds are derived from a drug crime;

(4) direct, promote, plan, organize, initiate, finance, manage, supervise, or facilitate the transportation or transfer of proceeds knowing that the proceeds are derived from a drug crime; or

(5) conduct a financial transaction involving proceeds knowing that the proceeds are derived from a drug crime.

(c) penalty-see statute Criminal Law Article § 5-623

Warrants and Police Jurisdiction:

Law Enforcement Jurisdiction and Administrative Warrants – Statewide Jurisdiction for Officers

(a)(1) *Investigations and enforcement*. Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority Police, the Maryland Port Administration Police, or a municipal corporation or county may investigate and otherwise enforce this title (Title 5 CDS, Prescriptions, and other Substances) and Title 12 of the Criminal Procedure Article throughout the State without any limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of State Police.

(2) The authority granted in paragraph (1) of this subsection may be exercised only in accordance with regulations that the Secretary of the State Police adopts.

(3) The regulations are not subject to Title 10, Subtitle 1 of the State Government Article.

(b) If action is taken under the authority granted in this section, notification of an investigation or enforcement action shall be made:

(1) in a municipal corporation, to the chief of police or designee of the chief of police;

(2) in a county that has a county police department, to the chief of police or designee of the chief of police;

(3) in a county without a police department, to the sheriff or designee of the sheriff;

(4) in Baltimore City, to the police commissioner or the police commissioner's designee; and

(5) on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, to the respective chief of police or the chief's designee.

(c) When acting under the authority granted in this section, a law enforcement officer:

(1) in addition to any other immunities and exemptions to which the officer may be entitled, has the immunities from liability and exemptions accorded to a law enforcement officer of the Department of State Police; but

(2) remains an employee of the officer's employing agency.

Criminal Law Article § 5-802

Administrative Inspection Warrants

(a) In this section, "administrative probable cause" means a valid public interest in the effective enforcement of this title or regulations sufficient to justify administrative inspection of the area premises, building, or conveyance in the circumstances specified in the application for the administrative inspection warrant.

(b) On showing of administrative probable cause, a judge of the state may issue an administrative inspection warrant to conduct:

(1) administrative inspections authorized by this title; and

(2) seizures of property appropriate to the inspections. (See statute for details)

Criminal Law Article § 5-804

CONVICTS – FUGITIVES AND ESCAPE

Escape in the First Degree

(a) A person may not knowingly escape from a place of confinement.

(b) A person may not escape from a detention center for juveniles or a facility for juveniles listed in Article 83C, § 2-117(a)(2) and in the course of the escape commit an assault.

(c)(1) This subsection applies to a person who is:

(i) temporarily released from a place of confinement; or

(ii) committed to home detention under the terms of pretrial release or by the division of correction under title 3, subtitle 4 of the Correctional Services Article.

(2) A person may not knowingly:

(i) violate any restriction on movement imposed under the terms of a temporary release or a home detention order or agreement; or

(ii) fail to return to a place of confinement under the terms of a temporary release or a home detention order or agreement.

(d) Except as provided in § 9-405 of this subtitle, a person who violates this section is guilty of the felony of escape in the first degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $20,000 or both.

Criminal Law Article § 9-404

Escape in the Second Degree

(a)(1) A person who has been lawfully arrested may not knowingly depart from custody without the authorization of a law enforcement or judicial officer.

(2) A person may not knowingly fail to obey a court order to report to

a place of confinement.

(3) A person who is serving a sentence in a home detention program other than the division of correction home detention program under title 3, subtitle 4 of the Correctional Services Article may not knowingly:

(i) violate any restriction on movement imposed under the terms of the home detention order or agreement; or

(ii) fail to return to a place of confinement under the terms of the home detention order or agreement. except as otherwise punishable under § 9-404(b) of this subtitle, a person may not escape from a detention center for juveniles or a facility for juveniles listed in Article 83C, § 2-117(a)(2).

(b) A person who violates this section is guilty of the misdemeanor of escape in the second degree and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 9-405

Flight to Avoid Prosecution or Testimony – Federal Statute

Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for a crime, or an attempt to commit a crime, punishable by death or which is a felony under the laws of the place from which the fugitive flees, or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by death or which is a felony under the laws of such place, is charged, or (3) to avoid service of, or contempt proceedings for alleged disobedience of, lawful process requiring attendance and the giving of testimony or the production of documentary evidence before an agency of a State empowered by the law of such State to conduct investigations of alleged criminal activities, shall be fined or imprisoned not more than five years or both.

18 USC § 1073

Harboring Fugitive

(a) This section does not apply if the warrant is for a traffic offense.

(b) A person may not harbor a fugitive to prevent the fugitive's discovery or arrest after:

(1) being notified, or otherwise knowing, that a felony warrant was issued for the arrest of the fugitive; and

(2) being notified that harboring the fugitive is a crime.

(c) A person may not knowingly harbor a fugitive who is avoiding:

(1) prosecution;

(2) custody; or

(3) confinement after conviction of a felony.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

Criminal Law Article § 9-402

Harboring Escaped Inmate

(a) A person may not willfully harbor an inmate, who was imprisoned for a felony and who escaped from the custody of the Division of Correction or other correctional unit to which the inmate has been committed, after:

(1) being notified, or otherwise knowing, that the inmate escaped; and

(2) being notified that harboring the inmate is a crime.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

Criminal Law Article § 9-403

False Imprisonment of a Correctional Employee

An inmate may not falsely imprison an individual who is employed by a correctional facility, performs volunteer work or perform duties by virtue of their employment. An inmate who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years. A sentence imposed under this section may not be suspended.

Correctional Services Article § 8-807

CORRECTIONAL FACILITIES

Contraband – Generally

(a) A person may not:

(1) deliver any contraband to a person detained or confined in a place of confinement; or

(2) possess any contraband with intent to deliver it to a person detained or confined in a place of confinement; or

(3) knowingly possess contraband in a place of confinement.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

Criminal Law Article § 9-412

Contraband for Escape

(a)(1) A person may not deliver contraband to a person detained or confined in a place of confinement with the intent to effect an escape.

(2) A person may not possess contraband with the intent to deliver it to a person detained or confined in a place of confinement to effect an escape.

(3) A person may not deposit or conceal any contraband in or about a place of confinement or on any land appurtenant to the place of confinement to effect an escape.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive contraband to effect an escape.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 9-413

Contraband - Weapon

(a)(1) A person may not deliver a weapon to a person detained or confined in a place of confinement.

(2) A person may not possess a weapon with the intent to deliver it to a person detained or confined in a place of confinement.

(3) A person may not deposit or conceal a weapon in or about a place of confinement or on any land appurtenant to the place of confinement to effect an escape.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a weapon.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 9-414

Contraband - Alcoholic Beverage

(a) This section does not apply to an alcoholic beverage delivered or possessed in a manner authorized by the managing official.

(b) A person may not:

(1) deliver an alcoholic beverage to a person detained or confined in a place of confinement;

(2) possess an alcoholic beverage with the intent to deliver it to a person detained or confined in a place of confinement; or

(3) a person detained or confined in a place of confinement may not knowingly possess or receive an alcoholic beverage.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

Criminal Law Article § 9-415

Contraband - Controlled Dangerous Substance

(a) A person may not:

(1) deliver a controlled dangerous substance to a person detained or confined in a place of confinement;

(2) possess a controlled dangerous substance with the intent to deliver it to a person detained or confined in a place of confinement; or

(3) a person detained or confined in a place of confinement may not knowingly possess or receive a controlled dangerous substance.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

Criminal Law Article § 9-416

Contraband – Telecommunication Device – Place of Confinement

(a) This section does not apply to a work release or prerelease program in Montgomery County established under § 11–717 of the Correctional Services Article.

(b)(1) A person may not deliver or attempt to deliver a telecommunication device, telecommunication device charger, or subscriber identification module (SIM) card to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(2) A person may not possess a telecommunication device, telecommunication device charger, or SIM card with the intent to deliver it to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(3) A person may not deposit or conceal a telecommunication device, telecommunication device charger, or SIM card in or about a place of confinement with signs posted indicating that such conduct is prohibited or on any land appurtenant to the place of confinement with the intent that it be obtained by a person detained or confined in the place of confinement.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a telecommunication device, telecommunication device charger, or SIM card.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $3,000 or both.

(d) A sentence imposed for a violation of subsection (b)(4) of this section shall be consecutive to any sentence that the person was serving

at the time of the crime or that had been imposed but was not yet being served at the time of sentencing.

Criminal Law Article § 9-417

Inmate Causing Correctional Employee to Come into Contact with Bodily Fluid, etc.

(a) An inmate may not maliciously cause or attempt to cause an employee of a state correctional facility, a local correctional facility, or a sheriff's office, regardless of employment capacity, to come into contact with:

(1) seminal fluid, urine, or feces; or

(2) blood, if the contact with the blood is not the result of physical injury resulting from physical body contact between the inmate and the employee.

(b) An inmate who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $2,500 or both.

(c) A sentence imposed under this section shall be consecutive to any sentence that the inmate was serving at the time of the crime or that had been imposed but was not yet being served at the time of sentencing.

(d) A sentence imposed under this section may not be suspended.

Criminal Law Article § 3-205

Indecent Exposure – Inmates

(a) Words or phrases in this section that describe the common-law crime of indecent exposure shall retain their judicially determined meanings except to the extent expressly or implicitly changed in this section.

(b) An inmate may not, with intent to annoy, abuse, torment, harass, or embarrass a correctional officer or authorized personnel, lewdly, lasciviously, and indecently expose private parts of the inmate's body in the presence of the correctional officer or authorized personnel.

(c) An inmate who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

Correctional Services Article § 8-803

Sexual Conduct between Correctional or Juvenile Services Employee and Inmate or Confined Child

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

(2)(i) "Correctional employee" means a:

1. correctional officer, as defined in § 8-201 of the Correctional Services Article; or

2. managing official or deputy managing official of a correctional facility.

(ii) "Correctional employee" includes a sheriff, warden, or other official who is appointed or employed to supervise a correctional facility.

(3) "Court-ordered services provider" means a person who provides services to an individual who has been ordered by the court, the Division of Parole and Probation, or the Department of Juvenile Services to obtain those services.

(4)(i) "inmate" has the meaning stated in § 1-101 of this Article.

(ii) "inmate" includes an individual confined in a community adult rehabilitation center.

(5) "Law enforcement officer" has the meaning stated in § 3-101 of the Public Safety Article.

(b)(1) This subsection applies to:

(i) a correctional employee;

(ii) any other employee of the Department of Public Safety and Correctional Services or a correctional facility;

(iii) an employee of the contractor provided goods or services to the Department of Public Safety and Correctional Services or a correctional facility; and

(iv) any other individual working in a correctional facility, whether on a paid or volunteer basis.

(2) A person described in paragraph (1) of this subsection may not engage in sexual contact, vaginal intercourse or a sexual act with an inmate.

(c) a person may not engage in sexual contact, vaginal intercourse or a sexual act with an individual confined in a child care institution licensed by the department, a detention center for juveniles, or a facility for juveniles listed in Article 83C, § 2-117(a) (2) of the code.

(d) A court-ordered services provider may not engage in sexual contact, vaginal intercourse, or a sexual act with an individual ordered to obtain services while the order is in effect.

(e) (1) (a) Except as provided in paragraph (2) of this subsection, a law enforcement officer may not engage in sexual contact, vaginal intercourse, or a sexual act with a person :

(i) Who is a victim, witness, or suspect in an open investigation that the law enforcement officer is conducting, supervising, or assisting with if the law enforcement officer knew or should have known that the person is a victim, witness, or suspect in the investigation.

(ii) requesting assistance from or responding to the law enforcement officer in the course of the law enforcement officer's official duties; or

(iii) in the custody of the law enforcement officer.

(2) Paragraph (1) (i) and (ii) of this subsection does not apply if the law enforcement officer:

(i) had a prior existing legal sexual relationship with the person; and

(ii) did not act under the color or pretense of office or official right when seeking consent to the vaginal intercourse, sexual act, or sexual contact.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $3,000 or both.

Criminal Law Article § 3-314

COUNTERFEITING AND FORGERY

(See also "Fraud and Related Crimes")

Possessing or Issuing Counterfeit United States Currency

(a) A person may not, with intent to defraud:

(1) Manufacture United States Currency;

(2) Counterfeit, cause to be counterfeited, or willingly aid or assist in counterfeiting United States currency; or

(3) make, scan, record, reproduce, transit, or have in the person's control, custody, or possession an analog, digital, or electronic image of United States currency.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine

not exceeding $10,000 or both.
Criminal Law Article § 8-604

Counterfeiting of Public and Government Documents

(a)(1) A person may not counterfeit, cause to be counterfeited, or willingly aid or assist in counterfeiting:

(i) a commission, patent, pardon, order for release, or other court document; or

(ii) a warrant, certificate, or other public security from which money may be drawn from the treasury of the State.

(2) A person may not write, sign, or possess a counterfeit:

(i) commission, patent, pardon, order for release or other court document; or

(ii) warrant, certificate, or other public security from which money may be drawn from the Treasury of the State.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

Criminal Law Article § 8-605

(a) A person may not:

(1) forge, falsify, or counterfeit the signature of a judge, court officer, or court employee of the State; or

(2) use a document with a forged, false, or counterfeit signature of a judge, court officer, or other court employee of the State knowing the signature to be forged, false, or counterfeit.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

Criminal Law Article § 8-606.1

Making False Entries in Public Records and Related Crimes

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

(2) "Access" means to instruct, communicate with, store data in, or retrieve data from, or otherwise use equipment including computers and other data processing equipment or resources connected with computers or other data processing equipment.

(3) "Public record" includes an official book, paper, or record, kept on a manual or automated basis, that is created, received, or used by a unit of:

(i) the State;

(ii) a political subdivision of the State; or

(iii) a multi-county agency.

(b) A person may not or may not attempt to:

(1) willfully make a false entry in a public record;

(2) except under proper authority, willfully alter, deface, destroy, remove, or conceal a public record; or

(3) except under proper authority, willfully and intentionally access a public record.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

Criminal Law Article § 8-606

Educational Transcripts, Diplomas, Grade Reports

(a)(1) A person may not falsely make, falsely alter, forge, counterfeit, or cause or procure to be falsely made, falsely altered, forged, or counterfeited, or willingly aid or assist in falsely making, falsely altering, forging, or counterfeiting a transcript, diploma, or grade report of an institution of postsecondary education.

(2) A person may not knowingly buy, sell, distribute, use, offer, or present as genuine a false, forged, counterfeited, or altered transcript, diploma, or grade report of an institution of postsecondary education.

(3) A person may not buy, sell, distribute, use, offer, or present as genuine a transcript, diploma, or grade report of an entity that represents itself as an institution of postsecondary education if the person knows or has reason to know the entity is not authorized to operate as an institution of postsecondary education in the State or in another state or country.

(4) A person may not use, offer or present a transcript, diploma, or grade report of an institution of postsecondary education in a fraudulent manner.

(b) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000, or imprisonment not exceeding 6 months, or both.

Education Article § 26-301

Title to Motor Vehicle – Possession of Counterfeit Title

(a) A person may not knowingly possess, with unlawful intent, a counterfeit title to a motor vehicle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

Criminal Law Article § 8-603

Counterfeiting of Private Instruments and Documents

(a) A person, with intent to defraud another, may not counterfeit, cause to be counterfeited, or willingly aid or assist in counterfeiting any:

(1) bond;
(2) check;
(3) deed;
(4) draft;
(5) endorsement or assignment of a bond, draft, check, or promissory note;
(6) entry in an account book or ledger;
(7) letter of credit;
(8) negotiable instrument;
(9) power of attorney;
(10) promissory note;
(11) release or discharge for money or property;
(12) title to a motor vehicle;
(13) waiver or release of mechanics' lien; or
(14) will or codicil.

(b) A person may not knowingly, willfully, and with fraudulent intent possess a counterfeit of any of the items listed in subsection (a) of this section.

(c)(1) A person who violates subsection (a) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $1,000 or both.

(2) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not

exceeding 3 years or a fine not exceeding $1,000 or both.

(d) Notwithstanding any other provision of law, the prosecution of an alleged violation of this section or for an alleged violation of a crime based on an act that establishes a violation of this section maybe commenced in any county in which:

(1) an element of the crime occurred;

(2) the deed or other alleged counterfeit instrument is recorded in the county land records, filed with the clerk of the circuit court, or filed with the register of wills;

(3) the victim resides; or

(4) if the victim is not an individual, the victim conducts business.

Criminal Law Article § 8-601

Trademark Counterfeiting

(b) A person may not willfully manufacture, produce, display, advertise, distribute, offer for sale, sell, or possess with the intent to sell or distribute goods or services that the person knows are bearing or are identified by a counterfeit mark.

(c) If the aggregate retail value of the goods or services is $1,000 or more, a person who violates this section is guilty of the felony of trademark counterfeiting and on conviction:

(1) is subject to imprisonment not exceeding 15 years or a fine not exceeding $10,000 or both; and

(2) shall transfer all of the goods to the owner of the intellectual property.

(d) If the aggregate retail value of the goods or services is less than $1,000, a person who violates this section is guilty of the misdemeanor of trademark counterfeiting and on conviction:

(1) is subject to:

(i) for a first violation, imprisonment not exceeding 18 months or a fine not exceeding $1,000 or both; or

(ii) for each subsequent violation, imprisonment not exceeding 18 months or a fine not exceeding $5,000 or both; and

(2) shall transfer all of the goods to the owner of the intellectual property.

(e) An action or prosecution for trademark counterfeiting in which the aggregate retail value of the goods or services is less than $1,000 shall be commenced within 2 years after the commission of the crime.

(f) Any goods bearing a counterfeit mark are subject to seizure by a law enforcement officer to preserve the goods for transfer to the owner of the intellectual property either:

(1) under an agreement with the person alleged to have committed the crime; or

(2) after a conviction under this section.

(g) State or federal registration of intellectual property is prima facie evidence that the intellectual property is a trademark or trade name.

Criminal Law Article § 8-611

Counterfeit or Altered Maryland State Lottery Ticket

Any person who knowingly presents for payment or transfers to another person to be presented for payment a counterfeit or altered Maryland State Lottery Ticket or share is guilty of a misdemeanor and, upon conviction thereof, is subject to a fine of not more than $2, 500 or imprisoned for not more than 3 years or both.

(See text of Statute under heading "GAMBLING")

State Government Article § 9-124

Counterfeiting of Orders for Money or Goods

(a) In this section, "order for money or goods" means any writing, ordering, or requesting for the payment of money or the delivery of goods.

(b) A person may not:

(1) with intent to defraud another, cause or procure to be counterfeited, or willingly aid or assist in counterfeiting an order for money or goods;

(2) with intent to defraud another, issue, publish, or pass a counterfeit order for money or goods, if the person knows it was counterfeit; or

(3) knowingly and fraudulently obtain money or goods by means of a counterfeit order for money or goods.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

Criminal Law Article § 8-609

Counterfeiting Prescription

(a) In this section "prescription" includes an order, paper, and recipe purported to have been made by an authorized provider, as defined in § 5-101 of this Article, for a drug, medicine, or alcoholic beverage.

(b) A person may not:

(1) knowingly counterfeit, cause or procure to be counterfeited, or willingly aid or assist in counterfeiting a prescription;

(2) knowingly issue, pass, or possess a counterfeit prescription; or

(3) obtain or attempt to obtain a prescription drug by fraud, deceit, or misrepresentation.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years.

Criminal Law Article § 8-610

(Also See "Controlled Dangerous Substances, Drugs, Prescriptions and Inhalants" – "False Prescriptions")

Counterfeiting and Issuing of Tokens

(b)(1) A person may not counterfeit or issue, or cause to be counterfeited or issued, or aid or assist in counterfeiting or issuing a token without the permission of the person who lawfully issues, sells, or gives away the token.

(2) A person may not issue or pass a token if the person knows that it was:

(i) counterfeited; or

(ii) issued without the permission of the person who lawfully issues, sells, or gives away the token.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year.

Criminal Law Article § 8-612

CREDIT CARD OFFENSES

Definitions

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

(b) "Cardholder" means the person named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(c)(1) "Credit card" means an instrument or device issued by an issuer for the use of a cardholder in obtaining money, goods, services, or anything of value on credit.

(2) "Credit card" includes:

(i) a debit card, access card, or other device for use by a cardholder to effect a transfer of funds through an electronic terminal, telephone, or

computer;

(ii) a magnetic tape that orders or authorizes a financial institution to debit or credit an account; and

(iii) a code, account number, or other means of account access that is not encoded or truncated and can be used to:

(1) obtain money, goods, services, or anything of value; or

(2) initiate a transfer of funds.

(3) "credit card" does not include a check, draft, or similar paper instrument.

(d) "Issuer" means a business organization or financial institution that issues a credit card or the authorized agent of the business organization or financial institution.

Criminal Law Article § 8-201

Theft of a Credit Card

(a)(1) A person may not:

(i) take a credit card from another, or from the possession, custody, or control of another without the consent of the cardholder; or

(ii) with knowledge that a credit card has been taken under the circumstances described in item (i) of this paragraph, receive the credit card with the intent to use it or sell or transfer it to another who is not the issuer or the cardholder.

(2) A person who violates this subsection is guilty of credit card theft.

(b)(1) A person may not receive a credit card that the person knows was lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder and retain possession of the credit card with the intent to use, sell, or transfer it to another who is not the issuer or the cardholder.

(2) A person who violates this subsection is guilty of credit card theft.

(c) A person may not:

(1) sell a credit card unless the person is the issuer; or

(2) buy a credit card from a person other than the issuer.

(d) A person other than the issuer may not receive a credit card that the person knows was taken or retained under circumstances that constitute:

(1) credit card theft;

(2) a violation of § 8-203 of this subtitle; or

(3) a violation of subsection (c) of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.

Criminal Law Article § 8-204

Completing Credit Card without Consent; Possessing Contrivance to Reproduce Credit Card without Consent

(a) In this section, "incomplete credit card" means a credit card that lacks any stamped, embossed, imprinted, or written matter, other than the signature of the cardholder, that an issuer requires to appear on a credit card before a cardholder can use the credit card.

(b)(1) Without the consent of the issuer, a person other than the cardholder may not possess an incomplete credit card with the intent to complete it.

(2) A person may not possess, with knowledge of its character, machinery, plates, or any other contrivance designed to reproduce

an instrument purporting to be a credit card of an issuer that has not consented to the preparation of the credit card.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $1,000 or both.

Criminal Law Article § 8-208

Obtaining Property by Counterfeiting, Theft, or Misrepresentation

(a) A person may not for the purpose of obtaining money, goods, services, or anything of value, and with the intent to defraud another, use:

(1) a credit card obtained or retained in violation of § 8–204 or § 8–205 of this subtitle; or

(2) a credit card that the person knows is counterfeit.

(b) A person may not, with the intent to defraud another, obtain money, goods, services, or anything of value by representing:

(l) without the consent of the cardholder, that the person is the holder of a specified credit card; or

(2) that the person is the holder of a credit card when the credit card had not been issued.

(c)(1)(i) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least $1,000 but less than $10,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least $10,000 but less than $100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $15,000 or both.

(iii) If the value of all money, goods, services, and other things of value obtained in violation of this section is $100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value obtained in violation of this section is less than $1,000, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.

(3) If the value of all money, goods, services, and other things of value obtained in violation of this section does not exceed $100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

Criminal Law Article § 8-206

Receiving Property by Stolen, Counterfeit, or Misrepresented Credit Card

(a) A person may not receive money, goods, services, or anything of value if the person knows or believes that the money, goods, services, or other thing of value was obtained in violation of § 8–206 of this subtitle.

(b)(1)(i) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least $1,000 but less than $10,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least $10,000 but less than $100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $15,000 or both.

(iii) If the value of all money, goods, services, and other things of value obtained in violation of this section is $100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value obtained in violation of this section is less than $1,000, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.

(3) If the value of all money, goods, services, and other things of value obtained in violation of this section does not exceed $100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

Criminal Law Article § 8-209

Fraud – Honoring Stolen or Counterfeit Credit Card; False Representation to Issuer

(a) If a person is authorized by an issuer to furnish money, goods, services, or anything of value on presentation of a credit card by the cardholder, the person or an agent or employee of the person may not, with the intent to defraud the issuer or cardholder:

(1) furnish money, goods, services, or anything of value on presentation of:

(i) a credit card obtained or retained in violation of § 8–204 or § 8–205 of this subtitle; or

(ii) a credit card that the person knows is counterfeit; or

(2) fail to furnish money, goods, services, or anything of value that the person represents in writing to the issuer that the person has furnished.

(b)(1)(i) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least $1,000 but less than $10,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(ii) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least $10,000 but less than $100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $15,000 or both.

(iii) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is $100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is less than $1,000, a person

who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.

(3) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section does not exceed $100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

Criminal Law Article § 8-207

Fraud in Procuring Issuance of Credit Card

(a) A person may not make or cause to be made, directly or indirectly, a false statement in writing about the identity of the person or of another to procure the issuance of a credit card:

(1) knowing the statement to be false; and

(2) with the intent that the statement be relied on.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.

Criminal Law Article § 8-203

Unauthorized Use or Disclosure

(a) A person may not use or disclose any credit card number or other payment device number or holder's signature unless:

(1) the person is the holder of the credit card number or payment device number;

(2) the disclosure is made to the holder or issuer of the credit card number or payment device number;

(3) the use or disclosure is:

(i) required under federal or State law;

(ii) at the direction of a governmental unit in accordance with law; or

(iii) in response to the order of a court having jurisdiction to issue the order;

(4) The disclosure is in connection with an authorization, processing, billing, collection, charge back, insurance collection, fraud prevention, or credit card or payment device recovery that relates to the credit card number or payment device number, an account accessed by the credit card number or payment account number, a debt for which the holder or a person authorized by the holder gave the credit card number or payment device number for purposes of identification, or a debt or obligation arising, alone or in conjunction with another means of payment, from the use of the credit card number or payment device number;

(5) Except as provided in subsection (b) of this section, the disclosure is reasonably necessary in connection with:

(i) the sale or pledge, or negotiation of the sale or pledge, of any portion of a business or the assets of a business;

(ii) the management, operation, or other activities involving the internal functioning of the person making the disclosure; or

(iii) the management, operation, or other activities involving disclosures between a corporation and its subsidiaries or controlled affiliates or between the subsidiaries or the controlled affiliates;

(6) the disclosure is made to a consumer reporting agency, as defined in § 14-1201 of the Commercial Law Article;

(7) subject to subsection(d) of this section, whether or not the person is a consumer reporting agency and whether or not the disclosure is a consumer report, the disclosure is made under a circumstance specified in

the credit reporting provisions of § 14-1202(3)(i), (ii), (iii), or (iv) of the Commercial Law Article; or

(8) the disclosure is allowed under § 1-303 of the Financial Institutions Article.

(b) A disclosure for marketing purposes may not be made if the holder of an active credit card number or payment device number has prohibited the issuer in writing at the issuer's address from using the card or number for marketing purposes.

(c)(1) Notwithstanding subsection (a)(5)(iii) of this section, a disclosure for marketing purposes may not be made if the holder of an active credit card number or payment device number, other than an encoded credit card number or encoded payment device number, has notified the issuer in writing at an address specified by the issuer, that disclosure for marketing purposes is not allowed.

(2)The issuer shall notify each holder of an active credit card number or payment device number of the nondisclosure option and the specified address on a periodic basis at the issuer's discretion at least once each year.

(3) The issuer shall comply with the holder's election within 45 days after receiving the holder's response.

(4) The election shall remain in effect until the holder rescinds the election or until there have been no debits or credits to the credit card number or payment device number for a 12-month period.

(d) Notwithstanding subsection (a)(7) of this section, and except as provided in § 14-1202(3)(i) of the Commercial Law Article, a person may not furnish a report containing a credit card number or payment device number before receiving an individual written, electronic, or other tangible record of a certification from the request or:

(1) containing the reason that the credit card number of payment device number is required; and

(2) stating that the credit card number or payment device number:

(i) cannot be obtained under a circumstance specified under this part or title 14 of the Commercial Law Article; or

(ii) is needed for security, or loss or fraud prevention purposes.

Criminal Law Article § 8-214

Credit Card Counterfeiting

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

(2) "Falsely emboss" means to complete a credit card without the authorization of the issuer named on the credit card by adding any of the matter, other than the signature of the cardholder, that the issuer requires to appear on a credit card before it can be used by a cardholder.

(3) "Falsely make" means:

(i) to make or draw, wholly or partly, a device or instrument that purports to be a credit card but that is not a credit card because an issuer did not authorize the making or drawing; or

(ii) to alter a credit card that was validly issued.

(b) A person may not, with the intent to defraud another:

(1) falsely make a purported credit card;

(2) falsely emboss a credit card; or

(3) transfer or possess:

(i) a falsely made instrument or device that purports to be a credit card, with knowledge that the instrument or device was falsely made; or

(ii) a falsely embossed credit card with knowledge that the credit card was falsely made or falsely embossed.

(c) A person other than the cardholder or one authorized by the cardholder may not sign a credit card with the intent to defraud another.

(d) A person who violates this section is guilty of the felony of credit card counterfeiting and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $1,000 or both.

Criminal Law Article § 8-205

Publishing Number or Code of Telephone Credit Card

(a) In this section, "publish" means to communicate information to one or more persons:

(1) orally:

(i) in person; or

(ii) by telephone, radio, or television; or

(2) in a writing of any kind.

(b) A person may not publish or cause to be published the number or code of an existing, canceled, revoked, expired, or nonexistent telephone credit card, or the numbering or coding system that is used in issuing telephone credit cards, with the intent that the number, code, or system be used or with knowledge that it may be used fraudulently to avoid paying a lawful toll charge.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 12 months or a fine not exceeding $500 or both.

Criminal Law Article § 8-210

Use of Affidavit by Credit Cardholder in Criminal Case or Juvenile Proceeding

(a) In a criminal case or juvenile proceeding involving a violation of § 8-204, § 8-205, § 8-206, § 8-207, § 8-208, § 8-209, § 8-210, or § 8-214 of this subtitle, an affidavit sworn to by a lawful credit cardholder may be introduced as substantive evidence that the credit card or credit card number was taken, used, or possessed without the authorization of the credit cardholder.

(b)(1) At least 10 days before a proceeding in which the State intends to introduce into evidence an affidavit provided under this section, the State shall provide written notice to the defendant that the State intends to:

(i) rely on the affidavit; and

(ii) introduce the affidavit into evidence at the proceeding.

(2) On written demand of a defendant filed at least 5 days before the proceeding described in subsection (a) of this section, the State shall require the presence of the affiant as a prosecution witness.

Criminal Law Article § 8-214.1

D

DESTRUCTIVE DEVICES

Definitions

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

(b)(1) "Destructive device" means explosive material, incendiary material, or toxic material that is:

(i) combined with a delivery or detonating apparatus so as to be capable of inflicting injury to persons or damage to property; or

(ii) deliberately modified, containerized, or otherwise equipped with a special delivery, activation, or detonation component that gives the material destructive characteristics of a military ordnance.

(2) "Destructive device" includes a bomb, grenade, mine, shell, missile, flamethrower, poison gas, Molotov cocktail, pipe bomb, and petroleum-soaked ammonium nitrate.

(c)(1) "Explosive material" means material that explodes when detonated and has a destructive capability.

(2) "Explosive material" includes:

(i) explosives as defined in Section 11-101 of the Public Safety Article; and

(ii) dynamite for construction work, ammonium nitrate, natural gas in pipelines or storage tanks, ether, and canisterized oxygen for health care facilities.

(3) "Explosive material" does not include items excluded from explosives in Section 11-101 of the Public Safety Article when the items are used in their original configuration.

(d)(1) "Incendiary material" means a flammable or combustible liquid.

(2) "Incendiary material" includes gasoline, acetone, benzene, butane, jet fuel, fuel oil, kerosene, and diesel fuel.

(e)(1) "Toxic material" means material that is capable of causing death or serious bodily injury almost immediately on being absorbed through the skin, inhaled, or ingested.

(2) "Toxic material" includes:

(i) nerve gas, mustard gas, cyanide gas, chlorine gas, sulphuric acid, or their precursors; and

(ii) a biological substance containing a disease organism or microorganism.

Criminal Law Article § 4-501

Scope of Subtitle

This subtitle does not apply to:

(1) a member of the armed forces of the United States or of the National Guard or law enforcement personnel of the United States, the State, or a political subdivision of the state while acting within the scope of official duties;

(2) an officer or employee of the United States, the State, or apolitical subdivision of the State who is authorized to handle a destructive device within the scope of official duties and who is acting within the scope of those duties;

(3) a person authorized by law to possess explosive material, incendiary material, or toxic material who is acting within the scope of authority if the possession of the material is specifically regulated or licensed by law; or

(4) a person who possesses smokeless or black gunpowder under Title 11, Subtitle 1 of the Public Safety Article and uses the gunpowder for loading or reloading small arms ammunition, antique firearms, or replicas of antique firearms.

Criminal Law Article § 4-502

Manufacture or Possession of Destructive Device

(a) A person may not knowingly:

(1) manufacture, transport, possess, control, store, sell, distribute, or use a destructive device; or

(2) possess explosive material, incendiary material, or toxic material with intent to create a destructive device.

(b)(1) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $250,000 or both.

(2) A sentence imposed under this subsection may be separate from and consecutive to or concurrent with a sentence for a crime based on the act or acts establishing the violation of this section.

(3) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the motor vehicle administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:

(i) for a first violation, 6 months; and

(ii) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer.

Criminal Law Article § 4-503

False Statements – Destructive Device

(See "False Statements")

DISORDERLY CONDUCT, DISTURBANCE OF THE PUBLIC PEACE, NUISANCES

Offenses Defined – Generally

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

(2)(i) "Public conveyance" means a conveyance to which the public or a portion of the public has access to and a right to use for transportation.

(ii) "Public conveyance" includes an airplane, vessel, bus, railway car, school vehicle, and subway car.

(3)(i) "Public place" means a place to which the public or portion of the public has access and a right to resort for business, dwelling, entertainment, or other lawful purpose.

(ii) "Public place" includes:

1. a restaurant, shop, shopping center, store, tavern, or other place of business;

2. a public building;

3. a public parking lot;

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

5. a public park or other public grounds;

6. the common areas of a building containing four or more separate dwelling units, including a corridor, elevator, lobby, and stairwell;

7. a hotel or motel;

8. a place used for public resort or amusement, including an amusement park, golf course, racetrack, sports arena, swimming pool, and theater;

9. an institution of elementary, secondary, or higher education;

10. a place of public worship;

11. a place or building used for entering or exiting a public conveyance, including an airport terminal, bus station, dock, railway station, subway station, and wharf; and

12. the parking areas, sidewalks, and other grounds and structures that are part of a public place.

(b) For purposes of a prosecution under this section, a public conveyance or a public place need not be devoted solely to public use.

(c)(1) A person may not willfully and without lawful purpose obstruct or hinder the free passage of another in a public place or on a public conveyance.

(2) A person may not willfully act in a disorderly manner that disturbs the public peace.

(3) A person may not willfully fail to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.

(4) A person who enters the land or premises of another, whether an owner or lessee, or a beach adjacent to residential riparian property, may not willfully:

(i) disturb the peace of persons on the land, premises, or beach by making an unreasonably loud noise; or

(ii) act in a disorderly manner.

(5) A person from any location may not, by making an unreasonably loud noise, willfully disturb the peace of another:

(i) on the other's land or premises;

(ii) in a public place; or

(iii) on a public conveyance.

(6) In Worcester County, a person may not build a bonfire or allow a bonfire to burn on a beach or other property between 1 a.m. and 5 a.m.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $500 or both.

Criminal Law Article § 10-201

Bodily Fluids – Causing Another to Ingest

(a) In this section, "bodily fluid" means seminal fluid, blood, urine, or feces.

(b) A person may not knowingly and willfully cause another to ingest bodily fluid:

(1) without consent; or

(2) by force or threat of force.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $2,500 or both.

Criminal Law Article § 3-215

Bungee Jumping Operations Prohibited

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

(2) "Bungee Jump" means jumping or falling by an individual from a height while attached to a rope or cord that is elastic, rubber, or latex.

(3) "Bungee jumping operations" means an operation that allows an individual to Bungee jump for a fee or dues.

(b) A person may not conduct a Bungee jumping operation.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor, and, on conviction, is subject to a fine not exceeding $2,500 or imprisonment not exceeding 6 months or both.

Business Regulation Article § 13-503

Burial, Memorial Service, Funeral, or Funeral Procession

(a)(1) This subsection does not apply to a person who conducts a funeral, burial, memorial service, or funeral procession.

(2) A person may not knowingly obstruct, hinder, impede, or block another person's entry to or exit from a funeral, burial, memorial service, or funeral procession.

(b) A person may not address speech to a person attending a funeral, burial, memorial service, or funeral procession that is likely to incite or produce an imminent breach of the peace.

(c) A person may not engage in picketing activity within 500 feet of a funeral, burial, memorial service, or funeral procession that is targeted a tone or more persons attending the funeral, burial, memorial service, or funeral procession.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both.

Criminal Law Article § 10-205

Interference in Commercial Athletic Events

(b) A person may not disrupt or interfere with a commercial athletic contest by throwing or projecting an object on the playing field or seating area.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 months or a fine not exceeding $250 or both.

Criminal Law Article § 10-203

Interference with Access to or Egress from a Medical Facility

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

(2)(i) "Medical Facility" means:

1. a facility as defined in § 10-101 of the Health-General Article; or

2. a healthcare facility as defined in § 19-114 of the Health-General Article.

(ii) "medical facility" includes an agency, clinic, or office operated under the direction of the local health officer or under the regulatory authority of the department of health and mental hygiene.

(b)(1) This section does not apply to:

(i) the chief executive officer of the medical facility;

(ii) a designee of the chief executive officer of the medical facility;

(iii) an agent of the medical facility; or

(iv) a law enforcement officer.

(2) This section does not prohibit:

(i) speech; or

(ii) picketing in connection with a labor dispute as defined in § 4-301 of the Labor and Employment Article.

(c)A person may not intentionally act, alone or with others, to prevent another from entering or exiting a medical facility by physically:

(1) detaining the other; or

(2) obstructing, impeding, or hindering the other's passage.

(d)A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both.

Criminal Law Article § 10-204

Litter Control Law

Definitions

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

indicated.

(3) "Litter" means all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.

(See Criminal Law Article § 10-110(a) for other defined terms.)

Prohibited Offense – Littering

(c) A person may not:

(1) dispose of litter on a highway or perform an act that violates the state vehicle laws regarding disposal of litter, glass, and other prohibited substances on highways; or

(2) dispose or cause or allow the disposal of litter on public or private property unless:

(i) the property is designated by the State, a unit of the State, or a political subdivision of the State for the disposal of litter and the person is authorized by the proper public authority to use the property; or

(ii) the litter is placed into a litter receptacle or container installed on the property.

(d) If two or more individuals are occupying a motor vehicle, boat, airplane, or other conveyance from which litter is disposed in violation of subsection (c) of this section, and it cannot be determined which occupant is the violator:

(1) if present, the owner of the conveyance is presumed to be responsible for the violation; or

(2) if the owner of the conveyance is not present, the operator is presumed to be responsible for the violation.

(See statute for subsections (e) through (k).)

Criminal Law Article § 10-110

Picketing and Unlawful Assembly at a Residence

(a) The General Assembly declares that:

(1) the protection and preservation of the home is the keystone of democratic government;

(2) the public health and welfare and the good order of the community require that members of the community enjoy in their homes a feeling of well-being, tranquility, and privacy and, when absent from their homes, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes;

(3) the practice of picketing before or about residences and dwelling places causes emotional disturbance and distress to the occupants;

(4) the purpose of this practice is to harass the occupants of the residences and dwelling places;

(5) without resort to this practice, full opportunity exists, and under the provisions of this Article will continue to exist, for the exercise of freedom of speech and other constitutional rights; and

(6) the provisions of this section are necessary in the public interest to avoid the detrimental results described in this subsection.

(b) This section does not prohibit:

(1) picketing or assembly in connection with a labor dispute, as defined in § 4-301 of the Labor and Employment Article;

(2) picketing in a lawful manner of a person's home when it is also the person's sole place of business; or

(3) holding a meeting or assembly on any premises commonly used for the discussion of subjects of general public interest.

(c) A person may not intentionally assemble with another in a manner

that disrupts a person's right to tranquility in the person's home.

(d)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $100 or both.

(2) each day on which a violation of this section occurs is a separate violation.

(e) In addition to the penalty provided in subsection (d) of this section, a circuit court:

(1) may enjoin conduct proscribed by this section; and

(2) in the proceeding for injunctive relief, may award damages, including punitive damages, against any person found guilty of violating this section.

Criminal Law Article § 3-904

DOMESTIC VIOLENCE

Law Enforcement Assistance to Victim of Abuse

(a)(1) Any person who alleges to have been a victim of abuse and who believes there is a danger of serious and immediate personal harm may request the help of a local law enforcement unit.

(2) A local law enforcement officer who responds to the request for help shall:

(i) protect the person from harm when responding to the request; and

(ii) accompany the person to the family home so that the person may remove the following items, regardless of who paid for the items:

1. the personal clothing of the person and of any child in the care of the person; and

2. the personal effects, including medicine or medical devices, of the person and of any child in the care of the person that the person or child needs immediately.

(b) A law enforcement officer who responds to a request described in subsection (a) of this section has the immunity from liability described under § 5-610 of the Courts Article.

Family Law Article § 4-502

(a) If an incident report is filed when a law enforcement officer responds to a request for help under § 4–502 of this Part I of this subtitle, the law enforcement unit shall provide a copy of the report to the victim on request.

(b) The victim need not obtain a subpoena to receive a copy of the incident report.

