DIGEST OF CRIMINAL LAWS

REVISED OCTOBER 1, 2025

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October 1, 2025

Distributed by:
Maryland Police and Correctional Training Commissions
6852 4th Street
Sykesville, Maryland 21784

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 document 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. 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
Telephone: (202) 485-7703
Email: consnot@state.gov

Reporting Environmental Emergencies
To report any environmental emergency, phone the Maryland Department of the Environmental (MDE) at (866) 633-4686.

Environmental Crimes
If you have a question about environ- mental 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.

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.

Baltimore/Washington International Thurgood Marshall Airport
- Airport Operations 410-859-7018
- Emergency Dispatch 410-859-7040
- Fire & Rescue 410-859-7500
- Police 410-859-7042

Centers for Disease Control (CDC) 202-245-0600
Federal Bureau of Investigation - Baltimore Field Office (FBI) 410-265-8080
Federal Emergency Management Agency (FEMA) 800-621-3362
Martin State Airport 410-682-8810
Maryland Air National Guard
- Headquarters 410-918-6202
- Intelligence Office 410-918-6225
- Security Forces 410-918-6209

Maryland Department of Emergency Management (MDEM) 410-517-3600
Maryland Governor's Office of Homeland Security 410-974-2678
Maryland Transit Administration Police (MTA) 410-454-7720
Maryland Transportation Authority Police (MDTA) 410-537-7911

II. GENERAL POLICE POWERS

AUTHORITY

Police Officers

(a) This section does not apply to an employee of the Department of State Police to whom the Secretary of State Police assigns the powers contained in § 2-412 of the Public Safety Article.

(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[1] beyond the police officer's sworn jurisdiction, unless the officer is acting under a mutual aid agreement authorized under § 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 §§ 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) (1) A police officer who acts under the authority granted by this section shall notify the following persons of an investigation or enforcement action:

(i) 1. the chief of police, if any, or chief's designee, when in a municipal corporation;

2. the Police Commissioner or Police Commissioner's designee, when in Baltimore City;

3. the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;

4. the sheriff or sheriff's designee, when in a county without a county police department;

5. the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources;

6. the chief of police of the Maryland Transportation Authority or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration;

7. the chief of police of the Department of General Services or the chief's designee, when on property owned, leased, operated, managed, patrolled by, or under the control of the Department of General Services; or

8. the chief of police of the Maryland-National Capital Park and Planning Commission for the county in which the property is located, when on property owned, leased, or operated by or under the control of the Maryland-National Capital Park and Planning Commission; and

(ii) the Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police.

(2) When the police officer participates in a joint investigation with officials from another state, federal, or local law enforcement unit, the police officer shall give the notice required under paragraph (1) of this subsection reasonably in advance.

(d) A police officer who acts under the authority granted by this section:

(1) has all the immunities from liability and exemptions as a State Police officer in addition to any other immunities and exemptions to which the police officer is otherwise entitled; and

(2) remains at all times and for all purposes an employee of the employing unit.

(e) (1) This section does not impair a right of arrest otherwise existing under the Code.

(2) This section does not deprive a person of the right to receive a citation for a traffic violation as provided in the Maryland Vehicle Law or a criminal violation as provided by law or the Maryland Rules.

Criminal Procedure Article § 2-102

Federal Law Enforcement Officers

(a) In this section, "federal law enforcement officer" means an officer who may:
(1) make an arrest with or without a warrant for violations of the United States Code; and
(2) carry firearms in the performance of the officer's duties.
(b) (1) Subject to the limitations of paragraph (2) of this subsection, a federal law enforcement officer may:
(i) make arrests as set forth in Subtitle 2 of this title; and
(ii) execute arrest and search and seizure warrants issued under the laws of the State.
(2) A federal law enforcement officer may exercise the powers granted by this subsection when:
(i) the federal law enforcement officer is participating in a joint investigation with officials from a State or local law enforcement unit;
(ii) the federal law enforcement officer is rendering assistance to a police officer;
(iii) the federal law enforcement officer is acting at the request of a local police officer or State Police officer; or
(iv) an emergency exists.
(c) (1) A federal law enforcement officer who acts under the authority granted by this section shall notify the following persons of an investigation, an enforcement action, or a federal immigration enforcement action at a sensitive location, as defined in § 6-111 of the State Government Article:
(i) 1. the chief of police, if any, or chief's designee, when in a municipal corporation;
2. the police commissioner or police commissioner's designee, when in Baltimore City;
3. the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;
4. the sheriff or sheriff's designee, when in a county without a county police department;
5. the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources; or
6. the chief of police of the Maryland Transportation Authority or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; and
(ii) the Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police.
(2) When the federal law enforcement officer participates in a joint investigation with officials from a State or local law enforcement unit, the federal law enforcement officer shall give the notice required under paragraph (1) of this subsection reasonably in advance.
(d) A federal law enforcement officer who acts under the authority granted by this section:
(1) has the same legal status as a police officer;
(2) has the same protections as a police officer under § 2-608 of the Courts Article with regard to charging documents against police officers; and
(3) has the same immunity from liability described in § 5-611 of the Courts Article.
(e) This section does not impose liability on or require indemnification by the State or a local subdivision for an act performed by a federal law enforcement officer under this section.

Criminal Procedure Article § 2-104

United State Park Police Officers

A United States Park Police officer may make arrests, conduct investigations, issue citations, and otherwise enforce the laws of the State within areas of the National Park System.

Criminal Procedure Article § 2-104.1

Correctional and Other Employees

(a) Correctional employees assigned by the Commissioner of Correction to monitor incarcerated individuals on home detention under Title 3, Subtitle 4 of the Correctional Services Article have the same powers to arrest incarcerated individuals in the home detention program as are set forth in this title for police officers.
(b) Parole and probation employees assigned by the Director of Parole and Probation to supervise offenders on home detention under § 6-108 of the Correctional Services Article have the same powers to arrest these offenders as are set forth in this title for police officers.

(c) Correctional officers designated by the Commissioner of Correction under § 3-216 of the Correctional Services Article have the same powers to arrest persons on the property of a correctional facility of the Division of Correction as are set forth in this title for police officers.
(d) Correctional officers designated by the managing official of a local correctional facility under § 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.

Criminal Procedure Article § 2-207

Parole and Probation – Warrant Apprehension Unit

(a) (1) In this section the following words have the meanings indicated.
(2) "Offender" has the meaning stated in § 6-101 of this article.
(3) "Program" has the meaning stated in § 6-101 of this article.
(b) There is a Warrant Apprehension Unit in the Intelligence and Investigative Division.
(c) The Director of the Intelligence and Investigative Division may authorize employees of the Warrant Apprehension Unit of the Intelligence and Investigative Division 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 article; and
(4) arrest offenders in the program as authorized under § 2-207 of the Criminal Procedure Article.
(d) An Intelligence and Investigative Division employee who is authorized to make arrests under this section shall:
(1) meet the minimum qualifications required by the Maryland Police Training and Standards Commission; and
(2) complete satisfactorily the training prescribed by the Maryland Police Training and Standards Commission.
(e) An Intelligence and Investigative Division 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 § 10-702

State Fire Marshal and Assistants

(a) (1) The State Fire Marshal or a full-time investigative and inspection assistant of the Office 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 to commit the felony whether or not in the presence or within the 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 § 2-201(4) of the Criminal Law Article;
(ii) setting fire to a dwelling or occupied structure under § 6-102 of the Criminal Law Article;
(iii) setting fire to a structure under § 6-103 of the Criminal Law Article;
(iv) a crime that relates to destructive devices under § 4-503 of the Criminal Law Article; and
(v) making a false statement or rumor as to a destructive device under § 9-504 of the Criminal Law Article.
(b) (1) The State Fire Marshal or a full-time investigative and inspection assistant of the Office 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 § 9-505 of the Criminal Law Article;
(ii) malicious burning in the first or second degree under § 6-104 or § 6-105 of the Criminal Law Article;
(iii) burning the contents of a trash container under § 6-108 of the Criminal Law Article;
(iv) making a false alarm of fire under § 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 § 10-304 or § 10-305 of the Criminal Law Article;
(vi) a crime that relates to interference, obstruction, or false representation of fire and safety personnel under § 6-602 or § 7-402 of the Public Safety Article; and
(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) (1) The State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal may act under the authority granted by § 2-102 of this title to police officers as provided under paragraph (2) of this subsection.
(2) When acting under the authority granted by § 2-102 of this title, the State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal has the powers of arrest set forth in §§ 2-202, 2-203, and 2-204 of this subtitle.

(d) (1) The State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal who acts under the authority granted by this section shall notify the following persons of an investigation or enforcement action:
(i) 1. the chief of police, if any, or chief's designee, when in a municipal corporation;
2. the Police Commissioner or Police Commissioner's designee, when in Baltimore City;
3. the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;
4. the sheriff or sheriff's designee, when in a county without a county police department;
5. the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources; or
6. the respective chief of police or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; and
(ii) the Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police.
(2) When the State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal participates in a joint investigation with officials from another state, federal, or local law enforcement unit, the State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal shall give the notice required under paragraph (1) of this subsection reasonably in advance.

(e) A State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal who acts under the authority granted by this section:
(1) has the same immunities from liability and exemptions as a State Police officer in addition to any other immunities and exemptions to which the State Fire Marshal or full-time investigative and inspection assistant is otherwise entitled; and
(2) remains at all times and for all purposes an employee of the employing unit.

(f) (1) This section does not impair a right of arrest otherwise existing under the Code.
(2) This section does not deprive a person of the right to receive a citation for a traffic violation as provided in the Maryland Vehicle Law or a criminal violation as provided by law or the Maryland Rules.

Criminal Procedure Article § 2-208

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

Humane Society Officer

(a) Except as provided in subsections (b) and (c) of this section, if an officer of 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 Calvert County, if an officer of a humane society or an animal control officer appointed by the County Commissioners or the County Commissioners' designee 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.
(c) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control shall enforce this section.

Criminal Law Article § 10-609

National Guard – Police Powers

(a) A member of the National Guard has the same police power, authority, and status with respect to the enforcement of the law relating to criminal matters in the military area to which the member is assigned, as a law enforcement or peace officer has in the officer's respective jurisdiction if:

(1) the Adjutant General designates the member as National Guard full-time support personnel under Title 32 of the United States Code;
(2) the Department controls or has jurisdiction over the member; and
(3) the member is acting as a National Guard member.

(b) A member of the National Guard has the immunities and defenses available to a law enforcement or peace officer in a criminal proceeding or civil suit brought because of an act performed in the course of employment and duty under this section.

Public Safety Article § 13-402

Military Department Powers When Ordered Into Service of State

(a) This section applies to the Maryland Defense Force and the National Guard.
(b) The Governor may order the militia into State active duty:

(1) in times of or on reasonable apprehension of imminent public crisis, disaster, rioting, catastrophe, insurrection, invasion, tumult, or breach of peace;
(2) when martial law is declared;
(3) to enforce the laws; or
(4) to carry on any function of the militia of the State.

(c) (1) To enforce the laws, a member of the militia in State active duty has all the authority of a peace or law enforcement officer.
(2) The authority of the member extends throughout the State during the State active duty.
(d) Whenever the militia is in State active duty, the ranking officer of the militia ordered into State active duty or that officer's subordinates on State active duty shall:

(1) cooperate with local law enforcement authorities; or
(2) if the exigencies of the case require and subject only to order from the Governor:
(i) direct and control local law enforcement authorities and the Department of State Police; and
(ii) assume all the powers vested in these subordinated law enforcement authorities.

Public Safety Article § 13-702

Motor Vehicle Administration Investigative Division

(a) The Administrator may designate employees of the Investigative Division of the Administration to exercise the powers specified in subsection (b) of this section.
(b)(1) An employee appointed under this section may issue citations to the same extent as a police officer if authorized by the Administration, for violations of:
(i) The provisions of Title 13 of this article;
(ii) The provisions of Title 17 of this article relating to required security;
(iii) The provisions of Title 14 of this article relating to falsified, altered, or forged documents and plates;

(iv) The provisions of Title 16 of this article relating to unlawful application for a license, vehicle operation during periods of cancellation, revocation, and suspension of a driver's license, and duplication or reproduction of an identification card or driver's license;
(v) The provisions of Title 21 of this article relating to special residential parking permits issued by the Administration;
(vi) The provisions of Title 15 of this article;
(vii) The provisions of § 22-415 of this article relating to odometers; and
(viii) The provisions of this title relating to the issuance of an identification card.
(2) The issuance of citations under this section shall comply with the requirements of § 26-201 of this article.
(c) The Administration shall adopt regulations establishing:
(1) Qualifications for employees appointed under this section including prerequisites of character, training, experience, and education; and
(2) Standards for the performance of the duties assigned to employees appointed under this section.
Transportation Article § 12-104.1

EXECUTING AN ARREST

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.

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).

Use of Force

(a) This section shall be known as the Maryland Use of Force Statute.
(b) (1) In this section the following words have the meanings indicated.
(2) "Law enforcement agency" has the meaning stated in § 3-201 of this title.
(3) "Police officer" means:
(i) a police officer as defined in § 3-201 of this title; or
(ii) a special police officer as defined in § 3-301 of this title.
(4) "Serious physical injury" has the meaning stated in § 3-201 of the Criminal Law Article.
(c) Each police officer shall sign an affirmative written sanctity of life pledge to respect every human life and act with compassion toward others.
(d) (1) A police officer may not use force against a person unless, under the totality of the circumstances, the force is necessary and proportional to:
(i) prevent an imminent threat of physical injury to a person; or
(ii) effectuate a legitimate law enforcement objective.
(2) A police officer shall cease the use of force as soon as:
(i) the person on whom the force is used:
1. is under the police officer's control; or
2. no longer poses an imminent threat of physical injury or death to the police officer or to another person; or
(ii) the police officer determines that force will no longer accomplish a legitimate law enforcement objective.
(e) A police officer shall:
(1) when time, circumstances, and safety allow, take steps to gain compliance and de-escalate conflict without using physical force;
(2) intervene to prevent or terminate the use of force by another police officer beyond what is authorized under subsection (d) of this section;
(3) render basic first aid to a person injured as a result of police action and promptly request appropriate medical assistance; and
(4) fully document all use of force incidents that the officer observed or was involved in.
(f) A police supervisor shall:
(1) respond to the scene of any incident during which a police officer used physical force and caused serious physical injury; and
(2) gather and review all known video recordings of a use of force incident.
(g) A law enforcement agency shall:
(1) have a written de-escalation of force policy; and
(2) adopt a written policy requiring supervisory and command-level review of all use of force incidents.
(h) A police officer shall:
(1) undergo training on when a police officer may or may not draw a firearm or point a firearm at a person and enforcement options that are less likely to cause death or serious physical injury, including scenario-based training, de-escalation tactics and techniques, and reasonable alternatives to decrease physical injury; and
(2) sign a training completion document stating that the officer understands and shall comply with the Maryland Use of Force Statute.
(i) (1) A police officer may not intentionally violate subsection (d) of this section, resulting in serious physical injury or death to a person.
(2) A police officer who violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years.
(3) A sentence imposed under this subsection may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation of this subsection.
Public Safety Article § 3-524

Semiconscious or Unconscious Suspects

(a) (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:

(i) suffers from epilepsy, diabetes, a cardiac condition, or another type of illness that causes semiconsciousness or unconsciousness; and

(ii) 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 semiconsciousness or unconsciousness, and the person is carrying the identification 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, semiconsciousness, or unconsciousness as described in subsection (b) of this section.

(3) A person who violates this subsection is guilty of a 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 this *Digest*.

WARRANTLESS ARREST

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

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

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; and
(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

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.)

Criminal Procedure Article § 2-204.1

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 § 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 that the alleged stalking victim or another person is in danger of imminent bodily harm or death.

Criminal Procedure Article § 2-205

During State of Emergency

(a) This section applies during a public emergency, as defined in § 14-301(e)(1) or (2) of 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 § 14-303 of 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 § 14-306 of the Public Safety Article;

(2) is serving as a member of the militia ordered into active service by the Governor under § 13-702 of 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

Violations of Transportation Article

(a) A police officer may arrest without a warrant a person for a violation of the Maryland Vehicle Law,[1] 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

WARRANTS FOR ARREST AND CHARGING DOCUMENTS

Definitions

In these rules the following definitions apply except as expressly otherwise provided or as necessary implication requires:

(a) Action. "Action" means collectively all the steps by which a party seeks to enforce any right in a court or all the steps of a criminal prosecution.

(b) Affidavit. "Affidavit" means a written statement the contents of which are affirmed under the penalties of perjury to be true. Unless the applicable rule expressly requires the affidavit to be made on personal knowledge, the statement may be made to the best of the affiant's knowledge, information, and belief.

(c) Body Attachment. "Body attachment" means a written order issued by a court directing a sheriff or peace officer to take custody of and bring before the court (1) a witness who fails to comply with a subpoena, (2) a material witness in a criminal action, or (3) a party in a civil action who fails to comply with an order of court.

(d) Certified Mail. "Certified mail" means mail deposited with the United States Postal Service, with postage prepaid and return receipt requested.

(e) Circuit. "Circuit" means a judicial circuit as provided in Article IV, § 19 of the Constitution of Maryland.

(f) Clerk. "Clerk" means the clerk or a deputy clerk of a court of this State and refers, as applicable under the circumstances, to the clerk or a deputy clerk of the court (1) to which the title, chapter, or rule applies or (2) in which the particular action or proceeding has been filed or properly could be filed.

(g) Code. "Code," in a reference to an article and section of the Code, means any Code of the Public General Laws of the State that has been adopted and made evidence of the Public General Laws of the State under Code, Courts Article, § 10-201.

(h) County. "County" includes the City of Baltimore.

(i) Court. "Court" means a court of this State and refers, as applicable under the circumstances, to the court (1) to which the title, chapter, or rule applies or (2) in which the particular action or proceeding has been filed or properly could be filed.

(j) Digital Media. "Digital media" means material in an audio, audiovisual, or video format that can be transmitted and stored electronically.

(k) Guardian. "Guardian" means a natural or legal guardian.

(l) Holiday. "Holiday" means an "employee holiday" set forth in Code, State Personnel and Pensions Article, § 9-201.

Committee note: The "employee holidays" listed in Code, State Personnel and Pensions Article are:

(1) January 1, for New Year's Day;

(2) January 15, for Dr. Martin Luther King, Jr.'s Birthday, unless the United States Congress designates another day for observance of that legal holiday, in which case, the day designated by the United States Congress;

(3) the third Monday in February, for Presidents' Day;

(4) May 30, for Memorial Day, unless the United States Congress designates another day for observance of that legal holiday, in which case, the day designated by the United States Congress;

(5) June 19, for Juneteenth National Independence Day;

(6) July 4, for Independence Day;

(7) the first Monday in September, for Labor Day;

(8) October 12, for Columbus Day, unless the United States Congress designates another day for observance of that legal holiday, in which case, the day designated by the United States Congress;

(9) November 11, for Veterans' Day;

(10) the fourth Thursday in November, for Thanksgiving Day;

(11) the Friday after Thanksgiving Day, for American Indian Heritage Day;

(12) December 25, for Christmas Day;

(13) each statewide general election day in this State; and

(14) each other day that the President of the United States or the Governor designates for general cessation of business.

(m) Individual. "Individual" means a human being.

(n) Individual Under Disability. “Individual under disability” means an individual under the age of 18 years or an individual incompetent by reason of mental incapacity.
(o) Judge. “Judge” means a judge of a court of this State and refers, as applicable under the circumstances, to a judge of the court (1) to which the title, chapter, or rule applies or (2) in which the particular action or proceeding has been filed or properly could be filed. Subject to those conditions, “judge” includes a justice of the Supreme Court of Maryland.
(p) Judgment. “Judgment” means any order of court final in its nature entered pursuant to these rules.
(q) Levy. “Levy” means an act of a sheriff that brings property under the control of the court so that the property becomes available for the satisfaction of a money judgment.
(r) Money Judgment. “Money judgment” means a judgment determining that a specified amount of money is immediately payable to the judgment creditor. It does not include a judgment mandating the payment of money.
(s) Newspaper of General Circulation. “Newspaper of general circulation” means a newspaper as defined in Code, General Provisions Article, § 1-113.
(t) Original Pleading. “Original pleading” means the first pleading filed in an action against a defendant and includes a third-party complaint.
(u) Paper. “Paper” includes a document filed or that exists in electronic form.
(v) Person. “Person” includes any individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership, limited liability company, the State, its agencies or political subdivisions, any court, or any other governmental entity.
(w) Pleading. “Pleading” means a complaint, a counterclaim, a cross-claim, a third-party complaint, an answer, an answer to a counterclaim, cross-claim, or third-party complaint, a reply to an answer, or a charging document as used in Title 4.
(x) Proceeding. “Proceeding” means any part of an action.
(y) Process. “Process” means any written order issued by a court to secure compliance with its commands or to require action by any person and includes a summons, subpoena, an order of publication, a commission or other writ.
(z) Property. “Property” includes real, personal, mixed, tangible or intangible property of every kind.
(aa) Return. “Return” means a report of action taken to serve or effectuate process.
(bb) Senior Judge; Senior Justice. “Senior Judge” means: (1) in Rules 16-103 and 16-601, an incumbent judge with the longest continuous period of incumbency on the court on which the judge serves, and (2) in all other Rules, an individual who (A) once served as a judge on the District Court, a circuit court, or an appellate court of this State, (B) retired from that office voluntarily or by operation of law by reason of age, and (C) has been approved for recall to sit as a judge pursuant to Md. Constitution, Art. IV, § 3A and Code, Courts Article, 1-302. “Senior Justice” means a Senior Judge who has been designated to sit on the Supreme Court of Maryland in a case or other judicial matter pending before that Court.
Cross reference: For a use of the term “senior judge” consistent with the definition in Rule 1-202 (aa)(1), see Md. Constitution, Art. IV, § 18 (b)(5).
(cc) Sheriff. “Sheriff” means the sheriff or a deputy sheriff of the county in which the proceedings are taken, any elisor appointed to perform the duties of the sheriff, and, with respect to the District Court, any court constable.
(dd) Subpoena. “Subpoena” means a written order or writ directed to a person and requiring attendance at a particular time and place to take the action specified therein.
(ee) Summons. “Summons” means a writ notifying the person named in the summons that (1) an action against that person has been commenced in the court from which the summons is issued and (2) in a civil action, failure to answer the complaint may result in entry of judgment against that person and, in a criminal action, failure to attend may result in issuance of a warrant for that person's arrest.
(ff) Warrant; Arrest Warrant; Bench Warrant; Search Warrant. “Warrant” means an arrest warrant, a bench warrant, or a search warrant.

(1) “Arrest warrant” means a written order that (A) in the District Court is signed by a judge or District Court commissioner; (B) in a circuit court is signed by (i) a judge or (ii) the clerk of the court upon an order by a judge that is in writing or otherwise of record, is docketed, and expressly directs the clerk to issue the warrant; and (C) commands a peace officer to arrest the person named in the warrant.

(2) “Bench warrant” means an arrest warrant that (A) is signed by (i) a judge or (ii) the clerk of the court upon an order by a judge that is in writing or otherwise of record, is docketed, and directs the clerk to issue the warrant, and (B) commands a peace officer to arrest the person named in the warrant.

Committee note: A bench warrant may be issued to enforce an order to appear, for a violation of probation, or on a petition for contempt.

(3) “Search warrant” means a written order signed by a judge pursuant to Code, Criminal Procedure Article, § 1-203 that commands a peace officer to search for and seize property described in the warrant.

Committee note: A clerk of the court may sign an arrest warrant or bench warrant upon an order to "issue" the warrant, provided the order conforms to this section.
Cross reference: *See* Wilson v. State, 345 Md. 437, 450 (1997); Nnoli v. Nnoli, 389 Md. 315, 323, n.1 (2005).
(gg) Writ. "Writ" means a written order issued by a court and addressed to a sheriff or other person whose action the court desires to command to require performance of a specified act or to give authority to have the act done.
Md. Rule 1-202

Filing of Charging Document

(a) Citation. The original of a citation shall be filed in District Court promptly after its issuance and service. Electronic data documenting the citation uploaded to the District Court by or on behalf of the peace officer who issued the citation shall be regarded as an original of the citation.
(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 has been arrested without a warrant, unless an information is filed in the District Court, the officer who has custody of the defendant shall (A) forthwith cause a statement of charges to be filed against the defendant in the District Court and (B) at the same time or as soon thereafter as is practicable file an affidavit containing facts showing probable cause that the defendant committed the offense charged.
Cross reference: See Code, Courts Article, § 2-608 for special requirements concerning an application for a statement of charges against a law enforcement officer, an educator, or a person within the definition of "emergency services personnel" in that section for an offense allegedly committed in the course of executing the person's duties.
(c) Information. A State's Attorney may file an information as permitted by Rule 4-201.
Committee note: Nothing in section (b) of this Rule precludes the filing of an information in the District Court by a State's Attorney at any time, whether in lieu of the filing of a statement of charges or as an additional or superseding charging document after a statement of charges has been filed.
(d) Indictment. The circuit court shall file an indictment returned by a grand jury.
Md. Rule 4-211

Issuance, Service, and Execution of Summons or Warrant

(a) General. When a charging document is filed or a stetted case is rescheduled pursuant to Rule 4-248, a summons or warrant shall be issued in accordance with this Rule. Title 5 of these rules does not apply to the issuance of a summons or warrant.
(b) Summons--Issuance. Unless a warrant has been issued, or the defendant is in custody, or the charging document is a citation, a summons shall be issued to the defendant (1) in the District Court, by a judicial officer or the clerk, and (2) in the circuit court, by the clerk. The summons shall advise the defendant to appear in person at the time and place specified or, in the circuit court, to appear or have counsel enter an appearance in writing at or before that time. A copy of the charging document shall be attached to the summons. A court may order the reissuance of a summons.
(c) Summons--Service. The summons and charging document shall be served on the defendant by mail or by personal service by a sheriff or other peace officer, as directed (1) by a judicial officer in the District Court, or (2) by the State's Attorney in the circuit court.
(d) Warrant--Issuance; Inspection.
(1) *In the District Court.*
(A) By Judge. A judge may, and upon request of the State's Attorney shall, issue a warrant for the arrest of the defendant, other than a corporation, upon a finding that there is probable cause to believe that the defendant committed the offense charged in the charging document and that (i) the defendant has previously failed to respond to a summons that has been personally served or a citation, or (ii) there is a substantial likelihood that the defendant will not respond to a summons, or (iii) the whereabouts of the defendant are unknown and the issuance of a warrant is necessary to subject the defendant to the jurisdiction of the court, or (iv) the defendant is in custody for another offense, or (v) there is probable cause to believe that the defendant poses a danger to another person or to the community. A copy of the charging document shall be attached to the warrant.

(B) By Commissioner.

(i) Generally. On review of an application by an individual for a statement of charges, a commissioner may issue a warrant for the arrest of the defendant, other than a corporation, upon a finding that there is probable cause to believe that the defendant committed the offense charged in the charging document and that (1) the defendant has previously failed to respond to a summons that has been personally served or a citation, or (2) the whereabouts of the defendant are unknown and the issuance of a warrant is necessary to subject the defendant to the jurisdiction of the court, or (3) the defendant is in custody for another offense, or (4) there is probable cause to believe that the defendant poses a danger to another person or to the community. A copy of the charging document shall be attached to the warrant.

(ii) Recall of Warrant. A judge of the District Court or a circuit court, upon a finding of good cause, may recall a warrant issued by a commissioner and issue a summons pursuant to section (c) of this Rule.

Cross reference: See Code, Courts Article, § 2-607.

(2) *In the Circuit Court.* Upon the request of the State's Attorney, a judge may order, in writing or on the record, issuance of a warrant for the arrest of a defendant, other than a corporation, if an information has been filed against the defendant and the circuit court or the District Court has made a finding that there is probable cause to believe that the defendant committed the offense charged in the charging document or if an indictment has been filed against the defendant; and (A) the defendant has not been processed and released pursuant to Rule 4-216, 4-216.1, or 4-216.2, or (B) the court finds there is a substantial likelihood that the defendant will not respond to a summons. A copy of the charging document shall be attached to the warrant. Unless the court finds that there is a substantial likelihood that the defendant will not respond to a criminal summons, the court shall not order issuance of a warrant for a defendant who has been processed and released pursuant to Rule 4-216, 4-216.1, or 4-216.2 if the circuit court charging document is based on the same alleged acts or transactions. When the defendant has been processed and released pursuant to Rule 4-216, 4-216.1, or 4-216.2, the issuance of a warrant for violation of conditions of release is governed by Rule 4-217.

(3) *Inspection of the Warrant and Charging Document.* Unless otherwise ordered by the court, files and records of the court pertaining to a warrant issued pursuant to subsection (d)(1) or (d)(2) of this Rule and the charging document upon which the warrant was issued shall not be open to inspection until either (A) the warrant has been served and a return of service has been filed in compliance with section (g) of this Rule or (B) 90 days have elapsed since the warrant was issued. Thereafter, unless sealed pursuant to Rule 4-201 (d), the files and records shall be open to inspection.

Committee note: This subsection does not preclude the release of otherwise available statistical information concerning unserved arrest warrants nor does it prohibit a State's Attorney or peace officer from releasing information pertaining to an unserved arrest warrant and charging document.

Cross reference: See Rule 4-201 concerning charging documents. See Code, General Provisions Article, § 4-316, which governs inspection of court records pertaining to an arrest warrant.

(e) Execution of Warrant--Defendant Not in Custody. 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, 4-216.1, or 4-216.2 and may make provision for the appearance or waiver of counsel pursuant to Rule 4-215.

Committee note: The amendments made in this section are not intended to supersede Code, Courts Article, § 10-912.

Cross reference: See Code, Criminal Procedure Article, § 4-109 and Code, Courts Article, § 1-605 concerning invalidation and destruction of unserved warrants, summonses, or other criminal process for misdemeanor offenses.

(f) Procedure--When Defendant in Custody.

(1) *Same Offense.* When a defendant is arrested without a warrant, 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. When a charging document is filed in the District Court for the offense for which the defendant is already in custody a warrant or summons need not issue. A copy of the charging document shall be served on the defendant promptly after it is filed, and a return shall be made as for a warrant. When a charging document is filed in the circuit court for an offense for which the defendant is already in custody, a warrant issued pursuant to subsection (d)(2) of this Rule may be lodged as a detainer for the continued detention of the defendant under the jurisdiction of the court in which the charging

document is filed. Unless otherwise ordered pursuant to Rule 4-216, 4-216.1, 4-216.2, or 4-216.3, the defendant remains subject to conditions of pretrial release imposed by the District Court.

(2) *Other Offense.* A warrant issued pursuant to section (d) of this Rule for the arrest of a defendant in custody for another offense may be lodged as a detainer for the continued detention of the defendant for the offense charged in the charging document. When the defendant is served with a copy of the charging document and warrant, the defendant shall be taken before a judicial officer of the District Court, or of the circuit court if the warrant so specifies, without unnecessary delay. In the District Court the defendant's appearance shall be no later than 24 hours after service of the warrant, and in the circuit court it shall be no later than the next session of court after the date of service of the warrant.

(g) Return of Service. The officer who served the defendant with the summons or warrant and the charging document shall make a prompt return of service to the court that shows the date, time, and place of service.

(h) Citation--Service. The person issuing a citation, other than for a parking violation, shall serve it upon the defendant at the time of its issuance.

Md. Rule 4-212

Charging by Citation

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

(2) (i) "Citation" means a written charging document that a police 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 other misdemeanor or local ordinance violation not involving serious injury or an immediate health risk 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 cannabis 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 § 6-304, § 6-307, § 6-308, or § 6-309 of the Alcoholic Beverages and Cannabis 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;
3. misdemeanor theft under § 7-104(g)(2) of the Criminal Law Article;
4. possession of a controlled dangerous substance other than cannabis under § 5-601 of the Criminal Law Article;
5. possession with intent to distribute cannabis under § 5-602(b)(1) of the Criminal Law Article; or
6. growing or manufacturing cannabis or a cannabis product under § 5-603(b) 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:
1. for an alleged misdemeanor involving serious injury or immediate health risk or an alleged felony arising out of the same incident; or
2. based on an outstanding arrest warrant; and
(v) the defendant complies with all lawful orders by the officer.

(3) A police officer who has grounds to make a warrantless 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

Hospital Warrant

(e) "Hospital warrant" means a legal document issued by a court that:
(1) authorizes any law enforcement officer in the State to apprehend a person who is alleged to have violated an order for conditional release and transport the person to a facility designated by the Health 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

Retake Warrant - Escapees

(a) (1) The warden of a correctional facility or designee of the warden may issue a retake warrant for the apprehension and return of an escapee.

(2) The warden shall submit a copy of each retake warrant to the State's Attorney for the county in which the correctional facility from which the escape was made is located.

(b) (1) A sheriff or a police officer who is authorized to serve criminal process and who receives a retake warrant issued under subsection (a) of this section shall execute the warrant in accordance with the directions in the warrant.

(2) A sheriff or police officer who makes an arrest under this subsection shall promptly notify the Division of the arrest.

Correctional Services Article § 3-214

EXTRADITION – UNIFORM ACT

Subject to the provisions of this title, the provisions of the Constitution of the United States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the duty of the Governor of this State to have arrested and delivered 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

TRAFFIC CITATIONS

Power of Police Officer to Charge with Violation

(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[1], including any 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;
(4) Title 9, Subtitle 3 of the Tax--General Article;
(5) Title 10, Subtitle 4 of the Business Regulation Article;
(6) § 10-323 of the Business Regulation Article; or
(7) § 10-323.2 of the Business Regulation Article.

(b) A police officer who charges a person under this section shall issue a traffic citation, and provide a copy, to the person charged.

(c) A traffic citation issued to a person under this section shall contain:

(1) (i) A notice in boldface type that, if the citation is a payable violation:
1. The person must comply with one of the following within 30 days after receipt of the citation:
A. Pay the full amount of the preset fine;
B. Enter into a payment plan under § 7-504.1 of the Courts Article, if the defendant has at least $150 in total outstanding fines and is otherwise qualified to enter into a payment plan;
C. Request a hearing regarding sentencing and disposition in lieu of a trial as provided in § 26-204(b)(2) of this subtitle; or
D. Request a trial date at the date, time, and place established by the District Court by writ or trial notice; and
2. A. If the person fails to comply within 30 days after receipt of the citation, the Administration will be notified and may take action to suspend the person's driver's license; and
B. Driving on a suspended license is a criminal offense for which the person could be incarcerated; or

(ii) If the citation is for a must-appear violation, a notice that:
1. The citation is a summons to appear as notified by a circuit court or the District Court through a trial notice setting the date, time, and place for the person to appear; or
2. A circuit court or the District Court will issue a writ setting the date, time, and place for the person to appear;

(2) The name and address of the person;
(3) The number of the person's license to drive, if applicable;
(4) The State registration number of the vehicle, if applicable;
(5) The violation or violations charged;
(6) An acknowledgment of receipt of the citation, to be executed by the person as required under § 1-605 of the Courts Article;
(7) Near the acknowledgment, a clear and conspicuous statement that:
(i) Acknowledgment of the citation by the person does not constitute an admission of guilt; and
(ii) The failure to acknowledge receipt of the citation may subject the person to arrest; and
(8) Any other necessary information.

(d) If a citation is marked "you have the right to stand trial":

(1) The form of the defendant's copy of the citation shall include in boldface type a description of the following options:

(i) Payment of the fine;

(ii) Enter into a payment plan under § 7-504.1 of the Courts Article, if the defendant has at least $150 in total outstanding fines and is otherwise qualified to enter into a payment plan;

(iii) Request a trial; and

(iv) Request a "guilty with an explanation" hearing regarding sentencing and disposition in lieu of a trial; and

(2) The form of the "return to court" copy of the citation shall include in boldface type a check-off box for each of the options described in item (1) of this subsection.

(e) A police officer who discovers a vehicle stopped, standing, or parked in violation of § 21-1003 or § 21-1010 of this article shall:

(1) Deliver a copy of a citation to the driver or, if the vehicle is unattended, attach a copy of a citation to the vehicle in a conspicuous place; and

(2) Keep a written or electronic copy of the citation, bearing the police officer's certification under penalty of perjury that the facts stated in the citation are true.

(f) (1) A police officer who discovers a motor vehicle parked in violation of § 13-402 of this article shall:

(i) Deliver a copy of a citation to the driver or, if the motor vehicle is unattended, attach a copy of a citation to the motor vehicle in a conspicuous place; and

(ii) Keep a written or electronic copy of the citation, bearing the law enforcement officer's certification under penalty of perjury that the facts stated in the citation are true.

(2) In the absence of the driver, the owner of the motor vehicle is presumed to be the person receiving the copy of a citation or warning.

Transportation Article § 26-201

Fines and Penalties for Motor Vehicle Violations

Fines and Penalties for Motor Vehicle Violations

(a) A person who violates a provision of the Maryland Vehicle Law is guilty of a misdemeanor unless the violation:

(1) Is a felony under the Maryland Vehicle Law; or

(2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

(b) Except as otherwise provided in the Maryland Vehicle Law, a person convicted of a misdemeanor for a violation of a provision of the Maryland Vehicle Law is subject to a fine not exceeding $500.

Transportation Article § 27-101

FRESH PURSUIT

Definition, Conditions and Authority of Officers

(a) 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) (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) 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) 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 crime 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

(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

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 § 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 Laws of Maryland.
Natural Resources Article § 1-210

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

(a) Authority to Issue; Title 5 Inapplicable. A search warrant may issue only as authorized by law. Title 5 of these Rules does not apply to the issuance of a search warrant.

(b) Submission of Application.

(1) *Method of Submission.* An applicant may submit an application for a search warrant by (A) delivery of three copies of (i) the application, (ii) a supporting affidavit, and (iii) a proposed search warrant in person or by secure facsimile; or (B) transmission of those documents to the judge by secure and reliable electronic mail that permits the judge to print the complete text of the documents. If the documents are transmitted electronically the proposed warrant shall be sent in an electronic text format specified by the State Court Administrator, and the judge shall print and retain a copy of the documents.

Cross reference: See Code, Criminal Procedure Article, § 1-203(a)(2)(vi) regarding requirements for no-knock search warrants.

(2) *Request for Sealing Affidavit.* The application may include a request that the affidavit be sealed pursuant to Code, Criminal Procedure Article, § 1-203(e).

(3) *Discussion about Application.* Upon receipt of an application, the judge may discuss it with the applicant in person or by telephone, video conferencing, or other electronic means.

Committee note: A discussion between the applicant and the judge may be explanatory in nature but may not be for the purpose of adding or changing any statement in the affidavit that is material to the determination of probable cause. Probable cause must be determined from the four corners of the affidavit. *See Abeokuto v. State*, 391 Md. 289, 338 (2006); *Valdez v. State*, 300 Md. 160, 168 (1984) (The four-corners rule "prevents consideration of evidence that seeks to supplement or controvert the truth of grounds stated in the affidavit.").

(c) Issuance of Search Warrant. The judge may issue a search warrant by (1) signing the warrant and recording on it the date and time of issuance, and (2) delivering the signed and dated warrant, along with a copy of the application and affidavit, to the applicant in person, by secure facsimile, or by transmission of those documents by secure and reliable electronic mail that permits the applicant to print the complete text of the documents.

(d) Retention of Application and Affidavits--Secrecy.

(1) A search warrant shall be issued with all practicable secrecy. The judge may seal a supporting affidavit for up to 30 days, subject to one 30-day extension as provided in Code, Criminal Procedure Article, § 1-203(e).

(2) A judge who issues a search warrant shall retain a copy of the application, affidavit, and warrant until the warrant is returned, executed or unexecuted, pursuant to section (g) or (h) of this Rule. Upon return of an executed warrant, the judge shall comply with section (g). If the signed and dated warrant was transmitted to the applicant by electronic mail, the printed copy retained by the judge, upon its filing pursuant to section (g), shall be the original. A warrant, application, or affidavit shall not be filed with the clerk prior to its return to the judge pursuant to section (g) or (h).

(e) Executed Warrant--Inventory; Copy.

(1) An officer shall make, verify, and sign a written inventory of all property seized under a search warrant, including a general description of electronically stored information received pursuant to the warrant in electronic, disk, paper, or other form.