Family Law Article § 4-503.1

Law Enforcement Officers – Immunity from Civil Liability

A law enforcement officer who responds to a request under § 4-502 of the Family Law Article for assistance by an individual who alleges to have been a victim of spousal assault shall be immune from civil liability in complying with the request if the law enforcement officer acts in good faith and in a reasonable manner.

Courts and Judicial Proceedings Article § 5-610

A law enforcement officer enforcing an out-of-state order for protection from domestic violence in accordance with § 4-508.1 of the Family Law Article shall be immune from civil liability if the law

enforcement officer acts in good faith and in a reasonable manner.

Courts and Judicial Proceedings Article § 5-610.1

Petitions for Relief, Court Orders, etc.

(a)(1) A petitioner may seek relief from abuse by filing with a court, or with a commissioner under the circumstances specified in § 4–504.1(a) of this subtitle, a petition that alleges abuse of any person eligible for relief by the respondent.

(2) A petition may be filed under this subtitle if:

(i) the abuse is alleged to have occurred in the State; or

(ii) the person eligible for relief is a resident of the State, regardless of whether the abuse is alleged to have occurred in the State.

(b)(1) The petition shall:

(i) be under oath; and

(ii) include any information known to the petitioner of:

1. the nature and extent of the abuse for which the relief is being sought, including information known to the petitioner concerning previous injury resulting from abuse by the respondent;

2. each previous action between the parties in any court;

3. each pending action between the parties in any court;

4. the whereabouts of the respondent, if known;

5. if financial relief is requested, information known to the petitioner regarding the financial resources of the respondent; and

6. in a case of alleged child abuse or alleged abuse of a vulnerable adult, the whereabouts of the child or vulnerable adult and any other information relating to the abuse of the child or vulnerable adult.

(2) If the petition states that disclosure of the address of a person eligible for relief would risk further abuse of a person eligible for relief, or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from all documents filed with a commissioner or filed with, or transferred to, a court. If disclosure is necessary to determine jurisdiction or consider any venue issue, it shall be made orally and in camera and may not be disclosed to the respondent.

(c) The petitioner may not be required to pay a filing fee or costs for the issuance or service of:

(1) an interim protective order;

(2) a temporary protective order;

(3) a final protective order; or

(4) a witness subpoena.

(d)(1) If a petitioner has requested notification of the service of a protective order, the Department of Public Safety and Correctional Services shall:

(i) notify the petitioner of the service on the respondent of an interim or a temporary protective order within one hour after a law enforcement officer electronically notifies the Department of Public Safety and Correctional Services of the service; and

(ii) notify the petitioner of the service on the respondent of a final protective order within one hour after knowledge of service of the order on the respondent.

(2) The Department of Public Safety and Correctional Services shall develop a notification request form and procedures for notification under this subsection.

(3) The court clerk or Commissioner shall provide the notification request form to a petitioner.

Interim Protective Order Issued by Commissioner – Law Enforcement Officer Duties

(a) A petition under this subtitle maybe filed with a commissioner when neither the office of the clerk of the circuit court nor the Office of the District Court Clerk is open for business.

(b) If a petition is filed with a commissioner and the commissioner finds that there are reasonable grounds to believe that the respondent has abused a person eligible for relief, the commissioner may issue an interim protective order to protect a person eligible for relief.

(c) An interim protective order may:

(1) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;

(2) order the respondent to refrain from contacting, attempting to contact, or harassing a person eligible for relief;

(3) order the respondent to refrain from entering the residence of a person eligible for relief;

(4) if a person eligible for relief and the respondent are residing together at the time of the alleged abuse:

(i) order the respondent to vacate the home immediately;

(ii) award to a person eligible for relief custody of any child of the person eligible for relief and respondent then residing in the home; and

(iii) subject to the limits as to a nonspouse specified in § 4–505(a) (2) (iv) of this subtitle, award temporary use and possession of the home to the person eligible for relief;

(5) in a case alleging abuse of a child, award temporary custody of a minor child of the respondent and a person eligible for relief;

(6) in a case alleging abuse of a vulnerable adult, subject to the limits as to a nonspouse specified in § 4–505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to an adult living in the home;

(7) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief;

(8) order the respondent to remain away from the residence of any family member of a person eligible for relief; or

(9) award temporary possession of any pet of the person eligible for relief or the respondent.

(d) If the commissioner awards temporary custody of a minor child under subsection(c)(4)(ii) or (5) of this section, the commissioner may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent after service of the interim protective order.

(e)(1)(i) An interim protective order shall state the date, time, and location for the temporary protective order hearing and a tentative date, time, and location for a final protective order hearing.

(ii) Except as provided in subsection (h) of this section, or unless the judge continues the hearing for good cause, a temporary protective order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim protective order.

(2) An interim protective order shall include in at least 10–point bold type:

(i) notice to the respondent that:

1. the respondent must give the court written notice of each change of address;

2. if the respondent fails to appear at the temporary protective order

hearing or any later hearing, the respondent may be served with any orders or notices in the case by first–class mail at the respondent's last known address;

3. the date, time, and location of the final protective order hearing is tentative only, and subject to change; and

4. if the respondent does not attend the temporary protective order hearing, the respondent may call the Office of the Clerk of the District Court at the number provided in the order to find out the actual date, time, and location of any final protective order hearing;

(ii) a statement of all possible forms and duration of relief that a temporary protective order or final protective order may contain;

(iii) notice to the petitioner and respondent that, at the hearing, a judge may issue a temporary protective order that grants any or all of the relief requested in the petition or may deny the petition, whether or not the respondent is in court;

(iv) a warning to the respondent that violation of an interim protective order is a crime and that a law enforcement officer shall arrest the respondent, with or without a warrant, and take the respondent into custody if the officer has probable cause to believe that the respondent has violated any provision of the interim protective order; and

(v) the phone number of the Office of the District Court Clerk.

(f) Whenever a commissioner issues an interim protective order, the commissioner shall:

(1) immediately forward a copy of the petition and interim protective order to the appropriate law enforcement agency for service on the respondent; and

(2) before the hearing scheduled in the interim protective order, transfer the case file and the return of service, if any, to the Office of the District Court Clerk.

(g) A law enforcement officer shall:

(1) immediately on receipt of a petition and interim protective order, serve them on the respondent named in the order;

(2) immediately after service, make a return of service to the commissioner's office or, if the Office of the District Court Clerk is open for business, to the Clerk; and

(3) within two hours after service of the order on the respondent, electronically notify the Department of Public Safety and Correctional Services of the service.

(h)(1) Except as otherwise provided in this subsection, an interim protective order shall be effective until the earlier of:

(i) the temporary protective order hearing under § 4–505 of this subtitle; or

(ii) the end of the second business day the Office of the Clerk of the District Court is open following the issuance of an interim protective order.

(2) If the court is closed on the day on which the interim protective order is due to expire, the interim protective order shall be effective until the next day on which the court is open, at which time the court shall hold a temporary protective order hearing.

(i) A decision of a commissioner to grant or deny relief under this section is not binding on, and does not affect any power granted to or duty imposed on, a judge of a circuit court or the District Court under any law, including any power to grant or deny a petition for a temporary protective order or final protective order.

Family Law Article § 4-504.1

Temporary Protective Order, etc.

(a)(1) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.

(2) The temporary protective order may order any or all of the following relief:

(i) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;

(ii) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(iii) order the respondent to refrain from entering the residence of a person eligible for relief;

(iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(v) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(vi) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;

(vii) award temporary custody of a minor child of the person eligible for relief and the respondent;

(viii) order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the temporary protective order if the abuse consisted of:

1. the use of a firearm by the respondent against a person eligible for relief;

2. a threat by the respondent to use a firearm against a person eligible for relief;

3. serious bodily harm to a person eligible for relief caused by the respondent; or

4. a threat by the respondent to cause serious bodily harm to a person eligible for relief; and

(ix) award temporary possession of any pet of the person eligible for relief or the respondent.

(3) If the judge awards temporary custody of a minor child under paragraph (2)(vii) of this subsection, the judge may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent after service of the temporary protective order.

(b)(1) Except as provided in paragraph (2) of this subsection, a law enforcement officer shall:

(i) immediately serve the temporary protective order on the alleged abuser under this section; and

(ii) within two hours after service of the order on the respondent, electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

(2) A respondent who has been served with an interim protective order under § 4–504.1 of this subtitle shall be served with the temporary protective order in open court or, if the respondent is not present at the temporary protective order hearing, by first–class mail at the respondent's last known address.

(3) There shall be no cost to the petitioner for service of the temporary protective order.

(c)(1) Except as otherwise provided in this subsection, the temporary protective order shall be effective for not more than 7 days after service of the order.

(2) The judge may extend the temporary protective order as needed, but not to exceed 6 months, to effectuate service of the order where necessary to provide protection or for other good cause.

(3) If the court is closed on the day on which the temporary protective order is due to expire, the temporary protective order shall be effective until the second day on which the court is open, by which time the court shall hold a final protective order hearing.

[*****REMAINING TEXT OMITTED*****]

Family Law Article § 4-505

Final Protective Order – Scope (Surrender of Firearm, etc.)

(a) A respondent under § 4–505 of this subtitle shall have an opportunity to be heard on the question of whether the judge should issue a final protective order.

(b)(1)(i) The temporary protective order shall state the date and time of the final protective order hearing.

(ii) Except as provided in § 4–505(c) of this subtitle, or unless continued for good cause, the final protective order hearing shall be held no later than 7 days after the temporary protective order is served on the respondent.

(2) *****text omitted*****

(c)(1) If the respondent appears before the court at a protective order hearing or has been served with an interim or temporary protective order, or the court otherwise has personal jurisdiction over the respondent, the judge:

(i) may proceed with the final protective order hearing; and

(ii) if the judge finds by a preponderance of the evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

(2) A final protective order may be issued only to a person who has filed a petition under § 4–504 of this subtitle.

(3)(i) Subject to the provisions of subparagraph (ii) of this paragraph, in cases where both parties file a petition under § 4–504 of this subtitle, the judge may issue mutual protective orders if the judge finds by a preponderance of the evidence that mutual abuse has occurred.

(ii) The judge may issue mutual final protective orders only if the judge makes a detailed finding of fact that:

1. both parties acted primarily as aggressors; and

2. neither party acted primarily in self–defense.

(d) The final protective order may include any or all of the following relief:

(1) order the respondent to refrain from abusing or threatening to abuse any person eligible for relief;

(2) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(3) order the respondent to refrain from entering the residence of any person eligible for relief;

(4) where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(5) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(6) order the respondent to remain away from a childcare provider of a person eligible for relief while a child of the person is in the care of the child care provider;

(7) award temporary custody of a minor child of the respondent and a person eligible for relief;

(8) establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis which gives primary consideration to the welfare of the minor child and the safety of any other person eligible for relief. If the court finds that the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of any person eligible for relief;

(9) award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support under this article, including an immediate and continuing withholding order on all earnings of the respondent in the amount of the ordered emergency family maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

(10) award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief if necessary for the employment of the person eligible for relief or for the care of a minor child of the respondent or a person eligible for relief;

(11) except when a protective order is issued for a person eligible for relief described in § 4–501(m)(7) of this subtitle, direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program;

(12) order the respondent to pay filing fees and costs of a proceeding under this subtitle;

(13) award temporary possession of any pet of the person eligible for relief or the respondent; or

(14) order any other relief that the judge determines is necessary to

protect a person eligible for relief from abuse.

(e)(1) Before granting, denying, or modifying a final protective order under this section, the court shall review all open and shielded court records involving the person eligible for relief and the respondent, including records of proceedings under:

(i) the Criminal Law Article;

(ii) Title 3, Subtitle 15 of the Courts Article; and

(iii) this article.

(2) The court's failure to review records under this subsection does not affect the validity of an order issued under this section.

(f) The final protective order shall order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the protective order.

(g) through (i) *****text omitted*****

(j)(1) Except as provided in paragraphs (2) and (3) of this subsection, all relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 1 year.

(2) All relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 2 years if:

(i) the court issues a final protective order under this section against a respondent on behalf of a person eligible for relief:

1. for an act of abuse committed within 1 year after the date that a prior final protective order issued against the same respondent on behalf of the same person eligible for relief expires; or

2. by consent of the respondent within 1 year after the date that a prior final protective order issued against the same respondent on behalf of the same person eligible for relief expires; and

(ii) the prior final protective order was issued for a period of at least 6 months.

(3) A subsequent circuit court order pertaining to any of the provisions included in the final protective order shall supersede those provisions in the final protective order.

(k)(1) Notwithstanding any other provision of this section, the court shall issue a permanent protective order under this subsection against an individual if:

(i) an interim, temporary, or final protective order has been issued under this subtitle against the individual;

(ii) the individual was convicted and sentenced to serve a term of imprisonment of at least 5 years for the act of abuse that led to the issuance of the interim, temporary, or final protective order and the individual has served at least 12 months of the sentence; or

(2)(a) during the term of the interim, temporary, or final protective order, the individual committed an act of abuse against the person eligible for relief; and

(b) the individual was convicted and sentenced to serve a term of imprisonment of at least 5 years for the act and has served at least 12 months of the sentence; and

(iii) the victim of the act of abuse described in item (ii) 1 or 2 of this paragraph, who was the person eligible for relief in the interim, temporary, or final protective order, requests the issuance of a permanent protective order under this subsection.

(2) In a permanent protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under § 4-504.1(c)(1) or (2) or § 4-505(a)(2)(i) or (ii) of this

subtitle or subsection(d)(1) or (2) of this section.

(3) Unless terminated at the request of the victim, a protective order issued under this subsection shall be permanent.

Family Law Article § 4-506

Protective Order – Law Enforcement Officer's Responsibility for Surrendered Firearm

(a) If a respondent surrenders a firearm under § 4–505 or § 4–506 of this subtitle, a law enforcement officer shall:

(1) provide to the respondent information on the process for retaking possession of the firearm; and

(2) transport and store the firearm in a protective case, if one is available, and in a manner intended to prevent damage to the firearm during the time the protective order is in effect.

(b)(1) The respondent may retake possession of the firearm at the expiration of a temporary protective order unless:

(i) the respondent is ordered to surrender the firearm in a protective order issued under § 4–506 of this subtitle; or

(ii) the respondent is not otherwise legally entitled to own or possess the firearm.

(2) The respondent may retake possession of the firearm at the expiration of a final protective order unless:

(i) the protective order is extended under § 4–507(a)(2) of this subtitle; or

(ii) the respondent is not otherwise legally entitled to own or possess the firearm.

Family Law Article § 4-506.1

Protective Order – Arrest for Violations

See heading "II. General Police Powers" – "Arrest – Authority"

Domestic Violence - Removal of Weapons

A law enforcement officer may remove a firearm from the scene where an alleged act of domestic violence has occurred under certain circumstances.

See Text of Statute – Family Law Article § 4-511

Domestic Violence – Address Confidentiality Program

(a) A person may not knowingly and intentionally obtain a program participant's actual address or telephone number from the Secretary of State or any agency without authorization to obtain the information.

(b)(1) This subsection applies only when an employee of the Secretary of State:

(i) obtains a program participant's actual address or telephone number during the course of the employee's official duties;

(ii) at the time of disclosure, has specific knowledge that the actual address or telephone number belongs to a program participant.

(2) An employee of the Secretary of State or any agency may not knowingly and intentionally disclose a participant's actual address or telephone number to another person unless the disclosure is authorized by law.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500.

Family Law Article § 4-529

(a) If an applicant falsely attests in an application that disclosure of the applicant's actual address would endanger the applicant's safety

or the safety of the applicant's child or knowingly provides false information when applying for participation or renewal of participation in the program, the applicant shall no longer be allowed to participate in the program.

(b) A person may not knowingly make a false attestation or knowingly provide false information in an application in violation of subsection (a) of this section.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

Family Law Article § 4-523

E

ELECTRONIC COMMUNICATIONS AND TRANSMISSIONS

(See also "Computers")

Law Enforcement – Access to Location Information from an Electronic Device

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

(2) "Cell site simulator" means a device that mimics a cell tower and captures identifying information of electronic devices in the range of the device.

(3) "Court" means the District Court or a circuit court having jurisdiction over the crime being investigated, regardless of the location of the electronic device from which location information is sought.

(4)(i) "Electronic device" means a device that enables access to or use of an electronic communication service, as defined in § 10– 401 of the Courts Article, a remote computing service, as defined in § 10–4A–01(c) of the Courts Article, or a geographic location information service.

(ii) "Electronic device" does not include:

1. an automatic identification system installed on a vessel in accordance with Title 33, Part 164.46 of the Code of Federal Regulations; or

2. a vessel monitoring system (VMS) or a VMS unit installed on board a vessel for vessel monitoring in accordance with Title 50, Part 648 of the Code of Federal Regulations.

(5)"Exigent circumstances" means an emergency or other judicially recognized exception to constitutional warrant requirements.

(6) "Location information" means real–time or present information concerning the geographic location of an electronic device that is generated by or derived from the operation of that device.

(7)"Location information service" means a global positioning service or other mapping, locational, or directional information service.

(8) "Owner" means a person or an entity having the legal title, claim, or right to an electronic device.

(9)Service provider" means the provider of an electronic communication service, a remote computing service, or any location information service.

(10)"User" means a person that uses or possesses an electronic device.

(b)(1) A court may issue an order authorizing or directing a law enforcement officer to use a cell site simulator or obtain location

information from an electronic device after determining from an application described in paragraph

(2) of this subsection that there is probable cause to believe that:

(i) a misdemeanor or felony has been, is being, or will be committed by the owner or user of the electronic device or by the individual about whom location information is being sought; and

(ii) the information sought by the cell site simulator or the location information being sought :

1. is evidence of, or will lead to evidence of, the misdemeanor or felony being investigated; or

2. will lead to the apprehension of an individual for whom an arrest warrant has been previously issued.

(2) An application for an order under this section shall be:

(i) in writing;

(ii) signed and sworn to by the applicant; and

(iii) accompanied by an affidavit that:

1. sets forth the basis for probable cause as described in paragraph

(1) of this subsection; and

2. contains facts within the personal knowledge of the affiant.

(3) An order to obtain location information issued under this section shall:

(i) name or describe with reasonable particularity:

1. the type of electronic device associated with the location information being sought;

2. the user of the electronic device, if known, or the identifying number of the electronic device about which location information is sought;

3. the owner, if known and if the owner is a person or an entity other than the user, of the electronic device;

4. the grounds for obtaining the location information; and

5. the name of the applicant on whose application the order was issued;

(ii) authorize the executing law enforcement officer to obtain the location information without giving notice to the owner or user of the electronic device or to the individual about whom the location information is being sought for the duration of the order;

(iii) specify the period of time for which location information is authorized to be obtained; and

(iv) if applicable, order the service provider to:

1. disclose to the executing law enforcement officer the location information associated with the electronic device for the period of time authorized; and

2. refrain from notifying the user, owner, or any other person of the disclosure of location information for as long as the notice under subsection (d) of this section is delayed.

(4) An order authorizing use of a cell site simulator issued under this section shall:

(i) name or describe with reasonable particularity:

1. The type of electronic device associated with the use of the cell site simulator;

2. The user of the electronic device, if known, or the identifying number of the electronic device;

3. The owner of the electronic device, if known, and whether the owner is a person or an entity other than the user;

4. The grounds for using the cell site simulator; and

5. The name of the applicant on whose application the order was issued;

(ii) Authorize the executing law enforcement officer to use a cell site simulator without giving notice to the owner or user of the electronic device or to the individual about whom information is being sought for the duration of the order;

(iii) Specify the period of time for which use of a cell site simulator is authorized;

(iv) Require that any third-party or nontarget data be permanently destroyed on the expiration of the order;

(v) Require that no content data be obtained;

(vi) Restrict the investigative use of any third-party or nontarget data without further court order; and

(vii) Require that a copy of the application and order be provided in discover period

(c)(1)(i) The period of time during which a cell site simulator may be used or location information may be obtained under the authority of an order under subsection (b) of this section may not exceed 30 days unless extended as provided in subsection (c)(3) of this section.

(ii) Cell site simulator use shall begin or location information shall begin to be obtained by the executing law enforcement officer within 10 calendar days after the order is issued or, if applicable, the order shall be delivered to the service provider within 10 calendar days after the order is issued.

(2) If none of the events described in subsection (c)(1)(ii) of this section occurs within 10 calendar days of the issuance of the order, the order is void.

(3)(i) The authority to use a cell site simulator or obtain location information under the order may be extended beyond 30 calendar days on a finding of continuing probable cause.

(ii) An extension under this paragraph may not exceed an additional 30 calendar days, unless the court finds continuing probable cause and determines that good cause exists for a longer extension.

(d)(1) Notice of the court's order shall be delivered to the user and, if known and if the owner is a person or an entity other than the user, the subscriber of the electronic device at issue.

(2) The notice shall:

(i) state the general nature of the law enforcement inquiry; and

(ii) inform the user or owner:

1. if applicable, that a cell site simulator was used or that location information maintained by the service provider was supplied to a law enforcement officer;

2. if applicable, the identifying number associated with the electronic device;

3. of the dates during which the cell site simulator was used for which the location information was supplied;

4. whether notification was delayed; and

5. which court authorized the order.

(3) Subject to paragraph (4) of this subsection, notice must be delivered within 10 calendar days after the expiration of the order.

(4) Notwithstanding any provision of the Maryland Rules or this subtitle, the court, on a finding of good cause, may order that the application, affidavit, and order be sealed and that the notification required under this section be delayed for a period of 30 calendar days.

(5) A finding of good cause under paragraph (4) of this subsection may be established by evidence that:

(i) the criminal investigation to which the affidavit is related is of a continuing nature and likely to yield further information that could be of use in prosecuting alleged criminal activities; and

(ii) the failure to maintain the confidentiality of the investigation would:

1. jeopardize the use of information already obtained in the investigation;

2. impair the continuation of the investigation; or

3. jeopardize the safety of a source of information.

(6) A court may order that notification under this section be delayed beyond 30 calendar days if:

(i) a law enforcement officer provides continued evidence of a circumstance described in paragraph (5) of this subsection; and

(ii) the court makes a finding of good cause based on evidence that notice should be further delayed to preserve the continuation of the investigation.

(e) (1) Discovery of the application, affidavit, order, and related documents, if any, is subject to the provisions of Maryland Rules 4–262 and 4–263.

(2) Subject to paragraph (3) of this subsection, evidence obtained in violation of this section is subject to the exclusionary rule as judicially determined. (3) Under no circumstance is information collected on a nontarget device admissible in a criminal, civil, administrative, or other proceeding.

(f) Notwithstanding any other provision of this section, a law enforcement officer may use a cell site simulator or obtain location information for a period not to exceed 48 hours:

(1) in exigent circumstances; or

(2) with the express consent of the user or owner of the electronic device.

(g)A person may not be held civilly liable for complying with this section by providing location information.

Criminal Procedure Article § 1-203.1

Interference with Cable Television Service

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

(2) "Cable television company" means a franchised or private cable television company.

(3)"Cable television service" means:

(i) cable and satellite cable programming;

(ii) service provided by or through the facility of a cable television system or a closed circuit coaxial cable communication system; or

(iii) a microwave, satellite, or similar transmission service used with a cable television system or a closed circuit coaxial cable communication system.

(b)(1) Destroying, damaging, cutting, tampering with, installing, tapping, removing, displacing, or connecting with a wire, conduit, apparatus, or other equipment of a cable television company is prima facie evidence of an intent to receive cable television services without payment.

(2) Actual possession of a device designed to facilitate an act prohibited by this section, or possession and control of a quantity of those devices indicating possession for resale, is prima facie evidence of an intent to violate this section.

(c) A person may not:

(1) destroy, damage, cut, tamper with, install, tap, remove, displace, or connect with a wire, conduit, apparatus, or other equipment of a cable television company with the intent to receive cable television services without payment;

(2) prevent, obstruct, or delay the sending, conveyance, distribution, or receiving of programming material transmitted by a cable television company;

(3) with the intent to deprive a person of lawful compensation, receive, attempt to receive, or assist another to receive:

(i) cable television service by trick, use of a decoder, or other fraudulent means; or

(ii) satellite cable programming that is:

1. offered for sale in the person's area through an unauthorized marketing system; or

2. received by decoding encrypted satellite cable programming;

(4) without authority from the cable television company, connect with a cable, wire, component, or other device used to distribute cable television service;

(5) alter:

(i) a device installed with the authorization of a cable television company to intercept or receive a program or service carried by the company; or

(ii) equipment capable of decoding encrypted satellite cable programming to intercept or receive satellite cable programming; or

(6) sell, rent, or offer for sale or rent a device or a plan for a device knowing that the recipient intends to use the device or to plan to do an act prohibited by this section.

(d)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both; or

(ii) for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

(2) A person who commits an act prohibited by this section for payment or offer of payment is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 7-303

Code Grabbing Devices

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

(2) "Code grabbing device" means a device that is capable of:

(i) receiving and recording the coded signal transmitted by an electronic security system; and

(ii) playing back the coded signal to disarm the electronic security system.

(3) "Electronic security system" includes:

(i) an electronic home security system;

(ii) a motor vehicle security alarm system;

(iii) an automatic garage door opener;

(iv) a home detention monitoring device; and

(v) an electronic or magnetic theft detection device used in a retail establishment.

(b) A person may not manufacture, sell, use, or possess a code grabbing device with the intent that the code-grabbing device be used in the commission of a crime.

(c) A person may not knowingly possess a device intended to shield merchandise from detection by an electronic security system with the intent to commit theft.

(d) A person may not knowingly possess a tool or device designed to allow the deactivation or removal from any merchandise an electronic security system or a device used as part of an electronic security system with the intent to:

(1) use the tool or device to deactivate any electronic security system; or

(2) remove any electronic security system or device used as part of an electronic security system from any merchandise without the permission of the merchant or person owning or lawfully holding the merchandise.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

Criminal Law Article § 7-301

Interference with Emergency Communication

(a) In this section, "emergency" means a circumstance in which:

(1) an individual is or is reasonably believed by the person transmitting the communication to be in imminent danger of death or serious bodily harm; or

(2) property is in imminent danger of damage or destruction.

(b) A person may not:

(1) knowingly, intentionally, or recklessly interrupt, disrupt, impede, or otherwise interfere with the transmission of a two-way radio communication made:

(i) to inform or inquire about an emergency; and

(ii) on a frequency commonly used or monitored by an emergency services organization; or

(2) transmit false information about an emergency on a two- way radio frequency commonly used or monitored by an emergency services organization.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

Criminal Law Article § 9-601

Scope of Part (§§ 7-313 – 7-318) Law Enforcement Exemption

This part does not apply to:

(1) a law enforcement officer who possesses or uses a telecommunication device or access code in the course of an official law enforcement investigation;

(2) a telecommunication service provider while lawfully acting in that capacity; or

(3) a person who is expressly authorized by a law enforcement unit or other lawful authority to:

(i) manufacture telecommunication devices or access codes for distribution or sale to a law enforcement unit or telecommunication service provider; or

(ii) distribute or sell telecommunication devices or access codes to law enforcement units or telecommunication service providers.

Telecommunication Devices and Access Codes Definitions

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

(b)(1) "Manufacture" means:

(i) with respect to an unlawful access device:

1. to make, produce, or assemble an unlawful access device; or

2. to modify, alter, program, or reprogram technology, software, or a device to defeat or circumvent technology, software, or a device that issued by the provider, owner, or licensee of a telecommunication service or of a data, audio, or video service, program, or transmission, to protect the telecommunication, data, audio, or video service, program, or transmission from unauthorized receipt, acquisition, access, decryption, disclosure, communication, transmission, or retransmission; and

(ii) with respect to an unlawful telecommunication device or access code:

1. to make, produce, or assemble an unlawful telecommunication device or access code; or

2. to modify, alter, program, or reprogram a telecommunication device or access code to be capable of acquiring, disrupting, receiving, transmitting, decrypting, or facilitating the acquisition, disruption, receipt, transmission, or decryption of a telecommunication service without the express consent or express authorization of the telecommunication service provider.

(2) "manufacture" includes knowingly to assist another in performing an activity described in paragraph (1) of this subsection.

(c) "Telecommunication device or access code" means:

(1) an instrument, device, machine, equipment, technology, or software that is capable of transmitting, acquiring, decrypting, or receiving telephonic, electronic, data, internet access, audio, video, microwave or radio communications, transmissions, signals, or services provided by or through a cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, internet based, or wireless distribution network, system, or facility;

(2) a part, accessory, or component of an item listed in item (1) of this subsection, including a computer circuit, security module, smart card, software, computer chip, electronic mechanism, or other part, component, or accessory of any telecommunication device that is capable of facilitating the transmission, decryption, acquisition, or reception of any type of communication, transmission, signal, or service listed in item (1) of this subsection; or

(3) an electronic serial number, mobile identification number, service access card, account number, or personal identification number used to acquire, receive, use, or transmit a telecommunication service.

(d) "Telecommunication service" means a service provided for a fee or other compensation:

(1) to facilitate the origination, transmission, emission, or reception of signs, signals, data, writings, images, or sounds or intelligence of any nature by a telephone, cellular telephone, wire, wireless, radio, electromagnetic, photo-electronic, or photo-optical system; or

(2) by a radio, telephone, fiber optic, cable television, satellite, microwave, data transmission, wireless, or internet-based distribution system, network, or facility, including electronic, data, video, audio, internet access, telephonic, microwave and radio communications, transmissions, signals, and services and those communications,

transmissions, signals, and services provided directly or indirectly, by or through a system, network, facility, or technology listed in this subsection.

(e)(1) "Telecommunication service provider" means a person that:

(i) owns or operates a fiber optic, cable television, satellite, internet-based, telephone, wireless, microwave, data transmission, or radio distribution system, network, or facility; or

(ii) provides a telecommunication service directly or indirectly using any of the systems, networks, or facilities listed in item (i) of this paragraph.

(2) "Telecommunication service provider" includes a person that, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunication service.

(f) "Unlawful access device" means an instrument, device, access code, machine, equipment, technology, or software that is primarily designed, assembled, manufactured, sold, distributed, possessed, used, offered, promoted, or advertised to defeat or circumvent technology, software, or a device, or a component or part of any technology, software, or a device used by the provider, owner, or licensee of a telecommunication service or of a data, audio, or video program or transmission, to protect that telecommunication, data, audio, or video service, program, or transmission from unauthorized receipt, acquisition, access, decryption, disclosure, communication, transmission, or retransmission.

(g)(1) "Unlawful telecommunication device or access code" means a telecommunication device or access code that has been altered, designed, modified, programmed, or reprogrammed, alone or in conjunction with another telecommunication device or access code, to facilitate the disruption, acquisition, receipt, transmission, or decryption of a telecommunication service without the express consent or express authorization of the telecommunication service provider.

(2) "Unlawful telecommunication device or access code" includes a device, technology, product, service, equipment, access code, computer software, component, or part that is primarily distributed, sold, designed, assembled, manufactured, modified, programmed, reprogrammed, or used to provide the unauthorized access to or receipt, transmission, disruption, decryption, or acquisition of a telecommunication service provided by a telecommunication service provider.

Criminal Law Article § 7-313

Prohibited Activity – Telecommunication Device or Access Code

A person may not knowingly:

(1) possess, use, manufacture, distribute, transfer, sell, offer, promote, or advertise for sale, use, or distribution, an unlawful telecommunication device or access code:

(i) to commit a theft of telecommunication service; or

(ii) to receive, disrupt, transmit, decrypt, acquire, or facilitate the receipt, disruption, transmission, decryption, or acquisition of a telecommunication service without the express consent or express authorization of the telecommunication service provider;

(2) possess, use, manufacture, distribute, transfer, sell, offer, promote, or advertise for sale, use, or distribution an unlawful access device; or

(3) possess, use, prepare, distribute, sell, give, transfer, offer, promote, or advertise for sale, use, or distribution equipment, hardware, cables, tools, data, computer software, or other components, knowing that the purchaser or a third person intends to use them to manufacture

an unlawful telecommunication device or access code for a purpose prohibited by this part.

Criminal Law Article § 7-315

Penalties

(a) A person who violates § 7-315 of this part involving more than 100 unlawful telecommunication devices or access codes or unlawful access devices is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(b) A person who violates § 7-315 of this part involving 100 or fewer unlawful telecommunication devices or access codes or unlawful access devices is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,500 or both.

(c) In addition to any other sentence authorized by law, the court may require a person convicted of violating this part to make restitution in accordance with the Criminal Procedure Article.

Criminal Law Article § 7-316

Prohibited Transfer of Recorded Sounds/Images – Exceptions to Prohibition

This part does not apply to:

(1) a radio or television broadcaster or cable radio or television operator who transfers sounds or images:

(i) as part of or with a radio or television transmission; or

(ii) for archival preservation; or

(2) a person who transfers sounds or images in the person's home for the person's personal use without consideration being derived by the person, or any other, from the transfer.

Criminal Law Article § 7-306

Definitions and Prohibited Activity

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

(2) "Deliver" means to sell, rent, distribute, or circulate.

(3) "Performance" includes a live performance and a performance that is transmitted by wire, radio, or television.

(4) "Recorded article" means a phonograph record, disc, wire, tape, film, videocassette, or other article on which sounds are recorded or otherwise stored.

(b)(1) This subsection applies only to sound recordings initially fixed before February 15, 1972.

(2) Except as otherwise provided in this section, a person may not knowingly transfer or cause to be transferred any sounds recorded on a recorded article to any other recorded article:

(i) with the intent to sell or cause to be sold for profit or used to promote the sale of any product; and

(ii) without the consent of the owner of the original fixation of sounds embodied in the master recorded article.

(c) Except as otherwise provided in this section, a person may not knowingly deliver, offer for delivery, possess for delivery, cause to be delivered, cause to be offered for delivery, or cause to be possessed for delivery a recorded article or device:

(1) on which sounds have been transferred without the consent of

the owner of the original fixation of sounds embodied in the master recorded article; or

(2) embodying a performance without the consent of the performer.

(d)(1) Except as otherwise provided in this section, a person may not knowingly transfer to or cause to be transferred to a recorded article on which sounds or images have been transferred or stored any performance:

(i) with the intent to sell or cause to be sold for profit or used to promote the sale of any product; and

(ii) without the consent of the performer.

(2)A person may not knowingly deliver, offer for delivery, or possess for the purpose of delivery a recorded article on which sounds or images have been transferred or stored, unless the recorded article bears in a prominent place on its outside face or package:

(i) the actual name and street address of the transferor of the sounds or images; and

(ii) the actual name of the performer or group.

(e) Except in the lobby area of a motion picture theater, a person may not knowingly operate an audiovisual recording function of a device in a motion picture theater without the consent of the owner or lessee of the theater.

Criminal Law Article § 7-308

Penalty - See Criminal Law Article § 7-309

EMBEZZLEMENT

(See "Theft" – "Rules of Construction")

The offense of embezzlement has, by statute, been incorporated into the offense of "Theft" (See Criminal Law Article § 7-102(a)(4)). For a discussion of the elements and distinctions that characterized "embezzlement" (and also other theft-related offenses) prior to the incorporation of "embezzlement" into the statutory offense of "theft" see *Farlow v. State*, 9 Md. App. 515 at 518-519 (1970).

EMERGENCY EVALUATIONS

Definitions

(a) *In General*. In Part IV of this subtitle the following words have the meanings indicated.

(b) "Court" means a district or circuit court of this State.

(c) "Emergency evaluee" means an individual for whom an emergency evaluation is sought or made under Part IV of this subtitle.

(d)(1) "Emergency facility" means a facility that the Department designates, in writing, as an emergency facility.

(2) "Emergency facility" includes a licensed general hospital that has an emergency room, unless the Department, after consultation with the health officer, exempts the hospital.

(e) "Emergency Facility Personnel" means a physician, physician assistant, nurse practitioner, or other advanced practice professional employed or under contract with the emergency facility.

(f)(1) "Mental disorder" means the behavioral or other symptoms that indicate:

(i) To a lay petitioner who is submitting an emergency petition, a clear disturbance in the mental functioning of another individual; and

(ii) To the following health professionals doing an examination, at least one mental disorder that is described in the version of the American Psychiatric Association's "Diagnostic and Statistical Manual

– Mental Disorders" that is current at the time of the examination:
1. Physician;
2. Psychologist;
3. Clinical social worker;
4. Licensed clinical professional counselor;
5. Clinical nurse specialist in psychiatric and mental health nursing (APRN/PMH);
6. Psychiatric nurse practitioner (CRNP–PMH); or
7. Licensed clinical marriage and family therapist.
(2) "Mental disorder" does not include intellectual disability.
(g) "Peace officer" means a sheriff, a deputy sheriff, a State police officer, a county police officer, a municipal or other local police officer, or a Secret Service agent who is a sworn special agent of the United States Secret Service or Department of Homeland Security authorized to exercise powers delegated under 18 U.S.C. § 3056.
Health General Article § 10-620

Petition for Emergency Evaluation
(a) *Petition Authorized*. A petition for emergency evaluation of an individual may be made under this section only if the petitioner has reason to believe that the individual:
(1) Has a mental disorder; and
(2) The individual presents a danger to the life or safety of the individual or of others.
(b)(1) *Petitioners*. The petition for emergency evaluation of an individual may be made by:
(i) A physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, or health officer or designee of a health officer who has examined the individual;
(ii) A peace officer who personally has observed the individual or the individual's behavior; or
(iii) Any other interested person.
(2) An individual who makes a petition for emergency evaluation under paragraph (1)(i) or (ii) of this subsection may base the petition on:
(i) The examination or observation; or
(ii) Other information obtained that is pertinent to the factors giving rise to the petition.
(c)(1) *Contents of Petition*. A petition under this section shall:
(i) Be signed and verified by the petitioner;
(ii) State the petitioner's:
1. Name;
2. Address; and
3. Home and work telephone numbers;
(iii) State the emergency evaluee's:
1. Name; and
2. Description;
(iv) State the following information, if available:
1. The address of the emergency evaluee; and
2. The name and address of the spouse or a child, parent, or other relative of the emergency evaluee or any other individual who is interested in the emergency evaluee;
(v) If the individual who makes the petition for emergency evaluation is an individual authorized to do so under subsection(b)(1)

(i) of this section, contain the license number of the individual;

(vi) Contain a description of the behavior and statements of the emergency evaluee or any other information that led the petitioner to believe that the emergency evaluee has a mental disorder and that the individual presents a danger to the life or safety of the individual or of others; and

(vii) Contain any other facts that support the need for an emergency evaluation.

(2) The petition form shall contain a notice that the petitioner:

(i) May be required to appear before a court; and

(ii) Makes the statements under penalties of perjury.

(d)(1) *Giving Petition to a Peace Officer.* A petitioner who is a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, health officer, or designee of a health officer shall give the petition to a peace officer.

(2) *Peace Officer's Explanation to the Petitioner.* The peace officer shall explain to the petitioner:

(i) The serious nature of the petition; and

(ii) The meaning and content of the petition.

Health General Article § 10-622

Emergency Evaluation of Arrested Individuals

(a) *Court's Finding of Probable Cause*. A court may order, at any time, an emergency evaluation under Part IV of this subtitle of an individual who has been arrested, if the court finds probable cause to believe that the individual has a mental disorder and the individual presents a danger to the life or safety of the individual or of others.

(b) *Court Order.* The court order for an emergency evaluation shall state the grounds.

(c) *Custody of Peace Officer.* Unless the court directs otherwise, an individual who is taken to an emergency facility under this section shall stay in the custody of the peace officer until the individual either is admitted to an appropriate facility or returned to the court or an appropriate jail.

(d) *Disposition*. If an individual was detained lawfully before the court ordered an emergency evaluation under this section and the individual does not meet the requirements for involuntary admission under this subtitle:

(1) The examining physician shall send a brief report of the evaluation to the court; and

(2) The peace officer shall:

(i) Return to the court the individual, the court order, and the report of the examining physician; or

(ii) If the court is not in session, take the individual to an appropriate jail and, before the end of the next day that the court is in session, return to the court the individual and the report of the examining physician.

(e) *Detainer.* A court order under this section is a detainer against an individual until:

(1) The charges against the individual are dismissed, nol prossed, or stetted; or

(2) The individual appears in court. Health General Article § 10-626

Emergency Facility

(a) Duty of a Peace Officer.

(1) A peace officer shall take an emergency evaluee to the nearest emergency facility if the peace officer has a petition under Part IV of this subtitle that:

(i) Has been endorsed by a court within the last 5 days; or

(ii) Is signed and submitted by a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, health officer or designee of a health officer, or peace officer.

(2) To the extent practicable, a peace officer shall notify the emergency facility in advance that the peace officer is bringing an emergency evaluee to the emergency facility.

(3) After a peace officer brings the emergency evaluee to an emergency facility, the peace officer need not stay unless, because the emergency evaluee is violent, emergency facility personnel ask the supervisor of the peace officer to have the peace officer stay.

(4) A peace officer shall stay until the supervisor responds to the request for assistance. If the emergency evaluee is violent, the supervisor shall allow the peace officer to stay.

(5) If emergency facility personnel ask that a peace officer stay, a physician shall examine the emergency evaluee as promptly as possible.

(b) Duty of an Emergency Facility.

(1) If the petition is executed properly, the emergency facility shall accept the emergency evaluee.

(2) Within 6 hours after an emergency evaluee is brought to an emergency facility, a physician shall examine the emergency evaluee, to determine whether the emergency evaluee meets the requirements for involuntary admission.

(3) Promptly after the examination, the emergency evaluee shall be released unless the emergency evaluee:

(i) Asks for voluntary admission; or

(ii) Meets the requirements for involuntary admission.

(4) An emergency evaluee may not be kept at an emergency facility for more than 30 hours.

Health General Article § 10-624

Lists of Emergency Facilities

At least once a year, the Department shall:

(1) Publish a list of emergency facilities and their addresses; and

(2) Give the list to each health department, judge of a court, sheriff's office, police station, and Secret Service office in this State.