(2) At the time the warrant is executed, the officer executing the warrant shall leave with the person from whom the property was taken or, if that person is not present, an authorized occupant of the premises from which the property was taken (A) a copy of the search warrant and application, (B) a copy of the supporting affidavit, except an affidavit that has been sealed pursuant to section (d) of this Rule, and (C) a copy of the inventory.

(3) Subject to subsections (e)(2) and (e)(4) of this Rule, if the person from whom the property was taken and an authorized occupant of the premises from which the property was taken are not present at the time the search warrant is executed, the copies shall be left in a conspicuous place at the premises from which the property was taken.

(4) If a copy of the supporting affidavit was not left because it was under seal, a copy shall be delivered to the person from whom the property was taken or, if that person is not present, to an authorized occupant of the premises from which the property was taken within 15 days after the affidavit is unsealed.

(f) Executed Warrant--Return.

(1) An officer who executes a search warrant shall prepare a detailed search warrant return, which shall include the date and time of the execution of the warrant and a verified inventory.

(2) The officer shall deliver the return to the judge who issued the warrant or, if that judge is not immediately available, to another judge of the same circuit, if the warrant was issued by a circuit court judge, or of the same district, if the warrant was issued by a District Court judge, as promptly as possible and, in any event, (A) within ten days after the warrant was executed, or (B) within any earlier time set forth in the warrant. The return shall be accompanied by the executed warrant and the verified inventory.

(3) Delivery of the return, warrant, and verified inventory may be in person, by secure facsimile, or by secure electronic mail that permits the judge to print the complete text of the documents.

(4) If the return is made to a judge other than the judge who issued the warrant, the officer shall notify the issuing judge of when and to whom the return was made, unless it is impracticable to give such notice.

(5) The officer shall deliver a copy of the return to an authorized occupant of the premises searched or, if such a person is not present, leave a copy of the return at the premises searched.

(g) Executed Warrant--Filing With Clerk. The judge to whom an executed search warrant is returned shall attach to the warrant the return, the verified inventory, and all other papers in connection with the issuance, execution, and return, including the copies retained by the issuing judge, and shall file them with the clerk of the court for the county from which the warrant was issued. The papers filed with the clerk shall be sealed and shall be opened for inspection only upon order of the court. The clerk shall maintain a confidential index of the search warrants.

(h) Unexecuted Warrants.

(1) A search warrant is valid for ten days from the date it was issued and may be served only within that time. After the expiration of ten days, the warrant is void.

Cross reference: See Code, Criminal Procedure Article, § 1-203(a)(5).

(2) A search warrant that becomes void under subsection (h)(1) of this Rule shall be returned to the judge who issued it. The judge may destroy the warrant and related papers or make any other disposition the judge deems proper.

(i) Inspection of Warrant, Inventory, and Other Papers.

(1) The following persons may file an application under this section:

(A) a person from whom or from whose premises property is taken under a search warrant;

(B) a person having an interest in the property taken; and

(C) a person aggrieved by the search or seizure.

(2) Upon the filing of the application, the clerk shall send a copy of the application to the State's Attorney.

(3) Except for papers then under seal or subject to a protective order, upon an application filed under subsection (i)(1) of this Rule, the court shall order that the warrant, inventory, and other related papers filed with the clerk be made available to the person or that person's attorney for inspection and copying.

(j) Prohibited Disclosures; Contempt.

(1) Except for disclosures required for the execution of a search warrant or directed by this Rule or by order of court issued pursuant to this Rule:

(A) a person may not disclose that a search warrant has been applied for or issued prior to execution of the warrant, and

(B) a public officer or employee, may not disclose the contents of a search warrant or the contents of any other paper filed with it, even after execution of the warrant, except as authorized by a judge.

(2) Any person who violates this section may be prosecuted for criminal contempt of court.

Source: This Rule is derived from former Rule 780 and M.D.R. 780.

Md. Rule 4-601

Search Warrants - Additional

(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 or in a building, apartment, premises, place, or thing within the territorial jurisdiction of the judge; or

(ii) property subject to seizure under the criminal laws 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, if a complete and printable image of the application, the affidavit, and a proposed search 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, and sending complete and printable images of the signed and dated 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 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 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. acknowledgment 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 and authorize the 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 purpose.

(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 the 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 leave 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 return 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 this 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

Stops or Searches; Cannabis; Admissibility of Evidence

(a) A law enforcement officer may not initiate a stop or a search of a person, a motor vehicle, or a vessel based solely on one or more of the following:

(1) the odor of burnt or unburnt cannabis;

(2) the possession or suspicion of possession of cannabis that does not exceed the personal use amount, as defined under § 5-601 of the Criminal Law Article; or

(3) the presence of cash or currency in proximity to cannabis without other indicia of an intent to distribute.

(b) If a law enforcement officer is investigating a person solely for driving or attempting to drive a motor vehicle or vessel while impaired by or under the influence of cannabis in violation of § 21-902 of the Transportation Article or § 8-738 of

the Natural Resources Article, the law enforcement officer may not conduct a search of an area of a motor vehicle or vessel that is not:

(1) readily accessible to the driver or operator of the motor vehicle or vessel; or

(2) reasonably likely to contain evidence relevant to the condition of the driver or operator of the motor vehicle or vessel.

(c) Evidence discovered or obtained in violation of this section, including evidence discovered or obtained with consent, is not admissible in a trial, a hearing, or any other proceeding.

Criminal Procedure Article § 1-211

Fire Investigations

(a) The State Fire Marshal, a 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.

(b) An application under subsection (a) of this section shall:

(1) be in writing;

(2) be signed and sworn to by the applicant; and

(3) particularly describe the vehicle, building, or premises to be searched and the nature, scope, and purpose of the search to be performed by the applicant.

(c) A judge of the District Court or a circuit court may issue the warrant on finding that:

(1) a fire of undetermined origin has occurred;

(2) the scope of the proposed search is reasonable and will not intrude unnecessarily on the fire victim's privacy;

(3) the search will be executed at a reasonable and convenient time; and

(4) the owner, tenant, or other individual in charge of the property has denied access to the property, or after making a reasonable effort, the applicant has been unable to locate any of these individuals.

(d) (1) An administrative search warrant issued under this section shall specify the vehicle, building, or premises to be searched.

(2) The search conducted may not exceed the limits specified in the warrant.

(e) An administrative search warrant issued under this section shall be executed and returned to the judge who issued it within:

(1) the time specified in the warrant, not exceeding 30 days; or

(2) if no time period is specified in the warrant, 15 days after its issuance.

Public Safety Article § 6-315

Authority of School to Search Student

(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 a school-sponsored trip if 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 or a violation of any other State law or a rule or regulation of the county board.

(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 student's 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 official 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

Handgun - Limited Search, Seizure, and Arrest

(a) (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) (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 subtitle.

(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) (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 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 is sued for conducting a search or seizure under this section that is alleged to be unreasonable and unlawful.

(e) (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.

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.

Body-Worn Cameras, Wiretaps, and Evidence Obtained by Electronic Means

(a) Except as otherwise specifically provided in this subtitle it is unlawful for any person to:

(1) Willfully intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;

(2) Willfully disclose, or endeavor to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subtitle; or

(3) Willfully use, or endeavor to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subtitle.

(b) Any person who violates subsection (a) of this section is guilty of a felony and is subject to imprisonment for not more than 5 years or a fine of not more than $10,000, or both.

(c) (1) (i) It is lawful under this subtitle for an operator of a switchboard, or an officer, employee, or agent of a provider of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service, except that a provider of wire communications service to the public may not utilize service observing or random monitoring except for mechanical or service quality control checks.

(ii) 1. It is lawful under this subtitle for a provider of wire or electronic communication service, its officers, employees, and agents, landlords, custodians or other persons to provide information, facilities, or technical assistance to persons authorized by federal or State law to intercept wire, oral, or electronic communications or to conduct electronic surveillance, if the provider, its officers, employees, or agents, landlord, custodian, or other specified person has been provided with a court order signed by the authorizing judge directing the provision of information, facilities, or technical assistance.

2. The order shall set forth the period of time during which the provision of the information, facilities, or technical assistance is authorized and specify the information, facilities, or technical assistance required. A provider of wire or electronic communication service, its officers, employees, or agents, or landlord, custodian, or other specified person may not disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance with respect to which the person has been furnished an order under this subparagraph, except as may otherwise be required by legal process and then only after prior notification to the judge who granted the order, if appropriate, or the State's Attorney of the county where the device was used. Any such disclosure shall render the person liable for compensatory damages. No cause of action shall lie in any court against any provider of wire or electronic communication service, its officers, employees, or agents, landlord, custodian, or other specified person for providing information, facilities, or assistance in accordance with the terms of a court order under this subtitle.

(2) (i) This paragraph applies to an interception in which:

1. The investigative or law enforcement officer or other person is a party to the communication; or

2. One of the parties to the communication has given prior consent to the interception.

(ii) It is lawful under this subtitle for an investigative or law enforcement officer acting in a criminal investigation or any other person acting at the prior direction and under the supervision of an investigative or law enforcement officer to intercept a wire, oral, or electronic communication in order to provide evidence:

1. Of the commission of:

A. Murder;

B. Kidnapping;

C. Rape;

D. A sexual offense in the first or second degree;

E. Child abuse in the first or second degree;

F. Child pornography under § 11-207, § 11-208, or § 11-208.1 of the Criminal Law Article;

G. Gambling;

H. Robbery under § 3-402 or § 3-403 of the Criminal Law Article;

I. A felony under Title 6, Subtitle 1 of the Criminal Law Article;

J. Bribery;
K. Extortion;
L. Dealing in a controlled dangerous substance, including a violation of § 5-617 or § 5-619 of the Criminal Law Article;
M. A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;
N. An offense relating to destructive devices under § 4-503 of the Criminal Law Article;
O. A human trafficking offense under Title 3, Subtitle 11 of the Criminal Law Article;
P. Sexual solicitation of a minor under § 3-324 of the Criminal Law Article;
Q. An offense relating to obstructing justice under § 9-302, § 9-303, or § 9-305 of the Criminal Law Article;
R. Sexual abuse of a minor under § 3-602 of the Criminal Law Article;
S. A theft scheme or continuing course of conduct under § 7-103(f) of the Criminal Law Article involving an aggregate value of property or services of at least $10,000;
T. Abuse or neglect of a vulnerable adult under § 3-604 or § 3-605 of the Criminal Law Article;
U. An offense relating to Medicaid fraud under §§ 8-509 through 8-515 of the Criminal Law Article;
V. An offense involving a firearm under § 5-134, § 5-136, § 5-138, § 5-140, § 5-141, or § 5-144 of the Public Safety Article; or
W. A conspiracy or solicitation to commit an offense listed in items A through V of this item; or

2. If:
A. A person has created a barricade situation; and
B. Probable cause exists for the investigative or law enforcement officer to believe a hostage or hostages may be involved.

(3) It is lawful under this subtitle for a person to intercept a wire, oral, or electronic communication where the person is a party to the communication and where all of the parties to the communication have given prior consent to the interception unless the communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of this State.

(4) (i) 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 if:
1. The law enforcement officer initially lawfully detained a vehicle during a criminal investigation or for a traffic violation;
2. The law enforcement officer is a party to the oral communication;
3. The law enforcement officer has been identified as a law enforcement officer to the other parties to the oral communication prior to any interception;
4. The law enforcement officer informs all other parties to the communication of the interception at the beginning of the communication; and
5. The oral interception is being made as part of a video tape recording.

(ii) If all of the requirements of subparagraph (i) of this paragraph are met, an interception is lawful even if a person becomes a party to the communication following:
1. The identification required under subparagraph (i)3 of this paragraph; or
2. The informing of the parties required under subparagraph (i)4 of this paragraph.

(5) It is lawful under this subtitle for an officer, employee, or agent of a governmental emergency communications center to intercept a wire, oral, or electronic communication where the officer, agent, or employee is a party to a conversation concerning an emergency.

(6) (i) It is lawful under this subtitle for law enforcement personnel to utilize body wires to intercept oral communications in the course of a criminal investigation if there is reasonable cause to believe that a law enforcement officer's safety may be in jeopardy.

(ii) Communications intercepted under this paragraph may not be recorded, and may not be used against the defendant in a criminal proceeding.

(7) It is lawful under this subtitle for a person:

(i) To intercept or access an electronic communication made through an electronic communication system that is configured so that the electronic communication is readily accessible to the general public;

(ii) To intercept any radio communication that is transmitted:

1. By any station for the use of the general public, or that relates to ships, aircraft, vehicles, or persons in distress;

2. By any governmental, law enforcement, civil defense, private land mobile, or public safety communications system, including police and fire, readily accessible to the general public;

3. By a station operating on an authorized frequency within the bands allocated to the amateur, citizens band, or general mobile radio services; or

4. By any marine or aeronautical communications system;

(iii) To intercept any wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of the interference; or

(iv) For other users of the same frequency to intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of the system, if the communication is not scrambled or encrypted.

(8) It is lawful under this subtitle:

(i) To use a pen register or trap and trace device as defined under § 10-4B-01 of this title; or

(ii) For a provider of electronic communication service to record the fact that a wire or electronic communication was initiated or completed in order to protect the provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful, or abusive use of the service.

(9) It is lawful under this subtitle for a person to intercept a wire or electronic communication in the course of a law enforcement investigation of possible telephone solicitation theft if:

(i) The person is an investigative or law enforcement officer or is acting under the direction of an investigative or law enforcement officer; and

(ii) The person is a party to the communication and participates in the communication through the use of a telephone instrument.

(10) It is lawful under this subtitle for a person to intercept a wire, oral, or electronic communication in the course of a law enforcement investigation in order to provide evidence of the commission of vehicle theft if:

(i) The person is an investigative or law enforcement officer or is acting under the direction of an investigative or law enforcement officer; and

(ii) The device through which the interception is made has been placed within a vehicle by or at the direction of law enforcement personnel under circumstances in which it is thought that vehicle theft may occur.

(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 or a correctional 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 or a correctional 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 or correctional officer is in uniform or prominently displaying the officer's badge or other insignia;

2. The law enforcement officer or correctional officer is making reasonable efforts to conform to standards in accordance with § 3–511 of the Public Safety Article or § 8–211 of the Correctional Services 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 or correctional officer is a party to the oral communication;

4. Law enforcement or the correctional officer 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.

(iii) Failure to notify under subparagraph (ii)4 of this paragraph does not affect the admissibility in court of the recording if the failure to notify involved an individual who joined a discussion in progress for which proper notification was previously given.

(d) (1) Except as provided in paragraph (2) of this subsection, a person or entity providing an electronic communication service to the public may not intentionally divulge the contents of any communication (other than one to the person or entity providing the service, or an agent of the person or entity) while in transmission on that service to any person or entity other than an addressee or intended recipient of the communication or an agent of the addressee or intended recipient.

(2) A person or entity providing electronic communication service to the public may divulge the contents of a communication:

(i) As otherwise authorized by federal or State law;

(ii) To a person employed or authorized, or whose facilities are used, to forward the communication to its destination; or

(iii) That were inadvertently obtained by the service provider and that appear to pertain to the commission of a crime, if the divulgence is made to a law enforcement agency.

(e) (1) Except as provided in paragraph (2) of this subsection or in subsection (f) of this section, a person who violates subsection (d) of this section is subject to a fine of not more than $10,000 or imprisonment for not more than 5 years, or both.

(2) If an offense is a first offense under paragraph (1) of this subsection and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain, and the wire or electronic communication with respect to which the offense occurred is a radio communication that is not scrambled or encrypted, and:

(i) The communication is not the radio portion of a cellular telephone communication, a public land mobile radio service communication, or a paging service communication, the offender is subject to a fine of not more than $1,000 or imprisonment for not more than 1 year, or both; or

(ii) The communication is the radio portion of a cellular telephone communication, a public land mobile radio service communication, or a paging service communication, the offender is subject to a fine of not more than $500.

(3) Unless the conduct is for the purpose of direct or indirect commercial advantage or private financial gain, conduct which would otherwise be an offense under this subsection is not an offense under this subsection if the conduct consists of or relates to the interception of a satellite transmission that is not encrypted or scrambled and that is transmitted:

(i) To a broadcasting station for purposes of retransmission to the general public; or

(ii) As an audio subcarrier intended for redistribution to facilities open to the public, but not including data transmissions or telephone calls.

(f) (1) A person who engages in conduct in violation of this subtitle is subject to suit by the federal government or by the State in a court of competent jurisdiction, if the communication is:

(i) A private satellite video communication that is not scrambled or encrypted and the conduct in violation of this subtitle is the private viewing of that communication, and is not for a tortious or illegal purpose, or for purposes of direct or indirect commercial advantage, or private commercial gain; or

(ii) A radio communication that is transmitted on frequencies allocated under Subpart D of Part 74 of the Rules of the Federal Communications Commission that is not scrambled or encrypted and the conduct in violation of this subtitle is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain.

(2) (i) The State is entitled to appropriate injunctive relief in an action under this subsection if the violation is the person's first offense under subsection (e)(1) of this section and the person has not been found liable in a prior civil action under § 10-410 of this subtitle.

(ii) In an action under this subsection, if the violation is a second or subsequent offense under subsection (e)(1) of this section or if the person has been found liable in a prior civil action under § 10-410 of this subtitle, the person is subject to a mandatory civil fine of not less than $500.

(3) The court may use any means within its authority to enforce an injunction issued under paragraph (2)(i) of this subsection, and shall impose a civil fine of not less than $500 for each violation of an injunction issued under paragraph (2)(i) of this subsection.

Courts and Judicial Proceedings Article § 10-402

Legal Uses of Intercepted Communications

(a) Any investigative or law enforcement officer who, by any means authorized by this subtitle, has obtained knowledge of the contents of any wire, oral, or electronic 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, oral, or electronic 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 that 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, protectorate, 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 § 14-101 of the Criminal Law Article.

(d) An otherwise privileged wire, oral, or electronic 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, oral, or electronic communications in the manner authorized herein, intercepts wire, oral, or electronic 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 investigative or law enforcement officer of any state or political subdivision of a state, the United States, or any territory, protectorate, or possession of the United States, including the District of Columbia, who has lawfully received any information concerning a wire, oral, or electronic communication or evidence lawfully derived therefrom, which would have been lawful for a law enforcement officer of this State pursuant to § 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 proceeding held under the authority of this State or any political subdivision of this State.

Courts and Judicial Proceedings Article § 10-407

Location Information Obtained from Electronic Devices

(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 application for a court order under this section may be submitted to a judge:
(i) by in-person delivery of the application, the affidavit, and a proposed court order;
(ii) by secure fax, if a complete and printable image of the application, the affidavit, and a proposed court order are submitted; or
(iii) by secure electronic mail, if a complete and printable image of the application, the affidavit, and a proposed court order are submitted.
(4) The applicant and the judge may converse about the court order application:
(i) in person;
(ii) via telephone; or
(iii) via video.
(5) The judge may issue the court order:
(i) by signing the court order, indicating the date and time of issuance on the court order, and physically delivering the signed and dated court order, the application, and the affidavit to the applicant;
(ii) by signing the court order, writing the date and time of issuance on the court order, and sending complete and printable images of the signed and dated court order, the application, and the affidavit to the applicant by secure fax; or

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

(6) 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.

(7) 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 discovery.

(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 paragraph (3) of this subsection.

(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 paragraph (1)(ii) of this subsection 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, of the identifying number associated with the electronic device;
3. of the dates during which the cell site simulator was used or 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 circumstances 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

Facial Recognition - Definitions

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

(b) (1) "Facial recognition technology" means a computer program, a service, or any other technology that analyzes facial features and is used by or at the direction of a law enforcement agency for the identification, verification, or persistent tracking of individuals in still or video images for use in criminal investigations.

(2) "Facial recognition technology" does not include technology:

(i) used only for the analysis of facial features to grant or deny access to an electronic device; or

(ii) that uses an automated or semiautomated process only for the purpose of redacting a recording or an image for release or disclosure outside a law enforcement agency to protect the privacy of a subject depicted in the recording or image if the process does not generate or result in the retention of any biometric data or surveillance information.

(c) "Law enforcement agency" has the meaning stated in § 2-101 of the Public Safety Article.

Criminal Procedures Article § 2-501

Using Results Generated by Facial Recognition Technology as Evidence

(a) Except as otherwise provided in this section, results generated by facial recognition technology may not be introduced in a criminal proceeding or in a delinquency proceeding under Title 3, Subtitle 8A of the Courts Article.

(b) (1) Subject to paragraph (2) of this subsection, results generated by facial recognition technology may be considered or introduced as evidence in connection with a criminal proceeding only for the purpose of establishing probable cause or positive identification:

(i) in connection with the issuance of a warrant; or

(ii) at a preliminary hearing.

(2) (i) Subject to subparagraph (ii) of this paragraph, results generated by facial recognition technology may not serve as the sole basis to establish probable cause or the positive identification of an individual in a criminal investigation or proceeding.

(ii) Probable cause or positive identification may be established using facial recognition technology only if the results are supported by additional, independently obtained evidence establishing probable cause or a positive identification.

Criminal Procedure Article § 2-502

Using Facial Recognition Technology to Investigate a Crime

(a) (1) A police officer or other employee or agent of a law enforcement agency may not, in the furtherance of a criminal investigation:

(i) use facial recognition technology to investigate a crime other than the commission of or the attempt to commit:

1. a crime of violence as defined in § 14-101 of the Criminal Law Article;
2. a human trafficking offense under Title 3, Subtitle 11 of the Criminal Law Article;
3. first- or second-degree child abuse under § 3-601 of the Criminal Law Article;
4. a child pornography offense under § 11-207 of the Criminal Law Article;
5. a hate crime under § 10-304 of the Criminal Law Article;
6. a weapon crime under § 4-102, § 4-103, § 4-203(a)(1)(iii) or (iv), § 4-204, or § 4-303(a)(2) of the Criminal Law Article;
7. a weapon crime under § 5-138, § 5-140, § 5-141, § 5-207(c)(16), § 5-406(a)(3), or § 5-703(a) of the Public Safety Article;
8. aggravated cruelty to animals under § 10-606 or § 10-607 of the Criminal Law Article;
9. importation of fentanyl or a fentanyl analogue under § 5-614(a)(1)(xii) of the Criminal Law Article;
10. stalking under § 3-802 of the Criminal Law Article;
11. a criminal act involving circumstances presenting a substantial and ongoing threat to public safety or national security; or
12. a crime under the laws of another state substantially equivalent to a crime listed in items 1 through 10 of this item involving a fugitive from justice charged with a crime in that state and sought under Title 9 of this article;

(ii) analyze an image or a recording of an individual:

1. engaged in activity protected under the United States Constitution, the Maryland Constitution, or the Maryland Declaration of Rights, unless there is reasonable suspicion to believe that the individual has committed, is in the process of committing, or is about to commit a crime; or
2. who is not intended to be identified;

(iii) use facial recognition technology to analyze a sketch or manually produced image;

(iv) disclose to a witness in the criminal investigation, prior to the witness participating in a live identification or photo array identification, that a particular suspect or image of a suspect was identified using facial recognition technology; or

(v) use facial recognition technology for the purpose of live or real-time identification of an image or a recording.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, an image being evaluated using facial recognition technology may be compared only to images contained in:

1. the database of images of driver's license and identification card photos maintained by the Motor Vehicle Administration or the department of motor vehicles of another state; or
2. a database of mugshot photos maintained by a local, State, or federal law enforcement agency or a law enforcement agency of another country.

(ii) An image being evaluated using facial recognition technology may be compared to an image contained in a database other than a database described in subparagraph (i) of this paragraph if:

1. the law enforcement agency conducting the investigation has entered into an agreement with the entity that maintains the database governing the methods by which images in the database are collected; and

2. the agreement provides that the agreement will be terminated in the event that the entity maintaining the database commits a material breach of the provisions governing the methods by which images in the database are collected.

(3) Before being used for any purpose in relation to a criminal investigation, a result generated by facial recognition technology shall be independently verified by an individual who has completed training in accordance with § 2-505 of this subtitle.

(b) A police officer or other employee or agent of a law enforcement agency may not use facial recognition technology to identify an individual solely based on:

(1) the police officer's, employee's, or agent's personal interest not related to legitimate duties or objectives of the law enforcement agency;

(2) the individual's political or social beliefs or activities;

(3) the individual's participation in lawful activities; or

(4) the individual's race, color, religious beliefs, sexual orientation, gender, disability, national origin, or status as being homeless.

(c) (1) Except as provided in paragraph (2) of this subsection and subject to paragraph (3) of this subsection, a result generated by facial recognition technology in violation of this section and all other evidence subsequently derived from the result may not be introduced by the State for any purpose in a criminal court proceeding or in a juvenile court proceeding under Title 3, Subtitle 8A of the Courts Article.

(2) Evidence derived from a result generated in violation of subsection (a)(1) of this section may be introduced for a purpose described in § 2-502 of this subtitle if the court finds that the evidence would otherwise be subject to a legally valid exception to the exclusionary rule.

(3) This subsection may not be construed to allow the use of a result generated using facial recognition technology to be introduced as evidence in a criminal trial or in an adjudicatory hearing held under § 3-8A-18 of the Courts Article.

Criminal Procedure Article § 2-503

DNA

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

(2) “Deoxyribonucleic acid (DNA)” means the molecules in all cellular forms that contain genetic information in a chemical structure of each individual.

(3) “DNA profile” means an analysis of genetic loci that have been validated according to standards established by:

(i) The Technical Working Group on DNA Analysis Methods (TWGDAM);

(ii) The DNA Advisory Board of the Federal Bureau of Investigation;

(iii) The Federal Bureau of Investigation's Quality Assurance Standards for Forensic DNA Testing Laboratories; or

(iv) The Federal Bureau of Investigation's Quality Assurance Standards for DNA Databasing Laboratories.

(b) A DNA profile is admissible under this section if it is accompanied by a statement from the testing laboratory setting forth that the analysis of genetic loci has been validated by:

(1) Standards established by TWGDAM;

(2) Standards established by the DNA Advisory Board of the Federal Bureau of Investigation;

(3) The Federal Bureau of Investigation's Quality Assurance Standards for Forensic DNA Testing Laboratories; or

(4) The Federal Bureau of Investigation's Quality Assurance Standards for DNA Databasing Laboratories.

(c) In any criminal proceeding, the evidence of a DNA profile is admissible to prove or disprove the identity of any person, if the party seeking to introduce the evidence of a DNA profile:

(1) Notifies in writing the other party or parties by mail at least 45 days before any criminal proceeding; and

(2) Provides, if applicable and requested in writing, the other party or parties at least 30 days before any criminal proceeding with:

(i) First generation film copy or suitable reproductions of autoradiographs, dot blots, slot blots, silver stained gels, test strips, control strips, and any other results generated in the course of the analysis;

(ii) Copies of laboratory notes generated in connection with the analysis, including chain of custody documents, sizing and hybridization information, statistical calculations, and worksheets;

(iii) Laboratory protocols and procedures utilized in the analysis;

(iv) The identification of each genetic locus analyzed; and

(v) A statement setting forth the genotype data and the profile frequencies for the databases utilized.

(d) If a party is unable to provide the information required under subsection (c) of this section at least 30 days prior to the criminal proceedings, the court may grant a continuance to permit such timely disclosures.
(e) Except as to the issue of admissibility under this section, subsection (c) of this section does not preclude discovery under the Maryland Rules relating to discovery, upon a showing of scientific relevance to a material issue regarding the DNA profile.

Courts and Judicial Proceedings Article § 10-915

JUVENILE OFFENDERS

Jurisdiction Over Juveniles

The District Court has jurisdiction over a person who is brought before a court sitting as a 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 § 4-301 of this subtitle.

Courts and Judicial Proceedings Article § 4-303

Jurisdiction of Court

(a) In addition to the jurisdiction specified in Subtitle 8 of this title, the court has exclusive original jurisdiction over:

(1) A child:

(i) Who is at least 13 years old alleged to be delinquent; or

(ii) Except as provided in subsection (d) of this section, who is at least 10 years old alleged to have committed an act:

1. That, if committed by an adult, would constitute:

A. A crime of violence, as defined in § 14-101 of the Criminal Law Article;

B. A crime involving handguns under § 4-203 or § 4-204 of the Criminal Law Article;

C. A crime involving firearms under § 5-133, § 5-134, § 5-138, § 5-142, § 5-203, or § 5-703 of the Public Safety Article;

D. Aggravated cruelty to animals under § 10-606 of the Criminal Law Article; or

E. Sexual offense in the third degree under § 3-307 of the Criminal Law Article; or

2. Arising out of the same incident as an act listed in item 1 of this item;

(2) A child who is in need of supervision;

(3) A child who has received a citation for a violation;

(4) Except as provided in subsection (d)(6) of this section, a peace order proceeding in which the respondent is a child; and

(5) Proceedings arising under the Interstate Compact on Juveniles.

(b) The court has concurrent jurisdiction over proceedings against an adult for the violation of § 3-8A-30 of this subtitle. However, the court may waive its jurisdiction under this subsection upon its own motion or upon the motion of any party to the proceeding, if charges against the adult arising from the same incident are pending in the criminal court. Upon motion by either the State's Attorney or the adult charged under § 3-8A-30 of this subtitle, the court shall waive its jurisdiction, and the adult shall be tried in the criminal court according to the usual criminal procedure.

(c) (1) The jurisdiction of the court is concurrent with that of the District Court in any criminal case arising under the compulsory public school attendance laws of this State.

(2) The jurisdiction of the court is concurrent with that of a federal court sitting in the State over proceedings involving a violation of federal law committed by a child on a military installation of the U.S. Department of Defense if:

(i) The federal court waives exclusive jurisdiction; and

(ii) The violation of federal law is also a crime under State law.

(d) The court does not have jurisdiction over:

(1) A child at least 14 years old alleged to have done an act that, if committed by an adult, would be a crime punishable by life imprisonment, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under § 4-202 of the Criminal Procedure Article;

(2) A child at least 16 years old alleged to have done an act in violation of any provision of the Transportation Article or other traffic law or ordinance, except an act that prescribes a penalty of incarceration;

(3) A child at least 16 years old alleged to have done an act in violation of any provision of law, rule, or regulation governing the use or operation of a boat, except an act that prescribes a penalty of incarceration;
(4) A child at least 16 years old alleged to have committed any of the following crimes, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under § 4-202 of the Criminal Procedure Article:
(i) Abduction;
(ii) Kidnapping;
(iii) Second degree murder;
(iv) Manslaughter, except involuntary manslaughter;
(v) Second degree rape;
(vi) Robbery under § 3-403 of the Criminal Law Article;
(vii) Third degree sexual offense under § 3-307(a)(1) of the Criminal Law Article;
(viii) A crime in violation of § 5-133, § 5-134, § 5-138, or § 5-203 of the Public Safety Article;
(ix) Using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime under § 5-621 of the Criminal Law Article;
(x) Use of a firearm under § 5-622 of the Criminal Law Article;
(xi) Carjacking or armed carjacking under § 3-405 of the Criminal Law Article;
(xii) Assault in the first degree under § 3-202 of the Criminal Law Article;
(xiii) Attempted murder in the second degree under § 2-206 of the Criminal Law Article;
(xiv) Attempted rape in the second degree under § 3-310 of the Criminal Law Article;
(xv) Attempted robbery under § 3-403 of the Criminal Law Article; or
(xvi) A violation of § 4-203, § 4-204, § 4-404, or § 4-405 of the Criminal Law Article;
(5) A child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult, unless an order removing the proceeding to the court has been filed under § 4-202 of the Criminal Procedure Article;
(6) A peace order proceeding in which the victim, as defined in § 3-8A-01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4-501 of the Family Law Article; or
(7) Except as provided in subsection (a)(1)(ii) of this section, a delinquency proceeding against a child who is under the age of 13 years.
(e) If the child is charged with two or more violations of the Maryland Vehicle Law,[2] another traffic law or ordinance, or the State Boat Act, allegedly arising out of the same incident and which would result in the child being brought before both the court and a court exercising criminal jurisdiction, the court has exclusive jurisdiction over all of the charges.
(f) A child under the age of 13 years may not be charged with a crime.
Courts and Judicial Proceedings Article § 3-8A-03

Taking a Child into Custody

(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;
(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) (1) (i) 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 in a manner reasonably calculated to give actual notice of the action.
(ii) The notice required under subparagraph (i) of this paragraph shall:
1. Include the child's location;
2. Provide the reason for the child being taken into custody; and
3. Instruct the parent, guardian, or custodian on how to make immediate in-person contact with the child.

(2) After making every reasonable effort to give actual notice to a child's parent, guardian, or custodian, the law enforcement officer shall with all reasonable speed:

(i) 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

(ii) 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:

(1) Issue a writ of attachment directing that the child be taken into custody and brought before the court; and

(2) Proceed against the parent, guardian, or custodian for contempt.

(d) If a child is taken into custody under this subtitle by a law enforcement officer pursuant to the law of arrest, the law enforcement officer shall:

(1) Complete and forward a written complaint or citation to the Department of Juvenile Services for processing under § 3-8A-10 of this subtitle;

(2) If the child was referred to an at-risk youth prevention and diversion program, as defined in § 8-601 of the Human Services Article, complete and forward a written report to the Department of Juvenile Services indicating that the child was diverted to:

(i) A law enforcement diversion program, including a diversion program operated by a local State's Attorney;

(ii) A diversion program operated by another agency or organization;

(iii) A local care team; or

(iv) Another community-based service provider; or

(3) Complete and forward a written report to the Department of Juvenile Services indicating that no further action was taken.

(e) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Qualifying offense" has the meaning stated in § 8-302 of the Criminal Procedure Article.

(iii) "Sex trafficking" has the meaning stated in § 5-701 of the Family Law Article.

(iv) "Victim of human trafficking" has the meaning stated in § 8-302 of the Criminal Procedure Article.

(2) 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 or a victim of human trafficking, the law enforcement officer shall, as soon as practicable:

(i) Notify an appropriate regional navigator, as defined in § 5-704.4 of the Family Law Article, for 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 or a suspected victim of human trafficking so the regional navigator can coordinate a service response;

(ii) Report to the local child welfare agency that the child is a suspected victim of sex trafficking or a suspected victim of human trafficking; and

(iii) Release the child to the child's parents, guardian, or custodian if it is safe and appropriate to do so, or to the local child welfare agency if there is reason to believe that the child's safety will be at risk if the child is returned to the child's parents, guardian, or custodian.

(3) A law enforcement officer who takes a child who is a suspected victim of sex trafficking or a suspected victim of human trafficking into custody under subsection (a)(3) of this section may not detain the child in a juvenile detention facility, as defined under § 9-237 of the Human Services Article, if the reason for detaining the child is a suspected commission of a qualifying offense or § 3-1102 of the Criminal Law Article.

(f) The Supreme Court of Maryland may adopt rules concerning age-appropriate language to be used to advise a child who is taken into custody of the child's rights.

Courts and Judicial Proceedings Article § 3-8A-14

Applications for Arrest Warrant of Children

(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 probable cause and shall direct the law enforcement officer to take immediate custody of the child.

Courts and Judicial Proceedings Article § 3-8A-14.1

Custodial Interrogation of Children

(a)(1) In this section the following words have the meanings indicated.
(2) "Custodial interrogation" retains its judicially determined meaning.
(3)(i) "Law enforcement officer" has the meaning stated in § 1-101 of the Public Safety Article.
(ii) "Law enforcement officer" includes a school resource officer, as defined in § 7-1501 of the Education Article.

(b) A law enforcement officer may not conduct a custodial interrogation of a child until:
(1) The child has consulted with an attorney who is:
(i) Retained by the parent, guardian, or custodian of the child; or
(ii) Provided by the Office of the Public Defender; and
(2) The law enforcement officer has made an effort reasonably calculated to give actual notice to the parent, guardian, or custodian of the child that the child will be interrogated.

(c) A consultation with an attorney under this section:
(1) Shall be:
(i) Conducted in a manner consistent with the Maryland Rules of Professional Conduct; and
(ii) Confidential; and
(2) May be:
(i) In person; or
(ii) By telephone or video conference.

(d) To the extent practicable and consistent with the Maryland Rules of Professional Conduct, an attorney providing consultation under this section shall communicate and coordinate with the parent, guardian, or custodian of the child in custody.

(e) The requirement of consultation with an attorney under this section:
(1) May not be waived; and
(2) Applies regardless of whether the child is proceeded against as a child under this subtitle or is charged as an adult.

(f) (1) A law enforcement agency conducting an interrogation under this section shall maintain a record of the notification or attempted notification of a parent, guardian, or custodian under this section, including:
(i) A signed statement by a duly authorized law enforcement officer employed by the agency that an attempt to notify a parent, guardian, or custodian was made;
(ii) The name of the person sought to be notified; and
(iii) The method of attempted notification.
(1) (i) A law enforcement agency conducting an interrogation under this section shall maintain a record of the name of the attorney contacted and the county or counties in which the attorney provided the consultation.
(ii) An attorney contacted to provide legal consultation to a child under this subtitle shall provide to a law enforcement officer the information required for the record required to be maintained under subparagraph (i) of this paragraph.

(g)(1) Notwithstanding the requirements of this section, a law enforcement officer may conduct an otherwise lawful custodial interrogation of a child if:
(i) The law enforcement officer reasonably believes that the information sought is necessary to protect against a threat to public safety; and
(ii) The questions posed to the child by the law enforcement officer are limited to those questions reasonably necessary to obtain the information necessary to protect against the threat to public safety.
(2)(i) Unless it is impossible, impracticable, or unsafe to do so, an interrogation conducted under paragraph (1) of this subsection shall be recorded.

(ii) In a jurisdiction that has adopted the use of body-worn digital recording devices by law enforcement officers, the interrogation of a child may be recorded using a body-worn digital recording device in a manner that is consistent with departmental policies regarding the use of body-worn digital recording devices.

(iii) In a jurisdiction that has not adopted the use of body-worn digital recording devices, the interrogation of a child may be recorded using other video and audio recording technology in a manner that is consistent with any policies of the law enforcement agency regarding the use of video and audio recording technology.

(iv) A child being interrogated under this subsection shall be informed if the interrogation is being recorded.

(h) (1) There is a rebuttable presumption that a statement made by a child during a custodial interrogation is inadmissible in a delinquency proceeding or a criminal prosecution against that child if a law enforcement officer willfully failed to comply with the requirements of this section.

(2) The State may overcome the presumption by showing, by clear and convincing evidence, that the statement was made knowingly, intelligently, and voluntarily.

(3) This subsection may not be construed to render a statement by that child inadmissible in a proceeding against another individual.

(i) The Office of the Public Defender shall:

(1) Develop and implement policies to provide guidance and instruction to attorneys to meet the requirements of this section; and

(2) On or before October 1, 2022, publish on its website, or provide to law enforcement on request, information on attorneys available to act as counsel to a child in accordance with this section.

Courts and Judicial Proceedings Article § 3-8A-14.2

Effect of Adjudication and Disposition of a Child

(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) 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) of the Transportation Article for driving an off-highway recreational vehicle on a highway, or of § 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) of the Transportation Article for driving an off-highway recreational vehicle on a highway, or of § 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) of the Transportation Article for driving an off-highway recreational vehicle on a highway, or of § 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) of the Transportation Article for driving an off-highway recreational vehicle on a highway, or of § 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

Restitution for Acts of Child

The court may enter a judgment of restitution against the parent of a child, the child, or both as provided under Title 11, Subtitle 6 of the Criminal Procedure Article.

Courts and Judicial Proceedings Article § 3-8A-28

Prohibited Orders for Payment

A court may not order a parent, guardian, custodian, or child to pay:
(1) A fine, fee, or cost under this subtitle; or
(2) A sum of money to cover the support of a child under this subtitle.

Courts and Judicial Proceedings Article § 3-8A-29

Parental Notification of a Child Taken into Custody

(a) A law enforcement officer who charges a minor with a criminal offense shall make a reasonable attempt to provide actual notice to 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 in accordance with the requirements of § 3-8A-14 of the Courts Article.

(c) If a law enforcement officer alleges the commission of an act by a child under the age of 13 years that, if committed by an adult, would constitute theft of a motor vehicle under § 7-105 of the Criminal Law Article, the law enforcement officer shall forward the complaint to the Department of Juvenile Services to file a petition alleging that the child is in need of supervision.