Health General Article § 10-621

ENVIRONMENTAL ISSUES/CRIMES

The Maryland Department of Environment (MDE) is the lead agency in the State for environmental issues and the Attorney General's Environmental Crimes Unit (ECU) is the principal investigative/prosecutorial office for environmental crimes. While some issues, such as littering/solid waste, are straightforward and uncomplicated, other matters, such as air pollution, hazardous waste, etc., can be more complex and should be referred to the appropriate MDE administration, the ECU and/or the local agency responsible for environmental issues.

If you have a question about an environmental issue that is not listed below, refer to the heading, "I. Useful Phone and Contact Information" in the front of the *Digest* for the appropriate phone number to call for guidance.

Air Pollution

See Environment Article Title 2, Ambient Air Quality Control.

Questions about air pollution, asbestos, dust, odors, open burning, radiation, smoke, etc. should be referred to the MDE/Air and Radiation Management Administration. The phone numbers for MDE/Air and Radiation Management Administration appears under the heading, "I. Useful Phone and Contact Information" in the front of the *Digest*.

False Statements – Toxic Material

(See False Statements)

Hazardous Waste

See Environmental Article, Title 7, Hazardous Materials and Hazardous Substances. Questions about hazardous waste, chemical spills/releases, drum dumps, transportation incidents involving hazardous materials, etc. should be referred to the MDE/Emergency Response Program. Questions about littering/solid waste violations, landfills, recycling, sludge, etc. should be referred to the MDE/Waste Management Administration/Solid Waste Program. Phone numbers for the MDE/Emergency Response Program and the MDE/Waste Management Administration/Solid Waste Program appears under the heading, "I. Useful Phone and Contact Information," at the front of the *Digest*.

Medical Waste/Infectious Waste

Questions about medical waste or infectious waste should be referred to the local health department or the MDE/Emergency Response Program. Phone numbers for the MDE/Emergency Response Program appear under the heading, "I. Useful Phone and Contact Information," at the front of the *Digest*.

Water Pollution

See Environment Article, Title 4, Water Management, and Title 9, Water, Ice and Sanitary Facilities.

Questions about water pollution, sediment and erosion control, wastewater treatment plants, discharge of any substance into surface and groundwater that is not a permitted discharge should be referred to the Water Management Administration. Phone numbers for the Water Management Administration appear under the heading, "I. Useful Phone and Contact Information," at the front of the *Digest*.

F

FALSE ALARM – FIRE, AMBULANCE, RESCUE SQUAD

Prohibited Acts and Penalties

(a) A person may not knowingly make or cause to be made a false:

(1) fire alarm; or

(2) call for an ambulance or rescue squad.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 9-604

FALSE STATEMENTS

False Statement, Report, Complaint – To Law Enforcement Officer

(See also False Statement to Public Official Concerning Crime or Hazard)

(a) A person may not make, or cause to be made, a statement, report, or complaint that the person knows to be false as a whole or in material part, to a law enforcement officer of the state, of a county, municipal corporation, or other political subdivision of the state, or of the Maryland-National Capital Park and Planning Police with intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint.

(b) A person who violates this section is guilty of a misdemeanor subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

Criminal Law Article § 9-501

False Statement When under Arrest

(a) A person who is arrested by a law enforcement officer of the state, of a county, municipal corporation, or other political subdivision of the state, or of the Maryland-National Capital Park and Planning Police may not knowingly, and with intent to deceive, make a false statement to a law enforcement officer concerning the person's identity, address, or date of birth.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

Criminal Law Article § 9-502

False Statement to Public Official Concerning Crime or Hazard

(a) A person may not make, or cause to be made, a statement or report that the person knows to be false as a whole or in material part to an official or unit of the State or of a county, municipal corporation, or other political subdivision of the State that a crime has been committed or that a condition imminently dangerous to public safety or health exists, with the intent that the official or unit investigate, consider, or take action in connection with that statement or report.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

Criminal Law Article § 9-503

False Statement Concerning Destructive Device or Toxic Material

(a)This section does not apply to a statement made or rumor circulated by an officer, employee, or agent of a bona fide civilian defense organization or unit, if made in the regular course of the person's duties.

(b) A person may not circulate or transmit to another, with intent that it be acted on, a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic material, as those terms are defined in § 4-501 of this Article.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(d) A crime under this section committed using a telephone or other electronic means may be prosecuted in the county in which:

(1) the communication originated;

(2) the communication was received; or

(3) the destructive device or toxic material was stated or was rumored to be located.

Criminal Law Article § 9-504

False Representation of Destructive Device

(a) A person may not manufacture, possess, transport, or place:

(1) a device or container that is labeled as containing or is intended to represent a toxic material, as defined in subsection 4-501 of the Article, with the intent to terrorize, frighten, intimidate, threaten, or harass; or

(2) a device that is constructed to represent a destructive device, as defined in subsection of this Article, with the intent to terrorize, frighten, intimidate, threaten, or harass.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both. (See statute for balance of language.)

Criminal Law Article § 9-505

FIREARMS

(Also See "Weapons")

The following is a list of sections in the Annotated Code of Maryland pertaining to firearms, explosives, destructive devices and other weapons-related offenses. Due to the great volume, a summary of all these sections cannot be included in the *Digest*, but citations to additional sections are added in each future edition. A summary of selected Annotated Code provisions related to firearms follows this list.

Public Safety Article
Title 5. Firearms
Subtitle 1. Regulated Firearms

5-101. Definitions
5-102. Scope of subtitle
5-103. Effect of subtitle
5-104. Preemption by State
5-105. Regulations
5-106. Dealer's license
5-107. Application for dealer's license
5-108. Criminal history records check
5-109. Investigation of applicant for dealer's license
5-110. Disapproval of dealer's license application

5-111. Term of dealer's license
5-112. Non-transferability of dealer's license; new place of business
5-113. Display of dealer's license
5-114. Suspensions and Revocations - Grounds, notice; effect
5-115. Suspensions and Revocations - Hearings
5-116. Judicial review
5-117.1. Handgun qualification license required for purchase of handguns
5-117. Application for regulated firearms required
5-118. Firearm application
5-120. Copies of firearm application; fees
5-121. Investigation of firearm applicant
5-122. Disapproval of firearm application
5-123. Time for licensee to complete transactions
5-124. Secondary transactions
5-125. Approved, on hold, and disapproved applications
5-126. Hearings
5-127. Judicial review
5-128. Purchase with-in 30 days - In general
5-129. Same - Multiple purchases allowed
5-130. Gun shows
5-131. Handgun identification requirements
5-132. Handgun safety devices
5-133.1. Restriction on possession of ammunition
5-133.2. Reporting by courts on health facilities
5-133.3. Relief from firearms disqualification
5-133. Restrictions on possession of regulated firearms
5-134. Restrictions on sale, rental, or transfer of regulated firearms
5-135. Regulated firearms subject to seizure
5-136. Straw purchases
5-137. Out-of-state Purchases
5-138. Sale, transfer, or disposal of stolen regulated firearm prohibited
5-139. False information or misstatement in application
5-140. Transporting regulated firearm for unlawful sale or trafficking.
5-141. Knowing participation in straw purchase
5-142. Removal or alteration of identification, mark, or number on firearm
5-143. Knowing participation in violation of subtitle

Public Safety Article
Title 5. Firearms
Subtitle 2. Rifles and Shotguns

5-201. Definitions

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

(b) "Dealer's license" means a federal firearms license.

(c) "Immediate family member" means a spouse, a parent, a stepparent, a grandparent, a stepgrandparent, an aunt, an uncle, a sibling, a stepsibling, a child, a stepchild, a grandchild, a stepgrandchild, a niece, or a nephew, as related by blood or marriage.

(d) "Licensee" means a person who holds a dealer's license.

(e) "NCIS Index" has the meaning stated in § 5-113.2 of this title.

(f) "Rifle" has the meaning stated in § 4-201 of the Criminal Law Article.

(g) "Short-barreled rifle" has the meaning stated in § 4-201 of the Criminal Law Article.

(h) “Short-barreled shotgun” has the meaning stated in § 4-201 of the Criminal Law Article.

(i) “Shotgun” has the meaning stated in § 4-201 of the Criminal Law Article.

5-202. Scope of subtitle.

5-203. Possession of short-barreled rifle or short-barreled-shotgun

5-204. Purchasers of rifles or shotguns

5-204.1

(a) This section does not apply to:

(1) A sale, rental, or transfer:

(i) involving a licensee or a federally licensed gun manufacturer, dealer, or importer;

(ii) between immediate family members;

(iii) involving law enforcement personnel of any unit of the federal government, a member of the armed forces of the United States, a member of the National Guard, or law enforcement personnel of the State or any local agency in the State, while acting in the scope of official duty;

(iv) of a curio or relic firearm between collectors who each have in their possession a valid collector of curios and relics license, as the terms are defined in federal law or determinations published by the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(v) of an unserviceable rifle or shotgun sold, rented, or transferred as a curio or museum piece;

(vi) of a rifle or shotgun modified to render it permanently inoperative; or

(vii) in which the purchaser, lessee, or transferee:

1. Has a demonstrable religious belief against taking a portrait photograph; and 2. Does not possess a license or an identification card of any kind with photographic identification.

(2) A transfer that occurs by operation of law on the death of a person for whom the transferee is an executor, an administrator, a trustee, or a personal representative of an estate or a trust created in a will.

(b) A person who is not a licensee may not complete a sale, rental, or transfer of a rifle or shotgun other than a regulated firearm, as a purchaser, lessee, or transferee or seller, lessor, or transferor, unless the person is in compliance with this section.

(c) (1) Before a sale, rental, or transfer is conducted, the seller, lessor, or transferor and purchaser, lessee, or transferee shall both request that a licensee facilitate the sale, rental, or transfer.

(2) (i) A licensee who agrees to facilitate a sale, rental, or transfer under this section shall process the sale, rental, or transfer as though transferring the rifle or shotgun from the licensee’s own inventory to the purchaser, lessee, or transferee.

(ii) The licensee shall conduct a background check on the purchaser, lessee, or transferee through the NCIS Index and comply with all federal and State law that would apply to the sale, rental, or transfer, including all inventory and record-keeping requirements.

(3) The seller, lessor, or transferor may:

(i) deliver the rife=le or shotgun to a licensee; or

(ii) without appearing in person before the licensee, allow another person, to whom the transferor is authorized to transfer the rifle or shotgun, to deliver the rifle or shotgun to the licensee.

(d) (1) The licensee or the seller, lessor, or transferor may not

complete the sale, rental, or transfer to the purchaser, lessee, or transferee if the results of the background check indicate that the purchaser, lessee, or transferee may not possess the rifle or shotgun.

(2) Unless the seller, lessor, or transferor delivered the rifle or shotgun in accordance with subsection (c) (3) (ii) of this section or otherwise left the rifle or shotgun in the exclusive possession of the licensee, if the results of the background check indicate that the purchaser, lessee, or transferee may not possess the rifle or shotgun, the seller, lessor, or transferor may remove the rifle or shotgun from the premises of the licensee or a gun show.

(e) A licensee may charge a reasonable fee for facilitating a sale, rental, or transfer under this section.

(f) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $10,000 or both.

(2) A person who provides false information while conducting a transaction under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(g) A licensee who processes a sale, rental, or transfer under this section may not be held civilly liable for personal injury or property damage resulting from the malfunctioning of a rifle or shotgun if the licensee did not modify or alter the rifle or shotgun.

5-205. Disqualification for possession
5-206. Possession of rifle or shotgun prohibited
5-207 This is a new section that was enacted October 1, 2020

Public Safety Article
Title 5. Firearms
Subtitle 3. Handgun Permits

5-301. Definitions
5-302. Handgun Permit Review Board
5-303. Permit required
5-304. Application for permit
5-305. Criminal history records check
5-306. Qualifications for permit
5-307. Scope of permit
5-308. Possession of permit required
5-309. Term and renewal of permit
5-310. Revocations
5-311. Informal review of Secretary's action
5-312. Action by Board
5-313. Failure to return revoked permit
5-314. Carrying, wearing, or transporting handgun while under influence of alcohol or drugs

Public Safety Article
Title 11. Explosives
Subtitle 1. Licenses to Engage in Business as Manufacturer or Dealer or to Possess Explosives

11-101. Definitions
11-102. Scope of subtitle
11-105. License required; exceptions
11-113. Reports of thefts of explosives

11-114. Prohibited acts; penalty - In general
11-115. Prohibited acts; penalty - Explosives for use in firearms; required reports

Public Safety Article
Title 3. Law Enforcement
Subtitle 5. Miscellaneous Provisions
3-501. Disposal of handguns owned by law enforcement agencies.

Criminal Law Article
Title 3. Other Crimes Against the Person
Subtitle 2.Assault, Reckless Endangerment, and Related Crimes
3-201. Definitions
3-202. Assault in the first degree
3-203. Assault in the second degree
3-204. Reckless endangerment
3-206. Charging Documents
3-209. Defenses

Criminal Law Article
Title 3. Other Crimes Against the Person
Subtitle 4. Robbery
3-401. Definitions
3-403. Robbery with dangerous weapon
3-405. Carjacking

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Selected Statutory Provisions – Firearms Generally

Possession of Firearm at Public Demonstration

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

(2)(i) "Demonstration" means one or more persons demonstrating, picketing, speech making, 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.

(3)(i) "Firearm" means a handgun, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or any other firearm, whether loaded or unloaded.

(ii) "Firearm" does not include an antique firearm.

(4) "Handgun" has the meaning stated in § 5-101 of the Public Safety Article.

(5) "Law enforcement officer" means:

(i) a member of a police force or other unit of the United States, the state, a county, municipal corporation, or other political subdivision who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, the state, a county, municipal corporation, or other political subdivision;

(ii) a park police officer of the Maryland-National Capital Park and Planning Commission;

(iii) a member of the University of Maryland police force; and

(iv) any military or militia personnel directed by constituted authority to keep law and order.

(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.

(b)(1) *Prohibited.* This subsection does not apply to a law enforcement officer.

(2) A person may not have a firearm in the person's possession or on or about the person at a demonstration in a public place or in a vehicle that

is within 1,000 feet of a demonstration in a public place after:

(i) the person has been advised by a law enforcement officer that a demonstration is occurring at the public place; and

(ii) the person has been ordered by the law enforcement officer to leave the area of the demonstration until the person disposes of the firearm.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

Criminal Law Article § 4-208

Limited Searches, Seizures and Arrests – Firearms

(See Heading: "II. General Police Powers" – "Searches")

Removing a Firearm from a Law Enforcement Officer

(See Heading "II. General Police Powers" – "Executing an Arrest")

Child's Access to Firearms

(See "Children and Minors")

State Authority Preempts Local Authority to Regulate Firearms and Ammunition

(a) Except as otherwise provided in this section, the state preempts the right of a county, municipal corporation, or special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of:

(1) a handgun, rifle, or shotgun; and

(2) ammunition for and components of a handgun, rifle, or shotgun.

(b)(1) *Exceptions*. A county, municipal corporation, or special taxing district may regulate the purchase, sale, transfer, ownership, possession, and transportation of the items listed in subsection (a) of this section:

(i) with respect to minors;

(ii) with respect to law enforcement officials of the subdivision; and

(iii) except as provided in paragraph (2) of this subsection, within 100 yards of or in a park, church, school, public building, and other place of public assembly.

(2) A county, municipal corporation, or special taxing district may not prohibit the teaching of or training in firearms safety, or other educational or sporting use of the items listed in subsection (a) of this section.

(c) To the extent that a local law does not create an inconsistency with this section or expand existing regulatory control, a county, municipal corporation, or special taxing district may exercise its existing authority to amend any local law that existed on or before December 31, 1984.

(d)(1) *Discharge of firearms*. Except as provided in paragraph (2) of this subsection, in accordance with law, a county, municipal corporation, or special taxing district may regulate the discharge of handguns, rifles, and shotguns.

(2) A county, municipal corporation, or special taxing district may not prohibit the discharge of firearms at established ranges.

Criminal Law Article § 4-209

Restricted Ammunition

(a) In this section, "restricted firearm ammunition" means a cartridge, a shell, or any other device that:

(1) contains explosive or incendiary material designed and intended for use in a firearm; and

(2) has a core constructed, excluding traces of other substances, entirely from one or a combination of:

(i) tungsten alloys;

(ii) steel;

(iii) iron;

(iv) brass;

(v) beryllium copper;

(vi) depleted uranium; or

(vii) an equivalent material of similar density or hardness.

(b) A person may not, during and in relation to the commission of a crime of violence as defined in § 14–101 of this article, possess or use restricted firearm ammunition.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 4-110

Bulletproof Body Armor

(a)(1) *Definitions*. In this section and § 4-107 of this subtitle the following words have the meanings indicated.

(2) "Ammunition" means a cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.

(3) "Bulletproof body armor" means a material or object that is designed to cover or be worn on any part of the body to prevent, deflect, or slow down the penetration of ammunition.

(4) "Crime of violence" has the meaning stated in § 14-101 of this Article.

(5) "Drug trafficking crime" has the meaning stated in § 5-621 of this Article.

(6) "Firearm" includes:

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle as those terms are defined in § 4-201 of this title;

(ii) an assault pistol as defined in § 4-301 of this title;

(iii) a machine gun as defined in § 4-401 of this title; and

(iv) a regulated firearm as defined in the Public Safety Article § 5-101(p).

(7) "Secretary" means the Secretary of the State Police or the Secretary's designee.

(b) A person may not wear bulletproof body armor in the commission of a crime of violence.

(c) A person may not wear or possess bulletproof body armor during and in relation to a drug trafficking crime.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 4-106

Body Armor – Permit to Use, Possess, or Purchase

(a) Except for a person holding a valid permit issued under subsection (c) of this section, a person who was previously convicted of a crime of violence or a drug trafficking crime may not use, possess, or purchase

bulletproof body armor.

(b) A person with a prior conviction for a crime of violence or a drug trafficking crime may file a petition with the Secretary for a permit to purchase, possess, and use bulletproof body armor.

(c) On receiving a petition under subsection (b) of this section, the Secretary may issue to the petitioner a permit to purchase, possess, and use bulletproof body armor under the terms, conditions, and limitations that the Secretary sets as appropriate, based on a determination that the petitioner:

(1) is likely to use or possess bulletproof body armor in a safe and lawful manner; and

(2) has shown good cause for the use, possession, or purchase of bulletproof body armor.

Criminal Law Article § 4-107

Selected Statutory Provisions – Handguns – Definitions

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

(b) "Antique firearm" means:

(1) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar ignition system, manufactured before 1899; or

(2) a replica of a firearm described in item (1) of this subsection that:

(i) is not designed or redesigned to use rim fire or conventional center fire fixed ammunition; or (ii) uses rim fire or conventional center fire fixed ammunition that is no longer manufactured in the united states and is not readily available in the ordinary channels of commercial trade.

(c)(1) "Handgun" means a pistol, revolver, or other firearm capable of being concealed on the person.

(2) "Handgun" includes a short-barreled shotgun and a short- barreled rifle.

(3) "Handgun" does not include a shotgun, rifle, or antique firearm.

(d) "Law enforcement official" means:

(1) a full-time member of a police force or other unit of the United States, a State, a county, a municipal corporation, or other political subdivision of a state who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, a State, a county, a municipal corporation, or other political subdivision of a State;

(2) a part-time member of a police force of a county or municipal corporation who is certified by the county or municipal corporation as being trained and qualified in the use of handguns; or

(3) a fire investigator of the Prince George's county fire department who:

(i) is certified by Prince George's county as being trained and qualified in the use of handguns; and

(ii) has met the minimum qualifications and has satisfactorily completed the training required by the Police Training and Standards Commission.

(e) "Rifle" means a weapon that is:

(1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and

(2) designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(f) "Short-barreled rifle" means:

(1) a rifle that has one or more barrels less than 16 inches long; or

(2) a weapon that has an overall length of less than 26 inches and that was made from a rifle, whether by alteration, modification, or otherwise.

(g) "Short-barreled shotgun" means:

(1) a shotgun that has one or more barrels less than 18 inches long; or

(2) a weapon that has an overall length of less than 26 inches long and was made from a shotgun, whether by alteration, modification, or otherwise.

(h) "Shotgun" means a weapon that is:

(1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and

(2) designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore one or more projectiles for each pull of the trigger.

(i) "vehicle" means a motor vehicle as defined in Title 11, subtitle 1 of the Transportation Article, a train, an aircraft, or a vessel.

Criminal Law Article § 4-201

Wearing, Carrying, or Transporting Handgun

(a)(1) *Prohibition* – Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;

(iii) violate item (i) or (ii) of this paragraph while on public school property in the State;

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or

(v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition;

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) *Exceptions to Prohibition* – This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another State or subdivision of another State temporarily in this State on official business;

(iv) a correctional officer or warden of a correctional facility in the State;

(v) a sheriff or full–time assistant or deputy sheriff of the State; or

(vi) a temporary or part–time sheriff's deputy;

(2) the wearing, carrying, or transporting of a handgun, in compliance with any limitations imposed under § 5–307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal

purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources–sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases;

(7)the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; or

(9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and

(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

(c)(1) *Penalties* – A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection.

(2) If the person has not previously been convicted under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

(i) except as provided in item (ii) of this paragraph, the person is subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine of not less than $250 and not exceeding $2,500 or both; or

(ii) if the person violates subsection (a)(1)(iii) of this section, the person shall be sentenced to imprisonment for not less than 90 days.

(3)(i) If the person has previously been convicted once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 1 year and not exceeding 10 years; or

2. if the person violates subsection (a)(1)(iii) of this section, the

person is subject to imprisonment for not less than 3 years and not exceeding 10 years.

(ii)(1) except as provided in subsubparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

(2) If the person violates subsection(a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph(i) of this paragraph.

(iii) except as provided in § 4-305 of the Correctional Services Article, if the person violates subsection(a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) a mandatory minimum sentence under subparagraph(ii) 2 of this paragraph may not be imposed unless the State's Attorney office notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

(4)(i) if the person has previously been convicted more than once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any combination of these crimes:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or

2. A. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years; or

B. if the person violates subsection (a)(1)(iv) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.

(ii)(1) Except as provided in subsubparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

(2) If the person violates subsection(a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph(i) of this paragraph.

(iii) Except as provided in § 4-305 of the Correctional Services Article, if the person violates subsection(a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph(ii) 2 of this paragraph may not be imposed unless the State's Attorney office notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

Criminal Law Article § 4-203

Handgun – Permit Holder Carrying, Wearing, or Transporting While Under the Influence

(a) A person to whom a permit has been issued or whose permit has been renewed under Title 5, Subtitle 3 of the Public Safety Article may not wear, carry, or transport a handgun while the person is under the influence of alcohol or drugs.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

Criminal Law Article § 4-207

Use of Handgun or Antique Firearm in Commission of Crime

(a)(1) In this section, "firearm" means:

(i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or

(ii) the frame or receiver of such a weapon.

(2) "Firearm" includes an antique firearm, handgun, rifle, shotgun, short–barreled rifle, short–barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

(b) A person may not use a firearm in the commission of a crime of violence, as defined in § 5–101 of the Public Safety Article, or any felony, whether the firearm is operable or inoperable at the time of the crime.

(c)(1)(i) A person who violates this section is guilty of a misdemeanor and, in addition to any other penalty imposed for the crime of violence or felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years and, except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(2) For each subsequent violation, the sentence shall be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony.

Criminal Law Article § 4-204

Assault Pistols and Detachable Magazines

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

(b) "Assault long gun" means any assault weapon listed under § 5–101(r)(2) of the Public Safety Article.

(c) "Assault pistol" means any of the following firearms or a copy regardless of the producer or manufacturer:

(1) AA ArmsAP–9 semiautomatic pistol;

(2) Bushmaster semiautomatic pistol;

(3) Claridge HI–TEC semiautomatic pistol;

(4) D Max Industries semiautomatic pistol;

(5) Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;

(6) Heckler and Koch semiautomatic SP–89 pistol;

(7) Holmes MP–83 semiautomatic pistol;

(8) Ingram MAC 10/11 semiautomatic pistol and variations including the Partisan Avenger and the SWD Cobray;

(9) Intratec TEC–9/DC–9 semiautomatic pistol in any center fire variation;

(10) P.A.W.S. type semiautomatic pistol;

(11) Skorpion semiautomatic pistol;

(12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);

(13) UZI semiautomatic pistol;

(14) Weaver Arms semiautomatic Nighthawk pistol; or

(15) Wilkinson semiautomatic "Linda" pistol.

(d) "Assault weapon" means:

(1) an assault long gun;

(2) an assault pistol; or

(3) a copycat weapon.

(e) "Binary trigger system" means a device that, when installed in or attached to a firearm, fires both when the trigger is pulled and on release of the trigger.

(f) "Bump stock" means a device that, when installed in or attached to

a firearm, increases the rate of fire of the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

(g) "Burst trigger system" means a device that, when installed in or attached to a firearm, allows the firearm to discharge two or more shots with a single pull of the trigger by altering the trigger reset.

(h)(1) "Copycat weapon" means:

(i) a semiautomatic centerfire rifle that can accept a detachable magazine and has any two of the following:

1. a folding stock;

2. a grenade launcher or flare launcher; or

3. a flash suppressor;

(ii) a semiautomatic centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(iii) a semiautomatic centerfire rifle that has an overall length of less than 29 inches;

(iv) a semiautomatic pistol with a fixed magazine that can accept more than 10 rounds;

(v) a semiautomatic shotgun that has a folding stock; or

(vi) a shotgun with a revolving cylinder.

(2) "Copycat weapon" does not include an assault long gun or an assault pistol.

(i) "Detachable magazine" means an ammunition feeding device that can be removed readily from a firearm without requiring disassembly of the firearm action or without the use of a tool, including a bullet or cartridge.

(j) "Flash suppressor" means a device that functions, or is intended to function, to perceptibly reduce or redirect muzzle flash from the shooter's field of vision.

(k) "Hellfire trigger" means a device that, when installed in or attached to a firearm, disengages the trigger return spring when the trigger is pulled.

(l) "Licensed firearms dealer" means a person who holds a dealer's license under Title 5, Subtitle 1 of the Public Safety Article.

(m)(1) "Rapidfire trigger activator" means any device, including a removable manual or power-driven activating device, construed so that, when installed in or attached to a firearm so that:

(i) the rate at which the trigger is activated increases; or

(ii) the rate of fire increases.

(2) "Rapidfire trigger activator" includes a bump stock, trigger crank, hellfire trigger, binary trigger system, burst trigger system, or a copy or a similar device, regardless of the producer or manufacturer.

(3) "Rapidfire trigger activator" does not include a semiautomatic replacement trigger that improves the performance and functionality over the stock trigger.

(n) "Trigger crank" means a device that, when installed or attached to a firearm, repeatedly activates the trigger of the firearm through the use of a crank, a lever, or any other part that is turned in a circular motion.

Criminal Law Article § 4-301

Rapid Fire Trigger

(a) Except as provided in subsection(b) of this section, a person may not:

(1) transport a rapid fire trigger activator into the State; or

(2) manufacture, possess, sell, offer to sell, transfer, purchase, or

receive a rapid fire trigger activator.

(b) This section does not apply to the possession of a rapid fire trigger activator by a person who:

(1) possessed the rapid fire trigger activator before October 1, 2018;

(2) applied to the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives before October 1, 2018, for authorization to possess a rapid fire trigger activator;

(3) received authorization to possess a rapid fire trigger activator from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives before October 1, 2019; and

(4) is in compliance with all federal requirements for possession of a rapid fire trigger activator.

Criminal Law Article § 4-305.1

Scope of Subtitle – Assault Pistols

This subtitle does not apply to:

(1) if acting within the scope of official business, personnel of the United States government or a unit of that government, members of the armed forces of the United States or of the National Guard, law enforcement personnel of the State or a local unit in the State, or a railroad police officer authorized under Title 3 of the Public Safety Article or 49 U.S.C. § 28101;

(2) a firearm modified to render it permanently inoperative;

(3) possession, importation, manufacture, receipt for manufacture, shipment for manufacture, storage, purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who is:

(i) providing or servicing an assault weapon or detachable magazine for a law enforcement unit or for personnel exempted under item (1) of this section;

(ii) acting to sell or transfer an assault weapon or detachable magazine to a licensed firearm dealer in another state or to an individual purchaser in another state through a licensed firearms dealer; or

(iii) acting to return to a customer in another state an assault weapon transferred to the licensed firearms dealer or manufacturer under the terms of a warranty or for repair;

(4) organizations that are required or authorized by federal law governing their specific business or activity to maintain assault weapons and applicable ammunition and detachable magazines;

(5) the receipt of an assault weapon or detachable magazine by inheritance, and possession of the inherited assault weapon or detachable magazine, if the decedent lawfully possessed the assault weapon or detachable magazine and the person inheriting the assault weapon or detachable magazine is not otherwise disqualified from possessing a regulated firearm;

(6) the receipt of an assault weapon or detachable magazine by a personal representative of an estate for purposes of exercising the powers and duties of a personal representative of an estate;

(7) possession by a person who is retired in good standing from service with a law enforcement agency of the State or a local unit in the State and is not otherwise prohibited from receiving an assault weapon or detachable magazine if:

(i) the assault weapon or detachable magazine is sold or transferred to the person by the law enforcement agency on retirement; or

(ii) the assault weapon or detachable magazine was purchased or obtained by the person for official use with the law enforcement agency

before retirement;

(8) possession or transport by an employee of an armored car company if the individual is acting within the scope of employment and has a permit issued under Title 5, Subtitle 3 of the Public Safety Article; or

(9) possession, receipt, and testing by, or shipping to or from:

(i) an ISO 17025 accredited, National Institute of Justice–approved ballistics testing laboratory; or

(ii) a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems.

Criminal Law Article § 4-302

Assault Pistols – Prohibited

(a) Except as provided in subsection (b) of this section, a person may not:

(1) transport an assault weapon into the State; or

(2) possess, sell, offer to sell, transfer, purchase, or receive an assault weapon.

(b)(1) A person who lawfully possessed an assault pistol before June 1, 1994, and who registered the assault pistol with the Secretary of State Police before August 1, 1994, may:

(i) continue to possess and transport the assault pistol; or

(ii) while carrying a court order requiring the surrender of the assault pistol, transport the assault pistol directly to the law enforcement unit, barracks, or station, a State or local law enforcement agency, or a federally licensed firearms dealer, as applicable, if the person has notified a law enforcement unit, barracks, or station that the person is transporting the assault pistol in accordance with a court order and the assault pistol is unloaded.

(2) A licensed firearms dealer may continue to possess, sell, offer for sale, or transfer an assault long gun or a copycat weapon that the licensed firearms dealer lawfully possessed on or before October 1, 2013.

(3) A person who lawfully possessed, has a purchase order for, or completed an application to purchase an assault long gun or a copycat weapon before October 1, 2013, may:

(i) possess and transport the assault long gun or copycat weapon; or

(ii) while carrying a court order requiring the surrender of the assault long gun or copycat weapon, transport the assault long gun or copycat weapon directly to a law enforcement unit, barracks, or station, a State or local law enforcement agency, or a federally licensed firearms dealer, as applicable, if the person has notified a law enforcement unit, barracks, or station that the person is transporting the assault long gun or copycat weapon in accordance with a court order and the assault long gun or copycat weapon is unloaded.

(4) A person may transport an assault weapon to or from:

(i) an ISO 17025 accredited, National Institute of Justice–approved ballistics testing laboratory; or

(ii) a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems.

(5) A federally licensed firearms dealer may receive and possess an assault weapon received from a person in accordance with a court order to transfer firearms under § 6-234 of the Criminal Procedure Article.

Criminal Law Article § 4-303

Possession of a Regulated Firearm – Local Jurisdiction

(a) This section supersedes any restriction that a local jurisdiction in the State imposes on the possession by a private party of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the possession of a regulated firearm.

(b) Subject to § 5–133.3 of this subtitle, a person may not possess a regulated firearm if the person:

(1) has been convicted of a disqualifying crime;

(2) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(3) is a fugitive from justice;

(4) is a habitual drunkard;

(5) is addicted to a controlled dangerous substance or is a habitual user;

(6) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health – General Article and has a history of violent behavior against the person or another;

(7) has been found incompetent to stand trial under § 3–106 of the (Criminal Procedure Article;

(8) has been found not criminally responsible under § 3–110 of the Criminal Procedure Article;

(9) has been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article;

(10) has been involuntarily committed to a facility as defined in § 10–101 of the Health – General Article;

(11) is under the protection of a guardian appointed by a court under § 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability;

(12) except as provided in subsection (e) of this section, is a respondent against whom:

(i) a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article; or

(ii) an order for protection, as defined in § 4–508.1 of the Family Law Article, has been issued by a court of another state or a Native American tribe and is in effect; or

(13) if under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

(c)(1) A person may not possess a regulated firearm if the person was previously convicted of:

(i) a crime of violence;

(ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, § 5–613, or § 5–614 of the Criminal Law Article; or

(iii) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (i) or (ii) of this paragraph if committed in this State.

(2)(i) Subject to paragraph (3) of this subsection, a person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment for not less than 5 years and not exceeding 15 years.

(ii) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(iii) Except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the

mandatory minimum sentence.

(3) At the time of the commission of the offense, if a period of more than 5 years has elapsed since the person completed serving the sentence for the most recent conviction under paragraph (1)(i) or (ii) of this subsection, including all imprisonment, mandatory supervision, probation, and parole:

(i) the imposition of the mandatory minimum sentence is within the discretion of the court; and

(ii) the mandatory minimum sentence may not be imposed unless the State's Attorney notifies the person in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

(4) Each violation of this subsection is a separate crime.

(d)(1) Except as provided in paragraph (2) of this subsection, a person who is under the age of 21 years may not possess a regulated firearm.

(2) Unless a person is otherwise prohibited from possessing a regulated firearm, this subsection does not apply to:

(i) the temporary transfer or possession of a regulated firearm if the person is:

1. under the supervision of another who is at least 21 years old and who is not prohibited by State or federal law from possessing a firearm; and

2. acting with the permission of the parent or legal guardian of the transferee or person in possession;

(ii) the transfer by inheritance of title, and not of possession, of a regulated firearm;

(iii) a member of the armed forces of the United States or the National Guard while performing official duties;

(iv) the temporary transfer or possession of a regulated firearm if the person is:

1. participating in marksmanship training of a recognized organization; and

2. under the supervision of a qualified instructor;

(v) a person who is required to possess a regulated firearm for employment and who holds a permit under Subtitle 3 of this title; or

(vi) the possession of a firearm for self–defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.

(e) This section does not apply to a respondent transporting a regulated firearm if the respondent is carrying a civil protective order requiring the surrender of the regulated firearm and:

(1) the regulated firearm is unloaded;

(2) the respondent has notified the law enforcement unit, barracks, or station that the regulated firearm is being transported in accordance with the civil protective order; and

(3) the respondent transports the regulated firearm directly to the law enforcement unit, barracks, or station.

(f) This section does not apply to the carrying or transporting of a regulated firearm by a person who is carrying a court order requiring the surrender of the regulated firearm, if:

(1) the firearm is unloaded;

(2) the person has notified a law enforcement unit, barracks, or station that the firearm is being transported in accordance with the order; and

(3) the person transports the firearm directly to a state or local law enforcement agency or a federally licensed firearms dealer.

Assault Pistol – Seizure and Disposition

A law enforcement unit may seize as contraband and dispose of according to regulation an assault weapon transported, sold, transferred, purchased, received, or possessed in violation of this subtitle.

Criminal Law Article § 4-304

Detachable Magazines – Prohibited

(a) This section does not apply to:

(1) a .22 caliber rifle with a tubular magazine; or

(2) a law enforcement officer or a person who retired in good standing from service with a law enforcement agency of the United States, the State, or any law enforcement agency in the State.

(b) A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than 10 rounds of ammunition for a firearm.

Criminal Law Article § 4-305

Penalties – Assault Pistols and Excessive Capacity Magazines

(a) Except as otherwise provided in this subtitle, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(b)(1) A person who uses an assault weapon, a rapid fire trigger activator, or a magazine that has a capacity of more than 10 rounds of ammunition, in the commission of a felony or a crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a misdemeanor and on conviction, in addition to any other sentence imposed for the felony or crime of violence, shall be sentenced under this subsection.

(2)(i) For a first violation, the person shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years.

(iii) The mandatory minimum sentence of 5 years may not be suspended.

(iv) Except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(3)(i) For each subsequent violation, the person shall be sentenced to imprisonment for not less than 10 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 10 years.

(iii) A sentence imposed under this paragraph shall be consecutive to and not concurrent with any other sentence imposed for the felony or crime of violence.

Criminal Law Article § 4-306

<u>Selected Statutory Provisions – Long Guns, Shotguns and Machine Guns</u>

Short-Barreled Rifles/Short-Barreled Shotgun

(a) A Person may not possess a short barreled rifle or short barreled shotgun unless:

(1) the person, while on official business is:

(i) a member of the law enforcement personnel of the federal government or of this State, or a political subdivision of this State;

(ii) a member of the armed forces of the United States or the National Guard while on duty or traveling to or from duty;

(iii) a member of the law enforcement personnel of another State or of

a political subdivision of another State, while temporarily in this State;

(iv) a warden, or correctional officer of a correctional facility in this State; or

(v) a sheriff or a temporary or full time deputy sheriff; or

2) the short barreled shotgun or short barreled rifle has been registered with the federal government in accordance with federal law.

(b) Burden of proof. In a prosecution under this section, the defendant has the burden of proving the lawful registration of the short barreled shotgun or short barreled rifle.

(c) A person who violates this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding $5,000 or imprisonment not exceeding five years, or both.

Public Safety Article § 5-203

Prohibited Possession of Rifle or Shotgun - Persons with Mental Disorder

(a)This subtitle does not apply to a rifle or shotgun that is an antique firearm as defined in § 4–201 of the Criminal Law Article.

(b)A person may not possess a rifle or shotgun if the person:

(1) has been convicted of a disqualifying crime as defined in § 5–101 of this title;

(2) has been convicted of a violation classified as a crime under common law and received a term of imprisonment of more than 2 years;

(3) is a fugitive from justice;

(4) is a habitual drunkard as defined in § 5–101 of this title;

(5) is addicted to a controlled dangerous substance or is a habitual user as defined in § 5–101 of this title;

(6) suffers from a mental disorder as defined in § 10–101(f)(2) of the Health – General Article and has a history of violent behavior against the person or another;

(7) has been found incompetent to stand trial under § 3–106 of the Criminal Procedure Article;

(8) has been found not criminally responsible under § 3–110 of the Criminal Procedure Article;

(9) has been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article;

(10) has been involuntarily committed to a facility as defined in § 10–101 of the Health – General Article;

(11) is under the protection of a guardian appointed by a court under § 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability;

(12) except as provided in subsection (c) of this section, is a respondent against whom:

(i) a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article; or

(ii) an order for protection, as defined in § 4–508.1 of the Family Law Article, has been issued by a court of another state or a Native American tribe and is in effect; or

(13) if under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

(c)This section does not apply to:

(1) a person transporting a rifle or shotgun if the person is carrying a civil protective order requiring the surrender of the rifle or shotgun and:

(i) the rifle or shotgun is unloaded;
(ii) the person has notified the law enforcement unit, barracks, or station that the rifle or shotgun is being transported in accordance with the civil protective order; and
(iii) the person transports the rifle or shotgun directly to the law enforcement unit, barracks, or station; or
(2) the carrying or transporting of a rifle or shotgun by a person who is carrying a court order requiring the surrender or shotgun, if:
(i) the rifle or shotgun is unloaded;
(ii) the person has notified the law enforcement unit, barracks, or station that the rifle or shotgun is being transport in accordance with the order; and
(iii) the person transports the rifle or shotgun directly to a state or local law enforcement agency or a federally licensed firearms dealer.
(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.
(e) A person who is disqualified from owning a rifle or shotgun under subsection (b)(6), (7), (8), (9), (10), or (11) of this section may seek relief from the disqualification in accordance with § 5–133.3 of this title.
Public Safety Article § 5-205

Prohibited Possession of Rifle or Shotgun - Convicted Persons
(a) A person may not possess a rifle or shotgun if the person was previously convicted of:
(1) a crime of violence as defined in § 5–101 of this title;
(2) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, § 5–613, or § 5–614 of the Criminal Law Article; or
(3) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (1) or (2) of this subsection if committed in this State.
(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years.
(c) Each violation of this subsection is a separate crime.
Public Safety Article § 5-206

Uniform Machine Gun Act
(a) In this subtitle the following words have the meanings indicated.
(b)(1) "Crime of violence" means:
(i) murder in any degree;
(ii) manslaughter;
(iii) kidnapping;
(iv) rape in any degree;
(v) assault in the first degree;
(vi) robbery under § 3–402 or § 3–403 of this article;
(vii) burglary in any degree;
(viii) home invasion under § 6–202(b) of this article;
(ix) escape in the first degree; or
(x) theft.
(2) "Crime of violence" includes an attempt to commit a crime listed in paragraph (1) of this subsection.
(c) "Machine gun" means a loaded or unloaded weapon that is capable of automatically discharging more than one shot or bullet from a magazine by a single function of the firing device.
Criminal Law Article § 4-401

Possession of Machine Gun

(a) The presence of a machine gun in a room, boat, or vehicle is evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle.

(b) This subtitle does not prohibit or interfere with:

(1) the manufacture, sale, and transportation of a machine gun for or to a military force or peace officer of the united states, a state, or a political subdivision of a state;

(2) the possession of a machine-gun for a scientific purpose;

(3) the possession, as a curiosity, ornament, or keepsake, of a machine gun that cannot be used as a weapon; or

(4) the possession of a machine gun for a purpose that is manifestly not aggressive or offensive.

(c)(1) A court may issue a warrant to search for and seize a machine gun possessed in violation of this subtitle under the same procedure as for issuance of a warrant for stolen property.

(2) Application by the state's attorney, a court may order the confiscation or destruction of a legally seized machine gun or the transfer of the machine gun to a peace officer of the state or a political subdivision of the State.

Criminal Law Article § 4-402

Registration of Machine Gun

(a) Manufacturer registration.

(1) A manufacturer of a machine gun shall keep a register of each machine gun manufactured or handled by the manufacturer.

(2) The register shall contain:

(i) the method of manufacture and serial number of the machine gun;

(ii) the date of manufacture, sale, loan, gift, delivery, and receipt of the machine gun from the manufacturer; and

(iii) the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom the machine gun was received, and the purpose for which the machine gun was acquired.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

(b) Inspection of manufacturer stock.

(l) On demand, a manufacturer of a machine gun shall allow a Marshal, sheriff, or police officer to inspect the manufacturer's entire stock of machine guns, parts, and supplies and the register required under subsection (a) of this section.

(2) A person who violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

(c) Registration of possession.

(1) A person who acquires a machine gun shall register the machine gun with the secretary of the state police:

(i) within 24 hours after acquiring the machine gun; and

(ii) in each succeeding year during the month of May.

(2) The Secretary of the State Police shall prepare and, on request of an applicant, furnish an application form for registration under this subsection.

(3) An application for registration shall contain:

(i) the make, model, serial number, caliber, type, barrel length, finish, and country of origin of the machine gun;

(ii) the name, address, race, gender, date of birth, Maryland driver's license number, and occupation of the person in possession of the

machine gun; and

(iii) the name of the person from whom the machine gun was acquired and the purpose for acquiring the machine gun.

(4) Each application for registration filed with the Secretary of the State Police shall be accompanied by a nonrefundable registration fee of $10.

(5) Registration data provided under this section is not open to public inspection.

Criminal Law Article § 4-403

Use of Machine Gun in Crime of Violence

(a) A person may not use or possess a machine gun in the commission or attempted commission of a crime of violence.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article § 4-404

Use of Machine Gun for Aggressive Purpose

(a) Possession or use of a machine gun is presumed to be for an offensive or aggressive purpose when:

(1) the machine gun:

(i) is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun is found;

(ii) is in the possession of, or used by, an un-naturalized foreign- born person or a person who has been convicted of a crime of violence in any State or federal court of the United States; or

(iii) is not registered as required under § 4-403 of this subtitle; or

(2) empty or loaded shells that have been used or are susceptible of being used in the machine gun are found in the immediate vicinity of the machine gun.

(b) A person may not possess or use a machine gun for an offensive or aggressive purpose.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years.

Criminal Law Article § 4-405

FIREWORKS

Definitions

Public Safety Article § 10-101

Permits to Discharge or Sell Fireworks

See statute (Public Safety Article § 10-104) for narrative

Discharge and Possession of Fireworks without a Permit

It is unlawful for any person to discharge fireworks without a permit or to possess fireworks, with a particular intent or for a particular purpose, without a permit.

See Statute (Public Safety Article § 10-110) for narrative

Sale of Sparklers to a Person Under 16 Years

(a) A person may not sell sparklers or sparkling devices to a person under the age of 16 years.

(b) A person who violates the provisions of this section is guilty of

a misdemeanor and on conviction is subject to a fine not exceeding $1,000.
Public Safety Article § 10-112

FISH AND GAME LAWS

(See Natural Resources Article – Title 4 and Title 10)

FLAG DESECRATION AND RELATED OFFENSES

Mutilation, Defacing, etc. (Flag)

(a) A person may not intentionally mutilate, deface, destroy, burn, trample, or use a flag:

(1) in a manner intended to incite or produce an imminent breach of the peace; and

(2) under circumstances likely to incite or produce an imminent breach of the peace.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

Criminal Law Article § 10-704

FRAUD AND RELATED OFFENSES

(See also "Counterfeiting")

Fraud Related to the Identity of Individual or Fictitious Person: Identity Fraud

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

(2) "Health care" means care, services, or supplies related to the health of an individual that includes the following:

(i) preventative, diagnostic, therapeutic, rehabilitative, maintenance care, palliative care and counseling, service assessment, or procedure:

1. with respect to the physical or mental condition or functional status of an individual; or

2. that affects the structure or function of the body; and

(ii) the sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

(3) "Health information" means any information, whether oral or recorded in any form or medium, that:

(i) is created or received by:

1. a health care provider;

2. a health care carrier;

3. a public health authority;

4. an employer;

5. a life insurer;

6. a school or university; or

7. a health care clearinghouse; and

(ii) relates to the:

1. past, present, or future physical or mental health or condition of an individual;

2. provision of health care to an individual; or

3. past, present, or future payment for the provision of health care to an individual.

(4) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones.

(5) "Payment device number" has the meaning stated in § 8–213 of this title.

(6)(i) "Personal identifying information" includes a name, address, telephone number, driver's license number, Social Security number, place of employment, employee identification number, health insurance identification number, medical identification number, mother's maiden name, bank or other financial institution account number, date of birth, personal identification number, unique biometric data, including fingerprint, voice print, retina or iris image or other unique physical representation, digital signature, credit card number, or other payment device number.

(ii) "Personal identifying information" may be derived from any element in subparagraph (i) of this paragraph, alone or in conjunction with any other information to identify a specific natural or fictitious individual.

(7) "Re–encoder" means an electronic device that places encoded personal identifying information or a payment device number from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card or any electronic medium that allows such a transaction to occur.

(8) "Skimming device" means a scanner, skimmer, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, personal identifying information or a payment device number encoded on the magnetic strip or stripe of a credit card.

(b) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another to possess or obtain any personal identifying information of an individual, without the consent of the individual, in order to use, sell, or transfer the information to get a benefit, credit, good, service, or other thing of value or to access health information or health care.

(b–1) A person may not maliciously use an interactive computer service to disclose or assist another person to disclose the driver's license number, bank or other financial institution account number, credit card number, payment device number, Social Security number, or employee identification number of an individual, without the consent of the individual, in order to annoy, threaten, embarrass, or harass the individual.

(c) A person may not knowingly and willfully assume the identity of another, including a fictitious person:

(1) to avoid identification, apprehension, or prosecution for a crime; or

(2) with fraudulent intent to:

(i) get a benefit, credit, good, service, or other thing of value;

(ii) access health information or health care; or

(iii) avoid the payment of debt or other legal obligation.

(d) A person may not knowingly, willfully, and with fraudulent intent to obtain a benefit, credit, good, service, or other thing of value or to access health information or health care, use:

(1) a re–encoder to place information encoded on the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card or use any other electronic medium that allows such a transaction to occur without the consent of the individual authorized to use the credit card from which the personal identifying information or payment device number is being re–encoded; or

(2) a skimming device to access, read, scan, obtain, memorize,

or store personal identifying information or a payment device number on the magnetic strip or stripe of a credit card without the consent of the individual authorized to use the credit card.

(e) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another possess or obtain a re–encoder device or a skimming device for the unauthorized use, sale, or transfer of personal identifying information or a payment device number.

(f) A person may not knowingly and willfully claim to represent another person without the knowledge and consent of that person, with the intent to solicit, request, or take any other action to otherwise induce another person to provide personal identifying information ora payment device number.

(g)(1)(i) A person who violates this section where the benefit, credit, good, service, health information or healthcare, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least $1,000 but less than $10,000 is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(ii) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least $10,000 but less than $100,000 is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $15,000 or both.

(iii) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of $100,000 or more is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $25,000 or both.

(2) A person who violates this section where the benefit, credit, good, service, health information or healthcare, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of less than $1,000 is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.

(3) A person who violates this section under circumstances that reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $25,000 or both.

(4) A person who violates subsection (b–1), (c)(1), (e), or (f) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.

(5) When the violation of this section is pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one violation and the value of the benefit, credit, good, service, or other thing of value may be aggregated in determining whether the violation is a felony or misdemeanor.

(h) A person described in subsection (g)(2) or (4) of this section is subject to § 5–106(b) of the Courts Article.

(i) In addition to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article, a court may order a person who pleads guilty or nolo contendere or who is found guilty under this section to make restitution to the victim for reasonable costs, including reasonable attorney's fees, incurred:

(1) for clearing the victim's credit history or credit rating;
(2) for clearing the victim's record or history related to health information or health care; and
(3) in connection with a civil or administrative proceeding to satisfy a debt, lien, judgment, or other obligation of the victim that arose because of the violation.
(j) A sentence under this section maybe imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation of this section.
(See Statute for complete text of this provision)
Criminal Law Article § 8-301

Identity Fraud Victim – Making Report to Police
(a) A person who knows or reasonably suspects that the person is a victim of identity fraud, as prohibited under this subtitle, may contact a local law enforcement agency that has jurisdiction over:
(1) any part of the county in which the person lives; or
(2) any part of the county in which the crime occurred.
(b) After being contacted by a person in accordance with subsection (a) of this section, a local law enforcement agency shall promptly:
(1) prepare and file a report of the alleged identity fraud;
(2) provide a copy of the report to the victim.
(c) The local law enforcement agency contacted by the victim may subsequently refer the matter to a law enforcement agency with proper jurisdiction.
(d) A report filed under this section is not required to be counted as an open case for purposes including compiling open case statistics.
Criminal Law Article § 8-304

Fraud Related to Documents:
(See also "Counterfeiting and Forgery")

Blank or Incorrect Identification Card
(a) In this section, "offer for sale" includes to induce, solicit, attempt, or advertise in a manner intended to encourage a person to purchase an identification card.
(b) Subject to subsection (c) of this section, a person may not:
(1) sell, issue, offer for sale, or offer to issue an identification card or document that contains:
(i) a blank space for a person's age or date of birth;
(ii) a person's incorrect age or date of birth; or
(2) knowingly sell, issue, offer for sale, or offer to issue and identification card or document that contains:
(i) an incorrect name instead of a person's true name; or
(ii) an incorrect address for a person.
(c) This section does not prohibit a manufacturer of identification cards or documents from selling or issuing identification cards or documents that contain a blank space for a person's age or date of birth to:
(1) employers, for use as employee identification cards or documents;
(2) hospitals, for use as patient identification cards; or
(3) governmental units.
(d)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.
(2) Each identification card or document sold or issued and each offer in

violation of this section is a crime that may be separately prosecuted.

(e) The attorney general, or the state's attorney for a county where a violation of this section occurs, may seek an injunction to stop a sale, issue, or offer that violates this section.

Criminal Law Article § 8-302

Fictitious and Fraudulent Government Identification Documents

(b) A person may not, with fraudulent intent, possess or display a fictitious or fraudulently altered government identification document, lend a document to another or display another person's identification. Violation of this section is a misdemeanor.

See statute for complete language

Criminal Law Article § 8-303

Misuse of Documents of Title

(a) A person, on the person's own behalf or on behalf of another, who receives, accepts, or takes in trust from another a warehouse or elevator receipt, bill of lading, or document giving, or purporting to give, title to, or the right to possession of, goods, wares, merchandise, or other personal property, subject to a written contract expressing the terms and conditions of the trust, may not fail to fulfill in good faith the terms and conditions of the trust.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not less than 1 year and not exceeding 10 years or a fine not less than $500 and not exceeding $5,000 or both.

Criminal Law Article § 8-406

Insurance Fraud

Insurance Article Sections 27-401 through 27-408

§ 27-403 Failure to return premiums; false or misleading claims.

§ 27-404 Doing business with unlicensed persons.

§ 27-405 Unlicensed insurance producers or adjusters.

§ 27-406 False applications and statements; unregulated insurers.

§ 27-407 Solicitation

§ 27-407.1 Intentional Motor Vehicle Accident

(see above statutes for full text)

Penalties

(a)(1) A person that violates § 27-407 of this subtitle, or another provision of this subtitle, or another provision of this subtitle in which the claim or act that is the subject of the fraud has a value of $300 or more is guilty of a felony and on conviction, for each violation, is subject to:

(i) liability for restoring to the victim the property taken; and

(ii) 1. for a violation of any provision of § 27-403 of this subtitle, a fine, the maximum of which is the greater of three times the value of the claim or act that is the subject of the fraud and $10,000 and the minimum of which is $500, or imprisonment not exceeding 15 years or both; and

2. for a violation of any provision of § 27-404, § 27-405, § 27- 406, § 27-406.1, § 27-407, § 27-407.1 or § 27-407.2 of this subtitle, a fine not exceeding $10,000 or imprisonment not exceeding 15 years or both.

(2) A person that violates a provision of this subtitle in which the

claim or act that is the subject of the fraud has a value of less than $300 is guilty of a misdemeanor and on conviction, for each violation, is subject to:

(i) liability for restoring to the victim the property taken or the value of the property taken; and

(ii) 1. for a violation of any provision of § 27-403 of this subtitle, a fine, the maximum of which is the greater of three times the value of the claim or act that is the subject of the fraud and $10,000 and the minimum of which is $500, or imprisonment not exceeding 18 months or both; and

2. for a violation of any provision of § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, § 27-407.1 or § 27-407.2 of this subtitle, a fine not exceeding $10,000 or imprisonment not exceeding 18 months or both.

(b)(1) The penalties imposed under this section may be imposed separately from and consecutively to or concurrently with a sentence for another offense based on the fact that constitutes a violation of this subtitle.

(2) Each act of solicitation under § 27-407 of this subtitle constitutes a separate violation for purposes of the penalties imposed under this section.

(3) Notwithstanding any other provision of law, a fine imposed under this section is mandatory and not subject to suspension.

Insurance Article § 27-408

Fraud Related to Vehicle Accidents and Rented Goods:
Intentional Motor Vehicle Accident

It is a fraudulent act for a person, with the purpose of submitting a claim under a policy of motor vehicle insurance, to organize, plan, or knowingly participate in:

(1) an intentional motor vehicle accident; or

(2) a scheme to create documentation of a motor vehicle accident that did not occur.

Insurance Article § 27-407.1.

Leased or Rented Goods – Fraudulent Conversion

(a) This section applies to a written contract or written lease for a leased or rented good or thing of value whether or not the contract or lease contains an option to purchase the good or thing of value if the lease:

(1) does not exceed a period of 6 months; and

(2) is for a good or thing with a value of $1,500 or more.

(b) A person may not fraudulently convert to the person's own use a good or thing of value received under a written contract or written lease entered into for the purpose of renting or leasing things for valuable consideration.

(c) The failure to return the good or thing of value to the possession of, or account for the good or thing of value with, the person who delivered the good or thing of value at the time or in the manner described in the written contract or written lease is prima facie evidence of intent to fraudulently convert the good or thing of value.

(d)(1) A person may not be prosecuted under this section if within 10 days after a written demand for the return of the good or thing of value is mailed by certified United States mail, return receipt requested, to the person who received the good or thing of value at the last address known to the person who delivered the good or thing of value, the person returns the good or thing of value to the possession of, or accounts for

the good or thing of value with, the person who delivered the good or thing of value.

(2) A prosecution may not be started until 10 days after a written demand described in paragraph (1) of this subsection is mailed.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $1,000 or both.

(f) A person who violates this section shall restore the good or thing of value converted to the person's own use or pay the full value to the owner or the person who delivered the good or thing of value.

(g)(1) A prosecution under this section does not preclude prosecution for theft under § 7–104 of this article.

(2) If a person is convicted under § 7–104 of this article and this section for the same act or transaction, the conviction under this section shall merge for sentencing purposes into the conviction under§ 7–104 of this article.

Criminal Law Article § 8-407

Failure to Return Rental Vehicle

(a) A person who leases or rents a motor vehicle under an agreement to return the motor vehicle at the end of the leasing or rental period may not abandon the motor vehicle or refuse or willfully neglect to return it.

(b)(1) A person may not be prosecuted under this section if, within 5 days after a written demand for the return of the motor vehicle is mailed by regular mail and certified United States mail, return receipt requested, to the person who leased or rented the motor vehicle at the last address known to the person who delivered the motor vehicle, the person returns or accounts for the motor vehicle to the person who delivered the motor vehicle.

(2) A prosecution may not be started until 5 days after a written demand described in paragraph (1) of the subsection is mailed.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

Criminal Law Article § 7-205

<u>Fraud Related to Public Assistance and Government Services:</u> Public Assistance Fraud – Scope of Acts that Constitute

In this part, "fraud" includes:

(1) the willful making of a false statement or a false representation;

(2) the willful failure to disclose a material change in household or financial condition; or

(3) the impersonation of another. Criminal Law Article § 8-501

Public Assistance Fraud – Prohibited Acts

(a) This section applies to money, property, food stamps, or other assistance that is provided under a social or nutritional program based on need that is:

(1) financed wholly or partly by the State; and

(2) administered by the state or a political subdivision of the State.

(b) By fraud, a person may not obtain, attempt to obtain, or help another person to obtain or attempt to obtain, money, property, food stamps, or other assistance to which the person is not entitled.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

Criminal Law Article § 8-503

Public Assistance-Conversion of Donated Food

(a) A person with intent to defraud may not make an unauthorized disposition of food donated under a program of the federal government.

(b) A person who is not authorized to receive food donated under any program of the federal government may not convert the food to the person's own use or benefit.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

Criminal Law Article § 8-505

Fraudulently Obtaining Legal Representation from Public Defender's Office

(a) A person may not obtain or attempt to obtain legal representation from the Office of the Public Defender by willfully and knowingly:

(1) making a false representation or false statement;

(2) failing to disclose the person's true financial condition; or

(3) using any other fraudulent means.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

Criminal Law Article § 8-521

Unauthorized Possession of Medical Benefit Card

A person may not knowingly and willfully possess a medical assistance card or a pharmacy assistance card distributed under a State health plan or the medical assistance or pharmacy assistance program established by Title 15 of the Health - General Article without the authorization of the person to whom the card is issued.

Criminal Law Article § 8-515

Obtaining Medical Benefit by Fraud

A person may not knowingly and willfully obtain, attempt to obtain, or aid another individual in obtaining or attempting to obtain a drug product or medical care, the payment of all or a part of which is or may be made from federal or state funds under a state health plan, by:

(1) fraud, deceit, false representation, or concealment;

(2) counterfeiting or alteration of a medical assistance prescription or a pharmacy assistance prescription distributed under a state health plan;

(3) concealment of a material fact; or

(4) using a false name or a false address.

Criminal Law Article § 8-514

Criminal Penalties - Medicaid Fraud

(a) If a violation of this part results in the death of an individual, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding life or a fine not exceeding $200,000 or both.

(b) If a violation of this part results in serious injury to an individual, a person who violates a provision of this part is guilty of a felony and on

conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $100,000 or both.

(c) If the value of the money, health care services, or other goods or services involved is $1,000 or more in the aggregate, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $100,000 or both.

(d) A person who violates any other provision of this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $50,000 or both.

Criminal Law Article § 8-516

Miscellaneous Fraudulent Offenses:

Bribe or Kickback

(a) A person may not:

(1) provide to another individual items or services for which payment wholly or partly is or may be made from federal or state funds under a state health plan; and

(2) solicit, offer, make, or receive a kickback or bribe in connection with providing those items or services or making or receiving a benefit or payment under a state health plan.

Criminal Law Article § 8-511

Fundraising – False Representation of Public Safety Related Endorsement/Sponsorship

(a) In this section, "public safety officer" means:

(1) a police officer;

(2) a paid or volunteer firefighter;

(3) an emergency medical technician;

(4) a rescue squad member;

(5) the State Fire Marshal; or

(6) a sworn officer of the State Fire Marshal.

(b) This section does not prohibit, limit, or interfere with the right of an off-duty public safety officer who is not in uniform from participating in a charitable or other fundraising campaign.

(c) A person may not encourage, solicit, or receive contributions of money or any thing of value for, or offer any thing for sale in, a charitable or other fundraising campaign by representing to the public that the charitable or other fundraising campaign is approved by:

(1) a police or fire department in the state without the prior written consent of the chief administrative officer of the police or fire department or from the chief administrative officer's designee; or

(2) a public safety officer or member of the family of a public safety officer without the prior written consent of the public safety officer or a family member of the public safety officer.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $1,000 or both for each violation.

Criminal Law Article § 8-520

Financial Crimes Against Vulnerable and Elderly Adults

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

(2) "Final disposition" means a dismissal, an entry of a nolle prosequi, the marking of a criminal charge "stet" on the docket, an entry of a not guilty verdict, the pronouncement of a sentence, or the imposition of probation under § 6–220 of this article.

(3) "Financial institution" has the meaning stated in § 1–101 of the Financial Institutions Article.

(4) "Freeze assets" means to prohibit a person from transferring the person's money by placing the money under seal or removing the money to a place designated by a court.

(b) A State's Attorney may file a petition to freeze assets of a defendant charged with violating § 8–801 of the Criminal Law Article with the circuit court of the county in which the defendant was charged if:

(1) the petition is filed within 60 days of the defendant being charged with a violation of § 8–801 of the Criminal Law Article;

(2) the alleged value of lost or stolen property in the criminal charge giving rise to the petition is $10,000 or more;

(3) the amount of money subject to the petition does not exceed the alleged value of lost or stolen property in the criminal charge giving rise to the petition; and

(4) The State's Attorney sends a notice of intent to file a petition to each financial institution in possession of money subject to the petition.

(c)(1) A petition to freeze assets shall be served on the defendant in accordance with the Maryland Rules and include:

(i) the name of the defendant;

(ii) the case number of the charge giving rise to the petition;

(iii) a description of the money that is subject to the petition;

(iv) if known or reasonably subject to discovery, the name of each financial institution in possession of any of the money; and

(v) an oath or affirmation that the contents of the petition are true to the best of the State's Attorney's knowledge, information, and belief.

(2) A petition to freeze assets shall be mailed to each financial institution in possession of money subject to the petition.

(d) A court may grant a petition to freeze assets and issue an order to freeze assets if the State's Attorney proves by a preponderance of the evidence that:

(1) the defendant has a legal, equitable, or possessory interest in the money listed in the petition; and

(2) the money listed in the petition is not jointly held unless the State's Attorney also proves by a preponderance of the evidence that:

(i) the defendant transferred the defendant's money to avoid being subject to an order to freeze assets; or

(ii) the money listed in the petition was used in connection with a violation of § 8–801 of the Criminal Law Article.

(e)(1) The order to freeze assets shall be served on each financial institution in possession of money subject to the order.

(2) The order shall be served in accordance with the Maryland Rules and include:

(i) the name of the account holder;

(ii) the case number of the proceeding in which the court issued the order to freeze assets; and

(iii) a description of the money that is subject to the order to freeze assets.

(f) A financial institution is not obligated to restrict access to money described in a petition until:

(1) an order to freeze assets has been served on the financial institution; and

(2) the financial institution has had a reasonable opportunity to

(g) An order to freeze assets shall remain in effect until the earlier of:

(1) a dismissal, an entry of a nolle prosequi, or an entry of a not guilty verdict for the criminal charge for the violation giving rise to the order;

(2) the marking of the charge "stet" on the docket, the pronouncement of a sentence, or the imposition of probation under § 6–220 of this article for the criminal charge giving rise to the order, provided that the defendant has made full restitution if ordered by the court; or

(3) 1 year after the final disposition of the criminal charge for the violation giving rise to the order.

(h) On motion, the court may modify an order to freeze assets to allow the defendant to make restitution, to allow the victim to collect restitution, or for good cause.

(i) This section does not prohibit a financial institution from exercising rights under applicable law, including the right to set off mutual debts under common law.

Criminal Procedure Article § 4-206

Pyramid Promotional Schemes

(a) Definitions.

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

(2) "Compensation" includes payment based on a sale or distribution made to a person who:

(i) is a participant in a plan or operation; or

(ii) on making a payment, is entitled to become a participant.

(3) "Consideration" does not include:

(i) payment for purchase of goods or services furnished at cost for use in making sales to persons who are not participants in the scheme and who are not purchasing in order to participate in the scheme;

(ii) time or effort spent in pursuit of sales or recruiting activities; or

(iii) the right to receive a discount or rebate based on the purchase or acquisition of goods or services by a bona fide cooperative buying group or association.

(4) "Promote" means to induce one or more persons to become a participant.

(5) "Pyramid promotional scheme" means a plan or operation by which a participant gives consideration for the opportunity to receive compensation to be derived primarily from any person's introduction of others into participation in the plan or operation rather than from the sale of goods, services, or other intangible property by the participant or others introduced into the plan or operation.

(b) A person may not establish, operate, advertise, or promote a pyramid promotional scheme.

(c) It is not a defense to a prosecution under this section that:

(1) the plan or operation limits the number of persons who may participate or limits the eligibility of participants; or

(2) on payment of anything of value by a participant, the participant obtains any other property in addition to the right to receive compensation.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $10,000 or both.

Criminal Law Article § 8-404

Unauthorized Disposal of a Vessel's Cargo

(a) This section applies only to a person employed in any capacity in the management or navigation of a vessel on a river, canal, bay, or other waters exclusively within the state whether or not the person is a co-owner of or has an interest in any of the cargo of the vessel.

(b) A person may not sell, give away, pledge, or in any manner dispose of the cargo of a vessel or an Article or commodity on the vessel:

(1) without the consent of the owner; and

(2) with the intent to defraud the owner.

(c) A person who sells the cargo of a vessel or an Article or commodity on the vessel with the consent of the owner may not neglect or refuse to pay to the owner the consideration received by the person with the intent to defraud the owner.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not less than 6 months and not exceeding 1 year or a fine not less than $500 and not exceeding $1,000 or both.

Criminal Law Article § 8-405

(See also "Mass Transit" for failure to pay fare, and "Railroads" for unauthorized buying/selling railroad tickets)

G

GAMBLING
(Statewide Provisions)

Betting, Wagering, Gambling, etc.

(a) A person may not:

(1) bet, wager, or gamble;

(2) make or sell a book or pool on the result of a race, contest, or contingency;

(3) establish, keep, rent, use, or occupy, or knowingly allow to be established, kept, rented, used, or occupied, all or a part of a building, vessel, or place, on land or water, within the state, for the purpose of:

(i) betting, wagering, or gambling; or

(ii) making, selling, or buying books or pools on the result of a race, contest, or contingency; or

(4) receive, become the depository of, record, register, or forward, or propose, agree, or pretend to forward, money or any other thing or consideration of value, to be bet, wagered, or gambled on the result of a race, contest, or contingency.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 6 months and not exceeding 1 year or a fine of not less than $200 and not exceeding $1,000 or both.

Criminal Law Article § 12-102

Table Games and Video Lottery Terminals – Prohibited Play by Persons under 21 Years of Age

(a) *Definitions.*

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

(2) "Table games" has the meaning stated in § 9–1A–01 of the State Government Article.

(3) "Video lottery facility" has the meaning stated in § 9–1A–01 of the State Government Article.

(4) "Video lottery terminal" has the meaning stated in § 9–1A–01 of the State Government Article.

(b) *Prohibited Activity.* An individual under the age of 21 years may not:

(1) play a table game or video lottery terminal in a video lottery facility; or

(2) enter or remain in an area within a video lottery facility that is designated for table game or video lottery terminal activities.

Criminal Law Article § 10-136

(a) *Citation.* A person who violates § 10–136 of this part shall be issued a citation under this section.

(b) A citation for a violation of § 10–136 of this part may be issued by:

(1) a police officer authorized to make arrests; and

(2) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) of the Natural Resources Article.

(c) A person authorized under this section to issue a citation shall issue the citation if the person has probable cause to believe that the person charged is committing or has committed a violation of § 10– 136 of this part.

Criminal Law Article § 10-137

Playing Certain Games

(a) For money or any other thing or consideration of value, a person may not play:

(1) the game called "thimbles";

(2) the game called "little joker";

(3) dice or the game commonly called "crap"; or

(4) any other gaming device or fraudulent trick.

(b) A Person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 6 months and not exceeding 2 years or a fine not exceeding $100 or both.

Criminal Law Article § 12-103

Gaming Device, or Building, Vessel, or Place for Gambling

(a) A person may not:

(1) keep a gaming device, or all or a part of a building, vessel, or place, on land or water within the state for the purpose of gambling;

(2) own, rent, or occupy all or a part of a building, vessel, or place and knowingly allow a gaming device to be kept in the building, vessel, or place;

(3) lease or rent all or a part of a building, vessel, or place to be used for the purpose of gambling;

(4) deal at a gaming device or in a building, vessel, or place for gambling;

(5) manage a gaming device or a building, vessel, or place for gambling; or

(6) have an interest in a gaming device or the profits of a gaming device.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 6 months and not exceeding 1 year or a fine not exceeding $500 or both.

Criminal Law Article § 12-104

Gambling on Vessel or Building or other Structure on or over Water within the State

(b) A person may not bet, wager, or gamble or keep, conduct, maintain, or operate a gaming device on:

(1) a vessel or a part of a vessel on water within the state, except as provided in § 6-209 of the transportation Article; or

(2) all or a part of a building or other structure that is built on or over water within the state, if the building or other structure cannot be entered from the shore of the state by a person on foot.

(c) To conduct, maintain, or operate a gaming device, a person may not establish, keep, rent, use, or occupy, or knowingly allow to be established, kept, rented, used, or occupied:

(1) a vessel on water within the state; or

(2) a building or other structure that is built on or over water within the state, if the building or other structure cannot be entered from the shore of the state by a person on foot.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of not less than $200 and not exceeding $1,000 or both for each violation.

Criminal Law Article § 12-105

Gambling – Duty of Law Enforcement Officer

If a law enforcement officer has a reason to suspect a gaming device is kept unlawfully at a place, the law enforcement officer shall:

(1) visit the place; and

(2) charge all persons who violate a law that prohibits gambling.

Criminal Law Article § 12-111

Possession or Operation of Slot Machine

(a) Except as allowed under §§ 12-304 through 12-306 of this subtitle eligible organizations in certain counties, machine distributors, disposal of machines), a person may not locate, possess, keep, or operate as lot machine in the state as an owner, lessor, lessee, licensor, licensee, or in any other capacity.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of $1,000 or both for each violation.

Criminal Law Article § 12-302

Holding Lottery and Selling a Lottery Device Prohibited

(a) A person may not:

(1) hold a lottery in this State; or

(2) sell a lottery device in the State for a lottery drawn in this State or elsewhere.

(b) A person who violates this section is guilty of a misdemeanor and on conviction shall be sentenced to imprisonment for not less than 3 months and not exceeding 12 months or a fine of not less than $200 and not exceeding $1,000 or both for each violation.

(c) In addition to the penalty provided under subsection (b) of this section, a person who gives money or any other thing to purchase or obtain a lottery device, for each lottery device purchased or obtained, may recover $50 from:

(1) the person to whom the money or other thing was given; or

(2) any person who aided or abetted that person.
Note: See Criminal Law Article § 12-201 for definition of "Lottery Device"
Criminal Law Article § 12-203.

Possession of Lottery Device, Record, Slip, etc. Prohibited
(a) This section does not apply to a person who possesses:
(1) an item that is prohibited under this section that was obtained to procure or furnish evidence of a violation of this subtitle; or
(2) a lottery ticket or slip issued by this State or another government.
(b) A person may not:
(1) bring a lottery device into the State; or
(2) possess a book, list, slip, or record of:
(i) the numbers drawn in a lottery in this State or another state or country;
(ii) a lottery device; or
(iii) money received or to be received from the sale of a lottery device.
(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.
Note: See Criminal Law Article § 12-201 for definition of "Lottery Device"
Criminal Law Article § 12-205.

Maryland State Lottery – Related Offenses
(a) This section does not prohibit:
(1) giving a State lottery ticket or share as a gift;
(2) buying a State lottery ticket or share as a gift for a minor; or
(3) the Agency from directly selling any State lottery ticket to the public as provided in § 9–111(d) of this subtitle.
(b) Except as otherwise provided in this section, a person or governmental unit may not:
(1) hold itself out to the public as a State lottery sales agent without being licensed by the Agency to act as a licensed agent;
(2) unless a licensed agent or employee of a licensed agent, sell a State lottery ticket or share;
(3) sell or purchase:
(i) a State lottery ticket or share at any price other than the price that the regulations of the Agency set; or
(ii) the prize validated for payment by the Agency;
(4) sell a State lottery ticket or share to a minor;
(5) knowingly present a counterfeit or altered State lottery ticket or share for payment;
(6) knowingly transfer a counterfeit or altered State lottery ticket or share to another person to present for payment; or
(7) knowingly purchase a State lottery ticket or share from another person with the intent to deceive or circumvent the payment of prize winnings to the State, in accordance with:
(i) § 11–616(b) of the Criminal Procedure Article;
(ii) § 10–113.1(a) of the Family Law Article;
(iii) § 3–307 of the State Finance and Procurement Article; or
(iv) § 10–905(c)(3) of the Tax – General Article.
(c) Unless a person receives written authorization from the Agency, the person may not use the term "Maryland State lottery", "Maryland

lottery", "State lottery", "Maryland State Lottery Agency", "Maryland State Lottery and Gaming Control Agency", "Maryland State Lottery Commission", "Maryland State Lottery and Gaming Control Commission", or any variation of these terms in the title or name of a charitable or commercial enterprise, product, or service.

(d)(1) A licensed agent may not fail to report, as required by the Internal Revenue Service or the Agency, income tax information relating to holders of winning lottery tickets.

(2)For prizes of over $600, a licensed agent may not fail to determine, through the Agency and prior to paying the prize whether a holder of a winning lottery ticket has been certified under:

(i) § 11–616(b) of the Criminal Procedure Article;

(ii) § 10–113.1(a) of the Family Law Article; or

(iii) § 3–307 of the State Finance and Procurement Article.

(3) A licensed agent may not pay a prize to a holder of a winning lottery ticket if the Agency has notified the licensed agent that the holder has been certified under:

(i) § 11–616(b) of the Criminal Procedure Article;

(ii) § 10–113.1 of the Family Law Article; or

(iii) § 3–307 of the State Finance and Procurement Article.

(4) A licensed agent may not:

(i) pay a prize winner less than the lawfully due prize amount;

(ii) deceive or conspire with another person to pay less than the lawfully due prize amount to any prize winner;

(iii) seek payment or claim reimbursement of a cashing fee for cashing a winning ticket for less than the lawfully due prize amount; or

(iv) receive a cashing fee for cashing a winning ticket filed in error.

(e) A person who violates any provision of subsection(b), (c), or

(d) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500 or imprisonment not exceeding 3 years or both.

State Government Article § 9-124.

CRIMINAL ORGANIZATION (GANGS)

Prohibited Acts

(a) A person may not threaten an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal organization.

(b) A person who violates this section is guilty of a misdemeanor and is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

Criminal Law Article § 9-802

(a) A person may not:

(1) participate in a criminal organization knowing that the members of the organization engage in an ongoing pattern of criminal organization activity; and

(2) knowingly and willfully direct or participate in the commission of an underlying crime, or act by a juvenile that would be an underlying crime if committed by an adult, committed for the benefit of, at the direction of, or in association with a criminal organization.

(b) A criminal organization or an individual belong to a criminal organization may not:

(1) receive proceeds known to have been derived directly or indirectly

from an underlying crime; and

(2) use or invest, directly or indirectly, an aggregate of $10,000 or more of the proceeds from an underlying crime in:

(i) the acquisition of a title to, right to, interest in, or equity in real property; or

(ii) the establishment or operation of any enterprise.

(c) A criminal organization may not acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property through an underlying crime.

(d) A person may not conspire to violate subsection (A), (B), or (C) of this subsection.

(e) A person may not violate subsection (A) of this section that results in the death of a victim.

Criminal Law Article § 9-803

Criminal Law Article 9-805

(a) A person may not organize, supervise, promote, sponsor, finance, or manage a criminal organization.

H

HARASSMENT

Harassment General Offense Defined; Penalties

(a) A person may not follow another in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys the other:

(1) with the intent to harass, alarm, or annoy the other;

(2) after receiving a reasonable warning or request to stop by or on behalf of the other; and

(3) without a legal purpose.

(b) This section does not apply to a peaceable activity intended to express a political view or provide information to others.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, imprisonment not exceeding 90 days or a fine not exceeding $500 or both; and

(2) for a second or subsequent offense, imprisonment not exceeding 180 days or a fine not exceeding $1,000 or both.

Criminal Law Article § 3-803

Revenge Pornography

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

(2) "Distribute" means to give, sell, transfer, disseminate, publish, upload, circulate, broadcast, make available, allow access to, or engage in any other form of transmission, electronic or otherwise.

(3) "Harm" means:

(i) physical injury;

(ii) serious emotional distress; or

(iii) economic damages.

(4) "Intimate parts" means the naked genitals, pubic area, buttocks, or female nipple.

(5) "Sexual activity" means:

(i) sexual intercourse, including genital–genital, oral–genital, anal–genital, or oral–anal, whether between persons of the same or opposite

sex;
(ii) an unnatural or perverted sexual practice under § 3–322 of this title;
(iii) masturbation; or
(iv) sadomasochistic abuse.
(b)(1) This section does not apply to:
(i) lawful and common practices of law enforcement, the reporting of unlawful conduct, or legal proceedings; or
(ii) situations involving voluntary exposure in public or commercial settings.
(2) an interactive computer service, as defined in 47 U.S.C. § 230(f)(2), is not liable under this section for content provided by another person.
(c) a person may not knowingly distribute a visual representation of another identifiable person that displays the other person with his or her intimate parts exposed or while engaged in an act of sexual contact activity:
(1) With the intent to harm, harass, intimidate, threaten, or coerce the other person; or
(2) Under circumstances in which the person knew that the other person did not consent to the distribution; or
(ii) with reckless disregard as to whether the person consented to the distribution; and
(3) Under circumstances in which the other person had a reasonable expectation that the image would remain private.
(d) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $5,000 or both.
(e) a visual representation of a victim that is part of a court record for a case arising from a prosecution under this section:
(1) Subject to item (2) of this subsection, may not be made available for public inspection; and
(2) Except as otherwise ordered by the court, may only be made available for inspection in relation to a criminal charge under this section to:
(i) court personnel;
(ii) a jury in a criminal case brought under this section;
(iii) the state's attorney or the state's attorney's designee;
(iv) the attorney general or the attorney general's designee;
(v) a law enforcement officer;
(vi) the defendant or the defendant's attorney; or
(vii) the victim or the victim's attorney. Criminal Law Article § 3-809

Laser Pointers – Misuse
(a) In this section, "laser pointer" means a device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.
(b) This section may not be construed to apply to the use of a laser pointer:
(1) for educational purposes by individuals engaged in an organized meeting or training class; or
(2) during the normal course of work or trade activities.

(c) A person may not knowingly use a laser pointer to illuminate another in a public place in a manner that harasses or endangers the other.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

Criminal Law Article § 3-806

(See Also – "Telephone and Electronic Mail Use" for additional offenses related to Harassment)

HATE CRIMES

Damaging Property of Religious Entity

A person may not deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy, personal or real property that is owned, leased, or used by a religious entity or for any religious purpose including:

(1) a place of worship;

(2) a cemetery;

(3) a religious school, educational facility, or community center; and

(4) the grounds adjacent to them. Criminal Law Article § 10-302

Obstructing Exercise of Religious Belief

A person may not, by force or threat of force, obstruct or attempt to obstruct another in the free exercise of that person's religious beliefs.

Criminal Law Article § 10-303

Harassment of Certain Classes of Persons; Destruction of Property

(a) In this subtitle, the following words have the meanings indicated.

(b) "Gender identity" has the meaning stated in § 20-101 of the State Government Article., Criminal Law Article § 10-301

Motivated either in whole or in a substantial part by another person's or group's race, color, religious beliefs, sexual orientation, gender, gender identity, disability, or national origin, or because another person or group is homeless, a person may not:

(1)(i) commit a crime or attempt or threaten to commit a crime against that person or group;

(ii) deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of that person or group; or

(iii) burn or attempt or threaten to burn an object on the real or personal property of that person or group; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

(ii) results in the death of a victim. Criminal Law Article § 10-304

Damage to Property of Certain Classes of Persons or Groups

A person may not deface, damage, or destroy, attempt or threaten to deface, damage, or destroy, burn or attempt or threaten to burn an object on, or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school:

(1) because a person or group of a particular race, color, religious belief, sexual orientation, gender, gender identity, disability, or national origin, or because a person or group that is homeless, has contacts or is associated with the building; or

(2) if there is evidence that exhibits animosity against a person or

group, because of the race, color, religious beliefs, sexual orientation, gender, gender identity, disability, or national origin of that person or group or because that person or group is homeless.

Criminal Law Article § 10-305

Hate Crimes - Use of item or a symbol to threaten or intimidate

A person may not place or inscribe an item or a symbol, including an actual or depicted noose or swastika, whether temporary or permanent, on any real or person property, public or private, without the express permission of the owner, owner's agent, or lawful occupant of the property, with the intent to threaten or intimidate any person or group of persons.

Criminal Law Article § 10-305.1

HOME INVASION

(a) in this section, "crime of violence" means:

(1) abduction;

(2) arson in the first degree;

(3) kidnapping;

(4) manslaughter, except involuntary manslaughter;

(5) mayhem;

(6) maiming, as previously prescribed under former article 27, §§ 385 and 386 of the code;

(7) murder;

(8) rape;

(9) robbery under § 3- 402 or § 3 – 403 of this article;

(10) carjacking;

(11) armed carjacking;

(12) sexual offense in the first degree;

(13) sexual offense in the second degree;

(14) use of a handgun in the commission of a felony or other crime of violence;

(15) child abuse in the first degree under § 3 - 601 of this article;

(16) sexual abuse of a minor under § 3 - 602 of this article if:

i. the victim is under the age of 13 years and the offender is an adult at the time of the offense; and

ii. the offense involved:

1. vaginal intercourse, as defined in § 3- 301 of this article;

2. a sexual act, as defined in § 3- 301 of this article;

3. an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or

4. the intentional touching, not through the clothing, of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

(17) home invasion under § 6 – 202(b) of this article;

(18) an attempt to commit any of the crimes described in items (1) through (17) of this subsection;

(19) continuing course of conduct with a child under § 3 – 315 of this article;

(20) assault in the first degree;

(21) assault with attempt to murder;

(22) assault with attempt to rape;

(23) assault with attempt to rob;

(24) assault with intent to commit a sexual offense in the first degree; and

(25) assault with intent to commit a sexual offense in the second degree.