Criminal Procedure Article § 2-108

Requirement for Custodial Interrogation of Minor

A custodial interrogation of a minor shall be conducted in accordance with the requirements of § 3-8A-14.2 of the Courts Article.

Criminal Procedure Article § 2-405

EMERGENCY EVALUATIONS

Definitions

(a) 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

Emergency Facilities List

(a) 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, local behavioral health authority, and Secret Service office in this State.
(b) The list published under subsection (a)(1) of this section may include:
(1) Comprehensive crisis response centers;
(2) Crisis stabilization centers;
(3) Crisis treatment centers established under § 7.5-207 of this article; and
(4) Outpatient mental health clinics.
(c) Before including a facility under subsection (b) of this section in the list of emergency facilities, the Department shall consult with stakeholders to develop a model program structure that ensures that a program wishing to serve as an emergency facility:
(1) Is adequately staffed to provide 24-hour emergency petition services;
(2) Provides the necessary services required for an emergency petition;
(3) Has written procedures in place that provide for involuntary admissions, through an emergency petition, including to a licensed hospital, as necessary;
(4) Provides additional support to respect the due process rights of patients received through the emergency petition process; and
(5) Complies with additional procedures as otherwise determined by the Department.

(d) On or before September 30 each year, the Department shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:

(1) The number of facilities that have sought to be designated an emergency facility;

(2) The number of the facilities reported under item (1) of this subsection that have attempted to meet the model facility standards developed under subsection (c) of this section;

(3) The progress of the facilities reported under item (2) of this subsection toward meeting the model facility standards;

(4) The development of collaborative models between State, local, and private entities; and

(5) Whether the Department, in consultation with stakeholders, has determined that any changes to the model facility standards are necessary.

Health General Article § 10-621

Petition for Emergency Evaluations

(a) 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) Presents a danger to the life or safety of the individual or of others.

(b) (1) 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) 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) 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) 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

Duties of Peace Officers and Emergency Facilities

(a) (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) The petition required under paragraph (1) of this subsection may be:

(i) In the form of an electronic record; and

(ii) Transmitted and received electronically.

(3) 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.

(4) 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.

(5) 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.

(6) If emergency facility personnel ask that a peace officer stay, a physician shall examine the emergency evaluee as promptly as possible.

(b) (1) If the petition is executed properly, the emergency facility shall accept the emergency evaluee.

(2) The petition required under paragraph (1) of this subsection may be:

(i) In the form of an electronic record; and

(ii) Transmitted and received electronically.

(3) 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.

(4) 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.

(5) An emergency evaluee may not be kept at an emergency facility for more than 30 hours.

Health General Article § 10-624

Emergency Evaluation of Arrested Individuals

(a) 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) The court order for an emergency evaluation shall state the grounds.

(c) 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) 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) 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

PEACE ORDERS

Petitions

(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, or any of the following acts against the petitioner's employee at the employee's workplace, 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 or the petitioner's employee 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;
(viii) Malicious destruction of property under § 6-301 of the Criminal Law Article;
(ix) Misuse of telephone facilities and equipment under § 3-804 of the Criminal Law Article;
(x) Misuse of electronic communication or interactive computer service under § 3-805 of the Criminal Law Article;
(xi) Revenge porn under § 3-809 of the Criminal Law Article; or
(xii) Visual surveillance under § 3-901, § 3-902, or § 3-903 of the Criminal Law Article.

(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 or the petitioner's employee 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.

(b) The petition shall:

(1) Be under oath and provide notice to the petitioner that an individual who knowingly provides false information in the petition is guilty of a misdemeanor and on conviction is subject to the penalties specified in subsection (d) of this section;

(2) Subject to the provisions of subsection (c) of this section, contain the address of the petitioner or the petitioner's employee; and

(3) Include all information known to the petitioner of:

(i) The nature and extent of the act specified in subsection (a) of this section for which the relief is being sought, including information known to the petitioner concerning previous harm or injury resulting from an act specified in subsection (a) of this section by the respondent;
(ii) Each previous and pending action between the parties in any court; and
(iii) The whereabouts of the respondent.

(c) If, in a proceeding under this subtitle, a petitioner or a petitioner's employee alleges, and the commissioner or judge finds, that the disclosure of the address of the petitioner or the petitioner's employee would risk further harm to the petitioner or the petitioner's employee, that address may be stricken from the petition and omitted from all other documents filed with the commissioner or filed with, or transferred to, a court.

(d) An individual who knowingly provides false information in a petition filed under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 90 days or both.

(e) (1) An employer shall notify an employee before an employer files a petition under this subtitle.

(2) An employer may not retaliate against an employee who does not provide information for or testify at a proceeding under this subtitle.

Courts and Judicial Proceedings Articles § 3-1503

Interim Peace Orders

(a) A petition under this subtitle may be filed with a commissioner when the Office of the District Court Clerk is not 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 committed, and is likely to commit in the future, an act specified in § 3-1503(a) of this subtitle against

the petitioner or the petitioner's employee, the commissioner may issue an interim peace order to protect the petitioner or the petitioner's employee.

(c) An interim peace order:

(1) Shall contain only the relief that is minimally necessary to protect the petitioner or the petitioner's employee; and

(2) May order the respondent to:

(i) Refrain from committing or threatening to commit an act specified in § 3-1503(a) of this subtitle against the petitioner or the petitioner's employee;

(ii) Refrain from contacting, attempting to contact, or harassing the petitioner or the petitioner's employee;

(iii) Refrain from entering the residence of the petitioner or the petitioner's employee; and

(iv) Remain away from the place of employment, school, or temporary residence of the petitioner or the petitioner's employee.

(d) (1) (i) An interim peace order shall state the date, time, and location for the temporary peace order hearing and a tentative date, time, and location for a final peace order hearing.

(ii) Except as provided in subsection (g) of this section, or unless the court continues the hearing for good cause, a temporary peace order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim peace order.

(2) An interim peace 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 peace order hearing or any later hearing, the respondent may be served with any other 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 peace order hearing is tentative only, and subject to change; and

4. If the respondent does not attend the temporary peace 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 peace order hearing;

(ii) A statement of all possible forms and duration of relief that a temporary peace order or final peace order may contain;

(iii) Notice to the petitioner, petitioner's employee, and respondent that, at the hearing, a judge may issue a temporary peace 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 peace 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 peace order; and

(v) The phone number of the Office of the District Court Clerk.

(e) Whenever a commissioner issues an interim peace order, the commissioner shall:

(1) Immediately forward a copy of the petition and interim peace order to the appropriate law enforcement agency for service on the respondent; and

(2) Before the hearing scheduled in the interim peace order, transfer the case file and the return of service, if any, to the Office of the District Court Clerk.

(f) A law enforcement officer shall:

(1) Immediately on receipt of a 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 the District Court Clerk is open for business, to the clerk.

(g) (1) Except as otherwise provided in this subsection, an interim peace order shall be effective until the earlier of:

(i) The temporary peace order hearing under § 3-1504 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 peace order.

(2) If the court is closed on the day on which the interim peace order is due to expire, the interim peace order shall be effective until the next day on which the court is open, at which time the court shall hold a temporary peace order hearing.

(h) 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 peace order or final peace order.

(i) An individual who knowingly provides false information in a petition filed under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 90 days or both.

Courts and Judicial Proceedings Article § 3-1503.1

Temporary Peace Orders

(a) (1) (i) If after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, an act specified in § 3-1503(a) of this subtitle against the petitioner or the petitioner's employee, the judge may issue a temporary peace order to protect the petitioner or the petitioner's employee.

(ii) In determining whether there are reasonable grounds to believe that a respondent has committed, and is likely to commit in the future, an act specified in § 3–1503(a) of this subtitle against the petitioner or the petitioner's employee, the judge may consider whether a military protection order has been issued against the respondent for the same or similar conduct against the same petitioner or the petitioner's employee.

(2) The temporary peace order may include any or all of the following relief:

(i) Order the respondent to refrain from committing or threatening to commit an act specified in § 3-1503(a) of this subtitle against the petitioner or the petitioner's employee;

(ii) Order the respondent to refrain from contacting, attempting to contact, or harassing the petitioner or the petitioner's employee;

(iii) Order the respondent to refrain from entering the residence of the petitioner or the petitioner's employee; and

(iv) Order the respondent to remain away from the place of employment, school, or temporary residence of the petitioner or the petitioner's employee.

(3) If the judge issues an order under this section, the order shall contain only the relief that is minimally necessary to protect the petitioner or the petitioner's employee.

(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.

(2) A respondent who has been served with an interim peace order under § 3-1503.1 of this subtitle shall be served with the temporary peace order in open court or, if the respondent is not present at the temporary peace order hearing, by first-class mail at the respondent's last known address.

(c) (1) Except as otherwise provided in this subsection, the temporary peace order shall be effective for not more than 7 days after service of the order.

(2) The judge may extend the temporary peace order as needed, but not to exceed 30 days, 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 peace order is due to expire, the temporary peace order shall be effective until the second day on which the court is open, by which time the court shall hold a final peace order hearing.

(d) The judge may proceed with a final peace order hearing instead of a temporary peace order hearing if:

(1) (i) The respondent appears at the hearing;

(ii) The respondent has been served with an interim peace order; or

(iii) The court otherwise has personal jurisdiction over the respondent; and

(2) The petitioner or the petitioner's employee and the respondent expressly consent to waive the temporary peace order hearing.

Courts and Judicial Proceedings Article § 3-1504

Final Peace Order

(a) A respondent shall have an opportunity to be heard on the question of whether the judge should issue a final peace order.

(b) (1) (i) The temporary peace order shall state the date and time of the final peace order hearing.

(ii) Except as provided in § 3-1504(c) of this subtitle, or unless continued for good cause, the final peace order hearing shall be held no later than 7 days after the temporary peace order is served on the respondent.

(2) The temporary peace order shall include notice to the respondent:

(i) In at least 10-point bold type, that if the respondent fails to appear at the final peace order hearing, the respondent may be served by first-class mail at the respondent's last known address with the final peace order and all other notices concerning the final peace order;
(ii) Specifying all the possible forms of relief under subsection (d) of this section that the final peace order may contain;
(iii) That the final peace order shall be effective for the period stated in the order, not to exceed 6 months; and
(iv) In at least 10-point bold type, that the respondent must notify the court in writing of any change of address.

(c) (1) If the respondent appears for the final peace order hearing, has been served with an interim peace order or a temporary peace order, or the court otherwise has personal jurisdiction over the respondent, the judge:
(i) May proceed with the final peace order hearing; and
(ii) If the judge finds by a preponderance of the evidence that the respondent has committed, and is likely to commit in the future, an act specified in § 3-1503(a) of this subtitle against the petitioner or the petitioner's employee, or if the respondent consents to the entry of a peace order, may issue a final peace order to protect the petitioner or the petitioner's employee.
(2) A final peace order may be issued only to an individual who has filed a petition under § 3-1503 of this subtitle.
(3) In cases where both parties file a petition under § 3-1503 of this subtitle, the judge may issue mutual peace orders if the judge finds by a preponderance of the evidence that each party has committed, and is likely to commit in the future, an act specified in § 3-1503(a) of this subtitle against the other party.

(d) (1) The final peace order may include any or all of the following relief:
(i) Order the respondent to refrain from committing or threatening to commit an act specified in § 3-1503(a) of this subtitle against the petitioner or the petitioner's employee;
(ii) Order the respondent to refrain from contacting, attempting to contact, or harassing the petitioner or the petitioner's employee;
(iii) Order the respondent to refrain from entering the residence of the petitioner or the petitioner's employee;
(iv) Order the respondent to remain away from the place of employment, school, or temporary residence of the petitioner or the petitioner's employee;
(v) Direct the respondent or petitioner to participate in professionally supervised counseling or, if the parties are amenable, mediation;
(vi) Order either party to pay filing fees and costs of a proceeding under this subtitle; and
(vii)For an act of visual surveillance, order the respondent to:
1. Remove or reposition a device being used for visual surveillance within 15 days after issuance of a final peace order under this section; and
2. Refrain from further visual surveillance.
(2) If the judge issues an order under this section, the order shall contain only the relief that is minimally necessary to protect the petitioner or the petitioner's employee.

(e) (1) A copy of the final peace order shall be served on the petitioner, the petitioner's employee, 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.
(2) (i) A copy of the final peace order served on the respondent in accordance with paragraph (1) of this subsection constitutes actual notice to the respondent of the contents of the final peace order.
(ii) Service is complete upon mailing.

(f) All relief granted in a final peace order shall be effective for the period stated in the order, not to exceed 6 months.
Courts and Judicial Proceedings Article § 3-1505

Failure to Comply with Temporary or Final Peace Orders

(a) An individual who fails to comply with the relief granted in an interim peace order under § 3-1503.1 of this subtitle, a temporary peace order under § 3-1504(a)(2) of this subtitle, or a final peace order under § 3-1505(d)(1)(i), (ii), (iii), or (iv) of this subtitle is guilty of a misdemeanor and on conviction is subject to:
(1) For a first offense, a fine not exceeding $1,000 or imprisonment not exceeding 90 days or both; and
(2) For a second or subsequent offense, a fine not exceeding $2,500 or imprisonment not exceeding 1 year or both.

(b) For the purpose of second or subsequent offender penalties provided under subsection (a)(2) of this section, a prior conviction under § 4-509 of the Family Law Article shall be considered a conviction under this section.

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

Criminal Law Article § 3-1508

DOMESTIC VIOLENCE

Definitions

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

(b) (1) "Abuse" means any of the following acts:

(i) an act that causes serious bodily harm;

(ii) an act that places a person eligible for relief in fear of imminent serious bodily harm;

(iii) assault in any degree;

(iv) rape or sexual offense under § 3–303, § 3–304, § 3–307, or § 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

(v) false imprisonment;

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

(vii) revenge porn under § 3–809 of the Criminal Law Article.

(2) (i) If the person for whom relief is sought is a child, "abuse" may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article.

(ii) Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.

(3) If the person for whom relief is sought is a vulnerable adult, "abuse" may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

(c) "Child care provider" means a person that provides supervision and care for a minor child.

(d) "Cohabitant" means a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within 1 year before the filing of the petition.

(e) "Commissioner" means a District Court Commissioner appointed in accordance with Article IV, § 41G of the Maryland Constitution.

(f) "Court" means the District Court or a circuit court in this State.

(g) "Emergency family maintenance" means a monetary award given to or for a person eligible for relief to whom the respondent has a duty of support under this article based on:

(1) the financial needs of the person eligible for relief; and

(2) the resources available to the person eligible for relief and the respondent.

(h) "Executive Director" means the Executive Director of the Governor's Office of Crime Prevention and Policy.

(i) "Final protective order" means a protective order issued under § 4–506 of this subtitle.

(j) "Home" means the property in this State that:

(1) is the principal residence of a person eligible for relief; and

(2) is owned, rented, or leased by the person eligible for relief or respondent or, in a petition alleging child abuse or abuse of a vulnerable adult, an adult living in the home at the time of a proceeding under this subtitle.

(k) "Interim protective order" means an order that a Commissioner issues under this subtitle pending a hearing by a judge on a petition.

(l) "Local department" means the local department that has jurisdiction in the county:

(1) where the home is located; or

(2) if different, where the abuse is alleged to have taken place.

(m) "Military protection order" means a protection order issued in accordance with 10 U.S.C. § 1567 by a commanding officer against a person under such officer's command in:

(1) any branch of the uniformed services of the United States;

(2) the Maryland National Guard; or

(3) the national guard of any other state.

(n) "Person eligible for relief" includes:

(1) the current or former spouse of the respondent;

(2) a cohabitant of the respondent;

(3) a person related to the respondent by blood, marriage, or adoption;

(4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;

(5) a vulnerable adult;

(6) an individual who has a child in common with the respondent;

(7) an individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition; and

(8) an individual who alleges that the respondent committed, within 6 months before the filing of the petition, any of the following acts against the individual:

(i) rape or a sexual offense under § 3–303, § 3–304, § 3–307, or § 3–308 of the Criminal Law Article; or

(ii) attempted rape or sexual offense in any degree.

(o) (1) "Pet" means a domesticated animal.

(2) "Pet" does not include livestock.

(p) (1) "Petitioner" means an individual who files a petition.

(2) "Petitioner" includes:

(i) a person eligible for relief; or

(ii) the following persons who may seek relief from abuse on behalf of a minor or vulnerable adult:

1. the State's Attorney for the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

2. the department of social services that has jurisdiction in the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

3. a person related to the child or vulnerable adult by blood, marriage, or adoption; and

4. an adult who resides in the home.

(q) "Residence" includes the yard, grounds, outbuildings, and common areas surrounding the residence.

(r) "Respondent" means the person alleged in the petition to have committed the abuse.

(s) "Temporary protective order" means a protective order issued under § 4–505 of this subtitle.

(t) "Victim" includes a person eligible for relief.

(u) "Vulnerable adult" has the meaning provided in § 14–101(q) of this article.

Family Law Article § 4-501

Duties of Law Enforcement Officers

(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

Report of Abuse to Department of State Police and Victim

(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

Petition for Relief from Abuse

(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.

Family Law Article § 4-504

Interim Protective Orders

(a) A petition under this subtitle may be 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

(a) (1) (i) 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.

(ii) In determining whether there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may consider whether a military protection order has been issued against the respondent for the same or similar conduct against the same person eligible for relief.

(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.

(d) The judge may proceed with a final protective order hearing instead of a temporary protective order hearing, if:

(1) (i) the respondent appears at the hearing;

(ii) the respondent has been served with an interim protective order; or

(iii) the court otherwise has personal jurisdiction over the respondent; and

(2) the petitioner and the respondent expressly consent to waive the temporary protective order hearing.

(e) (1) Whenever a judge finds reasonable grounds to believe that abuse of a child, as defined in Title 5, Subtitle 7 of this article, or abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article, has occurred, the court shall forward to the local department a copy of the petition and temporary protective order.

(2) Whenever a local department receives a petition and temporary protective order from a court, the local department shall:

(i) investigate the alleged abuse as provided in:

1. Title 5, Subtitle 7 of this article; or

2. Title 14, Subtitle 3 of this article; and

(ii) by the date of the final protective order hearing, send to the court a copy of the report of the investigation.

Family Law Article § 4-505

Final Protective Order

(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) The temporary protective order shall include notice to the respondent:

(i) in at least 10-point bold type, that if the respondent fails to appear at the final protective order hearing, the respondent may be served by first-class mail at the respondent's last known address with the final protective order and all other notices concerning the final protective order;

(ii) specifying all the possible forms of relief under subsection (d) of this section that the final protective order may contain;

(iii) that the final protective order shall be effective for the period stated in the order, not to exceed 1 year or, under the circumstances described in subsection (j)(2) of this section, 2 years, unless the judge extends the term of the order under § 4-507(a)(2) of this subtitle or the court issues a permanent order under subsection (k) of this section; and

(iv) in at least 10-point bold type, that the respondent must notify the court in writing of any change of address.

(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 child care 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) If the judge awards temporary custody of a minor child under subsection (d)(7) of this section, 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 final protective order.

(h) In determining whether to order the respondent to vacate the home under § 4-505(a)(2)(iv) of this subtitle or subsection (d)(4) of this section, the judge shall consider the following factors:
(1) the housing needs of any minor child living in the home;
(2) the duration of the relationship between the respondent and any person eligible for relief;
(3) title to the home;
(4) pendency and type of criminal charges against the respondent;
(5) the history and severity of abuse in the relationship between the respondent and any person eligible for relief;
(6) the existence of alternative housing for the respondent and any person eligible for relief; and
(7) the financial resources of the respondent and the person eligible for relief.

(i) (1) A copy of the final protective order shall be served on the petitioner, the respondent, any affected person eligible for relief, the appropriate law enforcement agency, and any other person the judge determines is appropriate, in open court or, if the person is not present at the final protective order hearing, by first-class mail to the person's last known address.
(2) A copy of the final protective order served on the respondent in accordance with paragraph (1) of this subsection constitutes actual notice to the respondent of the contents of the final protective order. Service is complete upon mailing.

(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) 1. 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;
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; or
3. the individual consents to the issuance of the permanent protective order; 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

Surrender of 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.