Hunting on Private Land

(b)(1) A person may not upon any pretense come to hunt with a gun, on the lands owned by another person without the written permission of the landowner, his agent, or lessee. Any person hunting on this private property is liable for any damage he causes to the private property while hunting on it. The landowner shall not be liable for accidental injury or damage to the person whether or not the landowner or his agent gave permission to hunt on it.

(2) The provisions of this subsection apply only in the following counties:

(i) Allegany county;
(ii) Anne Arundel County;
(iii) Baltimore County;
(iv) Calvert County;
(v) Carroll County;
(vi) Cecil County;
(vii) Charles County;
(viii) Frederick County;
(ix) Garrett County;
(x) Harford County;
(xi) Montgomery County;
(xii) Prince George's County;
(xiii) St. Mary's County; and
(xiv) Washington County.

(c) In Allegany, Anne Arundel, Baltimore, Carroll, Charles, Frederick, Garrett, Wicomico, Somerset, Howard, or Worcester counties, a person may not enter or trespass upon land owned by another person for the purpose of hunting deer on the land with gun, rifle, bow and arrow, or any other means without first securing the written permission of the landowner, his agent, or lessee. Any person hunting deer on land owned by another person shall exhibit written permission upon the request of any natural resources police officer, and law enforcement officer, or the landowner, his agent, or lessee. The natural resources police officer or any law enforcement officer shall arrest any person hunting without written permission upon the request of the landowner, his agent, or lessee.

(d) In Anne Arundel, Caroline, Carroll, Cecil, Frederick, Kent, Prince George's, Queen Anne's, Talbot, and Washington counties, a person who hunts with a gun or other weapon upon the lands of another without first obtaining written permission from the owner or possessor of the land is guilty of a misdemeanor, and upon conviction of a first offense is subject to a fine not exceeding $1,000. Upon conviction of a second or subsequent offense, the person is subject to a fine not exceeding $2,000.

Natural Resources Article § 10-411(b), (c), and (d)

Hunting – Use of Artificial Lights

(e)(1) A person, or two or more persons together, may not hunt or attempt to hunt at nighttime any species of wild bird or wild quadruped with a light, including the headlights of any vehicle, and a person may

not cast the rays of any artificial light when the rays emanate from a vehicle on any woods, fields, orchards, livestock, wild animals or birds, dwellings or buildings. The provisions of this paragraph do not apply to the normal use of headlights of a vehicle traveling on any public or private road in a normal manner, to any police, emergency or utility company vehicle using spotlights in the performance of their duties, or to any farmer or landowner on his own or leaded land using artificial lights to check on his land, crops, livestock or poultry. However, raccoons, fox, or opossum may be hunted on foot at nighttime during open season with the use of a dog or light, or both.

(2)(i) Except in Anne Arundel, Baltimore, Calvert, Carroll, Charles, Allegany, Garrett, Howard, Kent, Caroline, Talbot, Dorchester, Queen Anne's, Cecil, Frederick, St. Mary's, Somerset, Washington, and Worcester counties, a person may cast the rays of an artificial light from a vehicle on woods, fields, orchards, livestock, wild animals or birds for the sole purpose of observing or photographing wildlife until 9:00 p. m.

(ii) If a person casts the rays of any artificial light under this paragraph the person has the burden of establishing that the person was doing so for the purpose of observing or photographing wildlife.

(iv) If a person casting artificial light under this paragraph or anyone with the person casting artificial light has a firearms or bow in their possession, the person shall be presumed to be in violation of paragraph (1) of this subsection.

Natural Resources Article § 10-410(e)

Hunting Via Internet Connection

(a) A person may not shoot at or kill a bird or animal in the State with a gun or other device operated or accessed via an internet connection.

(b) Accessing, regulating access to, or regulating the control of a gun or device capable of being operated in violation of this section shall be prima facie evidence of the commission of an offense under this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $10,000 or imprisonment not exceeding 1 year or both.

(d) The hunting privilege or hunting license of a person convicted of violating this section shall be revoked, and the person shall be denied the privilege of hunting in the State for at least 2 years and not more than 5 years.

Natural Resources Article § 10-426

Hunting – Careless or Negligent

While engaged in hunting or pursuing any wildlife, a person may not:

(1) Carelessly or negligently shoot, wound, or kill another person; or

(2) Intentionally or willfully destroy or damage:

(i) Any real property, personal property, or farm livestock of another person; or

(ii) A domesticated animal that is in a safety zone established under § 10–410(g) of this subtitle.

Natural Resources Article § 10-424

Interference with Hunters

(a) If the Department [of Natural Resources] determines that a significant interference or disruption of a hunt or hunters is likely to

occur on any land managed by the Department, the Department may adopt rules and regulations to prohibit the interference or disruption.

(b) While on private land that is owned by another person or in a hunting area on land managed by the Department, a person may not:

(1) interfere intentionally with the lawful taking of wildlife by another person; or

(2) harass, drive, or disturb any game animal intentionally for the purpose of disrupting a lawful hunt.

(c) A Natural Resources police officer or other police officer of the State who has probable cause to believe that a person has violated this section may:

(1) order the person to desist or to leave the area; or

(2) arrest the person on refusal to desist or leave the area.

(b) The conduct declared unlawful in this section does not include any incidental interference arising from lawful activity by private land users or users of land managed by the Department, including farmers, miners, or persons engaged in recreation.

Natural Resources Article § 10-422

I

IMPERSONATIONS – FALSE

Impersonating Police Officers

(a) In this section, "police officer" means a member of:

(1) a police force of this State or another State;

(2) a police force of a county or municipal corporation of this State or another state;

(3) the United States Secret Service Uniformed Division;

(4) the United States Park Police;

(5) the Washington Metropolitan Area Transit Authority (WMATA) Metro Transit Police;

(6) the Federal Bureau of Investigation;

(7) the Drug Enforcement Administration; or

(8) a division of a federal agency the primary duties of which are the investigation, apprehension, or detention of individuals suspected or convicted of federal crimes.

(b) A person may not, with fraudulent design on person or property, falsely represent that the person is a police officer, special police officer, sheriff, deputy sheriff, or constable.

(c) Except as provided in subsection (e) of this section, a person may not have, use, wear, or display a uniform, shield, button, ornament, badge, identification, or shoulder patch adopted by the Department of State Police to be worn by its members, insignia, or emblem of office, as is worn by a police officer, sheriff, deputy sheriff, or constable.

(d) A person may not, for the purpose of deception, have a simulation or imitation of an article described in subsection (c) of this section as is worn by a police officer, sheriff, deputy sheriff, or constable.

(e) A person may have, use, wear, or display an article described in subsection (c) of this section with the appropriate authority of:

(1) the Secretary of State Police;

(2) a police force of another State;

(3) the Police Commissioner of Baltimore City;

(4) the chief of police of a county or municipal corporation of this State or another State;

(5) a sheriff or deputy sheriff;
(6) a constable;
(7) the United States Secret Service Uniformed Division;
(8) the United States Park Police;
(9) the Washington Metropolitan Area Transit Authority (WMATA) Metro Transit Police;
(10) the Federal Bureau of Investigation;
(11) the Drug Enforcement Administration; or
(12) a division of a federal agency the primary duties of which are the investigation, apprehension, or detention of individuals suspected or convicted of federal crimes.
(f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.
Public Safety Article § 3-502

Impersonating Member of Fraternal Organization
(a) A person may not falsely impersonate an officer or member of a military or patriotic organization, grand or subordinate lodge, or fraternal or sororal society that is chartered or has grand or subordinate lodges in the State.
(b)(1) Subject to paragraph (2) of this subsection, a person may not wear, or use to obtain aid, assistance, or personal or social recognition from a person in the State, the insignia of a military or patriotic organization, or a lodge or fraternal society that is chartered or has grand or subordinate lodges in the State, unless the person is entitled to use or wear the insignia under the constitution bylaws, or rules of the organization, lodge, or society.
(2) Nothing in this subsection maybe construed to prohibit a person from wearing an insignia of a lodge or society if the person is a parent, sibling, child, or spouse of a member of the lodge or society who is entitled to wear the insignia under this subsection.
(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $200.
(c)(1) A person may not wear willfully or use to obtain aid or assistance in the state, the insignia of the American Legion, the Veterans of Foreign Wars of the United States, or the Disabled American Veterans, unless the person is entitled to use or wear the insignia under the constitution, bylaws, or rules of the organization.
(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:
(i) a fine not exceeding $25; or
(ii) if payment of the fine is defaulted, imprisonment not exceeding 30 days.
(d)(1) A person may not willfully wear, exhibit, display, print, or use the insignia that is registered under this subtitle, unless the person is entitled to use or wear the insignia under the constitution, bylaws, or rules of the organization.
(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:
(i) a fine not exceeding $100; or
(ii) if payment of the fine is defaulted, imprisonment not exceeding 60 days.
Business Regulation Article § 19-207

J

JUVENILE OFFENDERS

Jurisdiction Over Persons Triable in Juvenile Court Despite Age Limit Contained in Courts and Judicial Proceedings Article, § 4-301

The District Court has jurisdiction over a person who is brought before a court sitting as juvenile court if:

(1) the juvenile court waives jurisdiction or the person elects to be tried according to the regular criminal procedure; and

(2) the offense charged is within the jurisdiction conferred by Section 4-301.

Courts and Judicial Proceedings Article § 4-303

Vehicle-Related Offenses Resulting in Delinquency Finding – Penalties

(a)(1) An adjudication of a child pursuant to this subtitle is not a criminal conviction for any purpose and does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(2) An adjudication and disposition of a child in which the child's driving privileges have been suspended may not affect the child's driving record or result in a point assessment. The State Motor Vehicle Administration may not disclose information concerning or relating to a suspension under this subtitle to any insurance company or person other than the child, the child's parent or guardian, the court, the child's attorney, a State's Attorney, or law enforcement agency.

(3) Subject to paragraph (4) of this subsection, an adjudication of a child as delinquent by reason of the child's violation of the State vehicle laws, including a violation involving an unlawful taking or unauthorized use of a motor vehicle under § 7–105 or § 7–203 of the Criminal Law Article or § 14–102 of the Transportation Article or driving an off–highway recreational vehicle on a highway under § 13– 401(b)(2) of the Transportation Article shall be reported by the clerk of the court to the Motor Vehicle Administration, which shall assess points against the child under Title 16, Subtitle 4 of the Transportation Article, in the same manner and to the same effect as if the child had been convicted of the offense.

(4)(i) An adjudication of a child as delinquent by reason of the child's violation of § 21–902 of the Transportation Article or a finding that a child has committed a delinquent act by reason of the child's violation of § 21–902 of the Transportation Article, without an adjudication of the child as delinquent, shall be reported by the clerk of the court to the Motor Vehicle Administration which shall suspend the child's license to drive as provided in § 16–206(b) of the Transportation Article:

1. For 1 year for a first adjudication as delinquent or finding of a delinquent act for a violation of § 21–902 of the Transportation Article; and

2. For 2 years for a second or subsequent adjudication as delinquent or finding of a delinquent act for a violation of § 21–902 of the Transportation Article.

(ii) In the case of a finding, without an adjudication, that a child has violated § 21–902 of the Transportation Article, the Motor vehicle Administration shall retain the report in accordance with § 16–117(b)(2) of the Transportation Article pertaining to records of licensees who receive a disposition of probation before judgment.

(5)(i) An adjudication of a child as delinquent by reason of the child's violation of § 13–401(b)(2), § 20–102, § 20–103, or § 21–904 of the Transportation Article or a finding that a child has committed a delinquent act by reason of the child's violation of § 13–401(b) (2), § 20–102, § 20–103, or § 21–904 of the Transportation Article, without an adjudication of the child as delinquent, shall be reported by the clerk of the court to the Motor vehicle Administration that shall suspend the child's license to drive as provided in § 16–206(b) of the Transportation Article:

1. For 6 months for a first adjudication as delinquent or finding of a delinquent act for a violation of § 13–401(b)(2), § 20–102, § 20–103, or § 21–904 of the Transportation Article; and

2. For 1 year for a second or subsequent adjudication as delinquent or finding of a delinquent act for a violation of § 13–401(b)(2), § 20– 102, § 20–103, or § 21–904 of the Transportation Article.

(ii) In the case of a finding, without an adjudication, that a child has violated § 13–401(b)(2), § 20–102, § 20–103, or § 21–904 of the Transportation Article, the Motor Vehicle Administration shall retain the report in accordance with § 16–117(b)(2) of the Transportation Article pertaining to records of licensees who receive a disposition of probation before judgment.

(b) An adjudication and disposition of a child pursuant to this subtitle are not admissible as evidence against the child:

(1) In any criminal proceeding prior to conviction;

(2) In any adjudicatory hearing on a petition alleging delinquency; or

(3) In any civil proceeding not conducted under this subtitle.

(c) Evidence given in a proceeding under this subtitle is not admissible against the child in any other proceeding in another court, except in a criminal proceeding where the child is charged with perjury and the evidence is relevant to that charge and is otherwise admissible.

(d) An adjudication or disposition of a child under this subtitle shall not disqualify the child with respect to employment in the civil service of the State or any subdivision of the State.

Courts and Judicial Proceedings Article § 3-8A-23

Taking a Child into Custody - Child in Need of Assistance

(a) A child may be taken into custody under this subtitle by any of the following methods:

(1) in accordance with an order of the court

(2) in accordance with Section 5-709 of the Family Law Article; or

(3) by a law enforcement officer if the officer has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for his protection.

(b) Whenever a law enforcement officer takes a child into custody under this section, the officer shall:

(1) immediately notify the child's parents, guardian, or custodian;

(2) immediately notify the department; and

(3) keep custody only until the local department either takes custody under Section 3-815 of this subtitle or authorizes release of the child unless the officer determines that it is safe to return the child to the child's parent, custodian, or guardian.

(c)(1) If a parent, guardian, or custodian fails to bring the child before the court when requested, the court may issue a writ of

attachment directing that the child be taken into custody and brought before the court.

(2) The court may proceed against the parent, guardian, or custodian for contempt.

Court and Judicial Proceedings Article § 3-814

Taking a Child into Custody - Delinquent Child, Child in Need of Supervision, etc.

(a) A child may be taken into custody under this subtitle by any of the following methods:

(1) pursuant to an order of the court;

(2) by a law enforcement officer pursuant to the law of arrest;

(3) by a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection; or

(4) by a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child has run away from the child's parents, guardian, or legal custodian; or

(5) in accordance with § 3-8A-14.1 of this subtitle.

(b) If a law enforcement officer takes a child into custody, the officer shall immediately notify, or cause to be notified, the child's parents, guardian, or custodian of the action. After making every reasonable effort to give notice, the law enforcement officer shall with all reasonable speed:

(1) release the child to the child's parents, guardian, or custodian or to any other person designated by the court, upon their written promise to bring the child before the court when requested by the court, and such security for the child's appearance as the court may reasonably require, unless the child's placement in detention or shelter care is permitted and appears required by § 3-8A-15 of this subtitle; or

(2) deliver the child to the court or a place of detention or shelter care designated by the court.

(c) If a parent, guardian, or custodian fails to bring the child before the court when requested, the court may issue a writ of attachment directing that the child be taken into custody and brought before the court. The court may proceed against the parent, guardian, or custodian for contempt.

(d) In addition to the requirements for reporting child abuse and neglect under § 5-704 of the Family Law Article, if a law enforcement officer has reason to believe that a child who has been detained is a victim of sex trafficking, as defined in § 5-701 of the Family Law Article, the law enforcement officer shall notify any appropriate regional navigator, as defined in § 5-704.4 of the Family Law Article, or the jurisdiction where the child was taken into custody or where the child is a resident that the child is a suspected victim of sex trafficking.

Courts and Judicial Proceedings Article § 3-8A-14

Notifying Parents of Child taken into Custody

(a) A law enforcement officer who charges a minor with a criminal offense shall make a reasonable attempt to notify the parent or guardian of the minor of the charge.

(b) If a law enforcement officer takes a minor into custody, the law enforcement officer or the officer's designee shall make a reasonable attempt to notify the parent or guardian of the minor within 48 hours of the arrest of the minor.

Criminal Procedure Article § 2-108

Arrest Warrant for a Child - Delinquent Child, Child in Need of Supervision, etc.

(a) After an inquiry conducted in accordance with § 3-8A-10 of this subtitle, an intake officer may file with the court an application for an arrest warrant prepared by a law enforcement officer.

(b) An application for an arrest warrant under this Section shall be:

(1) in writing;

(2) signed and sworn to by the law enforcement officer; and

(3) accompanied by an affidavit that sets forth the basis for there being probable cause to believe that:

(i) the child who is the subject of the warrant has committed a delinquent act; and

(ii) unless the child who is the subject of the warrant is taken into custody, the child:

1. is likely to leave the jurisdiction of the court;
2. may not be apprehended;
3. may cause physical injury or property damage to another; or
4. may tamper with, dispose of, or destroy evidence.

(c) An arrest warrant requested under subsection (a) of this section may only be issued by the court on a finding of probably cause and shall direct the law enforcement officer to take immediate custody of the child.

Courts and Judicial Proceedings Article § 3-8A-14.1

Parents are Liable for Support after Commitment

After giving the parent a reasonable opportunity to be heard, the court may order either parent or both parents to pay a sum in the amount the court directs to cover wholly or partly the support of the child under this subtitle.

Courts and Judicial Proceedings Article § 3-8A-29

Contributing to Certain Condition of Child

(a) It is unlawful for an adult willfully to contribute to, encourage, cause or tend to cause any act, commission or condition which results in a violation, renders a child delinquent or in need of supervision.

(b) A person may be convicted under this section even if the child has not been found to have committed a violation or adjudicated delinquent or in need of supervision.

(c) An adult convicted under this section is subject to a fine of not more than $2500 or imprisonment for not more than 3 years, or both. The court may suspend sentence and place the adult on probation subject to the terms and conditions it deems to be in the best interests of the child and the public.

Courts and Judicial Proceedings Article § 3-8A-31

Sexual Conduct between Correctional or Juvenile Services Employee and Inmate or Confined Child

(See "Correctional Facilities")

K

KIDNAPPING

Defined

(a) A person may not, by force or fraud, carry or cause a person to be carried in or outside the State with the intent to have the person carried or concealed in or outside the State.

(b) A person who violates this section is guilty of the felony of kidnapping and on conviction is subject to imprisonment not exceeding 30 years.

(c) Kidnapping does not include the act of a parent in carrying a minor child of that parent in or outside the State.

Criminal Law Article § 3-502

Kidnapping – Child

(a)(1) A person may not, without color of right:

(i) forcibly abduct, take, or carry away a child under the age of 12 years from:

1. the home or usual place of abode of the child; or

2. the custody and control of the child's parent or legal guardian;

(ii) without the consent of the child's parent or legal guardian, persuade or entice a child under the age of 12 years from:

1. the child's home or usual place of abode; or

2. the custody and control of the child's parent or legal guardian; or

(iii) with the intent of depriving the child's parent or legal guardian, or any person lawfully possessing the child, of the custody, care, and control of the child, knowingly secrete or harbor a child under the age of 12 years.

(2) In addition to the prohibitions provided under paragraph (1) of this subsection, a person may not, by force or fraud, kidnap, steal, take, or carry away a child under the age of 16 years.

(b)(1) A person who violates subsection (a)(1) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(2)(i) Except as provided under subparagraph (ii) of this paragraph, a person, other than a parent of the child, who violates subsection (a)

(2) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(ii) 1. If a person convicted under subsection (a)(2) of this section is convicted in the same proceeding of rape or a first degree sexual offense under Subtitle 3 of this title, the person is guilty of a felony and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

2. If the state intends to seek a sentence of imprisonment for life without the possibility of parole under sub-subparagraph (i) of this subparagraph, the state shall notify the person in writing of the state's intent at least 30 days before trial.

Criminal Law Article § 3-503

L

LABOR TRAFFICKING

(a) In this subtitle the following words have the meaning indicated.

(b) "Coercion" includes actual or threatened:

(1) use of physical force against an individual;
(2) restraint, abduction, isolation, or confinement of an individual against the individual's will and without lawful authority;
(3) control or direction of the activity of an individual through debt bondage;
(4) destruction, concealment, removal, confiscation, withholding, or possession of an actual or purported passport, immigration document, or governmental identification document of an individual;
(5) infliction of serious psychological harm to an individual;
(6) control of an individual's access to a controlled dangerous substance;
(7) exposure or dissemination of any fact or information that would tend to subject an individual to criminal or immigration proceedings;
(8) notification to an agency or unit of the state or federal government that an individual is present in the United States in violation of Federal Immigration Law; and
(9) exploitation of a vulnerable adult.
(c) "Controlled dangerous substance" has the meaning stated in § 5-101 of this article.
(d) "Debt bondage" means the status or condition of an individual who provides labor, services, or sex acts to pay a real or alleged debt, where;
(1) the value of the labor, services, or sex act is not applied toward the liquidation of the debt;
(2) the nature of the labor, services, or sex act is not limited or defined; or
(3) the amount of the debt does not reasonably reflect the value of items, services, or other things of value for which the debt was incurred.
(e) "Vulnerable adult" has the meaning stated in § 3-604 of this article.
Criminal Law Article § 3-1101

Labor Trafficking, A person may not knowingly:
(1) take, place, harbor, persuade, induce, or entice another by force, fraud, or coercion, to provide services or labor; or
(2) receive a benefit or thing of value from the provision of services or labor by another that was induced by force, fraud, or coercion.
(b) A person may not aid or conspire with another to commit a violation of subsection (a) of this section.
(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $15,000 or both.
Criminal Law Article § 3-1102

LARCENY

(See "Theft" – "Rules of Construction")

The offense of larceny has, by statute, been incorporated into the offense of "Theft" (See Criminal Law Article § 7-102(a)(1)). For a discussion of the elements and distinctions that characterized "larceny" (and also other theft-related offenses) prior to the incorporation of "larceny" into the statutory offense of "theft" see *Farlow v.State*, 9 Md. App. 515(1970).

LAW ENFORCEMENT – PROCEDURES AND AUTHORITY

Police Officers – Certification and Carrying Certification Card Required

Public Safety Article § 3-209 requires that the Police Training and Standards Commission certify police officers. Public Safety Article § 3-216 prohibits a law enforcement agency from employing an individual as a police officer unless the individual is certified by the Commission. The Code of Maryland Regulations (COMAR) provides that the certification issued to an officer indicates the officer's authority to enforce the criminal laws of Maryland. COMAR also requires that a police officer carry the certification card at all times while on duty. COMAR 12.04.01.06D

Law Enforcement – Eyewitness Identification Procedures

(d)(1) On or before January 1, 2016, each law enforcement agency in the State shall:

(i) 1. adopt the MD Police Training and Standard's Commission Eyewitness Identification Model Policy; or

2. adopt and implement a written policy relating to identification procedures that complies with § 3–506.1 of this subtitle; and

(ii) file a copy of the written policy with the Department of State Police.

Public Safety Article § 3-506(d)

(a) *Definitions*

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

(2) "Administrator" means the person conducting an identification procedure.

(3) "Blind" means the administrator does not know the identity of the suspect.

(4) "Blinded" means the administrator may know who the suspect is but does not know which lineup member is being viewed by the eyewitness.

(5) "Eyewitness" means a person who observes another person at or near the scene of an offense.

(6) "Filler" means a person or a photograph of a person who is not suspected of an offense and is included in an identification procedure.

(7) "Folder shuffle method" means a system for conducting a photo lineup that:

(i) complies with the requirements of this section; and

(ii) is conducted by placing photographs in folders, randomly numbering the folders, shuffling the folders, and then presenting the folders sequentially so that the administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed.

(8) "Identification procedure" means a procedure in which a live line up is conducted or an array of photographs, including a photograph of a suspect and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness in hard copy form or by computer for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

(9) "Identification statement" means a documented statement that is sought by the administrator when an identification is made:

(i) from the eyewitness;

(ii) in the own words of the eyewitness, describing the eyewitness's confidence level that the person identified is the perpetrator of the crime;

(iii) given at the time of the viewing by the eyewitness during the identification procedure; and

(iv) given before the eyewitness is given feedback.

(10) "Live lineup" means a procedure in which a perpetrator is placed among a group of other persons whose general appearance resembles the perpetrator.

(11) "Perpetrator" means a person who committed an offense.

(12) "Suspect" means a person who is suspected of committing an offense.

(b) *Administration of Identification Procedures*

(1) An identification procedure shall be conducted by a blind or blinded administrator.

(2) An administrator may be blinded through the use of:

(i) an automated computer program that prevents the administrator from seeing which photos the eyewitness is viewing until after the identification procedure is completed; or

(ii) the folder shuffle method.

(3) Before an identification procedure is conducted, an eyewitness shall be instructed, without other eyewitnesses present, that the perpetrator may or may not be among the persons in the identification procedure.

(4) When an identification is made in a live lineup or photo array, the administrator shall document in writing all identification statements made by the eyewitness.

(c) In an identification procedure:

(1) each filler shall resemble the description of the perpetrator given by the eyewitness in significant physical features, including any unique or unusual features;

(2) at least five fillers, in addition to the suspect, shall be included when an array of photographs is displayed to an eyewitness; and

(3) at least four fillers, in addition to the suspect, shall be included in a live lineup.

(d) If an eyewitness has previously participated in an identification procedure in connection with the identification of another person suspected of involvement in the offense, the fillers in the identification procedure shall be different from the fillers used in any prior identification procedure.

(e) If there are multiple eyewitnesses:

(1) the identification procedure shall be conducted separately for each eyewitness;

(2) the suspect shall be placed in a different position for each identification procedure conducted for each eyewitness; and

(3) the eyewitnesses may not be allowed to communicate with each other until all identification procedures have been completed.

(f)(1) Except as provided in paragraph (2) of this subsection, the administrator shall make a written record of the identification procedure that includes the following information:

(i) all identification and nonidentification results obtained during the identification procedures;

(ii) the signed identification statement of the eyewitness;

(iii) the names of all persons present at the identification procedure;

(iv) the date and time of the identification procedure;

(v) any eyewitness identification of a filler; and

(vi) all photographs used in the identification procedure.

(2) If a video or audio record of the identification procedure captures all of the information in paragraph (1) of this subsection, a written record is not required.

Public Safety Article § 3-506.1

Vehicle Traffic Stops – Policy and Reporting Requirements

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

(2) "Law enforcement agency" means an agency that is listed in § 3–101(e) of the Public Safety Article.

(3) "Law enforcement officer" means any person who, in an official capacity, is authorized by law to make arrests and who is an employee of a law enforcement agency.

(4) "Maryland Statistical Analysis Center" means the research, development, and evaluation component of the Governor's Office of Crime Control and Prevention.

(5) "Police Training and Standards Commission" means the unit within the Department of Public Safety and Correctional Services established under § 3–202 of the Public Safety Article.

(6)(i) "Traffic stop" means any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law.

(ii) "Traffic stop" does not include:

1. A checkpoint or roadblock stop;

2. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;

3. A stop based on the use of radar, laser, or vascar technology; or

4. A stop based on the use of license plate reader technology.

(b) The Police Training and Standards Commission, in consultation with the Maryland Statistical Analysis Center, shall develop:

(1) A model format for the efficient recording of data required under subsection (d) of this section on an electronic device, or by any other means, for use by a law enforcement agency;

(2) Guidelines that each law enforcement agency may use as a management tool to evaluate data collected by its officers for use in counseling and improved training;

(3) A standardized format that each law enforcement agency shall use in reporting data to the Maryland Statistical Analysis Center under subsection (e) of this section; and

(4) A model policy against race–based traffic stops that a law enforcement agency may use in developing its policy in accordance with subsection (g) of this section.

(c)(1) Subject to paragraph (2) of this subsection, this section applies to each law enforcement agency that has one or more law enforcement officers.

(2) Except as provided in subsection (e)(2) of this section, this section does not apply to a law enforcement agency that is subject to an agreement with the United States Department of Justice that requires the law enforcement agency to collect data on the race or ethnicity of the drivers of motor vehicles stopped.

(d) Each time a law enforcement officer makes a traffic stop, that officer shall report the following information to the law enforcement agency that employs the officer using the format developed under subsection (b)(1) of this section:

(1) The date, location, and time of the stop;
(2) The approximate duration of the stop;
(3) The traffic violation or violations alleged to have been committed that led to the stop;
(4) Whether a search was conducted as a result of the stop;
(5) If a search was conducted, the reason for the search, whether the search was consensual or nonconsensual, whether a person was searched, and whether a person's property was searched;
(6) Whether any contraband or other property was seized in the course of the search;
(7) Whether a warning, safety equipment repair order, or citation was issued as a result of the stop;
(8) If a warning, safety equipment repair order, or citation was issued, the basis for issuing the warning, safety equipment repair order, or citation;
(9) Whether an arrest was made as a result of either the stop or the search;
(10) If an arrest was made, the crime charged;
(11) The state in which the stopped vehicle is registered;
(12) The gender of the driver;
(13) The date of birth of the driver;
(14) The state and, if available on the driver's license, the county of residence of the driver; and
(15) The race or ethnicity of the driver as:
(i) Asian;
(ii) Black;
(iii) Hispanic;
(iv) White; or
(v) Other.
(e)(1) A law enforcement agency shall:
(i) Compile the data described in subsection (d) of this section for the calendar year as a report in the format required under subsection (b) (3) of this section; and
(ii) Submit the report to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year.
(2) A law enforcement agency that is exempt under subsection (c) of this section shall submit to the Maryland Statistical Analysis Center copies of reports it submits to the United States Department of Justice in lieu of the report required under paragraph (1) of this subsection.
(f)(1) The Maryland Statistical Analysis Center shall analyze the annual reports of law enforcement agencies submitted under subsection (e)of this section based on a methodology developed in consultation with the Police Training and Standards Commission.
(2) The Maryland Statistical Analysis Center shall submit a report of the findings to the Governor, the General Assembly in accordance with § 2–1246 of the State Government Article, and each law enforcement agency before September 1 of each year.
(g)(1) A law enforcement agency shall adopt a policy against race–based traffic stops that is to be used as a management tool to promote nondiscriminatory law enforcement and in the training and counseling of its officers.
(2)(i) The policy shall prohibit the practice of using an individual's race or ethnicity as the sole justification to initiate a traffic stop.
(ii) The policy shall make clear that it may not be construed to alter the authority of a law enforcement officer to make an arrest, conduct

a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

(3) The policy shall provide for the law enforcement agency to periodically review data collected by its officers under subsection(d) of this section and to review the annual report of the Maryland Statistical Analysis Center for purposes of paragraph (1) of this subsection.

(h)(1) If a law enforcement agency fails to comply with the reporting provisions of this section, the Maryland Statistical Analysis Center shall report the noncompliance to the Police Training and Standards Commission.

(2) The Police Training and Standards Commission shall contact the law enforcement agency and request that the agency comply with the required reporting provisions.

(3) If the law enforcement agency fails to comply with the required reporting provisions within 30 days after being contacted by the Police Training and Standards Commission, the Maryland Statistical Analysis Center and the Police Training and Standards Commission jointly shall report the noncompliance to the Governor and the Legislative Policy Committee of the General Assembly.

Transportation Article, § 25-113

Law Enforcement Surveillance and Investigation – Limitations
******Definitions Omitted*******

(b)(1) This section establishes the responsibilities of a law enforcement agency relating to investigations affecting First Amendment activities and the rights of persons, groups, and organizations engaged in First Amendment activities.

(2) This section does not apply to investigations that do not involve First Amendment activities.

(c)(1) A law enforcement agency may not conduct a covert investigation of a person, a group, or an organization engaged in First Amendment activities unless the chief or the chief's designee makes a written finding in advance or as soon as is practicable afterwards that the covert investigation is justified because:

(i) it is based on a reasonable, articulable suspicion that the person, group, or organization is planning or engaged in criminal activity; and

(ii) a less intrusive method of investigation is not likely to yield satisfactory results.

(2) Membership or participation in a group or organization engaged in First Amendment activities does not alone establish reasonable, articulable suspicion of criminal activity.

(d) A law enforcement agency shall:

(1) conduct all investigations involving First Amendment activities for a legitimate law enforcement objective; and

(2) in the process of conducting an investigation, safeguard the constitutional rights and liberties of all persons.

(e) A law enforcement agency may not investigate, prosecute, disrupt, interfere with, harass, or discriminate against a person engaged in a First Amendment activity for the purpose of punishing, retaliating, preventing, or hindering the person from exercising constitutional rights.

(f) An investigation involving First Amendment activities shall be terminated when logical leads have been exhausted or no legitimate law enforcement objective justifies the continuance of the investigation.

(g) A law enforcement agency may not collect or maintain information solely about the political beliefs, ideologies, and associations of a

person, group, or organization if:

(1) the information is not relevant to a criminal investigation; or

(2) the law enforcement agency does not have a reasonable articulable suspicion that the person, group, or organization advocates, supports, or encourages the violation of any federal, State, or local criminal law that prohibits acts of terrorism, racketeering activity, as defined in 18 U.S.C. § 1961, violence, extortion, destruction of property, intimidation, harassment, obstruction of justice, or fraud.

(h) Information maintained in a criminal intelligence file shall be evaluated for the reliability of the source of the information and the validity and accuracy of the information.

(i)(1) A law enforcement agency shall classify accurately intelligence information in its databases to reflect properly the purpose for which the information is collected.

(2) When a law enforcement agency lists in a database a specific crime for which a person, a group, or an organization is under suspicion, the law enforcement agency shall ensure that the classification is accurate based on the information available to the law enforcement agency at the time.

(j)(1) Information gathered and maintained by a law enforcement agency for intelligence purposes may be disseminated only to appropriate persons for legitimate law enforcement objectives in accordance with the law governing the release of police records and with procedures established by the law enforcement agency.

(2) This subsection may not be interpreted to diminish the rights of a person requesting information under the Maryland Public Information Act.

(k) A law enforcement agency knowingly may not include in any criminal intelligence file information that has been obtained in violation of this section.

*****Text Omitted*****

Public Safety Article § 3-701

Body–Worn Cameras ("Body–Worn Digital Recording Device")

(c)(11)(i) 1. In this paragraph the following words have the meanings indicated.

2. "Body–worn digital recording device" means a device worn on the person of a law enforcement officer that is capable of recording video and intercepting oral communications.

3. "Electronic control device" has the meaning stated in § 4–109 of the Criminal Law Article.

(ii) It is lawful under this subtitle for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication with a body–worn digital recording device or an electronic control device capable of recording video and oral communications if:

1. The law enforcement officer is in uniform or prominently displaying the officer's badge or other insignia;

2. The law enforcement officer is making reasonable efforts to conform to standards in accordance with § 3–511 of the Public Safety Article for the use of body–worn digital recording devices or electronic control devices capable of recording video and oral communications;

3. The law enforcement officer is a party to the oral communication;

4. Law enforcement notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and

5. The oral interception is being made as part of a videotape or digital recording.

Courts and Judicial Proceedings Article § 10-402

Deaths Involving a Law Enforcement Officer – Report Required

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

(2) "Death in the line of duty" means the death of a law enforcement officer occurring while the officer is acting in the officer's official capacity while on duty or while the officer is off duty, but performing activities that are within the scope of the officer's official duties.

(3) "Law enforcement agency" has the meaning stated in § 2–101 of this title.

(4)(i) "Law enforcement officer" has the meaning stated in § 3–101 of this article.

(ii) "Law enforcement officer" includes a private security officer performing duties as part of a contract with a law enforcement agency.

(5) "Officer–involved death" means the death of an individual resulting directly from an act or omission of a law enforcement officer while the officer is on duty or while the officer is off duty, but performing activities that are within the scope of the officer's official duties.

(b) Every year, on or before March 1, 2016, and March 1 of each subsequent year, each local law enforcement agency shall provide the Governor's Office of Crime Control and Prevention with information, for the previous calendar year, about each officer–involved death and death in the line of duty that involved a law enforcement officer employed by the agency, to include at a minimum:

(1) the age, gender, ethnicity, and race of a deceased individual;

(2) the age, gender, ethnicity, and race of the officer involved;

(3) a brief description of the circumstances surrounding the death;

(4) the date, time, and location of the death; and

(5) the law enforcement agency of the officer who:

(i) died, if the incident involved an officer who died in the line of duty; or

(ii) detained, arrested, or was in the process of arresting the deceased, if the incident involved an officer–involved death.

(c) The Governor's Office of Crime Control and Prevention shall adopt procedures for the collection and analysis of the information described in subsection (b) of this section.

(d) The Governor's Office of Crime Control and Prevention shall analyze and disseminate the information provided under subsection(b) of this section.

(e) The Governor's Office of Crime Control and Prevention shall make an annual report on the incidence of officer–involved deaths and deaths in the line of duty in the State to the General Assembly, in accordance with § 2–1246 of the State Government Article, on or before June 30 of each year.

Public Safety Article § 3-507

Interrogation Recording – Murder, Sex Offense

It is the public policy of the State that:

A law enforcement unit that regularly utilizes one or more interrogation rooms capable of creating audiovisual efforts to create an audiovisual recording of a custodial interrogation of a criminal suspect

in connection with a case involving murder, rape, sexual offense in the first degree, or sexual offense in the second degree, whenever possible; and

A law enforcement unit that does not regularly utilize one or more interrogation rooms capable of creating audiovisual recordings of custodial interrogations shall make reasonable efforts to create an audio recording of a custodial interrogation of a criminal suspect in connection with a case involving murder, rape, sexual offense in the first degree, or sexual offense in the second degree, whenever possible.

Criminal Procedure Article, § 2-402

Interrogation Recording – Exempt from Wiretap Laws' Provisions

An audio or audiovisual recording made by a law enforcement unit of a custodial interrogation of a criminal suspect is exempt from the Maryland Wiretapping and Electronic Surveillance Act.

Criminal Procedure Article § 2-403

Law enforcement officers–Immunity from Liability for Acts in State, but outside Officer's Jurisdiction

(a) A law enforcement officer acting outside the officer's jurisdiction but in the State, is not civilly liable, except to the extent that he would be if acting in his own jurisdiction, for any act or omission in preventing or attempting to prevent a crime, or in effectuating an arrest, in order to protect life or property if:

(i) the action is not grossly negligent; and

(ii) the action is taken at the scene of the crime or attempted crime.

(b) A law enforcement officer sued for acting under subsection

(a) of this section shall be defended in any civil action by the law enforcement officer's employer as if the incident had occurred in the officer's jurisdiction.

(c) A law enforcement officer who is injured in taking action under subsection (a) of this section is entitle d to Workmen's Compensation, disability, death benefits, life insurance and all other benefits to the same extent as if the injury had been sustained in the officer's jurisdiction.

Courts and Judicial Proceedings Article § 5-605

The police officers and other officers, agents, and employees of any county or municipal corporation, when acting under the authority of § 2-105 of the Criminal Procedure Article or other lawful authority, beyond the territorial limits of the county or municipal corporation within the State shall have all the immunities from liability enjoyed by them while performing their respective duties within the territorial limits of the county or municipal corporation.

Courts and Judicial Proceedings Article § 5-612

Providing Emergency Medical Care - "Good Samaritan Act"

(a) A person described in subsection(b) of this section is not civilly liable for any actor omission in giving any assistance or medical care, if:

(1) The act or omission is not one of gross negligence;

(2) The assistance or medical care is provided without fee or other compensation; and

(3) The assistance or medical care is provided:

(i) At the scene of an emergency;

(ii) In transit to a medical facility; or

(iii) Through communications with personnel providing emergency assistance.

(b) Subsection (a) of this section applies to the following:

(1) An individual who is licensed by this State to provide medical care;

(2) A member of any State, county, municipal, or volunteer fire department, ambulance and rescue squad, or law enforcement agency, the National Ski Patrol System, or a corporate fire department responding to a call outside of its corporate premises, if the member:

(i) Has completed an American Red Cross course in advanced first aid and has a current card showing that status;

(ii) Has completed an equivalent of an American Red Cross course in advanced first aid, as determined by the Secretary of Health and Mental Hygiene; or

(iii) Is certified or licensed by this State as an emergency medical services provider;

(3) A volunteer fire department or ambulance and rescue squad whose members have immunity; and

(4) A corporation when its fire department personnel are immune under paragraph (2) of this subsection.

(c) An individual who is not covered otherwise by this section is not civilly liable for any act or omission in providing assistance or medical aid to a victim at the scene of an emergency, if:

(1) The assistance or aid is provided in a reasonably prudent manner;

(2) The assistance or aid is provided without fee or other compensation; and

(3) The individual relinquishes care of the victim when someone who is licensed or certified by this State to provide medical care or services becomes available to take responsibility.

Courts and Judicial Proceedings Article § 5-603

Missing Persons Report – Waiting Period Prohibited

(a)(1) A law enforcement agency may not establish a mandatory waiting period before taking a missing person report.

(2) A law enforcement agency shall make every effort to inform the general public and the family of a missing person that the agency does not impose a mandatory waiting period before taking a missing person report.

(b) In accordance with subsection (a) of this section, a law enforcement agency:

(1) shall accept without delay a report of a missing person provided in person; and

(2) may accept a report of a missing person by phone or other electronic means if:

(i) that form of reporting is consistent with the policy of the law enforcement agency; and

(ii) the reporting person completes the report in person as soon as possible.

(c) With regard to a missing person as defined in § 3-604 of this subtitle, a law enforcement agency shall enter all necessary and available information into the National Crime Information Center computer network within 2 hours after receipt of the minimum information necessary to make the entry.

Public Safety Article § 3-601

The Department of State Police shall place a direct link to the internet site of the Maryland Center for Missing and Identified Persons on the home page of the Department's website.