(c) Notwithstanding any other law, a respondent may transport a firearm if the respondent is carrying a protective order requiring the surrender of the firearm and:

(1) the firearm is unloaded;

(2) the respondent has notified the law enforcement unit, barracks, or station that the firearm is being transported in accordance with the protective order; and

(3) the respondent transports the firearm directly to the law enforcement unit, barracks, or station.

Family Law Article § 4-506.1

Protective Orders Issued by Foreign Courts (Out-of-State)

(a) (1) In this section, "order for protection" means a temporary or final order or injunction that:

(i) is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person;

(ii) is issued by a civil court in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection or by a criminal court; and

(iii) is obtained by filing an independent action or as a pendente lite order in another proceeding.

(2) "Order for protection" does not include a support or child custody order.

(b) An order for protection issued by a court of another state or a Native American tribe shall be accorded full faith and credit by a court of this State and shall be enforced:

(1) in the case of an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-505 of this subtitle; and

(2) in the case of an order for protection, other than an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-506(d) of this subtitle.

(c) A law enforcement 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 an order for protection that was issued by a court of another state or a Native American tribe and is in effect at the time of the violation if the person seeking the assistance of the law enforcement officer:

(1) has filed with the District Court or circuit court for the jurisdiction in which the person seeks assistance a copy of the order; or

(2) displays or presents to the law enforcement officer a copy of the order that appears valid on its face.

(d) A law enforcement officer acting in accordance with this section shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner.

(e) It is the intent of the General Assembly that an order for protection issued by a court of this State shall be accorded full faith and credit by a court of another state to the extent required by federal law.

Family Law Article § 5-508.1

Removal of Firearm

(a) When responding to the scene of an alleged act of domestic violence, as described in this subtitle, a law enforcement officer may remove a firearm from the scene if:

(1) the law enforcement officer has probable cause to believe that an act of domestic violence has occurred; and

(2) the law enforcement officer has observed the firearm on the scene during the response.

(b) If a firearm is removed from the scene under subsection (a) of this section, the law enforcement officer shall:

(1) provide to the owner of the firearm information on the process for retaking possession of the firearm; and

(2) provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic violence.

(c) At the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under § 4-506 of this subtitle.

Family Law Article § 4-511

Law Enforcement Immunity from Civil Liability – Domestic Violence

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

Enforcement of Out-of-State Orders for Protection

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

CHILD ABUSE & MISSING CHILDREN

Child Abuse - Definitions

(a) Except as otherwise provided in § 5-705.1 of this subtitle, in this subtitle the following words have the meanings indicated.

(b) (1) "Abuse" means:

(i) the physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by:

1. a parent;
2. a household member or family member;
3. a person who has permanent or temporary care or custody of the child;
4. a person who has responsibility for supervision of the child; or
5. a person who, because of the person's position or occupation, exercises authority over the child;

(ii) sexual abuse of a child, whether physical injuries are sustained or not; or

(iii) labor trafficking of a child by any individual.

(2) "Abuse" does not include the physical injury of a child by accidental means.

(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 by Acts 2005, c. 464, § 2, eff. Jan. 1, 2006.

(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.

(j) "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) "Indicated" means a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur.

(m) "Labor trafficking" means knowingly:

(1) taking, placing, harboring, persuading, inducing, or enticing a child by force, fraud, or coercion to provide services or labor; or

(2) receiving a benefit or thing of value from the provision of services or labor by a child that was induced by force, fraud, or coercion.

(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 caused by an intentional act or series of acts, regardless of whether there was an intent to harm the child.

(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:

(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) any other sexual conduct that is a crime.

(aa) "Unsubstantiated" means a finding that there is an insufficient amount of evidence to support a finding of indicated or ruled out.

Family Law Article § 5-701

Child Abuse - Purpose of Subtitle

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

Reports of Suspected Child Abuse or Neglect; Health Practitioners, Police Officers, Educators, and Human Service Workers

(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 who has reason to believe that a child has been subjected to abuse or neglect:
(1) 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

Child Abuse - Investigations

(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;
(iii) a licensed social worker, as defined in § 19-101 of the Health Occupations Article; or
(iv) a clinical professional counselor licensed under Title 17 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, the local health officer, and the local child advocacy center 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;
(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases; and
(iv) include screening to determine whether a child is a victim of sex trafficking.

(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 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.

(j) 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.

(k) Notwithstanding the provisions of this section, the Secretary may implement an alternative response program for selected reports of abuse or neglect.

(l) (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 Services, or the Secretary's designee;

(ii) the Secretary of Health, 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 Services 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.

(m) Only a low risk report of abuse or neglect may be considered for an alternative response.

(n) A report that is not assigned for an alternative response shall be assigned for investigation in accordance with this section.

(o) 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.

(p) 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 (o) of this section; or

(3) a family's inability or refusal to participate in the alternative response assessment.

(q) 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.

(r) 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.

(s) 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.

(t) The Department shall implement policies to ensure that if a local department or the appropriate law enforcement agency fails to see a child in accordance with the time frames established under subsection (c) of this section:

(1) the reason for the delay is documented in the child's case file; and

(2) a supervisor at the local department:

(i) is notified of the delay in order to support staff in making initial contact with the child; and

(ii) reviews the documentation required under item (1) of this subsection during the review of the final investigation report.

(u) (1) The Department shall prepare and issue a quarterly report identifying investigations or reports that are not completed within the time frames required by this section.

(2) The reports required under this subsection shall include an explanation for each delay, compiled by the Department with input from the local departments.

(3) On or before December 1, 2022, and each December 1 thereafter, the Department shall, subject to § 2-1257 of the State Government Article, report to the General Assembly on the progress of local departments in complying with the time frames for conducting investigations and completing reports under this section.

Family Law Article § 5-706

Child Abuse – Reporting Immunity

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 § 5-708

Temporary Removal – 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(j) of this subtitle within the time specified.

Family Law Article § 5-709

Medical Treatment of Abused Child

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

(2) (i) "Emergency medical treatment" means medical or surgical care rendered by a provider in a laboratory, health care facility, or child advocacy center to a child under this section:

1. to relieve any urgent illness, injury, severe emotional distress, or life-threatening health condition; or
2. to determine the existence, nature, or extent of any possible abuse or neglect.

(ii) "Emergency medical treatment" includes, if appropriate, the use of telemedicine to achieve a timely expert diagnosis of child abuse or neglect.

(3) "Expert child abuse or neglect care" means the diagnosis or treatment of child abuse or neglect provided by:

(i) a physician;

(ii) a multidisciplinary team or multidisciplinary team member;

(iii) a health care facility; or

(iv) a staff member of a health care facility who is an expert in the field of abuse and neglect.

(4) "Multidisciplinary team" means a group of professionals with expertise in various professional disciplines who provide consultation, treatment, and planning in cases of child abuse and neglect.

(5) "Provider" includes a physician, multidisciplinary team or multidisciplinary team member, a child advocacy center, a health care facility, or health care facility personnel.

(b) Any provider who is licensed or authorized to practice a profession 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 provider:

(1) in accordance with a juvenile court order;

(2) by a representative of a local department of social services who states that the representative believes the child is an abused or neglected child;

(3) by a police officer who states that the officer believes that the child is an abused or neglected child; or

(4) by an individual required under § 5-704 of this subtitle to report suspected child abuse or neglect.

(c) If a provider examines a child under subsection (b) of this section and determines that emergency medical treatment or expert child abuse or neglect care is indicated, the provider may treat the child, with or without the consent of the child's parent, guardian, or custodian.
(d) A provider who examines or treats a child under this section shall have the immunity from liability described under § 5-621 of the Courts and Judicial Proceedings Article.
(e) (1) In accordance with regulations adopted by the Executive Director of the Governor's Office of Crime Prevention and Policy, the Governor's Office of Crime Prevention and Policy 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 Governor's Office of Crime Prevention and Policy 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

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 Children – 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 previously been 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 any one 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 National Crime Information Center (NCIC) computer networks within 2 hours after receipt of the minimum information necessary to make the entry;
(2) institute appropriate intensive search procedures, including the coordination of volunteer search teams;
(3) notify the National Center for Missing and Exploited Children;
(4) notify the appropriate local department 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 Department of 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 or the Department of State Police have reason to believe that the missing child may be located in a jurisdiction other than the jurisdiction where the missing persons report was filed, the Department of 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 establish a mandatory waiting period before beginning an investigation to locate a missing child.

(2) 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 Department of State Police immediately upon the locating of the missing child if it is unlikely that the local law enforcement agency or the Department of 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 Clearinghouse for Missing Children operated by the Department of 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 Secretary of State Police may develop, in cooperation with local law enforcement agencies, a plan for voluntary fingerprinting programs for children.

Family Law Article § 9-403

LAW ENFORCEMENT PROCEDURES

Certification and Carrying Certification Card Required

D. Certification Card.

(l) The Commission shall issue a certification card:

(a) To a police officer who has met all Commission certification requirements under this chapter; and

(b) That contains information in a form determined by the Commission.

(2) Issuing a certification card to a police officer indicates the police officer's authority to enforce the criminal laws of Maryland.

(3) Replacement of and costs for replacing a previously issued, current certification card is the responsibility of the law enforcement agency.

(4) Unless determined to be inappropriate by the agency head due to operational assignment, such as covert operations, a police officer shall carry the certification card at all times while the police officer is on duty status.

(5) A certification card issued by the Commission expires at midnight on the date printed on the card or upon termination of employment as a police officer.

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Eyewitness Identification Procedure Requirements

(a) (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 lineup 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) (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

Report of Officer-Involved Deaths and Deaths In the Line of Duty

(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 article.

(4) (i) "Law enforcement officer" has the meaning stated in § 1-101 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) 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 Prevention and Policy 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 Prevention and Policy 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 Prevention and Policy shall analyze and disseminate the information provided under subsection (b) of this section.

(e) The Governor's Office of Crime Prevention and Policy 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 § 2-1257 of the State Government Article, on or before June 30 of each year.

Public Safety Article § 3-507

Missing Person Report – Mandatory 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

Investigations Affecting First Amendment Activities

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

(2) "Chief" means the head of a law enforcement agency.

(3) (i) "Covert investigation" means an infiltration of or attempt to infiltrate a group or organization in a manner that conceals the identity of the law enforcement agency or the identity of an officer or agent of the law enforcement agency.

(ii) "Covert investigation" does not include the use of plainclothes officers or employees for crowd control and public safety purposes at public events.

(4) "Department" means the Department of State Police.

(5) "First Amendment activities" means:

(i) activities involving constitutionally protected speech or association; or

(ii) conduct related to freedom of speech, free exercise of religion, freedom of the press, the right to assemble, or the right to petition the government.

(6) "Law enforcement agency" means a police or sheriff's department of the State, a county, a municipal corporation, or a public or private institution of higher education.

(7) "Legitimate law enforcement objective" means the detection, investigation, deterrence, or prevention of crime, or the apprehension and prosecution of a suspected criminal.

(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.

(l) On or before January 1, 2010, the Department shall adopt regulations governing:

(1) the conduct by the Department of covert investigations of persons, groups, or organizations engaged in First Amendment activities; and

(2) each departmental collection, dissemination, retention, database inclusion, purging, and auditing of intelligence information relating to persons, groups, or organizations engaged in First Amendment activities.

(m) On or before January 1, 2010, each law enforcement agency other than the Department shall adopt a written, publicly available policy governing:

(1) the conduct by the agency of covert investigations of persons, groups, or organizations engaged in First Amendment activities; and

(2) each agency collection, dissemination, retention, database inclusion, purging, and auditing of intelligence information relating to persons, groups, or organizations engaged in First Amendment activities.

Public Safety Article § 3-701

Interrogation Recording

Audiovisual Recordings of Custodial Interrogations

It is the public policy of the State that:

(1) a law enforcement unit that regularly utilizes one or more interrogation rooms capable of creating audiovisual recordings of custodial interrogations shall make reasonable 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

(2) 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

Citizenship or Immigration Status

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

(2) "Civil immigration violation" means a violation of federal civil immigration law.

(3) "Family member" means a relative by blood, adoption, or marriage.

(4) "Household member" means a person who lives with another or is a regular presence in the home of another.

(5) (i) "Law enforcement agent" means an individual who is certified by the Maryland Police Training and Standards Commission under § 3-209 of the Public Safety Article.

(ii) "Law enforcement agent" does not include an agent or employee of a State correctional facility or a local correctional facility.

(6) "Local correctional facility" has the meaning stated in § 1-101 of the Correctional Services Article.

(7) "State correctional facility" has the meaning stated in § 1-101 of the Correctional Services Article.

(b) (1) In this subsection, "arrest" does not include a routine booking procedure.

(2) Except as provided in paragraphs (3) and (4) of this subsection, a law enforcement agent may not, during the performance of regular police functions:

(i) inquire about an individual's citizenship, immigration status, or place of birth during a stop, a search, or an arrest;

(ii) detain, or prolong the detention of, an individual:

1. for the purpose of investigating the individual's citizenship or immigration status; or

2. based on the suspicion that the individual has committed a civil immigration violation;

(iii) transfer an individual to federal immigration authorities unless required by federal law; or

(iv) coerce, intimidate, or threaten any individual based on the actual or perceived citizenship or immigration status of the individual or:

1. the individual's family member;

2. the individual's household member;

3. the individual's legal guardian; or

4. another individual for whom the individual is a legal guardian.

(3) Nothing in this subsection shall prevent a law enforcement agent from inquiring about any information that is material to a criminal investigation.

(4) If the citizenship or immigration status of an individual is relevant to a protection accorded to the individual under State or federal law, or subject to a requirement imposed by international treaty, a law enforcement agent may:

(i) notify the individual of the protection or requirement; and

(ii) provide the individual an opportunity to voluntarily disclose the individual's citizenship or immigration status for the purpose of receiving the protection or complying with the requirement.

Criminal Procedure Article § 5-104

Emergency Medical Care – "Good Samaritan Act"

(a) A person described in subsection (b) of this section is not civilly liable for any act or 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;

(iii) Is certified or licensed by this State as an emergency medical services provider; or

(iv) Is administering medications or treatment approved for use in response to an apparent drug overdose and the member is:

1. Licensed or certified as an emergency medical services provider by the State Emergency Medical Services Board and authorized to administer the medications and treatment under protocols established by the State Emergency Medical Services Board;

2. Certified to administer the medications and treatment under protocols established by the Secretary of Health; or

3. Certified to administer the medications and treatment under protocols established by the Maryland State Police Medical Director;

(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 item (2) of this subsection.

(c) (1) 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:
(i) The assistance or aid is provided in a reasonably prudent manner;
(ii) The assistance or aid is provided without fee or other compensation; and
(iii) 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.
(2) The immunity from civil liability under paragraph (1) of this subsection applies to an individual when administering naloxone in response to a known or suspected drug overdose.
Courts and Judicial Proceedings Article § 5-603

Outside Jurisdiction - Actions of Law Enforcement Officer

(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:
(1) The action is not grossly negligent; and
(2) 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 entitled to workers' 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

Outside Jurisdiction – Immunities of Liability

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

Police Order for Assistance from a Motor Vehicle Operator

Liability for Negligence of Police Officer

(a) If any police officer of this State or any political subdivision of this State, while otherwise acting within the scope of his authority in enforcing any law, directs the driver of any motor vehicle, other than a police vehicle, to assist him in enforcing that law or in apprehending any person suspected of violating or known to have violated that law, this State or the political subdivision, as the case may be, is liable for the damages or injuries proximately caused by the negligence of the police officer.
(b) This State or a political subdivision of this State may use the defense of contributory negligence and assert the doctrine of last clear chance in an action brought or defense raised under this section.
Transportation Article § 19-101

Liability for Commandeered Vehicles Used in a Roadblock

(a) A police officer may not direct any driver, owner, or passenger of a motor vehicle, other than a police vehicle, to participate in a roadblock.
(b) If any police officer of this State or any political subdivision of this State, while otherwise acting within the scope of his authority in enforcing any law, directs the driver, owner, or passenger of a motor vehicle other than a police vehicle to participate in a roadblock to assist him in enforcing that law or in apprehending any person suspected of violating or known to have violated that law, this State or the political subdivision, as the case may be, is liable for the damages or injuries proximately caused by participation in the roadblock.
(c) This State or a political subdivision of this State may use the defense of contributory negligence and assert the doctrine of last clear chance in an action brought or defense raised under subsection (b) of this section.

Transportation Article § 19-102

Note: 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).

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 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.

(5) "Maryland Statistical Analysis Center" means the research, development, and evaluation component of the Governor's Office of Crime Prevention and Policy.

(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 Maryland 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)(2) 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 Maryland Police Training and Standards Commission.
(2) (i) On or before September 1 each year, the Maryland Statistical Analysis Center shall post on its website in a location that is easily accessible to the public a filterable data display showing all data collected under this section for the previous calendar year.
(ii) A filterable data display under this paragraph shall allow a person to:
1. Filter the traffic stop data by county or municipality or law enforcement agency; and
2. Review various visuals associated with data items reported under subsection (d) of this section.
(iii) Beginning with data collected for calendar year 2018, the Maryland Statistical Analysis Center shall include and maintain data from all prior years in the filterable data display.
(iv) When the Maryland Statistical Analysis Center updates a filterable data display under this section, the Governor's Office of Crime Prevention and Policy shall provide electronic and written notice of the update to the General Assembly in accordance with § 2-1257 of the State Government Article.

(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 Maryland Police Training and Standards Commission.
(2) The Maryland 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 Maryland Police Training and Standards Commission, the Maryland Statistical Analysis Center and the Maryland 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

SPECIAL POLICE OFFICERS

Scope of Commission

(a) Each special police officer shall protect and preserve peace and good order on the property described in the application for the commission.

(b) A special police officer may:
(1) arrest individuals who trespass or commit offenses on the property described in the application for the commission;
(2) exercise the powers of a police officer on the property described in the application for the commission;
(3) exercise the powers of a police officer in a county or municipal corporation of the State in connection with the care, custody, and protection of other property of the entity that requested the appointment of the special police officer or other property, real or personal, for which the entity has assumed an obligation to maintain or protect; and
(4) direct and control traffic on public highways and roads in the immediate vicinity of the property described in the application for the commission in order to facilitate the orderly movement of traffic to and from the property, if the Secretary approves of this activity in advance.
(c) (1) A special police officer may make an arrest or issue a traffic citation for a violation of the Maryland Vehicle Law[1] or any other State or local traffic law or regulation only if the special police officer:
(i) has a probationary or permanent appointment as a security officer or is a member of an industrial police force; and
(ii) has completed the basic training course for police officers as established by the Maryland Police Training and Standards Commission in accordance with Subtitle 2 of this title.
(2) A special police officer may exercise the power described in paragraph (1) of this subsection only on the property of the special police officer's employer as described in the application for the commission, unless the special police officer is in active pursuit for the purpose of immediate apprehension.
Public Safety Article § 3-307

Liability for Wrongful Actions or Abuse of Powers

(a) The special police officer is responsible for:
(1) any abuse of the special police officer's powers; and
(2) the exercise of the special police officer's powers on property not within the special police officer's jurisdiction.
(b) The entity that requested the appointment of the special police officer is also responsible for:
(1) any wrongful action that the special police officer commits in the course of the special police officer's duties; and
(2) any abuse of the powers granted by the commission, either on or off the premises.
Public Safety Article § 3-308

Uniform, Badge, Vehicle, Equipment, and Identifications

(a) (1) Unless a special police officer is on detective duty, the special police officer shall wear:
(i) a uniform that is distinguishable from ordinary civilian clothing and that gives notice that the special police officer is a special police officer; and
(ii) a distinctive police badge that properly identifies the officer as a special police officer.
(2) The badge shall be worn in plain view.
(3) The uniform, badge, vehicle, equipment, and identification are subject to approval by the Department of State Police.
(b) Each special police officer on detective duty shall carry:
(1) identification that properly identifies the special police officer as a special police officer; and
(2) the distinctive police badge described in subsection (a) of this section.
(c) (1) A special police officer shall surrender to the special police officer's employer any identification or badge that identifies the individual as a special police officer within 48 hours after the suspension or termination of:
(i) the employment of the special police officer; or
(ii) the commission of the special police officer in accordance with § 3-313 of this subtitle.
(2) The special police officer's employer shall return the special police commission card to the Secretary within 10 days after the suspension or termination of a special police officer.
Public Safety Article § 3-310

SECURITY GUARDS AND PRIVATE DETECTIVES

Private Detective Agency Licenses

(a) Except as otherwise provided in this title, a person shall be licensed by the Secretary as a private detective agency before the person may:

(1) conduct a business that provides private detective services in the State; and

(2) solicit to engage in a business that provides private detective services in the State.

(b) An individual or a firm may qualify for a license as a private detective agency.

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 authorizes the wearing or carrying of the badge;

(2) the design of the badge is approved by the Secretary; and

(3) the badge is issued by the licensed 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 as a security guard agency before the person may:

(1) conduct a 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 § 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; and

(2) issued by the licensed security guard agency or the security guard employer that employs the security guard.

(b) Whenever a security guard is in uniform, the security guard shall clearly display and wear the clearance card issued by the Secretary which identifies the security guard.

Business Occupations and Professions Article § 19-407

Misrepresentation - Security Guard

(a) Unless authorized under this title to engage in business for the purpose of providing security guard services, a person may not represent to the public, by use of a title, including “licensed security guard agency”, “security guard agency”, or “security guards”, by description of services, methods, or procedures, or otherwise, that the person is authorized to engage in the business of providing security guard services in the State.

(b) Unless an individual is certified as a security guard under this title, the individual may not represent to the public, by use of a title, including “certified security guard”, or by use of a badge or identification card, that the individual is certified as a security guard under this title.

Business Occupations and Professions Article § 19-602

Unauthorized Distribution and Use of Security Guard Certification Cards and Badges

(a) Except as authorized under this title, a security guard agency may not provide any person with a badge or a certification card or other document indicating that any individual is a security guard.
(b) A certified security guard may not lend the security guard's certification card or badge to another person or allow another person to use or display the card or badge.
(c) Regardless of any association that an individual may have with a security guard agency, unless authorized under this title, the individual may not wear or carry a badge that:
(1) represents that the individual is a security guard; or
(2) otherwise represents that the individual is associated with a security guard agency.
Business Occupations and Professions Article § 19-603

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 a 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 § 6-402 of this 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

III. CRIMINAL RESPONSIBILITY

ACCESSORY

Before the Fact

(a) In this section, the words "accessory before the fact" and "principal" have their judicially determined meanings.
(b) Except for a sentencing proceeding under § 2-304 of the Criminal Law Article:
(1) the distinction between an accessory before the fact and a principal is abrogated; and
(2) an accessory before the fact may be charged, tried, convicted, and sentenced as a principal.
(c) An accessory before the fact may be charged, tried, convicted, and sentenced for a crime regardless of whether a principal in the crime has been:
(1) charged with the crime;
(2) acquitted of the crime; or
(3) convicted of a lesser or different crime.
(d) If a crime is committed in the State, an accessory before the fact may be charged, tried and convicted, and sentenced in a county where:
(1) an act of accessoryship was committed; or
(2) a principal in the crime may be charged, tried and convicted, and sentenced.
Criminal Procedure Article § 4-204

After the Fact

(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

ATTEMPT AND 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

Attempt – Limitation on Punishment

The punishment of a person who is convicted of an attempt to commit a crime may not exceed the maximum punishment for the crime attempted.

Criminal Law Article § 1-201

Conspiracy – Limitation on Punishment

The punishment of a person who is convicted of conspiracy may not exceed the maximum punishment for the crime that the person conspired to commit.

Criminal Law Article § 1-202

INFANCY DEFENSE

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).

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

IV. ALPHABETICAL LISTING OF CRIMINAL LAWS

ABANDONED PROPERTY AND ILLEGAL DUMPING

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

Illegal Dumping and Litter Control Law

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

(2) "Bi-county unit" means:

(i) the Maryland-National Capital Park and Planning Commission; or

(ii) the Washington Suburban Sanitary Commission.

(3) (i) "Bulky item" means any discarded furniture, home or industrial appliance, or abandoned vehicle or part of an abandoned vehicle not designated for disposal purposes under the laws of Prince George's County or Charles County.

(ii) "Bulky item" does not include discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including:

1. beverage containers and closures;
2. packaging;
3. wrappers;
4. wastepaper;
5. newspapers;
6. magazines; and
7. waste matter that escapes or is allowed to escape from a container, receptacle, or package.

(4) "Litter" means all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.

(5) "Public or private property" means:

(i) the right-of-way of a road or highway;

(ii) a body of water or watercourse or the shores or beaches of a body of water or watercourse;

(iii) a park;

(iv) a parking facility;

(v) a playground;

(vi) public service company property or transmission line right-of-way;

(vii) a building;

(viii) a refuge or conservation or recreation area;

(ix) residential or farm property; or

(x) timberlands or a forest.

(b) The General Assembly intends to:

(1) prohibit uniformly throughout the State the improper disposal of litter on public or private property; and

(2) curb the desecration of the beauty of the State and harm to the health, welfare, and safety of its citizens caused by the improper disposal of litter.

(c) A person may not:

(1) dispose of litter on a highway or perform an act that violates the State Vehicle Laws[1] 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.

(e) Notwithstanding any other law, if the facts of a case in which a person is charged with violating this section are sufficient to prove that the person is responsible for the violation, the owner of the property on which the violation allegedly occurred need not be present at a court proceeding regarding the case.

(f) (1) A person who violates this section is subject to the penalties provided in this subsection.

(2) (i) A person who disposes of litter in violation of this section in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $1,500 or both.

(ii) A person who disposes of litter in violation of this section in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $12,500 or both.

(iii) A person who disposes of litter in violation of this section in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $30,000 or both.

(3) In addition to the penalties provided under paragraph (2) of this subsection, a court may order the violator to:

(i) remove or render harmless the litter disposed of in violation of this section;

(ii) repair or restore any property damaged by, or pay damages for, the disposal of the litter in violation of this section;

(iii) perform public service relating to the removal of litter disposed of in violation of this section or to the restoration of an area polluted by litter disposed of in violation of this section; or

(iv) reimburse the State, county, municipal corporation, or bi-county unit for its costs incurred in removing the litter disposed of in violation of this section.

(4) (i) If a person is convicted of a violation under this section and the person used a motor vehicle in the commission of the violation, the court shall notify the Motor Vehicle Administration of the violation.

(ii) The Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with the Motor Vehicle Administration, shall establish uniform procedures for reporting a violation under this paragraph.

(g) A law enforcement unit, officer, or official of the State or a political subdivision of the State, or an enforcement unit, officer, or official of a commission of the State, or a political subdivision of the State, shall enforce compliance with this section.

(h) A unit that supervises State property shall:

(1) establish and maintain receptacles for the disposal of litter at appropriate locations where the public frequents the property;

(2) post signs directing persons to the receptacles and serving notice of the provisions of this section; and

(3) otherwise publicize the availability of litter receptacles and the requirements of this section.

(i) (1) Fines collected for violations of this section shall be disbursed:

(i) to the county or municipal corporation where the violation occurred; or

(ii) if the bi–county unit is the enforcement unit and the violations occurred on property over which the bi–county unit exercises jurisdiction, to the bi–county unit.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, fines collected shall be used to pay for litter receptacles and posting signs as required by subsection (h) of this section and for other purposes relating to the removal or control of litter.

(ii) Fines collected in Prince George's County shall be used to pay for:

1. maintenance costs associated with the pilot program established under subsection (k) of this section;

2. litter receptacles and posting signs that are required by subsection (h) of this section and for other purposes related to the removal or control of litter;

3. the removal or control of litter, litter removal programs, oversight, and operations performed by the unit that supervises State property; and

4. rewards to members of the public who submit video evidence through a program established under subsection (k) of this section.

(j) (1) The legislative body of a municipal corporation may:

(i) prohibit littering; and

(ii) classify littering as a municipal infraction under Title 6 of the Local Government Article.

(2) The governing bodies of Anne Arundel County, Prince George's County, Calvert County, and Montgomery County may each adopt an ordinance to prohibit littering under this section and, for violations of the ordinance, may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subsection (f)(1) through (3) of this section.

(3) (i) The governing bodies of Prince George's County and Charles County may each adopt an ordinance to prohibit the disposal of a bulky item:

1. on a highway; or

2. on public or private property unless the property is designated by the State, a unit of the State, or a political subdivision of the State for the disposal of bulky items and the person is authorized by the proper public authority to use the property.

(ii) For violations of an ordinance adopted under this paragraph, a county may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subparagraph (iii) of this paragraph.

(iii) A person who disposes of a bulky item in violation of this paragraph is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $5,000 or both.

(k) (1) The governing body for Prince George's County may establish a pilot program allowing a member of the public to:

(i) submit video evidence of an alleged violation of this section occurring in Prince George's County to an enforcement unit with jurisdiction; and

(ii) receive half the total amount of any fines collected in relation to the violation if the video evidence leads to a conviction under this section.

(2) If a person fined under this subsection does not pay the fine, the governing body of Prince George's County may refer the amount of the unpaid outstanding fine to the Central Collection Unit of the Department of Budget and Management.

(l) This section may be cited as the "Illegal Dumping and Litter Control Law".

Criminal Law Article § 10-110

ABDUCTION

Abduction by Child's Relative - 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, 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

Abduction by Child's Relative - Outside of this State

(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

ABUSE – MINORS

Child Abuse – By Parent or Person with Custody

(a) (1) In this section the following words have the meanings indicated.
(2) "Abuse" means physical injury sustained by a minor as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the minor's health or welfare is harmed or threatened by the treatment or act.
(3) "Family member" means a relative of a minor by blood, adoption, or marriage.
(4) "Household member" means a person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse.
(5) "Severe physical injury" means:
(i) brain injury or bleeding within the skull;
(ii) starvation; or
(iii) physical injury that:
1. creates a substantial risk of death; or
2. causes permanent or protracted serious:
A. disfigurement;
B. loss of the function of any bodily member or organ; or
C. impairment of the function of any bodily member or organ.

(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; or
(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;
(ii) if the violation results in the death of a victim at least 13 years old, imprisonment not exceeding 40 years; or
(iii) if the violation results in the death of a victim under the age of 13 years, imprisonment not exceeding life.

(c) A person who violates this section after being convicted of a previous violation of 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 life.

(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 (c) 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) 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.

Criminal Law Article § 3-601

Sexual Abuse of a Minor

(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) (i) "Sexual abuse" means an act that involves sexual molestation or exploitation of a minor, whether physical injuries are sustained or not.

(ii) "Sexual abuse" includes:

1. incest;
2. rape;
3. sexual offense in any degree; and
4. any other sexual conduct that is a crime.

(b) (1) A parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause sexual abuse to the minor.

(2) A household member or family member may not cause sexual abuse to a minor.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for:

(1) any crime based on the act establishing the violation of this section; or

(2) a violation of § 3-601 of this subtitle involving an act of abuse separate from sexual abuse under this section.

Criminal law Article 3-602

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 the 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 Abuse - Preventing or Interference with Report of Suspected Abuse or Neglect Prohibited
(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

ABUSE – VULNERABLE ADULTS

Abuse or Neglect of Vulnerable Adult – First Degree
(a) (1) 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. any other sexual conduct that is a crime.

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

(b) (1) 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) A person who violates this section is guilty of the felony of abuse or neglect of a vulnerable adult in the first degree 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 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 § 3-604

Abuse or Neglect of Vulnerable Adult – Second Degree

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

(b) (1) A caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not:

(i) cause abuse or neglect of the vulnerable adult; or

(ii) intentionally and maliciously inflict severe emotional distress on the vulnerable adult.

(2) A household member or family member may not:

(i) cause abuse or neglect of a vulnerable adult; or

(ii) intentionally and maliciously inflict severe emotional distress on a vulnerable adult.

(c) A person who violates this section is guilty of the misdemeanor of abuse or neglect of a vulnerable adult in the second degree 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 § 3-605

ALCOHOLIC BEVERAGE LAWS

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

Underage Possession or Consumption

(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:

(1) 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 § 1-101 of the Alcoholic Beverages and Cannabis 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;

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

(iii) the individual tastes the alcoholic beverage as a student enrolled in a course or program in enology, fermenting, brewing, or hospitality and tourism at an institution of higher education in accordance with § 1-411 of the Alcoholic Beverages and Cannabis Article.

(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

False Documentation/Identification

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

Obtaining for Underage Consumption

Except as provided in § 1-411 of the Alcoholic Beverages and Cannabis Article, 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

Furnishing for or Allowing Underage Consumption

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

(1) 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:

(i) does not apply if the person furnishing the alcoholic beverage and the individual to whom the alcoholic beverage is furnished:

1. 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

2. are participants in a religious ceremony; or

(ii) does not apply to:

1. an instructor while conducting in-class activities when teaching a course or program in enology, fermenting, brewing, or hospitality and tourism at an institution of higher education in accordance with § 1-411 of the Alcoholic Beverages and Cannabis Article; or

2. an institution of higher education, with respect to the in-class activities of the course or program.

(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

Citation and Penalties for Alcoholic Beverage Violations

(a) (1) A person shall be issued a citation under this section if the person violates:
(i) §§ 10-113 through 10-115 or § 10-118 of this part; or
(ii) § 6-321 or § 6-322 of the Alcoholic Beverages and Cannabis Article.
(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 or § 6-321 or § 6-322 of the Alcoholic Beverages and Cannabis Article 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, Howard 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 the Alcoholic Beverages and Cannabis Article.
(2) In Anne Arundel County, Frederick County, Harford County, Howard 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, Howard 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) (1) Except for a citation subject to the jurisdiction of a circuit court, the issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.
(2) (i) The District Court shall promptly schedule the case for trial and summon the defendant to appear.
(ii) Willful failure of the defendant to respond to the summons is contempt of court.

(f) (1) For purposes of this section, a violation of §§ 10-113 through 10-115 or a violation of § 10-118 of this part or § 6-321 or § 6-322 of the Alcoholic Beverages and Cannabis Article is a Code violation and is a civil offense.
(2) A person charged 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.
(3) A person charged who is at least 18 years old shall be subject to the provisions of this section.
(4) Adjudication of a Code violation is not a criminal conviction for any purpose, and it does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(g) In any proceeding for a Code violation:

(1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of criminal causes, and in any such proceeding, the court shall apply the evidentiary standards as prescribed by law or rule for the trial of criminal causes;
(2) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;
(3) the defendant is entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, or to testify on the defendant's own behalf, if the defendant chooses to do so;
(4) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant;
(5) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:
(i) guilty of a Code violation; or
(ii) not guilty of a Code violation; and
(6) before rendering judgment, the court may place the defendant on probation in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(h) (1) This subsection does not apply to a person who commits a Code violation under § 6-321 or § 6-322 of the Alcoholic Beverages and Cannabis Article.
(2) Except as provided in paragraph (3) of this subsection, if the District Court finds that a person has committed a Code violation, the court shall require the person to pay:
(i) a fine not exceeding $500; or
(ii) if the violation is a subsequent violation, a fine not exceeding $1,000.
(3) If the District Court finds that a person has committed a Code violation under § 10-117 of this subtitle, the court shall require the person to pay:
(i) a fine not exceeding $2,500; or
(ii) if the violation is a subsequent violation, a fine not exceeding $5,000.

Criminal Law Article § 10-119

Failure to Provide Proof of Age

(a) A person being issued a citation under §§ 10-113 through 10-119 of this part or § 26-103 of the Education Article 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

Underage Consumption Fines and Penalties

(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 the Alcoholic Beverages and Cannabis Article; and
(2) has committed a violation of and is subject to the penalties under § 6-304, § 6-307, § 6-308, or § 6-309 of the Alcoholic Beverages and Cannabis Article.
(b) Except as provided in subsection (c) of this section, 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.
(c) An adult who violates § 10-117(d) of this subtitle 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 § 10-121

Buying, Selling, or Possessing Alcoholic Beverages

(a) Unless otherwise provided for in this article or the Tax--General Article, a person may not:
(1) sell alcoholic beverages;
(2) allow alcoholic beverages to be sold;
(3) accept or deliver alcoholic beverages; or
(4) for the purpose of sale, transport, buy, possess, or keep alcoholic beverages or allow alcoholic beverages to be transported, bought, possessed, or kept:
(i) in a vehicle, a water vessel, or an aircraft;

(ii) on any premises; or
(iii) under the person's charge or control.

(b) (1) Except as provided in paragraph (2) of this subsection, a person may not buy, possess, store, import, transport, or keep alcoholic beverages or allow alcoholic beverages to be bought, possessed, stored, imported, transported, or kept:
(i) in a vehicle, a water vessel, or an aircraft;
(ii) on any premises; or
(iii) under the person's charge or control.

(2) A person may perform an activity listed in paragraph (1) of this subsection if the person is:
(i) a consumer;
(ii) subject to the requirements under this article, a license holder; or
(iii) an individual under the age of 21 years who possesses or is transporting alcoholic beverages for a lawful purpose:
1. with the knowledge and consent of the individual's parent or guardian; or
2. incident to the lawful employment of the individual under this article.

(c) Except as provided in § 1-411 of this subtitle, an individual under the age of 21 years may not:
(1) buy, consume, possess, store, import, transport, or keep alcoholic beverages for the individual's own use; or
(2) buy, possess, store, import, transport, or keep alcoholic beverages for any purpose in a jurisdiction where prohibited under State law.

Alcoholic Beverages and Cannabis Article § 1-401

Selling or Providing Alcoholic Beverages to an Individual Under the Age of 21

A license holder or an employee of the license holder may not sell or provide alcoholic beverages to an individual under the age of 21 years.

Alcoholic Beverages and Cannabis Article § 6-304

Proof of Age for Sale of Alcoholic Beverage

A license holder or an employee of the license holder may accept as proof of an individual's age:
(1) if the individual is a resident of the State, the individual's driver's license or identification card as provided for in the Maryland Vehicle Law;
(2) a United States military identification card; or
(3) the individual's electronic credential issued by the Motor Vehicle Administration under Title 16, Subtitle 10 of the Transportation Article.

Alcoholic Beverages and Cannabis Article § 6-305

Possession of Alcohol Without Liquid Machine – AWOL 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 and Cannabis Article § 6-323

Alcoholic Beverages – Crystalline Form

(a) A person may not sell or 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 and Cannabis 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 the State if the seller, distributor, shipper, transporter, or recipient does not hold the required license or permit.

(2) The prohibition under paragraph (1) of this subsection applies to alcoholic beverages 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 imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

Alcoholic Beverages and Cannabis Article § 6-327

ANIMALS

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

Abuse or Neglect of Animal that Results in Death or Euthanasia

(a) A person may not commit a violation of § 10-604 of this subtitle that results in:

(1) the death of a domestic animal or livestock; or

(2) the need to euthanize a domestic animal or livestock based on the recommendation of a licensed veterinarian, if the decision to euthanize the domestic animal or livestock is validated before or after the euthanasia by a second licensed veterinarian.

(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 $5,000 or both.

(c) As a condition of sentencing of a defendant convicted of violating this section, the court may:

(1) order the defendant 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; and

(2) prohibit the defendant from owning, possessing, or residing with an animal for a period of time determined by the court.

Criminal Law Article § 10-604.1

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 organ 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) accepted animal husbandry practices, including:

1. grooming;
2. raising;
3. breeding;
4. assisting with the 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:

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 § 10-606

Attending a Dogfight or Cockfight

(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.

Criminal Law Article § 10-605

Dogfighting

(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

Dogfighting – Possession and Use of an 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:

(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.

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

Criminal Law Article § 10-607.1

Cockfighting

(a) (1) In this section, "implement of cockfighting" means any implement or device intended or designed:

(i) to enhance the fighting ability of a fowl, cock, or other bird; or

(ii) for use in a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(2) "Implement of cockfighting" includes:

(i) a gaff;

(ii) a slasher;

(iii) a postiza;

(iv) a sparring muff; and

(v) any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

(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

Animal as Prize

(a) This section does not apply to a person giving away an animal:

(1) as an agricultural project;

(2) for conservation purposes; or

(3) that is intended for slaughter.