Public Safety Article § 3-607

LOTTERIES – SEE GAMBLING

M

MARIJUANA - NATALIE LAPRADE MEDICAL CANNABIS COMMISSION

(For a complete listing of all medical marijuana laws please refer to Health-General Article §§ 13-3301–13-3311)

Section 10.62.04.01 – Registry

The Natalie LaPrade Medical Cannabis Commission (Commission) shall establish a registry of qualifying patients and caregivers.

Section 10.62.04.02 – Registration of Patients

An individual seeking to become a qualifying patient shall register with the Commission by:

Logging onto the Commission website (mmcc.maryland.gov);

Providing name, address, date of birth; and

Uploading an image of a government identification document to establish identity.

Section 10.62.04.03 – Patient Unique Identifier

The Commission shall issue a unique patient identifier to each person who registers with the Commission.

Section 10.62.04.04 – Registration of a Caregiver

(a) A qualifying patient may designate an individual 21 years or older to serve as a caregiver by logging onto the Commission website

Additional text omitted, to see omitted text Health General Articles §§ 13-3301 – 12-3311

Section 10.62.24.01 – Packaging of Medical Cannabis Finished Product

(a) All items shall be individually packaged at the original point of processing.

(b) Packaging Requirements. A package of medical cannabis finished product shall:

(1) Be plain;

(2) Be opaque;

(3) Be tamper-evident, and if applicable or appropriate, child-resistant;

(4) Bear a finished-product lot number and an expiration date;

(5) Bear a clear warning that:

(a) The contents may be lawfully consumed only by a qualifying patient named on an attached label;

(b) It is illegal for any person to possess or consume the contents of the package other than the qualifying patient; and

(c) It is illegal to transfer the package or contents to any person other than a transfer by a caregiver to a qualifying patient;

(6) Bear a clear warning to keep the package and its contents away from children other Than a qualifying patient;

(7) Bear the Maryland Poison Control Center emergency telephone number;

(8) Bear the name of the licensee that packaged the medical cannabis finished product and the telephone number of the licensee for reporting an adverse patient event;

(9) Bear any allergen warning required by law;

(10) Bear a listing for non-medical cannabis ingredients;

(11) Bear an itemization, including weight, of all cannabinoid and terpene ingredients specified for the product, and concentrates of any cannabinoid of less than one percent shall be printed with a with a leading zero before the decimal point; and

(12) Leave space for a licensed dispensary to attach a personalized label for the qualifying patient.

(c) Packaging Prohibitions. A package of medical cannabis finished product may not bear any:

(1) Resemblance to the trademarked, characteristic or product-specialized packaging of any commercially available candy, snack, baked good, or beverage'

(2) Statement, artwork or design that could reasonably mislead a person to believe that the package contains anything other than medical cannabis finished product;

(3) Seal, flag, crest, coat of arms, or other insignia that could reasonably mislead any person to believe that the product has been endorsed, manufactured, or used by any State, county or municipality or any agency thereof; and

(4) Cartoon, color scheme, image, graphic or feature that might make the package attractive to children.

MARRIAGE-RELATED OFFENSES

Adultery

(a) A person may not commit adultery.

(b) A person who violates this section is guilty of a misdemeanor and on conviction shall be fined $10.

Criminal Law Article § 10-501

Bigamy

(a) This section does not apply to a person if:

(1) the person's previous lawful spouse has been absent from the person for a continuous period of 7 years; and

(2) the person does not know whether the person's previous lawful spouse is living at the time of the subsequent marriage ceremony.

(b) While lawfully married to a living person, a person may not enter into a marriage ceremony with another.

(c) A person who violates this section is guilty of the felony of bigamy and on conviction is subject to imprisonment not exceeding 9 years.

Criminal Law Article § 10-502

MASS TRANSIT – PROPERTY, VEHICLES, TRAINS OF THE MARYLAND TRANSIT ADMINISTRATION

(See also "Railroads")

Prohibited Acts

(a) It is unlawful for any person entering a transit facility or transit vehicle owned or controlled by the Administration for the purpose of obtaining transit service or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service to:

(1) fail to pay the applicable fare charged by the Administration in the required manner; or

(2) fail to:

(i) pay the applicable fare;

(ii) exhibit proof of payment; or

(iii) provide truthful identification.

(b) It is unlawful for any person to engage in any of the following acts in any transit vehicle or transit facility, designed for the boarding of a transit vehicle, which is owned or controlled by the Administration or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service:

(1) expectorate;

(2) smoke or carry a lighted or smoldering pipe, cigar, or cigarette;

(3) consume food or drink, or carry any open food or beverage container;

(4) discard litter, except into receptacles designated for that purpose;

(5) play or operate any radio, cassette, cartridge, tape player, or similar electronic device or musical instruments, unless such device is connected to an earphone that limits the sound to the hearing of the individual user;

(6) carry or possess any explosives, acids, concealed weapons or other dangerous articles;

(7) carry or possess any live animals, except seeing–eye animals and hearing–ear animals properly harnessed and accompanied by a blind person or a deaf person, and small animals properly packaged;

(8) board any transit vehicle through the rear exit door, unless so directed by an employee or agent of the Maryland Transit Administration;

(9) urinate or defecate, except in restrooms;

(10) fail to move to the rear of any transit vehicle when requested to do so by the operator or a police officer;

(11) fail to vacate a seat designated for the elderly or handicapped when requested to do so by the transit vehicle operator, train conductor, or a police officer; or

(12) except by contract with the Administration, solicit the purchase of any goods or services.

(c) and (d) *****text omitted*****

(e) Except as provided in subsection (f) of this section, any person who violates any provision of this section is guilty of a misdemeanor and is subject to a fine of not more than $500 for each offense.

(f)(1) It is unlawful for any person to obstruct, hinder, or interfere with:

(i) the operation or operator of a transit vehicle or railroad passenger car; or

(ii) a person engaged in official duties as a station agent, conductor, or station attendant who is employed by:

1. the Administration;

2. an entity that provides transit service under contract with the Administration;

3. a local government agency or public transit authority;
4. a private entity that provides public transit service; or
5. an entity that provides transit service under a transportation compact under Title 10 of this article.

(2) Any person who violates this section is guilty of a misdemeanor and is subject to a fine of not more than $1,000, imprisonment not exceeding 1 year, or both, for each offense.

(g) This section does not prohibit enforcement of any other State or local law or regulation that is consistent with the provisions of this section.

Transportation Article § 7-705

MINORS – CAPACITY

Marriage

(a) An individual 16 or 17 years old may not marry unless:

(1) the individual has the consent of a parent or guardian and the parent or guardian swears that the individual is at least 16 years old; or

(2) if the individual does not have the consent of a parent or guardian, either party to be married gives the clerk a certificate from a licensed physician, licensed physician assistant, or certified nurse practitioner stating that the physician, physician assistant, or nurse practitioner has examined the woman to be married and has found that she is pregnant or has given birth to a child.

(b) An individual 15 years old may not marry unless:

(1) the individual has the consent of a parent or guardian; and

(2) either party to be married gives the clerk a certificate from a licensed physician, licensed physician assistant, or certified nurse practitioner stating that the physician, physician assistant, or nurse practitioner has examined the woman to be married and has found that she is pregnant or has given birth to a child.

(c) An individual under the age of 15 may not marry.

Family Law Article § 2-301

Minors – Consent Provisions:

Blood Donation

Notwithstanding any other provision of law, a minor who is at least 17 years old, without the consent of a parent, may give blood to a program that:

(1) is voluntary;

(2) does not pay money for the blood; and

(3) is approved by:

(i) the American Association of Blood Banks; or

(ii) the American Red Cross Health General Article § 20-101

Medical Treatment

(a) A minor has the same capacity as an adult to consent to medical treatment if the minor:

(1) is married;

(2) is the parent of a child; or

(3)(i) is living separate and apart from the minor's parent, parents, or guardian, whether with or without consent of the minor's parent, parents, or guardian; and

(ii) is self-supporting, regardless of the source of the minor's income.

(b) A minor has the same capacity as an adult to consent to medical treatment if, in the judgment of the attending physician, the life or health of the minor would be affected adversely by delaying.

(c) A minor has the same capacity as an adult to consent to:

(1) treatment for or advice about drug abuse;

(2) treatment for or advice about alcoholism;

(3) treatment for or advice about venereal disease;

(4) treatment for or advice about pregnancy;

(5) treatment for or advice about contraception other than sterilization;

(6) physical examination and treatment of injuries from an alleged rape or sexual offense; and

(7) physical examination to obtain evidence of an alleged rape or sexual offense; and

(8) initial medical screening and physical examination on and after admission of the minor into a detention center.

(c-1) The capacity of a minor to consent to treatment for drug abuse or alcoholism under subsection (c)(1)(2) of this section does not include the capacity to refuse treatment for drug abuse or alcoholism in an inpatient alcohol or drug abuse treatment program certified under Title 8 of this Article for which a parent or guardian has given consent.

(d) A minor has the same capacity as an adult to consent to psychological treatment as specified under subsection (c)(1) and

(2) of this section if, in the judgment of the attending physician or a psychologist, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual.

(e) A licensed healthcare practitioner who treats a minor is not liable for civil damages or subject to any criminal or disciplinary penalty solely because the minor did not have capacity to consent under this section.

(f) Without the consent of or over the express objection of a minor, a licensed health care practitioner may, but need not, give a parent, guardian, or custodian of the minor or the spouse of the parent information about treatment needed by the minor or provided to the minor under this section, except information about an abortion.

Health General Article § 20-102

Abortion – Minors

(a) Except as provided in subsections (b) and (c) of this section, a physician may not perform an abortion on an unmarried minor unless the physician first gives notice to a parent or guardian of the minor.

(b) The physician may perform the abortion without notice to parent or guardian if:

(1) the minor does not live with a parent or guardian; and

(2) a reasonable effort to give notice to a parent or guardian is unsuccessful.

(c)(1) The physician may perform the abortion, without notice to a parent or guardian of a minor if, in the professional judgment of the physician, notice to the parent or guardian may lead to physical or emotional abuse of the minor.

(2) The physician is not liable for civil damages or subject to a criminal penalty for a decision under this subsection not to give notice.

(a) The postal receipt that shows an Article of mail was sent be registered mail to the last known address of a parent or guardian and that is attached to a copy of the notice letter that was sent in that Article of

mail shall be conclusive evidence of notice or a reasonable effort to give notice, as the case may be.

Health General Article § 20-103

Mental or Emotional Disorder

(a) In this section, "healthcare provider" means an individual who is:

(1) Licensed under the Health Occupations Article; and

(2) Acting within the scope of the individual's license to diagnose and treat mental and emotional disorders.

(b)(1) A minor who is 16 years old or older has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a health care provider or a clinic.

(2) The capacity of a minor to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a health care provider or a clinic under paragraph (1) of this subsection does not include the capacity to refuse consultation, diagnosis, or treatment for a mental or emotional disorder for which a parent, guardian, or custodian of the minor has given consent.

(c)(1) Except as provided in paragraph (2) of this subsection, without the consent of or over the express objection of a minor, the health care provider or, on advice or direction of the healthcare provider, a member of the medical staff of a hospital or public clinic may, but need not, give a parent, guardian, or custodian of the minor or the spouse of the parent information about treatment needed by the minor or provided to the minor under this section.

(2) If a health care provider is on a treatment team for a minor that is headed by a physician, the physician heading the treatment team shall decide whether a parent, guardian, or custodian of the minor or the spouse of the parent should receive information about treatment needed by the minor or provided to the minor under this section.

(d) Unless the parent, guardian, or custodian of a minor consents to consultation, diagnosis, or treatment of the minor, the parent, guardian, or custodian is not liable for any costs of the consultation, diagnosis, or treatment of the minor under this section.

Health General Article § 20-104

MOTOR VEHICLE OFFENSES

Motor Vehicles – Generally

In general, for laws relating to motor vehicles, see Transportation Article.

Car Jacking

An individual may not take unauthorized possession or control of a motor vehicle from another individual who actually possesses the motor vehicle, by force or violence, or by putting that individual in fear through intimidation or threat of force or violence. Violation of this section is a felony.

Criminal Law Article § 3-405

Driver's Implied Consent

For provisions relating to implied consent, summary license suspension by arresting officer, and the Ignition Interlock System Program, see Transportation Article §§ 16-205 and 16-205.1.

Electric Bicycle

(a) "Electric bicycle" means a vehicle that:

(1) is designed to be operated by human power with the assistance of an electric motor;

(2) is equipped with fully operable pedals;

(3) has 2 or 3 wheels;

(4) has a motor with a rating of 750 watts or less; and

(5) meets one of the requirements of subsection (b) of this section.

(b)(1) A Class 1 electric bicycle is equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

(2) A Class 2 electric bicycle is equipped with a motor that provides assistance whether or not the rider is pedaling the bicycle and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

(3) A Class 3 electric bicycle is equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

Transportation Article § 11-117.1

Electric Bicycles Operation

(a)(1) Subject to paragraph (2) of this subsection, electric bicycles may be operated where bicycles are allowed to travel, including bike lanes.

(2)(i) A local authority or state agency that has jurisdiction over a bicycle path may prohibit the operation of a Class 1 or Class 2 electric bicycle on the bicycle path.

(ii) A Class 3 electric bicycle may not be operated on a bicycle path unless:

(1) the bicycle path is within or adjacent to a highway right-of-way; or

(2) allowed by a local authority or state agency with jurisdiction over the bicycle path.

(iii) A local authority or state agency with jurisdiction over a trail may regulate the use of electric bicycles of any class on a trail designated as nonmotorized if the trail has a natural surface tread made by clearing and grading native soil with no added surface materials.

(b)(1) A person under the age of 16 years may not operate a Class 3 electric bicycle on a public highway.

(2) A person under the age of 16 years may ride as a passenger on a Class 3 electric bicycle that is designed to accommodate passengers.

Transportation Article § 21.1205.2

Electric Bicycles Standardized Label

(a)(1) Beginning January 1, 2020, manufacturers and distributors of electric bicycles shall apply in a prominent location a standardized label that is permanently affixed to each electric bicycle.

(2) The label required under paragraph (1) of this subsection shall be printed in Arial font in at least 9 point type and contain for the electric bicycle:

(i) the classification;

(ii) the top assisted speed; and

(iii) the motor wattage.

(b) A person may not temper with or modify an electric bicycle in a manner that changes the motor-powered speed capability of the electric bicycle unless the person corrects the classification on the label required under subsection (a) of this section.

(c) An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the Federal Consumer Product Safety Commission under 16 C.F.R. § 16.12.

(d) An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function:

(1) when the brakes are applied; or

(2) for a Class 1 or Class 3 electric bicycle, when the operator stops pedaling.

(e) A Class 3 electric bicycle shall be equipped with a speedometer that displays the speed of the electric bicycle in miles per hour.

Transportation Article § 22-240

Life-threatening Injury by Motor Vehicle or Vessel while Under the Influence of Alcohol and Related Crimes

(a) Definitions.

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

(2) "Under the influence of alcohol per se" mean shaving an alcohol concentration at the time of testing of at least 0.08 as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(3)(i) "Vessel" means any watercraft that is used or is capable of being used as a means of transportation on water or ice.

(ii) "Vessel" does not include a seaplane.

(b) Conversion of alcohol concentration measurement; presumptions and evidentiary rules.

(l) For purposes of determining alcohol concentration under this section, if the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court shall convert the measurement into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

(2)The presumptions and evidentiary rules of §§ 10-302, 10-306, 10-307, and 10-308 of the Courts and Judicial Proceedings Article apply to a person charged under this section.

(c)(1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(2) A violation of this subsection is life-threatening injury by motor vehicle or vessel while:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(d) Life-threatening injury by motor vehicle or vessel while impaired by alcohol.

(1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by alcohol.

(2) A violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by alcohol.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $3,000 or both.

(e) Life-threatening injury by motor vehicle or vessel while impaired by drugs.

(1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance as defined in § 5-101 of this article.

(2) A violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by drugs.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $3,000 or both.

(f) Life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance.

(1) This subsection does not apply to a person who is entitled to use the controlled dangerous substance under the laws of the state.

(2) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance as defined in § 5-101 of this article.

(3) A violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance.

(4) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 3-211

Racing Vehicle on Highway or Private Property Used by the Public

(a) Except as provided in § 21-1211 of this title, on any highway or on any private property that is used by the public in general, a person may not drive a vehicle in a race or speed contest, whether or not on a wager or for a prize or reward.

Transportation Article § 26-1116

Arrest Authority – Violations of Transportation Article § 26-116:

(a) A police officer may arrest without a warrant a person for a violation of the Maryland Vehicle Law, including any rule or regulation adopted under it, or for a violation of any traffic law or ordinance of any local authority of this State, if:

(3) The officer has probable cause to believe that the person has committed the violation, and the violation is any of the following offenses:

(x) A violation of § 21–1116(a) of this article that results in serious bodily injury to another person;

Transportation Article § 26-202

(Note: Designated employees of the Motor vehicle Administration's Investigative Division may issue citations for certain vehicle-related violations. See Transportation Article § 12-104.1)

Rented Vehicle – Failure to Return (See "Fraud")

Transportation of Stolen Motor Vehicle – Federal Statute

Whoever shall transport or cause to be transported interstate or foreign commerce a motor vehicle or aircraft knowing the same to have been stolen, shall be punished by a fine of not more than $5,000 or by imprisonment of not more than five years or both fine and imprisonment. Whoever shall receive, conceal, store, barter, sell or dispose of any motor vehicle or aircraft moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000 or by imprisonment of not more than five years, or both.

Any person violating this Act (commonly referred to as the Dyer Act) may be punished in any district in or through which such motor vehicle or aircraft has been transported or removed by such offender.

18 U.S.C.A. §§ 2312-2313

Photo/Video Recording of Activity that is Illegal Under Maryland Vehicle Law

(a) In this section, "violation" means:

(1) a violation of the Maryland Vehicle Law that is punishable by a sentence of imprisonment; or

(2) a violation of § 21-901.1(a) of this Article.

(b) A person may not commit or engage another person to commit a violation for the purpose of filming, videotaping, photographing, or otherwise recording the violation unless the person obtains written permission for the commission of the violation from:

(1) the Secretary of State Police or the Secretary's designee; or

(2) the chief executive officers of the governing body of the county in which the violation is to occur, or the chief executive officer's designee.

Transportation Article § 21-1126

Penalty

(z) Any person who is convicted of a violation of § 21–1126 or § 21–1127 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

Transportation Article § 27-101

Throwing Object at Vehicle

(a) A person may not willfully throw, shoot, or propel a rock, brick, piece of iron, steel, or other similar metal, or a dangerous missile at or into a vehicle or other means of transportation that is occupied by an individual.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

Criminal Law Article § 6-302

Use of Cell Phone ("Wireless Communication Device") by Minor

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

(2) "9–1–1 system" has the meaning stated in § 1–301 of the Public Safety Article.

(3) "Wireless communication device" means a handheld or hands–free device used to access a wireless telephone service.

(b) This section does not apply to the use of a wireless communication device:

(1) To contact a 9–1–1 system; or

(2) As a text messaging device as defined in § 21–1124.1 of this subtitle.

(c) An individual who is under the age of 18 years may not use a wireless communication device while operating a motor vehicle.

(d)(1) If the Administration receives satisfactory evidence that an individual has violated this section, the Administration:

(i) May suspend the individual's driver's license for not more than 90 days; and

(ii) May issue a restricted license for the period of suspension that is limited to driving a motor vehicle:

1. In the course of the individual's employment;

2. For the purpose of driving to or from a place of employment; or

3. For the purpose of driving to or from school.

(2) An individual may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.

Transportation Article § 21-1124

Text Messaging While Driving

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

(2) "9–1–1 system" has the meaning stated in § 1–301 of the Public Safety Article.

(3) "Text messaging device" means a handheld device used to send a text message or an electronic message via a short message service, wireless telephone service, or electronic communication network.

(b) Subject to subsection (c) of this section, an individual may not use a text messaging device to write, send, or read a text message or an electronic message while operating a motor vehicle in the travel portion of the roadway.

(c) This section does not apply to the use of:

(1) A global positioning system; or

(2) A text messaging device to contact a 9–1–1 system.

(d)(1) If the Administration receives satisfactory evidence that an individual who is under the age of 18 years has violated this section, the Administration:

(i) May suspend the individual's driver's license for not more than 90 days; and

(ii) May issue a restricted license for the period of suspension that is limited to driving a motor vehicle:

1. In the course of the individual's employment;

2. For the purpose of driving to or from a place of employment; or

3. For the purpose of driving to or from school.

(2) An individual may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.

Transportation Article § 21–1124.1.

Use of Wireless Phone ("Cell Phone") and Hands Free Technology While Driving

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

(2) "Handheld telephone" means a handheld device used to access wireless telephone service.

(3) "9–1–1 system" has the meaning stated in § 1–301 of the Public Safety Article.

(b) This section does not apply to:

(1) Emergency use of a handheld telephone, including calls to:

(i) A 9–1–1 system;
(ii) A hospital;
(iii) An ambulance service provider;
(iv) A fire department;
(v) A law enforcement agency; or
(vi) A first aid squad;
(2) Use of a handheld telephone by the following individuals when acting within the scope of official duty:
(i) Law enforcement personnel; and
(ii) Emergency personnel;
(3) Use of a handheld telephone as a text messaging device as defined in § 21–1124.1 of this subtitle; and
(4) Use of a handheld telephone as a communication device utilizing push–to–talk technology by an individual operating a commercial motor vehicle, as defined in 49 C. F.R. Part 390.5 of the Federal Motor Carrier Safety Regulations.
(c) The following individuals may not use a handheld telephone while operating a motor vehicle:
(1) A driver of a Class H (school) vehicle that is carrying passengers and in motion; and
(2) A holder of a learner's instructional permit or a provisional driver's license who is 18 years of age or older.
(d)(1) This subsection does not apply to an individual specified in subsection (c) of this section.
(2) A driver of a motor vehicle that is in motion may not use the driver's hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone.
(e)(1) A person convicted of a violation of this section is subject to the following penalties:
(i) For a first offense, a fine of not more than $75;
(ii) For a second offense, a fine of not more than $125; and
(iii) For a third or subsequent offense, a fine of not more than $175.
(2) Points may not be assessed against the individual under § 16– 402 of this article unless the offense contributes to an accident.
(f) The court may waive a penalty under subsection (e) of this section for a person who:
(1) Is convicted of a first offense under this section; and
(2) Provides proof that the person has acquired a hands–free accessory, an attachment or add–on, a built–in feature, or an addition for the person's handheld telephone that will allow the person to operate a motor vehicle in accordance with this section.
Transportation Article, § 21-1124.2

Accident while Texting or using Cell Phone

A person may not commit a violation of § 21–1124.1 or § 21–1124. 2 of this subtitle that causes an accident that directly results in the death or, as defined in § 27–113 of this article, serious bodily injury of another.
Transportation Article, § 21-1124.3
(For penalty see Transportation Article § 27-115)

See "Reckless Endangerment" for Discharging Firearm from a Motor Vehicle.

Accidentally Killing a Deer While Operating a Motor Vehicle

(See "Animals")

Intentional Motor Vehicle Accident
(See "Fraud" – "Insurance Fraud")

VIN Plate – Unlawful Possession, Removal, Obliterating, Sale, etc.
(See Heading "Property (Personal) – Tampering, Destroying, Etc.")

MOTOR VEHICLE OR VESSEL – HOMICIDE OFFENSES WHILE OPERATING

Manslaughter by Vehicle or Vessel - Operating in a Grossly Negligent Manner

(a) In this section, "vehicle" includes a motor vehicle, streetcar, locomotive, engine, and train.

(b) A person may not cause the death of another as a result of the person's driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.

(c) A violation of this section is manslaughter by vehicle or vessel.

(d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 2-209

Criminally Negligent Manslaughter by Vehicle or Vessel

(a) In this section, "vehicle" includes a motor vehicle, streetcar, locomotive, engine, and train.

(b) A person may not cause the death of another as the result of the person's driving, operating, or controlling a vehicle or vessel in a criminally negligent manner.

(c) For purposes of this section, a person acts in a criminally negligent manner with respect to a result or a circumstance when:

(1) the person should be aware, but fails to perceive, that the person's conduct creates a substantial and unjustifiable risk that such a result will occur; and

(2) the failure to perceive constitutes a gross deviation from the standard of care that would be exercised by a reasonable person.

(d) It is not a violation of this section for a person to cause the death of another as the result of the person's driving, operating, or controlling a vehicle or vessel in a negligent manner.

(e) A violation of this section is criminally negligent manslaughter by vehicle or vessel.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 2-210

<u>Various Offenses – Homicide by Motor Vehicle or Vessel while Impaired or Under the Influence:</u>

Definition – "Under the Influence of Alcohol Per Se"

In this subtitle, "under the influence of alcohol per se" means an alcohol concentration at the time of testing of 0.08 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

Criminal Law Article § 2-501

Offenses – Homicide by Motor Vehicle or Vessel while "Under the Influence of Alcohol" or "Under the Influence of Alcohol Per Se"

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while:

(1) under the influence of alcohol; or

(2) under the influence of alcohol per se.

(b) A violation of this section is:

(1) homicide by motor vehicle or vessel while under the influence of alcohol; or

(2) homicide by motor vehicle or vessel while under the influence of alcohol per se.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 2-503

Offense – Homicide by Motor Vehicle or Vessel while "Impaired by Alcohol"

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while impaired by alcohol.

(b) a violation of this section is homicide by motor vehicle or vessel while impaired by alcohol.

Criminal Law Article § 2-504

Offense – Homicide by Motor Vehicle or Vessel while "Impaired by Drugs"

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is so far impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by drugs.

(c)(1) Except as provided in paragraph (2), a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(2)(i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

(d) This section does not apply to a person who is entitled to use the controlled dangerous substance under the laws of this State.

Criminal Law Article § 2-505

Homicide by Motor Vehicle or Vessel while Impaired by a Controlled Dangerous Substance

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance, as defined in § 5-101 of this Article.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by a controlled dangerous substance.

Criminal Law Article § 2-506

Vessel – Watercraft

(a) (1) In this section, "vessel" means any watercraft that is used or is capable of being used as a means of transportation on water or ice.

(2) "Vessel" does not include a seaplane.

(b) A person may not cause a life-threatening injury to another as a result of the person's driving, operating, or controlling a motor vehicle or vessel in a criminally negligent manner.

(c) For the purpose of this section, a person acts in a criminally negligent manner with respect to a result or a circumstance when:

(1) the person should be aware, but fails to perceive, that the person's conduct creates a substantial and unjustifiable risk that such a result will occur and

(2) the failure to perceive constitutes a gross deviation from the standard of care that would be exercised by a reasonable person.

(d) It is not a violation of this section for a person to cause a life-threatening injury to another as a result of the person's driving, operating, or controlling a motor vehicle or vessel in a negligent manner.

(e) A person who violates this section is guilty or a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

Criminal Law § 3-212.1

MURDER AND MANSLAUGHTER

Murder in the First Degree

(a) A murder is in the first degree if it is:

(1) a deliberate, premeditated, and willful killing;

(2) committed by lying in wait;

(3) committed by poison; or

(4) committed in the perpetration of or an attempt to perpetrate:

(i) arson in the first degree;

(ii) burning a barn, stable, tobacco house, warehouse, or other outbuilding that:

1. is not parcel to a dwelling; and

2. contains cattle, goods, wares, merchandise, horses, grain, hay, or tobacco;

(iii) burglary in the first, second, or third degree;

(iv) carjacking or armed carjacking;

(v) escape in the first degree from a State correctional facility or a local correctional facility;

(vi) kidnapping under § 3-502 or § 3-503(a)(2) of this article;

(vii) mayhem;

(viii) rape;

(ix) robbery under § 3-402 or § 3-403 of this article;

(x) sexual offense in the first or second degree;
(xi) sodomy; or
(xii) a violation of § 4-503 of this article concerning destructive devices.
(b)(1) A person who commits a murder in the first degree is guilty of a felony and on conviction shall be sentenced to:
(i) imprisonment for life without the possibility of parole; or
(ii) imprisonment for life.
(2) Unless a sentence of imprisonment for life without the possibility of parole is imposed in compliance with § 2–203 of this subtitle and § 2–304 of this title, the sentence shall be imprisonment for life.
(c) A person who solicits another or conspires with another to commit murder in the first degree is guilty of murder in the first degree if the death of another occurs as a result of the solicitation or conspiracy.
Criminal Law Article § 2-201

Death Penalty - Repealed
The death penalty was repealed in Maryland by Chapter 156 (Senate Bill 276) of the Acts of the General Assembly of 2013.

Attempt to Commit Murder in the First Degree
A person who attempts to commit murder in the first degree is guilty of a felony and on conviction is subject to imprisonment not exceeding life.
Criminal Law Article § 2-205

Murder in the Second Degree
(a) A murder that is not in the first degree under § 2-201 of this Article is in the second degree.
(b) A person who commits a murder in the second degree is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.
Criminal Law Article § 2-204

Attempt to Commit Murder in the Second Degree
A person who attempts to commit murder in the second degree is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.
Criminal Law Article § 2-206

Manslaughter
Case Law Definition - Manslaughter is a common law felony, and is defined a "the unlawful and felonious killing of another, without malice aforethought, either express or implied, and is either voluntary or involuntary homicide, depending upon the fact whether there was an intention to kill or not. " *Selby v. State*, 361 Md. 319, 331-332 (2000) (internal citations omitted.)
Voluntary Manslaughter - Voluntary manslaughter is "an ***intentional*** homicide, done in a sudden heat of passion, caused by adequate provocation, before there has been a reasonable opportunity for the passion to cool. " *Selby v. State*, 361 Md. 319, 331-332 (2000) (internal citations omitted.) (emphasis in original.)
Involuntary Manslaughter - Involuntary manslaughter is an "***unintentional*** killing done without malice, by doing some unlawful act endangering life, or in negligently doing some act lawful in itself, or by the negligent omission to perform a legal duty. " *Selby v. State*, 361 Md.

319, 331-332 (2000) (internal citations omitted.)(emphasis in original.)

Statutory Law –

(a) A person who commits man slaughter is guilty of a felony and on conviction is subject to:

(1) imprisonment not exceeding 10 years; or

(2) imprisonment in a local correctional facility not exceeding 2 years or a fine not exceeding $500 or both.

(b) The discovery of one's spouse engaged in sexual intercourse with another does not constitute legally adequate provocation for the purpose of mitigating a killing from the crime of murder to voluntary manslaughter even though the killing was provoked by that discovery.

(c) The discovery or perception of, or belief about, another person's race, color, national origin, sex, gender identity, or sexual orientation, whether or not accurate, does not constitute legally adequate provocation to mitigate a killing from the crime of murder to manslaughter.

Criminal Law Article § 2-207

Assault with Intent to Murder

See "Assault".

Murder or Manslaughter of Viable Fetus

A person may be prosecuted for murder or manslaughter of a viable fetus if the person intended to cause the death of the viable fetus or intended to cause serious physical injury to the viable fetus or wantonly or recklessly disregarded the likelihood that the person's actions would cause the death of or serious physical injury to the viable fetus. This is considered murder in the first degree. (See statute for the complete language)

Criminal Law Article § 2-103

Elimination of Common Law "Year-and-a-Day" Rule

A prosecution may be instituted for murder, manslaughter, or unlawful homicide, whether at common law or under this title, regardless of the time that has elapsed between the act or omission that caused the death of the victim and the victim's death.

Criminal Law Article § 2-102

Jurisdiction – Victim Dies in another County

If any person be feloniously stricken or poisoned in one county, and die of the same stroke or poison in another county, the offender shall be tried in the court within whose jurisdiction such county lies where the stroke or poison was given.

(Note: This statute also provides for jurisdiction to bring a prosecution for such offense in instances where the offense is committed on the Chesapeake Bay, a common carrier, at a boundary between counties, if the location of the crime cannot be determined, etc. See statute for actual wording)

Criminal Procedure Article § 4-201

Interrogation Recording

See "Law Enforcement – Procedures and Authority"

N

NARCOTICS – MARYLAND CONTROLLED DANGEROUS SUBSTANCES ACT

(See "Controlled Dangerous Substances")

O

OBSCENITY, INDECENT EXPOSURE, SEXUAL DISPLAYS, ETC.

(Also See "Children and Minors" – "Pornography")

Displaying or Allowing Display for Advertising Purposes

(a) A person may not knowingly display for advertising purposes a picture, photograph, drawing, sculpture, or other visual representation or image of an individual or portion of a human body that:

(1) depicts sadomasochistic abuse;

(2) depicts sexual conduct as defined by § 11-101(d)(1), (2), or (3) of this subtitle;

(3) depicts sexual excitement; or

(4) contains a verbal description or narrative account of sadomasochistic abuse, sexual conduct, or sexual excitement.

(b) A person may not knowingly allow a display described in subsection (a) of this section on premises that the person owns, rents, or manages.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

Criminal Law Article § 11-105

Indecent Exposure

(a) In this section, "indecent exposure" includes engaging in an act of masturbation in public, whether or not the person's genitalia are exposed.

(b) A person convicted of indecent exposure is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

Criminal Law Article § 11-107

Indecent Exposure - Correctional Inmates

(See Heading "Correctional Facilities" - "Indecent Exposure - Inmates")

<u>Obscene Matter:</u>

Definitions

See Statute for Definitions – Criminal Law Article § 11-202

Distribution, Exhibition, Importation, and Publication

(a) A person may not:

(1) knowingly send or cause to be sent any obscene matter into the state for sale or distribution;

(2) knowingly bring or cause to be brought any obscene matter into the state for sale or distribution;

(3) in the State prepare, publish, print, exhibit, distribute, or offer to distribute any obscene matter; or

(4) possess any obscene matter in the state with the intent to distribute, offer to distribute, or exhibit.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 11-202

Obscene Performance in Certain Counties

(a) This section applies only in Anne Arundel, Charles, Howard, Somerset, Wicomico, and Worcester counties.

(b)(1) A person may not prepare, give, direct, present, perform or participate in an obscene performance, exhibition, drama, play, show, dancing exhibition, tableau, or other entertainment in which individuals perform or participate live in an obscene manner in the presence of individuals who have paid any kind of consideration to observe the exhibition or performance.

(2) An owner, lessee, or manager of a building, garden, place, room, structure, or theater may not knowingly allow or assent to the use of the premises for the types of exhibitions prohibited by paragraph

(1) of this subsection.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 11-204

Obscene Matter – Advertising

(a) A person may not knowingly:

(1) write or create advertising or otherwise promote the sale or distribution of matter the person represents or holds out to be obscene; or

(2) solicit the publication of advertising that promotes the sale or distribution of matter the person represents or holds out to be obscene.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 11-205

Exemption from Possession and Distribution Offenses

(a)(1) A person having a bona fide scientific, educational, governmental, artistic, news, or other similar justification for possessing or distributing prohibited matter is not subject to the prohibitions and penalties imposed by this subtitle.

Criminal Law Article § 11-210

OBSTRUCTING JUSTICE AND INTIMIDATION OFFENSES

Tampering with or Fabrication Physical Evidence

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

(b) "Official proceeding" includes a criminal trial, a hearing related to a criminal trial or adjudicatory hearing, a grand jury proceeding, and any other proceeding that is part of a criminal action or juvenile delinquency case.

Criminal Law Article § 9-301(a) and (b)

(a) A person may not destroy, alter, conceal, or remove physical evidence that the person believes may be used in a pending or future official proceeding with the intent to impair the verity or availability of the physical evidence in the official proceeding.

(b) A person may not fabricate physical evidence in order to impair the verity of the physical evidence with the intent to deceive and that the fabricated physical evidence be introduced in a pending or future official proceeding.

(c) A person may not introduce physical evidence in an official proceeding if the person knows that the evidence has been altered or fabricated with the intent to deceive in order to impair the verity of the physical evidence.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 9-307

Influencing or Intimidating Victims or Witnesses

Inducing false testimony or avoidance of subpoena

(a) A person may not harm another, threaten to harm another, or damage or destroy property with the intent to:

(1) influence a victim or witness to testify falsely or withhold testimony; or

(2) induce a victim or witness:

(i) to avoid the service of a subpoena or summons to testify; or

(ii) to be absent from an official proceeding to which the victim or witness has been subpoenaed or summoned.

(iii) not to report the existence of facts relating to a crime or delinquent act.

(b) A person may not solicit another person to harm another, threaten to harm another, or damage or destroy property with the intent to:

(1) influence a victim or witness:

(i) to avoid the service of a subpoena or summons to testify;

(ii) to be absent from an official proceeding to which the victim or witness has been subpoenaed or summoned; or

(iii) not to report the existence of facts relating to a crime or delinquent act.

(c)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

(2) If the testimony, subpoena, official proceedings, or report involving the victim or witness relates to a felonious violation of title 5 of this article or the commission of a crime of violence as defined in subsection 14-101 of this article, or a conspiracy or solicitation to commit such a crime,

a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article § 9-302

Intimidating Victim or Witness-Retaliation for Testimony

(a) A person may not intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against:

(1) a victim or witness for:

(i) giving testimony in an official proceeding; or

(ii) reporting a crime or delinquent act.

(2) A juror for any reason relating to the performance of the juror's official duties in a pending or completed case in a court of the State or the United States; or

(3) an officer of the court of the State or the United States for any reason relation to the performance of the officer's official duties in a pending or completed case.

(b) A person may not solicit another person to intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against:

(1) a victim or witness for:

(i) giving testimony in an official proceeding; or

(ii) reporting a crime or delinquent act.

(2) A juror for any reason relating to the performance of the juror's official duties in a pending or completed case in a court of the State or the United States; or

(3) an officer of the court of the State or the United States for any reason relation to the performance of the officer's official duties in a pending or completed case.

(c)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(2) If the official proceedings, or report described in subsection (a) of this section relates to a felonious violation of title 5 of this article or the commission of a crime of violence as defined in § 14- 101 of this Article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article § 9-303

Intimidating or Corrupting Juror

(a) A person may not, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror, a witness, or an officer of a court of the State or of the United States in the performance of the person's official duties.

(b) A person may not solicit another person to, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror, a witness, or an officer of the court of the State or of the United States in the performance of the person's official duties.

(c)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

(2) If an act described is subsection (a) of this section is taken in

connection with a proceeding involving a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14-101 of this Article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article § 9-305

Intimidation – Obstruction of Justice in a Court

(a) A person may not, by threat, force, or corrupt means, obstruct, impede, or try to obstruct or impede the administration of justice in a court of the State.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

Criminal Law Article § 9-306

Interfering with, or Falsely Represent Being State Fire Marshal or Assistant

See statute for actual wording.

A person may not willfully interfere with or obstruct the State Fire Marshal, a Deputy State Fire Marshal, Special Assistant State Fire Marshal, Special Deputy State Fire Marshal, while the State Fire Marshal, Deputy State Fire Marshal, Special Assistant State Fire Marshal, Special Deputy State Fire, is fighting a fire, performing emergency service, proceeding to a fire or other emergency, or while dispatched on a call for emergency service.

A person may not willfully interfere with or obstruct the State Fire Marshal, a Deputy State Fire Marshal, Special Assistant State Fire Marshal, Special Deputy State Fire Marshal in the course of conducting an inspection or investigating a fire or explosion.

It is unlawful for any person to falsely represent himself as being a State Fire Marshal or a sworn employee of the Office of the State Fire Marshal, with fraudulent design on a person or property; or have, use, wear, or display without proper authority for the purpose of deception, any uniform, shield, button, ornament, identification, or shoulder patch, or any simulation or imitation of these articles, adopted by the Office of the State Fire Marshal.

Violation of this section is a misdemeanor punishable by imprisonment for not more than three (3) years.

Public Safety Article § 6-602

Interfering with, or Falsely Represent Being a Firefighter, a Rescue Squad Member or Emergency Services Personnel

See statute for actual wording.

A person may not willfully interfere with or obstruct a firefighter, a rescue squad member, or emergency services personnel while fighting a fire, performing emergency service, proceeding to a fire or other emergency, or while dispatched on a call for emergency service.

It is unlawful for any person to falsely represent himself as being a firefighter, a rescue squad member, or emergency services personnel, with fraudulent design on a person or property; or have, use, wear, or display without proper authority for the purpose of deception, any uniform, shield, button, ornament, identification, or shoulder patch, or any simulation or imitation of these articles, adopted by a career or volunteer fire department, rescue squad, or emergency services unit.

Violation of this section is a misdemeanor punishable by imprisonment for not more than three (3) years.

Public Safety Article § 7-402

(See Also – "Threats Against Public Officials")

P

PERJURY

Prohibited; Penalty

(a) A person may not willfully and falsely make an oath or affirmation as to a material fact:

(1) if the false swearing is perjury at common law;

(2) in an affidavit required by any state, federal, or local law;

(3) in an affidavit made to induce a court or officer to pass an account or claim;

(4) in an affidavit required by any state, federal, or local government or governmental official with legal authority to require the issuance of an affidavit; or

(5) in an affidavit or affirmation made under the Maryland Rules.

(b) A person who violates this section is guilty of the misdemeanor of perjury and on conviction is subject to imprisonment not exceeding 10 years.

Criminal Law Article § 9-101

Subornation of Perjury

(a) A person may not procure another to commit perjury as prohibited by § 9-101 of this subtitle.

(b) A person who violates this section is guilty of the misdemeanor of subornation of perjury and on conviction is subject to imprisonment not exceeding 10 years.

Criminal Law Article § 9-102

POISON

Attempt to Poison

(a) A person may not attempt to poison another.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

Criminal Law Article § 3-213

Contaminating Water Supply or Food or Drink

(a) A person may not knowingly and willfully contaminate, attempt to contaminate, or conspire to contaminate the water of a source or tributary of a water supply, including the waters of a well, spring, brook, lake, pond, stream, river, or reservoir by adding disease germs, bacteria, poison, or poisonous matter, if the water supply is used or is usable for drinking or domestic purposes.

(b) A person may not knowingly and willfully contaminate, attempt to contaminate, or conspire to contaminate any drink, food, food product, or food supply by adding disease germs, bacteria, poison, or poisonous matter.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article § 3-214

PRIVACY

Opening Letter without Permission

(a)A person may not take and break open a letter that is not addressed to the person without permission from the person to whom the letter is addressed or the personal representative of the addressee's estate.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for 6 days and a fine of $15.

Criminal Law Article § 3-905

Divulging or Failing to Deliver Private Communications

(b) An employee or agent of a telegraph company or telephone company, or of a person operating telegraph lines or telephone lines for profit in the state, may not:

(l)willfully divulge the contents or nature of the contents of a private communication that is entrusted to the person for transmission or delivery; or

(2) willfully refuse or neglect to transmit or deliver a private communication.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 months or a fine not exceeding $500 or both.

Criminal Law Article § 3-906

Publication of Information by Video Tape Distributor

(a) Definitions. (See Statute)

(b) Except as provided in subsection (d) of this section, a videotape distributor, or an agent or employee of a videotape distributor, may not publish the following information relating to sales, rentals, or loans of videotapes, video disks, or films to a protected individual:

(1) any numerical designation used by the videotape distributor to identify the protected individual; or

(2) any listing of videotapes, videodisks, or films bought, rented, or borrowed by the protected individual from the videotape distributor.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months for all violations or a fine not exceeding $500 for each violation or both.

(d) This section does not prohibit the distribution of information protected under subsection (b) of this section to:

(1) a person designated by the videotape distributor and authorized by the protected individual before distribution to receive the information;

(2) any appropriately authorized law enforcement personnel; or

(3) a collection agency used or person designated by the videotape distributor to collect unreturned rental videotapes, video disks, or films, or an amount equal to their value.

Criminal Law Article § 3-907

(See Also "Trespass–Generally" – "Entry on Property for Purpose of Invading Occupants' Privacy")

PROPERTY (PERSONAL) – TAMPERING, DESTROYING, ETC.

Malicious Destruction – Generally

(a) A person may not willfully and maliciously destroy, injure, or deface the real or personal property of another.

(b) *Property damage of at least $1,000.*

A person who, in violation of this section, causes damage of at least $1,000 to the property is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,500 or both.

(c) *Property damage of less than $1,000.*

A person who, in violation of this section, causes damage of less than $1,000 to the property is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $500 or both.

Criminal Law Article § 6-301

Unauthorized Removal of Property

(a) Without the permission of the owner, a person may not take and carry away from the premises or out of the custody of another or use of the other, or the other's agent, or a governmental unit any property, including:

(1) a vehicle;

(2) a motor vehicle;

(3) a vessel; or

(4) livestock.

(b) A person who violates this section is guilty of a misdemeanor and on conviction:

(1) is subject to imprisonment of at least 6 months and not exceeding 4 years or a fine of at least $50 and not exceeding $100 or both; and

(2) shall restore the property taken and carried away in violation of this section or, if unable to restore the property, shall pay to the owner the full value of the property.

(c) It is not a defense to this section that the person intends to hold or keep the property for the person's present use and not with the intent of appropriating or converting the property.

Criminal Law Article § 7-203

Removal of Manufacturer's Serial Number – Alteration/ Removal; Sale of Goods

(a) A person may not remove, deface, or obliterate a manufacturer's serial number that is punched on or affixed by plate to a manufactured good with the intent to prevent tracing or identifying that good.

(b) Except as provided in § 14-107(m) of the Transportation Article, a person may not knowingly keep or offer for sale a manufactured good from which the manufacturer's serial number has been removed, defaced, or obliterated in violation of subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both for each violation.

Criminal Law Article § 6-306

Stolen Serial Number, VIN Plate – Possession, Sale, Fraudulent Use

(a) A person may not:

(1) sell or possess a stolen:

(i) manufactured serial number; or

(ii) vehicle identification plate or label; or

(2) possess a manufactured serial number or vehicle identification plate or label if the person intends it to be:

(i) affixed to stolen property; or

(ii) used for fraudulent purposes.

(b) A person who violates a provision of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both for each violation.

Criminal Law Article § 6-307

Unlawful Operation of Vending Machines and Related Manufacture of Slugs

(b) A person may not:

(1) operate, cause to be operated, or attempt to operate or cause to be operated a vending machine by a means not lawfully authorized by the owner, lessee, or licensee of the vending machine, including by means of a slug or by counterfeit, mutilated, sweated, or foreign currency;

(2) take, obtain, or receive from or in connection with a vending machine any property or service, without depositing into the vending machine united states currency in the amount required by the owner, lessee, or licensee of the vending machine; or

(3) manufacture for sale, sell, or give away a slug or device that is intended to be deposited in a vending machine if the person:

(i) intends to defraud the owner, lessee, licensee, or other person entitle d to the contents of the vending machine; or

(ii) knows that the slug or device is intended for unlawful use.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 months or a fine not exceeding $500 or both.

Criminal Law Article § 8-613

Keys – Duplication of Keys to State-Owned Real Property

(a) A person may not use, distribute, manufacture, duplicate, or possess keys capable of being used in locks in or on real property that the State owns or leases unless the use, distribution, manufacture, duplication, or possession is in accordance with the regulations adopted under subsection (c) of this section.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 for each violation.

Criminal Law Article § 7-204

Food Containers – Opening Closed Container in a Food Store

(a) A person may not open a sealed, closed, or fastened food container in a food store or supermarket if opening the package or container will leave the item in an unsealable condition, unless the person:

(1) intends to purchase the item; or

(2) has received from the proprietor authority to open the item.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $25.

Health General Article § 21-259.1

PROSTITUTION AND RELATED CRIMES
(See "Sex Offenses")

R

RAILROADS
(See Also "Mass Transit")

Railroad Vehicle – Definition

In this subtitle, "railroad vehicle" includes a car, carriage, engine, locomotive, or tender.

Criminal Law Article § 6-501

Unauthorized Access to Railroad Vehicle; Prohibited Riding on Railcar; Trespass on Railroad Property; Etc...

(a)(1) Definitions (See Statute)

(b) Exceptions – Persons to which Statutory Prohibitions do not apply (See Statute)

(c)(1) Without the consent of the railroad carrier or other lawful authorization, a person may not ride on the outside or inside of a railroad vehicle, including a flatbed or container.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

(d)(1) Without the consent of the railroad carrier or other lawful authorization, and except to cross the property at a public highway or other authorized crossing, a person may not knowingly enter or remain on railroad property.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

Criminal Law Article § 6-503

Interference with Railroad

(a) In this section, "railroad" includes a switch, frog, rail, roadbed, tie, viaduct, bridge, trestle, culvert, embankment, structure, or appliance that pertains to or connects with a railroad.

(b) A person may not, with the intent to obstruct or derail a railroad vehicle in the State:

(1) break or damage a railroad; or

(2) place or cause anything to be placed on a railroad.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

Criminal Law Article § 6-502

Striking Railroad Vehicle with Object

(a) In this section, "railroad" has the meaning stated in § 1-101 of the Public Utilities Article.

(b) A person may not willfully and maliciously strike a railroad vehicle on a railroad or on an electric railway in the state by:

(1) shooting or throwing an object at the railroad vehicle; or

(2) causing an object to fall on the railroad vehicle.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $1,000 or both.

Criminal Law Article § 6-505

Giving a False Train Signal

(a) A person may not give a train signal to start a stopped train or to stop a moving train unless the person is an authorized employee of a railroad company.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months.

Criminal Law Article § 6-504

Unauthorized Buying or Selling Railroad Tickets

(a) Unless authorized by a railroad company that maintains offices in the State, a person may not:

(1) buy, sell, or engage in the business of buying or selling railroad tickets or the unused parts of railroad tickets;

(2) act as vendor or broker of whole or partly used railroad tickets;

(3) solicit personally or by sign, advertisement, or otherwise to buy or sell railroad tickets; or

(4) aid or abet in buying or selling railroad tickets in the State.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $100 or both.

(c) Each act of buying or selling railroad tickets is a separate violation.
Criminal Law Article § 6-506

RAPE

(See "Sex Offenses")

RECKLESS ENDANGERMENT

Prohibited Conduct; Penalties; Exceptions

(a) A person may not recklessly:

(l)engage in conduct that creates a substantial risk of death or serious physical injury to another; or

(2)discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another.

(b) A person who violates this section is guilty of the misdemeanor of reckless endangerment and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(c)(1) Subsection (a)(1) of this section does not apply to conduct involving:

(i) the use of a motor vehicle, as defined in § 11-135 of the Transportation Article; or

(ii) the manufacture, production, or sale of a product of commodity.

(2) Subsection (a)(2) of this section does not apply to:

(i) a law enforcement officer or security guard in the performance of an official duty; or

(ii) an individual acting in defense of a crime of violence as defined in Section 5-101 of the Public Safety Article.

Criminal Law Article § 3-204

ROBBERY

Definitions – See Criminal Law Article § 3-401

(e) "Robbery" retains its judicially determined meaning except that:

(1) robbery includes obtaining the service of another by force or threat of force; and

(2) robbery requires proof of intent to withhold property of another:

(i) permanently;

(ii) for a period that results in the appropriation of a part of the property's value;

(iii) with the purpose to restore it only on payment of a reward or

other compensation; or

(iv) to dispose of the property or use or deal with the property in a manner that makes it unlikely that the owner will recover it.

(f) " Service" includes:

(1) labor or professional service;

(2) telecommunication, public utility, toll facility, or transportation service;

(3) lodging, entertainment, or restaurant service; and

(4) the use of computers, data processing, or other equipment.

Criminal Law Article § 3-401

Robbery Prohibited

(a) A person may not commit or attempt to commit robbery.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years.

Criminal Law Article § 3-402

Robbery with Dangerous Weapon

(a) A person may not commit or attempt to commit robbery under § 3-402 of this subtitle:

(1) with a dangerous weapon; or

(2) by displaying a written instrument claiming that the person has possession of a dangerous weapon.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article § 3-403

For Assault with Intent to Rob, see "Assault"

S
SABOTAGE

Definitions

In this subtitle the following words have the meanings indicated.

(a) "Defense-related activity" means:

(b) the preparation of the United States or a State for defense or war; or

(1) the prosecution of war by the United States or a county with which the United States maintains friendly relations.

(c) "Identification badge" means a badge that a person wears to show the person's identity or right to be in or on any premises described in § 9-704 of this Article.

(d) "Identification card" means a card or pass issued for the purpose of establishing the identity and the right of the person to be in or on any premises described in § 9-704 of this Article.

Criminal Law Article § 9-701

Injury to or Interference with Property – Acting with Intent to Hinder Defense-Related Activity

(a) A person may not destroy, impair, damage, or interfere or tamper with real or personal property with intent to hinder, delay, or interfere with a defense-related activity.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

Criminal Law Article § 9-702

Defective Workmanship – Acting with Intent to Hinder Defense – Related Activity

(a) A person may not intentionally:

(1) make or cause to be made or omit to note on inspection a defect in a product to be used in connection with a defense-related activity; and

(2) act, or fail to act, with intent to hinder, delay, or interfere with a defense-related activity.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

Criminal Law Article § 9-703

Identification Badges and Identification Cards – Certain Facilities

(b) A person shall surrender each identification badge or identification card to its issuer when the person's employment or authorized visit ends.

(c) A person may not knowingly possess an identification badge or identification card after the person's employment or authorized visit ends.

(d) A person who willfully violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

Criminal Law Article § 9-704

SCHOOLS AND EDUCATIONAL INSTITUTIONS

Compulsory Attendance – Children Between 6 and 16 Years of Age

(a) Each child who resides in this State and is 6 years old or older and under 16 shall attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age.

(b) A county superintendent, school principal, or an individual authorized by the county superintendent or principal may excuse a student for a necessary absence.

(c) Each person who has under his control a child who is 6 years old or older and under 16 shall see that the child attends school or receives instructions as required by this section. (d)(1) This section applies to any child who has a mental, emotional, or physical handicap.

(2) This section does not apply to a child:

(i) whose mental, emotional, or physical condition makes his instruction detrimental to his progress; or

(ii) whose presence in school presents a danger of serious physical harm to others.

(3) With the advice of the school principal, supervisor, pupil personnel supervisor, or visiting teacher and with the written recommendation of a licensed physician or a State Department of Education certified or licensed psychologist, the county superintendent may:

(i) make other appropriate provisions for the free education of any student excepted from attendance under paragraph (2) of this subsection; or

(ii) permit the parents or guardians of that student to withdraw him from public school, for as long as the attendance of the child in a public

school would be detrimental to his progress or his presence in school would present a danger of serious physical harm to others.

(4) If a child is withdrawn from a public school under this subsection, the county board shall make other appropriate provisions for the education of the child.

(5) If an appropriate educational placement is not available immediately, the county board shall make interim provisions for the education of the child until an appropriate placement becomes available.

(e)(1) Any person who induces or attempts to induce a child to absent himself unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed $500 or imprisonment not to exceed 30 days, or both.

(2) Any person who has control over a child who is 6 years old or older and under 16 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and on conviction is subject to a fine not to exceed $50 per day of unlawful absence or imprisonment not to exceed 10 days, or both.

(See statute for the remaining text of this Section.)

Education Article § 7-301

Deadly Weapons on School Property

(a) This section does not apply to:

(1) a law enforcement officer in the regular course of the officer's duty;

(2) an off–duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:

(i) the officer or retired officer is displaying the officer's or retired officer's badge or credential;

(ii) the weapon carried or possessed by the officer or retired officer is concealed; and

(iii) the officer or retired officer is authorized to carry a concealed handgun in the State;

(3) a person hired by a county board of education specifically for the purpose of guarding public school property;

(4) a person engaged in organized shooting activity for educational purposes; or

(5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.

(b) A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.

(c)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

(2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.

Criminal Law Article § 4-102

Drinking or Possessing Intoxicating Beverages on School Premise

(a)(1) Unless locally approved by the county board of education, a

person may not drink or possess any alcoholic beverage on the premises of any public school.

(2) A person who drinks or possesses any alcoholic beverage and causes a public disturbance at any elementary or secondary school athletic contest may not refuse to comply with a request by a law enforcement officer to stop drinking and causing the public disturbance. If the person complies with the first request, he may not be charged under this paragraph.

(b)(1) Any person under 18 years of age who violates the provisions of this section shall be issued a citation and be subject to the dispositions for a violation under Subtitle 8 of Title 3 of the Courts and Judicial Proceedings Article.

(2) Any person 18 years old or older violating the provisions of this section shall be issued a citation.

(See statute for the remaining text of this Section.)

Education Article § 26-103

Fights – Principals, Teachers, and School Security Guards Intervening

(a) Authority to intervene; degree of force.

(1) A principal, teacher, or school security guard in any public school may intervene in a fight or physical struggle that takes place in his presence in a school building or on school grounds, whether the fight is among students or other individuals.

(2) The degree and force of the intervention may be as reasonably necessary to restore order and to protect the safety of the combatants and surrounding individuals.

(b) A principal, teacher, or school security guard who is hurt while intervening in a fight under this section:

(1) shall be compensated by the county board for any necessary medical expenses that result directly from the intervention; and

(2) may not lose any compensation for time lost from his school duties that results directly from the intervention, but his compensation may be reduced by any payments made under the Workmen's Compensation Law.

(c) In any suit, claim, or criminal charge brought by a parent or other claimant of one of the combatants against the principal, teacher, or school security guard because of the intervention, the county board:

(1) shall provide legal counsel for the principal, teacher, or school security guard, or may provide reimbursement for the reasonable expenses of the legal defense of any criminal charge if the county board considers it appropriate; and

(2) shall save the principal, teacher, or school security guard harmless from any award or decree against him.

Education Article § 7-307

Hazing of Student – Defined; Penalties

(a) A person may not recklessly or intentionally do an act or create a situation that subjects a student to the risk of serious bodily injury for the purpose of an initiation into a student organization of a school, college, or university.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

(c) The implied or express consent of a student to hazing is not a defense under this section.

Criminal Law Article § 3-607

Sex Offender on School Property

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

(2) "County board" has the meaning stated in §1-101 of the Education Article.

(3) "State board" has the meaning stated in §1-101 of the Education Article.

(b) *Exceptions* – This section does not apply to a registrant who enters real property:

(1) where the registrant is a student or the registrant's child is a student or receives childcare, if:

(i) within the past year the registrant has been given the specific written permission of the Superintendent of Schools, the local school board, the principal of the school, or the owner or operator of the registered family daycare home, licensed childcare home, or licensed childcare institution, as applicable; and

(ii) the registrant promptly notifies an agent or employee of the school, home, or institution of the registrant's presence and purpose of visit; or

(2) for the purpose of voting at a school on an election day in the State if the registrant is not a felon, the registrant is properly registered to vote, and the registrant's polling place is at the school.

(c) Except as provided in subsection (e) of this section, a registrant may not knowingly enter onto real property: registrant may not knowingly enter onto real property:

(1) that is used for public or nonpublic elementary or secondary education; or

(2) on which is located:

(i) a family daycare home registered under Title 5, Subtitle 5 of the Family Law Article; or

(ii) a childcare home or a childcare institution licensed under Title 5, Subtitle 5 of the Family Law Article.

(d) A person who enters into a contract with a county board of education or a nonpublic school may not knowingly employ an individual to work at a school if the individual is a registrant.

(e) (1) A registrant who is a student may receive an education in accordance with State law in any of the following locations:

(i) a location other than a public or nonpublic elementary or secondary school, including by:

1. participating in the Home and Hospital Teaching Program for Students; or

2. participating in or attending a program approved by a county board under paragraph (2) of this subsection;

(ii) a Regional Institute for Children and Adolescents; or

(iii) a nonpublic educational program as provided by § 8-406 of the Education Article if:

1. the registrant has notified an agent or employee of the nonpublic education program that the registrant is required to register under this subtitle; and

2. the registrant has been given specific written permission by an agent or employee of the nonpublic educational program to attend the

nonpublic educational program.

(2) Each county board shall develop and adopt a policy that enables a registrant who is a student to receive an education as described under paragraph (1) of this subsection.

(3) The State Board shall develop and adopt guidelines and a model policy to assist a county board with the development of a policy under paragraph (2) of this subsection.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

Criminal Procedure Article, § 11-722

Threats of Bodily Harm; Disturbing Classes and Activities, Etc.

(a) A person may not willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education.

(b) A person may not molest or threaten with bodily harm any student, employee, administrator, agent or any other individual who is lawfully;

(1) on the grounds or in the immediate vicinity of any institution of elementary, secondary, or higher education;

(2) on a school vehicle;

(3) at an activity sponsored by a school that is held off school property; or

(4) on property that is owned by a county board and is used for administrative or other purposes.

(c) A person may not threaten with bodily harm any employee of any institution of elementary, secondary, or higher education electronic mail. This prohibition applies only to threats arising out of the scope of the employee's employment.

(d) (See statute for text).

(e) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2, 500, imprisonment not exceeding 6 months, or both.

Education Article § 26-101

Trespass – Public Educational Institution

(See "Trespass – Public Property")

SECURITY GUARDS AND PRIVATE DETECTIVES

Private Detective Agency Licenses

License Required; Eligibility

Business Occupations and Professions Article § 13-301

Private Detective Badges

A certified Private Detective may wear or carry a badge only if:

(1) the Secretary (of State Police) authorizes the wearing or carrying of the badge;

(2) the design of the badge is approved by the Secretary (of State Police); and

(3) the badge is issued by the Private Detective Agency through which the Private Detective is certified.

Business Occupations and Professions Article § 13-408

Security Guard Services License and Certification Requirements

(a) Except as otherwise provided in this title, a person shall be licensed by the Secretary (of State Police) as a security guard agency before the person may:

(1) conduct business that provides security guard services in the state; and

(2) solicit to engage in a business that provides security guard services in the state.

(b) An individual or a firm may qualify for a license as a security guard agency.

Business Occupations and Professions Article § 19-301

Use of Security Guard Certification Card

(a) At any time that a certified Security Guard provides a security guard service, the Security Guard shall carry the certification card issued under Section 19-405 of this subtitle.

(b) On request of a law enforcement officer, a certified Security Guard shall show the security guard's certification card.

Business Occupations and Professions Article § 19-406

Security Guard Badges

(a) Whenever a Security Guard is in uniform, the Security Guard may wear a badge that is:

(1) of a design approved by the Secretary (of State Police); and

(2) issued by the licensed Security Agency that employs the Security Guard.

(b) Whenever a security guard is in uniform, the security guard shall clearly display and wear the certification card issued by the Secretary (of State Police) which identifies the security guard.

Business Occupations and Professions Article § 19-407

Unauthorized Distribution and Use of Security Guard Certification Cards and Badges

Business Occupations and Professions Article § 19-603

Misrepresentation

(a) Unless authorized under this subtitle to engage in business for the purpose of providing security guard services, a person may not represent to the public by use of the title, including "Licensed Security Guard Agency", "Security Guard Agency", or security guard, by description of services, methods, or procedures, or otherwise that the person is authorized to engage in business to provide security guard services in the State.

(b) Unless an individual is certified as a security guard under this subtitle, the individual may not represent to the public by use of the title, including "Certified Security Guard", or by use of a badge or identification card, that the individual is a certified security guard.

Business Occupations and Professions Article § 19-602

SEX OFFENSES

Human Trafficking

(a)(1) A person may not knowingly:

(i) take or cause another to be taken to any place for prostitution;

(ii) place, cause to be placed, or harbor another in any place for prostitution;

(iii) persuade, induce, entice, or encourage another to be taken to or

placed in any place for prostitution;

(iv) receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation;

(v) engage in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance, the other or a third person would suffer physical restraint or serious physical harm; or

(vi) destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification

document of another while otherwise violating or attempting to violate this subsection.

(2) A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.

(b)(1) A person may not violate subsection (a) of this section involving a victim who is a minor.

(2) A person may not knowingly take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse.

(c)(1)(i) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the misdemeanor of human trafficking and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

(ii) A person who violates subsection (a) of this section is subject to § 5–106(b) of the Courts Article.

(2) A person who violates subsection (b) of this section is guilty of the felony of human trafficking and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $15,000 or both.

(d) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the other.

(e)(1) A person who knowingly benefits financially or by receiving anything of value from participation in a venture that includes an act described in subsection (a) or (b) of this section is subject to the same penalties that would apply if the person had violated that subsection.

(2) A person who knowingly aids, abets, or conspires with one or more other persons to violate any subsection of this section is subject to the same penalties that apply for a violation of that subsection.

(f) It is not a defense to a prosecution under subsection(b)(1) of this section that the person did not know the age of the victim.

(Note: For forfeiture provisions associated with violations of this provision, see Criminal Procedure Article, §§ 13-501 - 13-536)

Criminal Law Article § 3-1102

Prostitution and Related Crimes

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

(b) "Assignation" means the making of an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.

(c) "Prostitution" means the performance of a sexual act, sexual contact, or vaginal intercourse for hire.

(d) "Sexual act" has the meaning stated in § 3–301 of this article.

(e) "Sexual contact" has the meaning stated in § 3–301 of this article.

(f) "Sexually explicit performance" means a public or private, live, photographed, recorded, or videotaped act or show in which the performer is wholly or partially nude, and which is intended to sexually arouse or appeal to the prurient interest of patrons or viewers.

(g) "Solicit" means urging, advising, inducing, encouraging, requesting, or commanding another.

(h) "Vaginal intercourse" has the meaning stated in § 3–301 of this article.

Criminal Law Article § 11-301

(a) A person may not knowingly:

(1) engage in prostitution or assignation by any means; or

(2) occupy a building, structure, or conveyance for prostitution or assignation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

(c)(1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another in violation of Title 3, Subtitle 11 of this article or the prohibition against human trafficking under federal law.

(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

Criminal Law Article § 11-303

Receiving Earnings of Prostitute

(a) A person may not receive or acquire money or proceeds from the earnings of a person engaged in prostitution with the intent to:

(1) promote a crime under this subtitle;

(2) profit from a crime under this subtitle; or

(3) conceal or disguise the nature, location, source, ownership, or control of money or proceeds of a crime under this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(Note: For forfeiture provisions associated with violations of this provision, see Criminal Procedure Article, §§ 13-501 - 13-536)

Criminal Law Article § 11-304

Prostitution – Abduction of Child under 16 for Prostitution

(See "Children and Minors")

House of Prostitution

(a) A person may not knowingly:

(1) engage in prostitution or assignation by any means;

(2) keep, setup, occupy, maintain, or operate a building, structure, or conveyance for prostitution or assignation;

(3) allow a building, structure, or conveyance owned or under the person's control to be used for prostitution or assignation;

(4) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation; or

(5) procure or solicit or offer to procure or solicit for prostitution or assignation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

(c)(1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another who was charged with violating the prohibition against human trafficking under § 11–303 of this subtitle or under federal law.

(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

Criminal Law Article § 11-306

Rape and Other Sexual Offenses:

Sexual Offenses – Definitions of Terms

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

(b) "Mentally incapacitated individual" means an individual who, because of the influence of a drug, narcotic, or intoxicating substance, or because of an act committed on the individual without the individual's consent or awareness, is rendered substantially incapable of:

(1) appraising the nature of the individual's conduct; or

(2) resisting vaginal intercourse, a sexual act, or sexual contact.

(c) "Physically helpless individual" means an individual who:

(1) is unconscious; or

(2)(i) does not consent to vaginal intercourse, a sexual act, or sexual contact; and

(ii) is physically unable to resist, or communicate unwillingness to submit to, vaginal intercourse, a sexual act, or sexual contact.

(d)(1) "Sexual act" means any of the following acts, regardless of whether semen is emitted:

(i) analingus;

(ii) cunnilingus;

(iii) fellatio;

(iv) anal intercourse, including penetration, however slight, of the anus; or

(v) an act:

1. in which an object or part of an individual's body penetrates, however slightly, into another individual's genital opening or anus; and

2. that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party.

(2) "Sexual act" does not include:

(i) vaginal intercourse; or

(ii) an act in which an object or part of an individual's body penetrates an individual's genital opening or anus for an accepted medical purpose.

(e)(1) "Sexual contact," as used in §§ 3–307, 3–308, and 3–314 of this subtitle, means an intentional touching of the victim's or actor's genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.

(2) "Sexual contact" does not include:

(i) a common expression of familial or friendly affection; or

(ii) an act for an accepted medical purpose.

(f) "Substantially cognitively impaired individual" means an individual who suffers from an intellectual disability or a mental disorder, either of which temporarily or permanently renders the individual substantially incapable of:

(1) appraising the nature of the individual's conduct;

(2) resisting vaginal intercourse, a sexual act, or sexual contact; or

(3) communication unwillingness to submit to vaginal intercourse, a sexual act, or sexual contact.

(g)(1) "Vaginal intercourse" means genital copulation, whether or not semen is emitted.

(2) "Vaginal intercourse" includes penetration, however slight, of the vagina.

Criminal Law Article § 3-301

Rape in the First Degree

(a) A person may not:

(1)(i) engage in vaginal intercourse with another by force, or the threat of force, without the consent of the other; or

(ii) engage in a sexual act with another by force, or the threat of force, without the consent of the other; and

(2)(i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

(ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

(iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;

(iv) commit the crime while aided and abetted by another; or

(v) commit the crime in connection with a burglary in the first, second, or third degree.

(b) A person may not violate subsection (a) of this section while also violating § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

(c)(1) Except as provided in paragraphs (2) and (3) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life.

(2) A person who violates subsection (b) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

(3) A person who violates subsection (a) or (b) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section, or § 3 – 305 of this subtitle as it existed before October 1, 2017.

Criminal Law Article § 3-303 – See statute for complete text

Rape – Attempt in the First Degree

(a) A person may not attempt to commit rape in the first degree.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding life.

Criminal Law Article § 3-309

Rape in the Second Degree

(a) A person may not engage in vaginal intercourse or a sexual act with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim.

(b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this section involving a child under the age of 13 years. (c)

(c)(1) A person who violates this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2)(i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violated subsection (b) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment for not less than 15 years and not exceeding life.

Criminal Law Article § 3-304

Rape – Attempt in the Second Degree

(a) A person may not attempt to commit rape in the second degree.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article § 3-310

Sexual Offense in the Third Degree

(a) A person may not:

(1)(i) engage in sexual contact with another without the consent of the other; and

(ii) 1. employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

2. suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

3. threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or

4. commit the crime while aided and abetted by another;

(2) engage in sexual contact with another if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual;

(3) engage in sexual contact with another if the victim is under the age of 14 years, and the person performing the sexual contact is at least 4 years older than the victim;

(4) engage in a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old; or

(5) engage in vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 21 years old.

(b) A person who violates this section is guilty of the felony of sexual offense in the third degree and on conviction is subject to imprisonment

not exceeding 10 years.
Criminal Law Article § 3-307

Sexual Offense in the Fourth Degree

(a) In this section, "person in a position of authority":

(1) means a person who:

(i) is at least 21 years old;

(ii) is employed by or under contract with a public or private preschool, elementary school, or secondary school; and

(iii) because of the person's position or occupation, exercises supervision over a minor who attends the school; and

(2) includes a principal, vice principal, teacher, coach, or school counselor at a public or private preschool, elementary school, or secondary school.

(b) A person may not engage in:

(1) sexual contact with another without the consent of the other;

(2) except as provided in § 3–307(a)(4) of this subtitle, a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 4 years older than the victim; or

(3) except as provided in § 3–307(a)(5) of this subtitle, vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 4 years older than the victim.

(c)(1) Except as provided in § 3–307(a)(4) of this subtitle or subsection (b)(2) of this section, a person in a position of authority may not engage in a sexual act or sexual contact with a minor who, at the time of the sexual act or sexual contact, is a student enrolled at a school where the person in a position of authority is employed.

(2) Except as provided in § 3–307(a)(5) of this subtitle or subsection (b)(3) of this section, a person in a position of authority may not engage in vaginal intercourse with a minor who, at the time of the vaginal intercourse, is a student enrolled at a school where the person in a position of authority is employed.

(d)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of the misdemeanor of sexual offense in the fourth degree and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

(2)(i) On conviction of a violation of this section, a person who has been convicted on a prior occasion not arising from the same incident of a violation of §§ 3–303 through 3–310 of this subtitle, § 3–311 or § 3–312 of this subtitle as the sections existed before October 1, 2017, § 3–315 of this subtitle, or § 3–602 of this title is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

(ii) If the State intends to proceed against a person under subparagraph(i) of this paragraph, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

Criminal Law Article § 3-308

Sexual Offense – Minor

(a) A person may not engage in a continuing course of conduct which includes three or more acts that would constitute violations of § 3 - 303, § 3 – 304, or § 3 – 307 of this subtitle, or violations of § 3 – 305 or § 3 – 306 of this subtitle as the sections existed before October 1, 2017, over a period of 90 days or more, with a victim who is under the age of 14 years at any time during the course of conduct.

Criminal Law Article § 3 – 315 – See statute for complete text.

Sexual Offense – Physical Resistance

(a) Evidence of physical resistance by the victim is not required to prove that a crime under this subtitle was committed.

(b) The provisions of subsection (a) of this section may not be construed to affect the admissibility of evidence of actual physical resistance by the victim.

Criminal Law Article § 3-319.1

Immunity from Prosecution for Certain Sexual Offense Acts with Spouse

Immunity from prosecution for certain sexual offense acts is provided to an individual who is the legal spouse of an individual with whom the spouse commits the acts. See statute for the acts and circumstances under which the immunity is recognized.

Criminal Law Article § 3-318

Sexual Conduct between Correctional or Juvenile Services Employee and Inmate or Confined Child

(See "Correctional Facilities")

Interrogation Recording

(See "Law Enforcement – Procedures and Authority")

Sodomy – Repealed (2020)

The common law crime of sodomy has been repealed.

Incestuous Intercourse

(a) A person may not knowingly engage in vaginal intercourse with anyone whom the person may not marry under § 2-202 of the Family Law Article.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 1 year and not exceeding 10 years.

Criminal Law Article § 3-323

SEXTORTION AND REVENGE PORN

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

(2) "Intimate parts" has the meaning stated in § 3–809 of this title.

(3) "Sexual activity" has the meaning stated in § 3–809 of this title.

(b) a person may not cause another to:

(1) Engage in an act of sexual activity by threatening to:

(i) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute;

(ii) cause physical injury to a person;

(iii) inflict emotional distress on a person;

(iv) cause economic damage to a person; or

(v) cause damage to the property of a person; or

(2) Engage as a subject in the production of a visual representation or performance that depicts the other with the other's intimate parts exposed or engaging in or simulating an act of sexual activity by threatening to:

(i) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute;

(ii) cause physical injury to a person;
(iii) inflict emotional distress on a person;
(iv) cause economic damage to a person; or
(v) cause damage to the property of a person.
(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.
(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.
(e) A visual representation depicting a victim that is part of a court record for a case arising from a prosecution under this section:
(1) Subject to item (2) of this subsection, may not be made available for public inspection; and
(2) Except as otherwise ordered by the court, may only be made available for inspection in relation to a criminal charge under this section to:
(i) court personnel;
(ii) a jury in a criminal case brought under this section;
(iii) the state's attorney or the state's attorney's designee;
(iv) the attorney general or the attorney general's designee;
(v) a law enforcement officer;
(vi) the defendant or the defendant's attorney; or
(vii) the victim or the victim's attorney. Criminal Law § 3-709

STALKING AND VISUAL SURVEILLANCE

Stalking – Defined, Prohibited
In this subtitle, "course of conduct" means a persistent pattern of conduct, composed of a series of acts over time, that shows a continuity of purpose.
Criminal Law Article § 3-801

(a) In this section, "stalking" means a course of conduct that includes approaching or pursuing another where:
(1) the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:
(i) 1. of serious bodily injury;
2. of an assault in any degree;
3. of rape or sexual offense as defined by §§ 3–303 through 3–308 of this title or attempted rape or sexual offense in any degree;
4. of false imprisonment; or
5. of death; or
(ii) that a third person likely will suffer any of the acts listed in item (i) of this item; or
(2) The person intends to cause or knows or reasonably should have known that the conduct would cause serious emotional distress to another.
(b) The provisions of this section do not apply to conduct that is:
(1) performed to ensure compliance with a court order;
(2) performed to carry out a specific lawful commercial purpose; or
(3) authorized, required, or protected by local, State, or federal law.
(c) A person may not engage in stalking.
(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine

not exceeding $5,000 or both.

(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing a violation of this section.

Criminal Law Article § 3-802

Visual Surveillance

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

(2) "Private place" means a dressing room or rest room in a retail store.

(3) "Visual surveillance" means surveillance by:

(i) direct sight;

(ii) the use of mirrors;

(iii) the use of cameras; or

(iv) the use of an electronic device that can be used surreptitiously to observe an individual.

(b) This section does not apply to any otherwise lawful surveillance conducted by a law enforcement officer while performing official duties.

(c) A person may not conduct or procure another to conduct visual surveillance of an individual in a private place without the consent of that individual.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $1,000 or both.

(e) It is not a defense to a prosecution under this section that the defendant owns the premises where the private place is located.

Criminal Law Article § 3-901

Visual Surveillance with Prurient Intent

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

(2) "Camera" includes any electronic device that can be used surreptitiously to observe an individual.

(3) "Female breast" means a portion of the female breast below the top of the areola.

(4) "Private area of an individual" means the naked or undergarment-clad genitals, pubic area, buttocks, or female breast of an individual.

(5)(i) "Private place" means a room in which a person can reasonably be expected to fully or partially disrobe and has a reasonable expectation of privacy, bedroom, or restroom in:

(1) an office, business, or store;

(2) a recreational facility;

(3) a restaurant or tavern;

(4) a hotel, motel, or other lodging facility;

(5) a theater or sports arena;

(6) a school or other educational institution;

(7) a bank or other financial institution;

(8) any part of a family childcare home used for the care and custody of a child; or

(9) another place of public use or accommodation.

(ii) "Private place" includes a tanning room, dressing room, bedroom, or restroom.

(4)(i) "Visual surveillance" means the deliberate, surreptitious observation of an individual by any means.

(ii) "Visual surveillance" includes surveillance by:

1. direct sight;

2. the use of mirrors; or

3. the use of cameras.

(iii) "Visual surveillance" does not include a casual, momentary, or unintentional observation of an individual.

(b)This section does not apply to a person who without prurient intent:

(1) conducts filming by or for the print or broadcast media;

(2) conducts or procures another to conduct visual surveillance of an individual to protect property or public safety or prevent crime; or

(3) conducts visual surveillance and:

(i) holds a license issued under Title 13 or Title 19 of the Business Occupations and Professions Article; and

(ii) is acting within the scope of the person's occupation.

(c) A person may not with prurient intent conductor procure another to conduct visual surveillance of an individual in a private place without the consent of that individual.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

Criminal Law Article § 3-902

Camera Surveillance

(a) In this section, "camera" includes any electronic device that can be used surreptitiously to observe an individual.

(b) This section does not apply to:

(1)an adult resident of the private residence where a camera is placed;

(2) a person who places or procures another to place a camera on real property without the intent to conduct deliberate surreptitious observation of an individual inside the private residence;

(3)a person who has obtained the consent of an adult resident, or the adult resident's legal guardian, to place a camera on real property to conduct deliberate surreptitious observation of an individual inside the private residence;

(4)any otherwise lawful observation with a camera conducted by a law enforcement officer while performing official duties;

(5) filming conducted by a person by or for the print or broadcast media through use of a camera that is not secreted from view;

(6)any part of a private residence used for business purposes, including any part of a private residence used as a family childcare home for the care and custody of a child;

(7) filming of a private residence by a person through use of a camera that is not located on the real property where the private residence is located; or

(8) any otherwise lawful observation with a camera of the common area of multi-unit family dwellings by a person that holds a license under Title 13 or Title 19 of the Business Occupations and Professions Article, acting within the scope of the person's occupation.

(c) A person may not place or procure another to place a camera on real property where a private residence is located to conduct deliberate surreptitious observation of an individual inside the private residence.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

(e) Subject to subsection (b)(1) of this section, it is not a defense to a prosecution under this section that the defendant owns the private residence.

(f) A good faith reliance on a court order is a complete defense to a civil or criminal action brought under this section.

Criminal Law Article § 3-903

SUICIDE – ASSISTING

Definitions

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

(b) "Licensed health care professional" means a duly licensed or certified:

(1) physician;
(2) surgeon;
(3) podiatrist;
(4) osteopath;
(5) osteopathic physician;
(6) osteopathic surgeon;
(7) physician assistant;
(8) registered nurse;
(9) licensed practical nurse;
(10) nurse practitioner;
(11) dentist;
(12) pharmacist; or
(13) emergency medical services provider, in accordance with § 13- 516 of the education Article.

(c) "Suicide" means the act or instance in which an individual intentionally takes the individual's own life.

Criminal Law Article § 3-101

Decriminalization of Attempted Suicide

(a) Attempted suicide is not a crime in the State.

(b) This section may not be construed to prohibit a person to commit one or more crimes in the course of attempting to commit suicide from being charged with the other crime or crimes.

Criminal Law Article § 3-101.1

Assisting Another to Commit or Attempt Suicide

With the purpose of assisting another individual to commit or attempt to commit suicide, an individual may not:

(1) by coercion, duress, or deception, knowingly cause another individual to commit suicide or attempt to commit suicide;

(2) knowingly provide the physical means by which another individual commits or attempts to commit suicide with knowledge of that individual's intent to use the physical means to commit suicide; or

(3)knowingly participate in a physical act by which another individual commits or attempts to commit suicide.

Criminal Law Article § 3-102

Exceptions

(a) *Palliative care-pain relief*. A licensed health care professional does not violate § 3-102 of this subtitle by administering or prescribing a procedure or administering, prescribing, or dispensing a medication to relieve pain, even if the medication or procedure may hasten death or increase the risk of death, unless the licensed health care professional knowingly administers or prescribes the procedure or administers, prescribes, or dispenses the medication to cause death.

(b) *Life-sustaining procedures*. A licensed health care professional

does not violate § 3-102 of this subtitle by withholding or withdrawing a medically administered life-sustaining procedure:

(1) in compliance with title 5, subtitle 6 of the Health-General Article; or

(2) in accordance with reasonable medical practice.

(c)(1) *Family caregiver.* Unless the family member knowingly administers a procedure or administers or dispenses a medication to cause death, a family member does not violate § 3-102 of this subtitle if the family member:

(i) is a caregiver for a patient enrolled in a licensed hospice program; and

(ii) administers the procedure or administers or dispenses the medication to relieve pain under the supervision of a health care professional.

(2) paragraph(1) of this subsection applies even if the medication or procedure hastens death or increases the risk of death.

Criminal Law Article § 3-103

Penalty

An individual who violates this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $10,000 or both.

Criminal Law Article § 3-104

T

TELEPHONE AND ELECTRONIC MAIL USE

Misuse of Telephone Facilities and Equipment

(a) A person may not use telephone facilities or equipment to make:

(1) an anonymous call that is reasonably expected to annoy, abuse, torment, harass, alarm, or embarrass another;

(2) repeated calls with the intent to annoy, abuse, torment, harass, alarm, or embarrass another; or

(3) a comment, request, suggestion, or proposal that is obscene, lewd, lascivious, filthy, or indecent.

(b) This section does not apply to a peaceable activity intended to express a political view or provide information to others.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $500 or both.

Criminal Law Article § 3-804

Misuse of Electronic Mail

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

(2) "Electronic communication" means the act of transmitting any information, data, writing, image, or communication by the use of a computer or any other electronic means, including a communication that involves the use of email, an instant messaging service, and Internet website, a social media application, a network call, a facsimile machine, or any other Internet-based communication tool.

(3) "Electronic conduct" means the use of a computer or a computer network to:

(i) build a fake social media profile;

(ii) pose as another, including, a fictitious person in an electronic communication;

(iii) disseminate or encourage others to disseminate information concerning the sexual activity, as defined in § 3-809 of this subtitle, of a minor;

(iv) disseminate a real or doctored image of a minor;

(v) engage or encourage others to engage in the repeated, continuing, or sustained use of electronic communication to contact a minor;

(vi) make a statement to provoke a third party to stalk or harass a minor; or

(vii) describe a minor to a pornographic website.

(4) "Instant messaging service" means a computer service allowing two or more users to communicate with each other in real time.

(5) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones.

(6) "Social media application" means any program, software, or website that allows a person to become a registered user for the purpose of establishing personal relationships with one or more other users through:

(i) direct or real-time communication; or

(ii) the creation of websites or profiles capable of being viewed by the public or other users.

(7) "Social media profile" means a website or profile created using a social media application.

(b)(1) A person may not maliciously engage in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another:

(i) with the intent to harass, alarm, or annoy the other;

(ii) after receiving a reasonable warning or request to stop by or on behalf of the other; and

(iii) without a legal purpose.

(2)A person may not use an interactive computer service to maliciously engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the intent:

(i) to kill, injure, harass, or cause serious emotional distress to the minor; or

(ii) to place the minor in reasonable fear of death or serious bodily injury.

(3) A person may not maliciously engage in an electronic communication if:

(i) the electronic communication is part of a series of communications and has the effect of:

(1) intimidating or harassing a minor; and

(2) causing physical injury or serious emotional distress to a minor; and

(ii) the person engaging in the electronic communication intends to:

(1) intimidating or harassing a minor; and

(2) causing physical injury or serious emotional distress to a minor.

(4) A person may not maliciously engage in a single significant act or course of conduct using an electronic communication if:

(i) the persons' conduct, when considered in its entirety, has the effect of:

(1) intimidating or harassing a minor; and

(2) causing physical injury or serious emotional distress to a minor;

(ii) the person intends to:

(1) intimidating or harassing a minor; and

(2) causing physical injury or serious emotional distress to a minor; and

(iii) in the case of a single significant act, the communication:

(1) is made after receiving a reasonable warning or request to stop;

(2) is sent with a reasonable expectation that the recipient would share the communication with a third party; or

(3) shocks the conscience.

(5) A person may not maliciously engage in electronic conduct if:

(i) the act of electronic conduct has the effect of:

(1) intimidating or harassing a minor; and

(2) causing physical injury or serious emotional distress to a minor; and

(ii) the person intends to:

(1) intimidate or harass the minor; and

(2) cause physical injury or serious emotional distress to the minor.

(6) A person may not violate this section with the intent to induce a minor to commit suicide.

(c)It is not a violation of this section for any of the following persons to provide information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication, if a court order to direct the person to provide the information, facility, or technical assistance:

(1) A provider of electronic communication;

(2) An officer, employee, agent, landlord, or custodian of a provider of electronic communication; or

(3) A person specified in a court order directing the provision of information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication.

(d) Subsection (b)(1) through (5) of this section does not apply to a peaceable activity:

(1) Intended to express a political view or provide information to others; or

(2) Conducted for a lawful purpose. Criminal Law Article § 3-805

State Personnel Monitoring or Recording Telephone Conversation

(a)(1) Except as provided in paragraph(2) of this subsection, a state official or employee may not directly or indirectly monitor or record in any manner a telephone conversation made to or from a state unit.

(2)If prior approval is granted by the Attorney General, a state official or employee may monitor or record a telephone conversation:

(i) on telephone lines used exclusively for incoming police, fire, and rescue calls; or

(ii) with recorder-connector equipment that automatically produces a distinctive recorder tone repeated at approximately 15-second intervals.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

(c) Conviction of a violation of this section is also grounds for immediate dismissal from state employment.

Criminal Law Article § 9-602

Telephone – Prerecorded Emergency Message

(a) Except as provided in subsection (b) of this section, a person may not attach a device to a telephone or telephone line that dials by remote control a preprogrammed telephone number and transmits a prerecorded message communicating an existing emergency condition, including fire, illness, or crime, without written approval for the use of the device from the holder of the number dialed.

(b) This section does not apply to:

(1) a State or local law enforcement agency that is conducting an official investigation or communicating an emergency condition;

(2) a State or local emergency management agency that is communicating an emergency condition; or

(3) a person that is specifically designated by an agency described in item (1) or (2) of this subsection to participate in an official investigation or communicate an emergency condition.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50 for each violation.

Criminal Law Article § 9-603

Telephone/Telegraph Company – Divulging or Failing to Deliver Private Communication

(See "Privacy")

THEFT – GENERALLY

(For Bad Check Offenses – See the Heading "Theft – Bad Checks")

Definitions

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

(b)(1) "Deception" means knowingly to:

(i) create or confirm in another a false impression that the offender does not believe to be true;

(ii) fail to correct a false impression that the offender previously has created or confirmed;

(iii) prevent another from acquiring information pertinent to the disposition of the property involved;

(iv) sell or otherwise transfer or encumber property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, regardless of whether the impediment is of value or a matter of official record;

(v) insert or deposit a slug in a vending machine;

(vi) remove or alter a label or price tag;

(vii) promise performance that the offender does not intend to perform or knows will not be performed; or

(viii) misrepresent the value of a motor vehicle offered for sale by tampering or interfering with its odometer, or by disconnecting, resetting, or altering its odometer with the intent to change the mileage indicated.

(2) "Deception" does not include puffing or false statements of immaterial facts and exaggerated representations that are unlikely to deceive an ordinary individual.

(c) "Deprive" means to withhold property of another:

(1) permanently;

(2) for a period that results in the appropriation of a part of the property's value;

(3) with the purpose to restore it only on payment of a reward or other compensation; or

(4) to dispose of the property or use or deal with the property in a manner that makes it unlikely that the owner will recover it.

(d)(1) "Exert control" includes to take, carry away, appropriate to a person's own use or sell, convey, or transfer title to an interest in or possession of property.

(2) "Exert control" does not include:

(i) to trespass on the land of another; or

(ii) to occupy the land of another without authorization.

(e)(1) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server.

(3) "Interactive computer service" includes a service or system that provides access to the internet.

(f) "Motor vehicle" has the meaning stated in § 11-135 of the Transportation Article.

(g) "Obtain" means:

(1) in relation to property, to bring about a transfer of interest in or possession of the property; and

(2) in relation to a service, to secure the performance of the service.

(h) Except as otherwise expressly provided in this part, "owner" means a person, other than the offender:

(1) who has an interest in or possession of property regardless of whether the person's interest or possession is unlawful; and

(2) without whose consent the offender has no authority to exert control over the property.

(i)(1) "Property" means anything of value.

(2) "property" includes:

(i) real estate;

(ii) money;

(iii) a commercial instrument;

(iv) an admission or transportation ticket;

(v) a written instrument representing or embodying rights concerning anything of value, or services, or anything otherwise of value to the owner;

(vi) a thing growing on or affixed to, or found on land, or part of or affixed to any building;

(vii) electricity, gas, and water;

(viii) a bird, animal, or fish that ordinarily is kept in a state of confinement;

(ix) food or drink;

(x) a sample, culture, microorganism, or specimen;

(xi) a record, recording, document, blueprint, drawing, map, or a whole or partial copy, description, photograph, prototype, or model of any of them;

(xii) an article, material, device, substance, or a whole or partial copy, description, photograph, prototype, or model of any of them that represents evidence of, reflects, or records a secret:

1. scientific, technical, merchandising, production, or management information; or

2. designed process, procedure, formula, invention, trade secret, or improvement;

(xiii) a financial instrument; and

(xiv) information, electronically produced data, and a computer software or program in a form readable by machine or individual.

(j) "Property of another" means property in which a person other than

the offender has an interest that the offender does not have the authority to defeat or impair, even though the offender also may have an interest in the property.

(k) "Service" includes:

(1) labor or professional service;

(2) telecommunication, public utility, toll facility, or transportation service;

(3) lodging, entertainment, or restaurant service; and

(4) the use of computers, data processing, or other equipment.

(l) "Slug" means an object that, because of its size, shape, or other quality, can be deposited or inserted in a vending machine as an improper substitute for the payment required to operate the vending machine.

(m)(1) "Theft" means the conduct described in §§ 7-104 through 7-107 of this Article.

(2) "Theft" includes motor vehicle theft, unless otherwise indicated.

(n) "Vending machine" means a device designed to receive a specified payment and in exchange automatically offer, provide, assist in providing, or allow a person to acquire property or service.

Criminal Law Article § 7-101

Rules of Construction

(a) Conduct described as theft in this part constitutes a single crime and includes the separate crimes formerly known as:

(1) larceny;

(2) larceny by trick;

(3) larceny after trust;

(4) embezzlement;

(5) false pretenses;

(6) shoplifting; and

(7) receiving stolen property. (b)(1) A person acts "knowingly":

(i) with respect to conduct or a circumstance as described by a statute that defines a crime, when the person is aware of the conductor that the circumstance exists;

(ii) with respect to the result of conduct as described by a statute that defines a crime, when the person is practically certain that the result will be caused by the person's conduct; and

(iii) with respect to a person's knowledge of the existence of a particular fact, if that knowledge is an element of a crime, when the person is practically certain of the existence of that fact.

(2) The terms "knowing" and "with knowledge" are construed in the same manner.

Criminal Law Article § 7-102

Determination of Value

(a) In this section, "value" means:

(1) the market value of the property or service at the time and place of the crime; or

(2) if the market value cannot satisfactorily be ascertained, the cost of the replacement of the property or service within a reasonable time after the crime.

(b) The value of property or service under this part shall be determined in accordance with this section.

(c)(1) Except as provided in paragraph (2) of this subsection, this subsection applies to a written instrument whether or not the instrument has been issued or delivered.

(2) This subsection does not apply to a written instrument that has a readily ascertainable market value.

(3)(i) For purposes of this part, a written instrument is valued as provided by this paragraph.

(ii) The value of an instrument constituting evidence of debt, including a check, draft, or promissory note, is the amount due or collectible on the instrument. that value is ordinarily the face amount of the instrument, less any portion that has been satisfied.

(iii) the value of any other instrument that creates, releases, discharges, or otherwise affects a valuable legal right, privilege, or obligation is the amount of economic loss the owner of the instrument might reasonably suffer because of the loss of the instrument.

(d) The value of a trade secret lacking a readily ascertainable market value is a reasonable value that represents the damage the owner suffered by the loss of an advantage over those who do not know or use the trade secret.

(e)(1) For the purposes of determining whether a theft violation subject to either subsection 7-104(g)(1) or (2) of this Article has been committed, when it cannot be determined whether the value of the property or service is more or less than $500 under the standards of this section, the value is deemed to be less than $500.

(2) For the purposes of determining whether a theft violation subject to either subsection 7-104(g)(2) or (3) of this Article has been committed, when it cannot be determined whether the value of the property or service is more or less than $100 under the standards of this section, the value is deemed to be less than $100.

(f) When theft is committed in violation of this part under one scheme or continuing course of conduct, whether from the same or several sources:

(1) the conduct may be considered as one crime; and

(2) the value of the property or services may be aggregated in determining whether the theft is a felony or a misdemeanor.

Criminal Law Article § 7-103

General Theft Provisions

(a) A person may not willfully or knowingly obtain or exert unauthorized control over property, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(b) A person may not obtain control over property by willfully or knowingly using deception, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(c)(1) A person may not possess stolen personal property knowing that it has been stolen, or believing that it probably has been stolen, if the person:

(i) intends to deprive the owner of the property;

(ii) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(iii) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(2) In the case of a person in the business of buying or selling goods, the knowledge required under this subsection may be inferred if:

(i) the person possesses or exerts control over property stolen from more than one person on separate occasions;

(ii) during the year preceding the criminal possession charged, the person has acquired stolen property in a separate transaction; or

(iii) being in the business of buying or selling property of the sort possessed, the person acquired it for a consideration that the person knew was far below a reasonable value.

(3) In a prosecution for theft by possession of stolen property under this subsection, it is not a defense that:

(i) the person who stole the property has not been convicted, apprehended, or identified;

(ii) the defendant stole or participated in the stealing of the property;

(iii) the stealing of the property did not occur in the State.

(4) Unless the person who criminally possesses stolen property participated in the stealing, the person who criminally possesses stolen property and a person who has stolen the property are not accomplices in theft for the purpose of any rule of evidence requiring corroboration of the testimony of an accomplice.

(d) A person may not obtain control over property knowing that the property was lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature or amount of the property, if the person:

(1) knows or learns the identity of the owner or knows, is aware of, or learns of a reasonable method of identifying the owner;

(2) fails to take reasonable measures to restore the property to the owner; and

(3) intends to deprive the owner permanently of the use or benefit of the property when the person obtains the property or at a later time.

(e) A person may not obtain the services of another that are available only for compensation:

(1) by deception; or

(2) with knowledge that the services are provided without the consent of the person providing them.

(f) Under this section, an offender's intention or knowledge that a promise would not be performed may not be established by or inferred solely from the fact that the promise was not performed.

(g) A person convicted of theft of property or services with a value of $1000 or more is guilty of a felony. A person convicted of theft of property or services with a value of less than $1000 is guilty of a misdemeanor.

Criminal Law Article § 7-104 (See statute for actual wording and penalties)

Elderly – Vulnerable Adults

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

(2) "Deception" has the meaning stated in § 7–101 of this article.

(3) "Deprive" has the meaning stated in § 7–101 of this article.

(4) "Obtain" has the meaning stated in § 7–101 of this article.

(5) "Property" has the meaning stated in § 7–101 of this article.

(6)(i) "Undue influence" means domination and influence amounting to force and coercion exercised by another person to such an extent that a vulnerable adult or an individual at least 68 years old was prevented from exercising free judgment and choice.

(ii) "Undue influence" does not include the normal influence that one member of a family has over another member of the family.

(7)"Value" has the meaning stated in § 7–103 of this article.

(8)"Vulnerable adult" has the meaning stated in § 3–604 of this article.

(b)(1) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of the vulnerable adult's property.

(2) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual's property.

(c)(1)(i) A person convicted of a violation of this section when the value of the property is at least $1,000 but less than $10,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(ii) A person convicted of a violation of this section when the value of the property is at least $10,000 but less than $100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 15 years or a fine not exceeding $15,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(iii) A person convicted of a violation of this section when the value of the property is $100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding 25 years or a fine not exceeding $25,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(2) A person convicted of a violation of this section when the value of the property is less than $1,000 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both; and

(ii) shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation of this section.

(e)(1) If a defendant fails to restore fully the property taken or its value as ordered under subsection (c) of this section, the defendant is disqualified, to the extent of the defendant's failure to restore the property or its value, from inheriting, taking, enjoying, receiving, or otherwise benefiting from the estate, insurance proceeds, or property of the victim of the offense, whether by operation of law or pursuant to a legal document executed or entered into by the victim before the defendant shall have been convicted under this section.

(2) The defendant has the burden of proof with respect to establishing

under paragraph (1) of this subsection that the defendant has fully restored the property taken or its value.

(f) This section may not be construed to impose criminal liability on a person who, at the request of the victim of the offense, the victim's family, or the court appointed guardian of the victim, has made a good faith effort to assist the victim in the management of or transfer of the victim's property.

Criminal Law Article § 8-801

Grocery Carts

(a) This section applies only to a wheeled cart or other similar device that is clearly marked with the name and address of its owner and if notice of this section is clearly and prominently displayed at each public exit from the grocery store, store, or market that owns the wheeled cart or other similar device.

(b)(1) A person may not:

(i) without the permission of the owner or agent of the owner, remove a wheeled cart or other similar device provided for the purpose of assembling or carrying purchased materials from a grocery store, store, or market, including its parking facilities;

(ii) damage any wheeled cart or other device owned by the grocery store, store, or market from which the cart was obtained; or

(iii) abandon a wheeled cart or other device on the streets or alleys of the State.

(2) A person may abandon a wheeled cart or other device on the parking facilities of the grocery store, store, or market from which the cart was obtained.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $25 for each violation.

Criminal Law Article § 7-201

Motor Vehicle

(a) In this section, "owner" means a person who has a lawful interest in or is in lawful possession of a motor vehicle by consent or chain of consent of the title owner.

(b) A person may not knowingly and willfully take a motor vehicle out of the owner's lawful custody, control, or use without the owner's consent.

(c) A person who violates this section:

(1) is guilty of the felony of taking a motor vehicle and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both; and

(2) shall restore the motor vehicle or, if unable to restore the motor vehicle, pay to the owner the full value of the motor vehicle.

(d)(1) This section does not preclude prosecution for theft of a motor vehicle under § 7-104 of this Article.

(2)If a person is convicted under § 7-104 of this Article for the same act or transaction, the conviction under this section shall merge for sentencing purposes into the conviction under § 7-104 of this Article.

Criminal Law Article § 7-105

Theft – Newspaper

(a)In this section, "newspaper" means a periodical that is distributed on a complimentary or compensatory basis.

(b) A person may not knowingly or willfully obtain or exert control that is unauthorized over newspapers with the intent to prevent another

from reading the newspapers.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $500 or both.

Criminal Law Article § 7-106

(See also "Railroads" – Unauthorized Buying and Selling Tickets and "Mass Transit" for failure to pay fare)

THEFT – BAD CHECKS

Bad Checks – Prosecution as Theft

(a) A person who obtains property or a service by a bad check under the circumstances described in Title 8, subtitle 1 of this Article may not be prosecuted for theft under this part unless that person:

(1) makes a false representation That there are sufficient funds in the drawee bank to cover the check; and

(2) commits deception as provided under § 7-104(b) or (e) of this part.

(b) If a person is prosecuted for theft under this section, the presumptions of § 8-104 of this Article apply to the same extent as if the person were prosecuted under § 7-104 of this Article.

Criminal Law Article § 7-107

Bad Checks – Definitions

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

(b) "Check" means a negotiable instrument that is not postdated at the time it is issued.

(c) "Drawer" means a person whose name appears on a check as the primary obligor, whether the actual signature on the check is that of the person or of another purportedly authorized to draw the check on the person's behalf.

(d) "Funds" means money or credit.

(e) "Issue", with respect to a check, means the act of a drawer or representative drawer who:

(1) delivers the check or causes it to be delivered to a person who acquires a right against the drawer with respect to the check as a result of the delivery; or

(2) draws the check with the intent that it be delivered to a person who on delivery would acquire a right assignable with respect to the check drawer and the check is delivered to that person.

(f) "Obtain" has the meaning stated in § 7-101 of this Article.

(g) "Pass", with respect to a check, means delivering the check by a payee, holder, or bearer of the check, if:

(1) the check was or purports to have been drawn and issued by a person other than the person delivering the check; and

(2) the delivery was made to a third person who acquires a right with respect to the check as a result of the delivery or for a purpose other than collection.

(h) "Property" has the meaning stated in § 7-101 of this Article.

(i) "Representative drawer" means a person who signs a check as drawer in a representative capacity or as agent of the drawer.

(j) "Service" includes:

(1) labor or professional service;

(2) telecommunication, public utility, toll facility, or transportation services;

(3) lodging, entertainment, or restaurant service; and

(4) the use of computers, data processing, or other equipment.
(k) "Value" has the meaning stated in § 7-103 of this Article.
Criminal Law Article § 8-101

Bad Checks – Rules of Construction

(a)For purposes of this subtitle, a drawer has insufficient funds with a drawee to cover a check when the drawer has with the drawee:
(1) no account;
(2) only a closed account;
(3) no funds; or
(4) funds in an amount that is less than the amount needed to cover the check.
(b) A check dishonored for "no account" has been dishonored for "insufficient funds".
Criminal Law Article § 8-102

Obtaining Property or Services by Bad Check

(a) A person may not obtain property or services by issuing a check if:
(1)the person knows that there are insufficient funds with the drawee to cover the check and other outstanding checks;
(2)the person intends or believes when issuing the check that payment will be refused by the drawee on presentment; and
(3)payment of the check is refused by the drawee on presentment.
(b) A person may not obtain property or services by issuing a check if:
(1) when issuing the check, the person knows that the person or, in the case of a representative drawer, the person's principal intends, without the consent of the payee, to stop or countermand the payment of the check, or otherwise to cause the drawee to disregard, dishonor, or refuse to recognize the check; and
(2) payment is refused by the drawee on presentment.
(c) A person may not issue a check if:
(1) the check is in payment for services provided or to be provided by:
(i) an employee of the drawer or representative drawer; or
(ii) an independent contractor hired by the drawer or representative drawer;
(2) the drawer or representative drawer:
(i) intends or believes when issuing the check that payment will be refused by the drawee on presentment; or
(ii) knows that the drawer or, in the case of a representative drawer, the principal of the representative drawer has insufficient funds with the drawee to cover the check and other outstanding checks;
(3) the employee of the drawer or representative drawer or an independent contractor hired by the drawer or representative drawer passes the check to a third person; and
(4) payment is refused by the drawee on presentment.
(d) A person may not obtain property or services by passing a check if:
(1) the person knows that the drawer of the check has insufficient funds with the drawee to cover the check and other outstanding checks;
(2) the person intends or believes when passing the check that payment will be refused by the drawee on presentment; and
(3) payment of the check is refused by the drawee on presentment.
(e) A person may not obtain property or services by passing a check if:
(1) the person knows that:
(i) payment of the check has been stopped or countermanded; or
(ii) the drawee of the check will disregard, dishonor, or refuse to

recognize the check; and

(2) payment is refused by the drawee on presentment.

Criminal Law Article § 8-103

Presumptions

(a) The drawer or representative drawer is presumed to know that there are insufficient funds whenever the drawer of a check has insufficient funds with the drawee to cover the check and other outstanding checks when issuing the check.

(b) The drawer or representative drawer of a dishonored check is presumed to have intended or believed that the check would be dishonored on presentment if:

(1) the drawer had no account with the drawee when issuing the check; or

(2)(i) when issuing the check, the drawer had insufficient funds with the drawee to cover the check and other outstanding checks;

(ii) the check was presented to the drawee for payment not more than 30 days after the date of issuing the check; and

(iii) the drawer had insufficient funds with the drawee at the time of presentment.

(c) A notice of protest of a check, or a certificate under oath of an authorized representative of the drawee declaring the dishonor of a check, the drawer's lack of an account, or that the drawer had insufficient funds introduced in evidence is presumptive evidence, that:

(1) the check was dishonored by the drawee; and

(2) the drawer had:

(i) no account with the drawee when the check was issued; or

(ii) insufficient funds with the drawee at the time of presentment and issuing of the check.

(d) The fact that a drawer or representative drawer, without the consent of the payee, stopped or countermanded the payment of the check, or otherwise caused the drawee to disregard, dishonor, or refuse to recognize the check without returning or tendering the return of the property obtained, is presumptive evidence that the drawer or representative drawer had the intent when issuing the check to stop or countermand payment or otherwise cause the drawee to disregard, dishonor, or refuse to recognize the check.

Criminal Law Article § 8-104

Limitation on Prosecution

(a) A person who obtains property or services by issuing or passing a check in violation of § 8-103 of this Article may not be prosecuted under this Article, if:

(1) other than falsely representing that there are sufficient funds with the drawee to cover the check, the issuing or passing of the check is not accompanied by a false representation; and

(2) the person who obtains the property or services makes the check good within 10 days after the drawee dishonors the check.

(b)(1) A prosecution may not be commenced against a person described in subsection(a) of this section earlier than 10 days after the drawee dishonors the check.

(2) A person who obtains property or services by issuing a check in violation of § 8-103 of this Article may be prosecuted immediately under this Article, if the person issuing the check:

(i) is the drawer; and

(ii) did not have an account with the drawee when the check was issued.
Criminal Law Article § 8-105

THREATS

Threats Against Government Officials

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

(2) "Local official" means an individual serving in a publicly elected office of a local government unit, as defined in § 10–101 of the State Government Article.

(3)(i) "State official" has the meaning stated in § 5–101 of the General Provisions Article.

(ii) "State official" includes the Governor, Governor–elect, Lieutenant Governor, and Lieutenant Governor–elect.

(4) "Threat" includes:

(i) an oral threat; or

(ii) a threat in any written form, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark.

(b) A person may not knowingly and willfully make a threat to take the life of, kidnap, or cause physical injury to a State official, a local official, a deputy State's Attorney, an assistant State's Attorney, or an assistant Public Defender.

(c) A person may not knowingly send, deliver, part with, or make for the purpose of sending or delivering a threat prohibited under subsection (b) of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,500 or both.

Criminal Law Article § 3-708

Threats of Mass Violence

(b) This section applies to a threat made by oral or written communication or electronic mail, as defined in § 3–805(a) of this title.

(c) A person may not knowingly threaten to commit or threaten to cause to be committed a crime of violence, as defined in § 14–101 of this article, that would place others at substantial risk of death or serious physical injury, as defined in § 3–201 of this title, if as a result of the threat, regardless of whether the threat is carried out, five or more people are:

(1) placed in reasonable fear that the crime will be committed;

(2) evacuated from a dwelling, storehouse, or public place;

(3) required to move to a designated area within a dwelling, storehouse, or public place; or

(4) required to remain in a designated safe area within a dwelling, storehouse, or public place.

(d)(1) A person who violates this section is guilty of the misdemeanor of making a threat of mass violence and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(2) In addition to the penalties provided in paragraph (1) of this subsection, a court shall order a person convicted under this section to reimburse the appropriate unit of federal, State, or local government or other person for expenses and losses incurred in responding to the unlawful threat unless the court states on the record the reasons why reimbursement would be inappropriate.

Criminal Law Article § 3-1001

TRESPASS – GENERALLY

Definitions

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

(b)(1) "Off-road vehicle" means a motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(2) "Off-road vehicle" includes:

(i) a four-wheel drive or low-pressure-tire vehicle;

(ii) a motorcycle or a related two-wheel vehicle;

(iii) an amphibious machine;

(iv) a ground-effect vehicle; and

(v) an air-cushion vehicle.

(c) "Vehicle" has the meaning stated in § 11-176 of the Transportation Article.

(d) "Wanton" retains its judicially determined meaning.

Criminal Law Article § 6-401

Trespass – Posted Property

(a) A person may not enter or trespass on property that is posted conspicuously against trespass by:

(1) signs placed where they reasonably may be seen; or

(2) paint marks that:

(i) conform with regulations that the Department of Natural Resources adopts under § 5-209 of the Natural Resources Article; and

(ii) are made on trees or posts that are located:

1. at each road entrance to the property; and

2. adjacent to public roadways, public waterways, and other land adjoining the property.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 90 days or a fine not exceeding $500 or both;

(2) for a second violation occurring within 2 years after the first violation, imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both; and

(3) for each subsequent violation occurring within 2 years after the preceding violation, imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

Criminal Law Article § 6-402

Trespass – Entering Private Property After Having Been Notified Not to Do So

(a) A person may not enter or cross over private property or board the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so, unless entering or crossing under a good faith claim of right or ownership.

(b) A person may not remain on private property including the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) For a first violation, imprisonment not exceeding 90 days or a fine not exceeding $500 or both;

(2) For a second violation occurring within 2 years after the first violation, imprisonment not exceeding 6 months or a fine not exceeding

$1,000 or both; and

(3) For each subsequent violation occurring within 2 years after the preceding violation, imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

(d) This section prohibits only wanton entry on private property.

(e) This section also applies to property that is used as a housing project and operated by a housing authority or state public body, as those terms are defined in Article 44, Section 1-103 (c) and (t) of the Code, if an authorized agent of the housing authority or state public body gives the required notice specified in subsection (a) or (b) of this section.

Criminal Law Article § 6-403

Entry on Property for Purpose of Invading Occupants' Privacy ("Peeping Tom" Law)

(a) A person may not enter on the property of another for the purpose of invading the privacy of an occupant of a building or enclosure located on the property by looking into a window, door, or other opening.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

Criminal Law Article § 6-408

Cultivated Land

(a) "Cultivated land" means land that has been cleared of its natural vegetation and is currently planted with a crop or orchard.

(b) Unless a person has permission from the owner of cultivated land or an agent of the owner, a person may not enter on the cultivated land of another.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

(d) This section:

(1) prohibits only wanton entry on cultivated land; and

(2) does not:

(i) prevent a person who resides on cultivated land from receiving a person who seeks to provide a lawful service; or

(ii) apply to a person entering cultivated land under color of law or color of title.

Criminal Law Article § 6-406

Stable Area of Racetrack

(a) A person may not enter or remain in the stable area of a racetrack after being notified by a racetrack official, security guard, or law enforcement officer that the person is not allowed in the stable area.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

Criminal Law Article § 6-407

Vehicle Use on Private Property – Property Owner's Consent Required

(a) This section does not apply to:

(1) a vessel;

(2) a military, fire, or law enforcement vehicle;

(3) a farm-type tractor, other agricultural equipment used for

agricultural purposes, or construction equipment used for agricultural purposes or earth moving;

(4) earth-moving or construction equipment used for those purposes; or

(5) a lawn mower, snow blower, garden or lawn tractor, or golf cart while being used for its designed purpose.

(b) Except when traveling on a clearly designated private driveway, a person may not use a vehicle or off-road vehicle on private property unless the person has in the person's possession the written permission of the owner or tenant of the private property.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

Criminal Law Article § 6-404

Railroad Property – Trespass

(See "Railroads")

TRESPASS – PUBLIC PROPERTY

Trespass – Public Educational Institution

(b) The governing board, president, superintendent, principal, or school resource officer of any public institution of elementary, secondary, or higher education, or a person designated in writing by the board or any of these persons, may deny access to the buildings or grounds of the institution to any other person who:

(1) is not a bona fide, currently registered student, or staff or faculty member at the institution, and who does not have lawful business to pursue at the institution;

(2) is a bona fide, currently registered student at the institution and has been suspended or expelled from the institution, for the duration of the suspension or expulsion; or

(3) acts in a manner that disrupts or disturbs the normal educational functions of the institution.

(c) Administrative personnel, authorized employees of any public institution of elementary, secondary, or higher education, and persons designated in subsection (b) of this section may demand identification and evidence of qualification from any person who desires to use or enter the premises of the institution.

(d) The governing board of any public institution of elementary, secondary, or higher education may enter into an agreement with appropriate law enforcement agencies to carry out the responsibilities of this section when:

(1) the institution is closed; or

(2) none of the persons designated in subsection (b) of this section are present in the buildings or on the grounds of the institution.

(e) A person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000, imprisonment not exceeding 6 months, or both if he:

(1) trespasses on the grounds of any public institution of elementary, secondary, or higher education;

(2) fails or refuses to leave the grounds of any of these institutions after being requested to do so by a person designated in subsection(b) of this section as being authorized to deny access to the buildings or grounds of the institution; or

(3) willfully damages or defaces any building, furnishing, statue,

monument, memorial, tree, shrub, grass, or flower on the grounds of any of these institutions.

Education Article § 26-102

Off-Road Vehicle – Prohibited Use on Public Property

(a) In this section, "political subdivision" includes a:

(1) county;

(2) municipal corporation;

(3) bi-county or multi-county agency;

(4) county board of education;

(5) public authority; or

(6) special taxing district.

(b) This section does not apply to:

(1) a vessel;

(2) a military, fire, or law enforcement vehicle;

(3) a farm-type tractor, other agricultural equipment used for agricultural purposes, or construction equipment used for agricultural purposes or earth moving;

(4) earth-moving or construction equipment used for those purposes; or

(5) a lawn mower, snow blower, garden or lawn tractor, or golf cart while being used for its designed purpose.

(c) Except as otherwise allowed by law, a person may not use an off-road vehicle on property known by the person to be owned or leased by the State or a political subdivision.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

Criminal Law Article § 6-405

Refusal or Failure to Leave Public Building or Grounds

(a) A person may not refuse or fail to leave a public building or grounds, or a specific part of a public building or grounds, during the time when the public building or grounds, or specific part of the public building or grounds, is regularly closed to the public if:

(1) the surrounding circumstances would indicate to a reasonable person that the person who refuses or fails to leave has no apparent lawful business to pursue at the public building or grounds; and

(2) a regularly employed guard, watchman, or other authorized employee of the government unit that owns, operates, or maintains the public building or grounds asks the person to leave.

(b) A person may not refuse or fail to leave a public building or grounds, or a specific part of a public building or grounds, during regular business hours if:

(1) the surrounding circumstances would indicate to a reasonable person that the person who refuses or fails to leave:

(i) has no apparent lawful business to pursue at the public building or grounds; or

(ii) is acting in a manner disruptive of and disturbing to the conduct of normal business by the government unit that owns, operates, or maintains the public building or grounds; and

(2) an authorized employee of the government unit asks the person to leave.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a

fine not exceeding $1,000 or both.
Criminal Law Article § 6-409

Governor's Mansion ("Government House") – Wanton Trespass
(a) A person may not commit wanton trespass on the property of Government House.
(b) Notwithstanding any other provision of law, the property of Government House need not be posted against trespass.
(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.
Criminal Law Article § 6-410

U

UTILITIES

Electric Company Equipment – Tampering, Interfering, Unlawful Connections, Etc.
(a) In this section, "electric company" has the meaning stated in § 1-101 of the Public Utilities Article.
(b) This section does not apply to:
(1) an employee of or a person authorized by an electric company; and
(2) supervision and control of an electric company and its material, equipment, or facilities by the political subdivision within which the electric company is doing business.
(c) A person may not willfully:
(1) tamper or interfere with the material, equipment, or facilities of an electric company;
(2) make a connection with an electrical conductor to use the electricity; or
(3) tamper with a meter used to register electricity consumed.
(d) Prima facie evidence of intent to violate this section by a person who uses or directly benefits from the use or diversion of electricity includes:
(1) a connection, wire, conductor, meter alteration, or other device that diverts electricity without the electric current being registered by the meter installed by the electric company that supplies the electricity;
(2) the use of electricity supplied by an electric company without the electricity being registered on a meter that the electric company supplied; and
(3) a showing by a check or test meter used by the electric company that a customer uses more electricity than is registered on the meter that the electric company supplied for the customer's premises.
(e)A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.
Criminal Law Article § 6-303

Gas Company Equipment – Damaging, Tampering, Interfering, Unlawful Tapping, Etc.
(a) In this section, "gas company" has the meaning stated in § 1-101 of the Public Utilities Article.
(b)(1) A person may not wrongfully and maliciously damage, connect,

disconnect, tap, or interfere or tamper with material, equipment, or facilities of a gas company.

(2) A person may not intentionally damage or defraud a gas company by:

(i) bypassing a meter provided for registering the gas consumed;

(ii) willfully tampering with, damaging, or preventing the action of a meter to register gas; or

(iii) causing or procuring a meter to be damaged or altered.

(c) Prima facie evidence of a violation of this section by the person who would directly benefit from the use of the gas passing through the meter includes:

(1) a device that allows the use of gas supplied by a gas company without the gas being registered on a meter provided by the gas company; and

(2) damage or alteration to a meter so as to prevent the action of the meter.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $250 or both.

Criminal Law Article § 6-304

Water Equipment – Damaging, Tampering, Interfering, Unlawful Tapping, Etc.

(a) In this section, "water equipment" includes a canal, spring, reservoir, tunnel, mound, dam, plug, main, pipe, conduit, connection, tap, valve, engine, or machinery.

(b) This section does not apply to:

(1) a person who is authorized by the company, municipal corporation, county, or unit of State or local government that uses or supplies water for domestic, agricultural, or manufacturing purposes or an authorized employee of the company, municipal corporation, county, or unit of State or local government; or

(2) governmental regulation of:

(i) water equipment; or

(ii) water companies, as defined in § 1-101 of the Public Utilities Article.

(c) A person may not wrongfully and maliciously:

(1) connect, disconnect, tap, interfere or tamper with, or make a connection with water equipment that belongs to a company, municipal corporation, county, or unit of State or local government that uses or supplies water for domestic, agricultural, or manufacturing purposes; or

(2) tamper with a meter used to register the water consumed.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

Criminal Law Article § 6-305

V

VIOLENCE

Crime of Violence

(a) In this section, "crime of violence" means:

(1) abduction;

(2) arson in the first degree;

(3) kidnapping;

(4) manslaughter, except involuntary manslaughter;

(5) mayhem;

(6) maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;

(7) murder;

(8) rape;

(9) robbery under § 3–402 or § 3–403 of this article;

(10) carjacking;

(11) armed carjacking;

(12) sexual offense in the first degree;

(13) sexual offense in the second degree;

(14) use of a firearm in the commission of a felony except possession with intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or other crime of violence;

(15) child abuse in the first degree under § 3–601 of this article;

(16) sexual abuse of a minor under § 3–602 of this article if:

(i) the victim is under the age of 13 years and the offender is an adult at the time of the offense; and

(ii) the offense involved:

1. vaginal intercourse, as defined in § 3–301 of this article;

2. a sexual act, as defined in § 3–301 of this article;

3. an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or

4. the intentional touching of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

(17) home invasion under § 6–202(b) of this article;

(18) an attempt to commit any of the crimes described in items (1) through (17) of this subsection;

(19) continuing course of conduct with a child under § 3–315 of this article;

(20) assault in the first degree;

(21) assault with intent to murder;

(22) assault with intent to rape;

(23) assault with intent to rob;

(24) assault with intent to commit a sexual offense in the first degree; and

(25) assault with intent to commit a sexual offense in the second degree.

Criminal Law Article § 14-101

Crime of Violence Against Pregnant Person

(a) A person may not commit a crime of violence, as defined in § 14-101 of this title, against another person when the person knows or believes that the other person is pregnant.

(b) A person who violates this section is guilty of a felony and in addition to any other penalty imposed for the underlying crime of violence,

on conviction is subject to imprisonment not exceeding 10 years.
Criminal Law Article § 14-104

W

WEAPONS –GENERALLY
(Also See "Firearms")

Electronic Control Devices

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

(2) 'Crime of violence' has the meaning stated in § 14-101 of this article.

(3) "Electronic control device" means a portable device designed as a weapon capable of injuring, immobilizing, or inflicting pain on an individual by the discharge of electrical current.

(b) A person may not possess or use an electronic control device unless the person:

(1) has attained the age of 18 years; and

(2) has never been convicted of a crime of violence or a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-613, or § 5-614 of this Article.

(c) An electronic control device may not be sold and activated in the State unless:

(1) an instructional manual or audio or audiovisual instructions are provided to the purchaser;

(2) the manufacturer maintains a record of the original owner of the electronic control device; and

(3) the manufacturer or seller has obtained a State and federal criminal history records check of the original owner to ensure compliance with subsection (b)(2) of this section.

(d) A manufacturer of electronic control devices shall provide an investigating law enforcement agency with prompt access to the manufacturer's records on electronic control devices and cartridges sold in the State.

(e)(1) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 months or a fine not exceeding $500 or both.

(2) A person who violates subsection (b) of this section while committing a separate crime that is a crime of violence is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(f) This section does not prohibit a local government from adopting a restriction or requirement concerning the possession of an electronic control device that is more stringent than the requirements of this section.

Criminal Law Article § 4-109

Dangerous Weapons – Definitions and Prohibitions

(a) Definitions.

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

(2) "Nunchaku" means a device constructed of two pieces of any substance, including wood, metal, or plastic, connected by any chain, rope, leather, or other flexible material not exceeding 24 inches in length.

(3)(i) "Pepper mace" means an aerosol-propelled combination of highly disabling irritant pepper-based products.

(ii) “Pepper mace” is also known as oleoresin capsicum (o.c.) spray.

(4) “Star knife” means a device used as a throwing weapon, consisting of several sharp or pointed blades arrayed as radially disposed arms about a central disk.

(5)(i) “Weapon” includes a dirk knife, bowie knife, switchblade knife, star knife, sand club, metal knuckles, razor, and nunchaku.

(ii) “Weapon” does not include:

1. a handgun; or

2. a penknife without a switchblade.

(b) This section does not prohibit the following individuals from carrying a weapon:

(1) an officer of the State, or of any county or municipal corporation of the State, who is entitle d or required to carry the weapon as part of the officer’s official equipment, or by any conservator of the peace, who is entitle d or required to carry the weapon as part of them conservator’s official equipment, or by any officer or conservator of the peace of another state who is temporarily in this State;

(2) a special agent of a railroad;

(3) a holder of a permit to carry a handgun issued under Title 5, subtitle 3 of the Public Safety Article; or

(4) an individual who carries the weapon as a reasonable precaution against apprehended danger, subject to the right of the court in an action arising under this section to judge the reasonableness of the carrying of the weapon, and the proper occasion for carrying it, under the evidence in the case.

(c)(1) A person may not wear or carry a dangerous weapon of any kind concealed on or about the person.

(2) A person may not wear or carry a dangerous weapon, chemical mace, pepper mace, or a tear gas device openly with the intent or purpose of injuring an individual in an unlawful manner.

(3)(i) This paragraph applies in Anne Arundel County, Baltimore County, Caroline County, Cecil County, Harford County, Kent County, Montgomery County, Prince George’s County, St. Mary’s County, Talbot County, Washington County, and Worcester County.

(ii) A minor may not carry a dangerous weapon between 1 hour after sunset and 1 hour before sunrise, whether concealed or not, except while:

1. on a bona fide hunting trip; or

2. engaged in or on the way to or returning from a bona fide trap shoot, sport shooting event, or any organized civic or military activity.

(d)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

(2) For a person convicted under subsection (c)(1) or (2) of this section, if it appears from the evidence that the weapon was carried, concealed or openly, with the deliberate purpose of injuring or killing another, the court shall impose the highest sentence of imprisonment prescribed.

Criminal Law Article § 4-101

Deadly Weapons on School Property

(See "Schools and Educational Institutions")

Transfer of Switchblade or Shooting Knife

(a) A person may not sell, barter, display, or offer to sell or barter:

(1) a knife or a penknife having a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, commonly called a switchblade knife or a switchblade penknife; or

(2) a device that is designed to propel a knife from a metal sheath by means of a high-compression ejector spring, commonly called a shooting knife.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 12 months or a fine of not less than $50 and not exceeding $500 or both.

Criminal Law Article § 4-105

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