(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

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 ingest 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

(a) (1) In this section the following words have the meanings indicated.
(2) "Dangerous dog" means a dog that:
(i) without provocation has killed or inflicted severe injury on a person; or
(ii) is determined by the appropriate unit of a county or municipal corporation under subsection (c) of this section to be a potentially dangerous dog and, after the determination is made:
1. bites a person;
2. when not on its owner's real property, kills or inflicts severe injury on a domestic animal; or
3. attacks without provocation.
(3) (i) "Owner's real property" means real property owned or leased by the owner of a dog.
(ii) "Owner's real property" does not include a public right-of-way or a common area of a condominium, apartment complex, or townhouse development.
(4) "Severe injury" means a physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.
(b) This section does not apply to a dog owned by and working for a governmental or law enforcement unit.
(c) An appropriate unit of a county or municipal corporation may determine that a dog is potentially dangerous if the unit:
(1) finds that the dog:
(i) has inflicted a bite on a person while on public or private real property;
(ii) when not on its owner's real property, has killed or inflicted severe injury on a domestic animal; or
(iii) has attacked without provocation; and
(2) notifies the dog owner in writing of the reasons for this determination.
(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.
(e) An owner of a dangerous dog or potentially dangerous dog who sells or gives the dog to another shall notify in writing:
(1) the authority that made the determination under subsection (c) of this section, of the name and address of the new owner of the dog; and
(2) the person taking possession of the dog, of the dangerous behavior or potentially dangerous behavior of the dog.
(f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500.

Criminal Law Article § 10-619

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; or

(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.

(d) 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 § 10-620

Wild Animals - Import, Sell, Trade, Barter, Possess, Breed, or Exchange

(a) (1) Except as provided in subsection (b)(2) of this section, this section does not apply to:

(i) a research facility or federal research facility licensed under the federal Animal Welfare Act;

(ii) the holder of a Class C Exhibitor's License under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., that displays the animals specified in subsection (b) of this section in a public setting as the exhibitor's primary function;

(iii) a person who possesses a valid license or permit issued by the Department of Natural Resources to import, sell, trade, barter, possess, breed, or exchange an animal specified in subsection (b) of this section;

(iv) an animal sanctuary that:

1. is a nonprofit organization qualified under § 501(c)(3) of the Internal Revenue Code;

2. operates a place of refuge for abused, neglected, impounded, abandoned, orphaned, or displaced wildlife;

3. does not conduct commercial activity with respect to any animal of which the organization is an owner; and

4. does not buy, sell, trade, lease, or breed any animal except as an integral part of the species survival plan of the American Zoo and Aquarium Association;

(v) an animal control officer under the jurisdiction of the State or a local governing authority, a law enforcement officer acting under the authority of this subtitle, or a private contractor of a county or municipal corporation that is responsible for animal control operations;

(vi) a person who holds a valid license to practice veterinary medicine in the State and treats the animal specified in subsection (b) of this section in accordance with customary and normal veterinary practices;

(vii) a person who is not a resident of the State and is in the State for 10 days or less for the purpose of traveling between locations outside of the State; and

(viii) a circus holding a Class C Exhibitor's License under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., that:

1. is in the State for less than 90 days per calendar year;

2. regularly conducts performances featuring live animals and multiple human entertainers, including acrobats and clowns; and

3. does not allow members of the public to be in proximity to an animal specified under subsection (b) of this section, including opportunities to be photographed with the animal, without sufficient distance and protective barriers.

(2) (i) This section does not prohibit a person who had lawful possession of an animal specified in subsection (b) of this section on or before May 31, 2006, from continuing to possess that animal if the person provides written notification to the local animal control authority on or before August 1, 2006.

(ii) The notification shall include:

1. the person's name, address, and telephone number;

2. the number and type of animals being kept; and

3. a photograph of the animal or a description of a tattoo or microchip identification of the animal.

(3) This section does not prohibit a person who has a disability that severely limits mobility from possessing an animal specified in subsection (b) of this section if that animal is:

(i) trained to perform tasks for the owner by an organization described in Section 501(c) of the Internal Revenue Code; and

(ii) dedicated to improving the quality of life of a person who has a disability that severely limits mobility.

(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.
(d) (1) An animal specified in subsection (b) of this section may be immediately seized if:
(i) there is probable cause to believe that the possession of the animal is in violation of this section; or
(ii) the animal poses a risk to public health or public safety.
(2) An animal specified in subsection (b) of this section that is seized may be returned to the person who had possession of the animal at the time the animal was seized only if it is established that:
(i) possession of the animal by the person is not a violation of this section; and
(ii) the return of the animal does not pose a risk to public health or public safety.
(3) (i) Notice that the animal was seized shall be served on the person who had possession of the animal at the time the animal was seized by:
1. posting a copy of the notice at the place where the animal was seized;
2. regular and certified mail, return receipt requested; or
3. delivering the notice to a person residing on the property from which the animal was seized.
Criminal Law Article § 10-621

Unattended and Restrained Dogs - Outside

(a) (1) In this section the following words have the meanings indicated.
(2) “Collar” means a device constructed of nylon, leather, or similar material specifically designed to be used around the neck of a dog.
(3) “Extreme weather conditions” means temperatures below 32 degrees Fahrenheit or conditions during an active winter or cold weather warning or advisory issued by the National Weather Service.
(4) “Restraint” means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

(5) “Sporting” means any athletic competition, skill competition, obedience competition, or other competition intended for the participation of dogs.
(6) “Suitable shade” means an area completely protected from the direct sun that is accessible and fully covers a dog.
(7) “Suitable shelter” means a structure that:
(i) is properly ventilated;
(ii) has a solid floor that allows the dog to remain reasonably dry;
(iii) has a weatherproof roof;
(iv) is enclosed with an entrance on one side;
(v) allows a dog to maintain its normal body temperature; and
(vi) is suitable for the species, age, condition, size, and type of dog.

(b) A person may not leave a dog outside and unattended by use of a restraint:
(1) that unreasonably limits the movement of the dog;
(2) that uses a collar that:
(i) is made primarily of metal; or
(ii) is not at least as large as the circumference of the dog's neck plus 1 inch;
(3) that restricts the access of the dog to suitable and sufficient clean water or appropriate shelter;
(4) in unsafe or unsanitary conditions; or
(5) that causes injury to the dog.

(c) Except as provided in subsection (d) of this section, a person may not leave a dog outside and unattended for longer than 30 minutes without access to continuous:
(1) suitable shelter during extreme weather conditions; and
(2) suitable shelter or suitable shade when temperatures are above 90 degrees Fahrenheit.

(d) The prohibition in subsection (c) of this section does not apply if the dog is lawfully and actively engaged in:
(1) hunting;
(2) livestock herding or guarding;
(3) sledding;
(4) sporting; or
(5) training.

(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 90 days or a fine not exceeding $1,000 or both.
(2) A violation of subsection (c) of this section is a civil offense punishable by:
(i) for a first violation, a warning;
(ii) for a second violation, a civil penalty of up to $500; and
(iii) for a third or subsequent violation, a civil penalty of up to $1,000.

(f) This section may not be construed to prohibit a local government from adopting a requirement for the health and safety of dogs that is more stringent than the requirements of this section.

Criminal Law Article § 10-623

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 or a fine not exceeding $1,000 or both.
(3) As a condition of sentencing, the court may order a defendant convicted of violating this section to pay, in addition to fines and costs, full restitution for all damages arising out of the offense, including:

(i) the value of the service animal;
(ii) replacement and training or retraining expenses for the service animal and handler;
(iii) veterinary and other medical and boarding expenses for the service animal;
(iv) medical expenses for the handler; and
(v) lost wages or income incurred by the handler during any period that the handler is without the services of the service animal.

Criminal Law Article § 10-626

Enclosed Livestock – 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

ARSON AND BURNING

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

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

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.
(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.
(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.

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

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

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

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 or Fradulent Burning Resulting in Serious Injury or Death of a Firefighter

(a) (1) In this section the following words have the meanings indicated.
(2) "Crime of malicious or fraudulent burning" means a violation of § 6–104, § 6–105, or § 6–106 of this subtitle.
(3) "Serious physical injury" has the meaning stated in § 3–201 of this article.
(b) A person may not commit a crime of malicious or fraudulent burning that results in the death of or serious physical injury to a firefighter.
(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence imposed for any crime based on the act establishing the violation of this section.

Criminal Law Article § 6-112

Willful, Careless, or Negligent Fires

(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, grain, or stubble is guilty of a misdemeanor and upon conviction is subject to a fine not less than $250 nor exceeding $2,000, or imprisonment for not less than 30 days nor 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. Setting a fire contrary to the provisions of this subsection is prima facie proof of carelessness or neglect within the meaning of this subsection. The landowner 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 the landowner 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 the owner's 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

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 § 1-101(c) of the Public Safety Article without application of § 1-101(c)(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, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified in § 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

(a) In this section, "strangling" 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 § 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 the misdemeanor of assault in the second 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 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 emergency medical care or rescue services.
(3) A person who violates paragraph (2) of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.
Criminal Law Article § 3-203

Causing Another to ingest Bodily Fluid
(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

AVIATION/AIRCRAFT

Low Altitude Flights
(a) There is a public right to freedom of transit in air commerce through the airspace of this State.
(b) The operation of aircraft over the lands and waters of this State is lawful, unless the operation is:
(1) At so low an altitude as to interfere with any lawful existing use of the land or water or the space above the land or water; or
(2) Conducted in a manner imminently dangerous to persons or property on the land or water.
(c) (1) Except for a forced or emergency landing, a person may not land an aircraft on the lands or waters of any other person without the consent of that other person.
(2) For damages caused by a forced or emergency landing, a person is liable as set forth in § 5-1005 of this subtitle.
Transportation Article § 5-1001

Careless or Reckless Operation
(a) A person may not operate any aircraft in this State:
(1) While under the influence of any intoxicating liquor, narcotic, or other habit forming drug; or
(2) In a careless or reckless manner that endangers the life or property of another.
(b) In determining whether there has been careless or reckless operation of aircraft, the standards required by federal law governing aeronautics for safe operation of aircraft shall be considered.
(c) (1) In addition to or instead of the penalties provided for in Subtitle 11 of this title or as a condition to the suspension of a sentence imposed under that subtitle, the court may prohibit any person who violates a provision of this section from operating an aircraft in this State for any period of not more than 1 year.
(2) Violation of an imposed prohibition of a court under this subsection may be treated as a separate offense under this section or as a contempt of court.

(d) This section does not authorize the court or any other agency or person to take away, impound, hold, or mark any federal certificate, permit, rating, or license.

Transportation Article § 5-1006

Advertisement Over Baltimore Sporting Arenas Prohibited

(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 provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,500.

Transportation Article § 5-1007

Boarding Aircraft with Firearms or Explosives

(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) Any person who violates any provision of this section is guilty of a felony and on conviction is 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 § 1-101 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

BOATS AND VESSELS

Damaging or Interfering with Use of Public Wharf or Landing

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.

Natural Resources Article § 8-724.1

Operating a Vessel while Intoxicated or Under the Influence

(a) Subject to subsection (g) of this section, a person may not operate or attempt to operate a vessel while the person:

(1) Is under the influence of alcohol;

(2) Is impaired by alcohol;

(3) Is so far impaired by 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 impaired by any controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, 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 §§ 10-302 through 10-309 of the Courts Article are applicable to any violation of this section.

(2) If at the time of testing an individual has an alcohol concentration that meets the definition of "under the influence of alcohol per se" in § 11-174.1 of the Transportation Article, as determined by an analysis of the individual's blood or breath, it shall be prima facie evidence that the individual was operating a vessel while under the influence of alcohol.

(3) Any person who operates or attempts to operate a vessel on the waters of the State is deemed to have consented, subject to §§ 10-302 through 10-309 of the Courts Article, to take a test, as defined in § 16-205.1 of the Transportation Article, if the person is detained by a police officer who has reasonable grounds to believe that the person has been operating or attempting to operate a vessel while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not operate the vessel safely, or while impaired by a controlled dangerous substance.

(c) (1) Except as provided in § 8-738.1 of this subtitle, a person may not be compelled to take a test, as defined in § 16-205.1 of the Transportation Article.

(2) The detaining police officer shall advise a person who is requested to take a test that, on receipt of a sworn statement from the officer that the person was requested to take a test and refused or was tested and the result indicated an alcohol concentration of 0.08 or more, the court may, on conviction and in addition to other penalties, prohibit the person from operating a vessel on the waters of the State for up to 1 year.

(d) 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 one 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.

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

1. For a first offense, shall be subject to a fine of not more than $1,000 or imprisonment for not more than 1 year or both;

2. 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

3. 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.

(ii) For the purpose of determining subsequent offender penalties for a violation of this section, a prior conviction under subsection (a) of this section or § 21-902 of the Transportation Article shall be considered a prior conviction.

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

1. 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

2. 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.

(ii) For the purpose of determining subsequent offender penalties for a violation of this section, a prior conviction under subsection (a) of this section or § 21-902 of the Transportation Article shall be considered a prior conviction.

(3) (i) Notwithstanding any other provision of this title and subject to subparagraph (ii) of this paragraph, the court may prohibit a person convicted of a violation of subsection (a)(1) of this section from operating a vessel on the waters of the State if the person:

1. Refused to take a test, as defined in § 16-205.1 of the Transportation Article, when requested by a police officer under subsection (b)(3) of this section; or

2. Was tested and the result indicated an alcohol concentration of 0.08 or more.

(ii) The prohibition against operating a vessel on the waters of the State under subparagraph (i) of this paragraph may not exceed:

1. Except as provided in item 2 of this subparagraph, 2 years; or

2. If the violation results in the death of another person, 5 years.

(iii) 1. The Department, in coordination with the Natural Resources Police Force, shall establish and maintain a database of persons prohibited under this paragraph from operating a vessel on the waters of the State.

2. The Department shall establish the database on or before October 1, 2025.

3. The database shall be accessible to a Natural Resources police officer in any patrol vehicle or vessel.

4. A. A court shall electronically notify the Department if a person is prohibited under this paragraph from operating a vessel on the waters of the State.
   B. Notice provided by a court to the Department shall include the person's name, address, and date of birth, and the time period within which the prohibition applies.
5. On receipt of notice from a court, the Department shall:
   A. Enter the information provided into the database; and
   B. Maintain the information provided in the database until the prohibition expires.

(f) 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.
(g) This section applies to the following:
(1) A vessel required to be registered with the Department under this subtitle;
(2) A vessel required to have a valid number awarded in accordance with a federal law or a federally approved numbering system of another state; and
(3) A vessel from a foreign country using the waters of this State.
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:
(1) For a first conviction, imprisonment not exceeding 30 days or a fine of not less than $25 and not exceeding $200 or both; and
(2) For a second or subsequent conviction, imprisonment not exceeding 60 days or a fine not exceeding $500 or both.
Natural Resources Article § 8-738.2

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 Article § 3-212.1

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

BRIBERY

Bribery of Public Employee

(a) (1) In this section the following words have the meanings 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.
(ii) "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 $5,000 and not exceeding $25,000 or both;
(2) may not vote; and
(3) may not hold an office of trust or profit in the State.
(e) A person who violates this section is subject to § 5-106(b) of the Courts Article.
(f) (1) A person who violates this section:
(i) is a competent witness; and
(ii) subject to paragraph (2) of this subsection, may be compelled to testify against any person who may have violated this section.
(2) A person compelled to testify for the State under paragraph (1) of this subsection is immune from prosecution for a crime about which the person was compelled to testify.
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.
(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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

Bribe or Kickback – Health Plan

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

BURGLERY

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, prybar, 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 § 5-101 of the Public Safety Article.
(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

Burglary in the First Degree or 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 with the intent to steal, take, or carry away a firearm.
(c) A person who violates this section is guilty of the felony of burglary in the second degree and on conviction is subject to:
(1) for a violation of subsection (a) of this section, imprisonment not exceeding 15 years; and
(2) for a violation of subsection (b) of this section, imprisonment not exceeding 20 years or a fine not exceeding $10,000 or both.
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.
(f) A person who is convicted of violating § 7-104 of this article may not also be convicted of violating subsection (c) of this section based on the act establishing the violation of § 7-104 of this article.

Criminal Law Article § 6-205

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

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.
(c) A sentence imposed for a violation of this section may be separate from and consecutive to or concurrent with a sentence for another crime based on the act establishing the violation of this section.

Criminal Law Article § 6-207

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

Separate Units – 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

Law Enforcement Jurisdiction and Administrative Warrants – Statewide Jurisdiction for Officers

(a) (1) Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority 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 chief of police of the Maryland Transportation Authority 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.

(c) (1) An administrative inspection warrant shall issue only on an affidavit:

(i) of a designated officer or employee with knowledge of the facts alleged;

(ii) that is sworn to before the judge; and

(iii) that establishes the grounds for issuing the warrant.

(2) If the judge is satisfied that grounds for the application exist or that there is administrative probable cause to believe they exist, the judge shall issue an administrative inspection warrant that identifies:

(i) the area, premises, building, or conveyance to be inspected;

(ii) the purpose of the inspection; and

(iii) where appropriate, the type of property to be inspected.

(3) The warrant shall be directed to a person authorized to execute it.

(4) The warrant shall:

(i) identify the item or type of property to be seized;

(ii) state the grounds for its issuance and the name of the affiant;

(iii) require the person to whom the warrant is directed to inspect the area, premises, building, or conveyance identified for the specified purpose;

(iv) require, where appropriate, the seizure of the specified property;

(v) require that the warrant be served during normal business hours; and

(vi) designate the judge to whom the warrant is to be returned.

(d) (1) An administrative inspection warrant issued in accordance with this section shall be executed and returned within 10 days after its date.
(2) If property is seized in accordance with an administrative inspection warrant, the person who executes the warrant:
(i) shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken; or
(ii) shall leave the copy and receipt at the place from which the property was taken.
(3) The warrant shall be returned promptly and be accompanied by a written inventory of any property taken.
(4) The inventory shall be made in the presence of the person executing the warrant and:
(i) the person from whose possession or premises the property was taken; or
(ii) if that person is not present, at least one other credible person.
(5) On request, the judge shall deliver a copy of the inventory to:
(i) the person from whom or from whose premises the property was taken; and
(ii) the applicant for the warrant.
(6) A judge who issues an administrative inspection warrant under this section shall:
(i) attach to the warrant a copy of the return and all papers filed in connection with the return; and
(ii) file them with the clerk of the court from which the warrant was issued.
Criminal Law Article § 5-804

Definitions
(a) In this title the following words have the meanings indicated.
(b) "Administer" means to introduce a substance into the system of a human or animal by injection, inhalation, ingestion, application to the skin, or any combination of those methods or by any other means.
(c) (1) "Agent" means an employee or other authorized person who acts for or at the direction of a manufacturer, distributor, or authorized provider.
(2) "Agent" does not include:
(i) a common carrier, contract carrier, or public warehouseman; or
(ii) an employee of a common carrier, contract carrier, or public warehouseman.
(d) (1) "Authorized provider" means:
(i) a person licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research; or
(ii) a pharmacy, laboratory, hospital, or other institution licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research.
(2) "Authorized provider" includes:
(i) a scientific investigator;
(ii) an individual authorized by the State to practice medicine, dentistry, or veterinary medicine; and
(iii) an animal control facility licensed under § 2-305 of the Agriculture Article.
(e) (1) "Cannabimimetic agents" means substances that are cannabinoid receptor type 1 (CB1 receptor) agonists as demonstrated by binding studies and functional assays within one of the following structural classes:
(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
(ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthoyl or naphthyl ring to any extent;
(iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted on the naphthoyl ring to any extent;
(iv) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent; or
(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent and whether or not substituted on the phenyl ring to any extent.
(2) "Cannabimimetic agents" includes:
(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);
(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);
(iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);
(v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);
(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);
(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);
(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);
(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);
(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);
(xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);
(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and
(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

(e-1)(1) "Cannabis" means the plant Cannabis sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis.

(2) "Cannabis" does not include hemp as defined in § 14-101 of the Agriculture Article.

(e-2) "Civil use amount" means:

(1) an amount of usable cannabis that exceeds 1.5 ounces but does not exceed 2.5 ounces;

(2) an amount of concentrated cannabis that exceeds 12 grams but does not exceed 20 grams; or

(3) an amount of cannabis products containing delta-9-tetrahydrocannabinol that exceeds 750 milligrams but does not exceed 1,250 milligrams.

(f) (1) "Coca leaf" includes a leaf containing cocaine, the optical and geometric isomers of cocaine, and any compound, manufactured substance, salt, derivative, mixture, or preparation of a coca leaf.

(2) "Coca leaf" does not include a derivative of a coca leaf that does not contain cocaine, ecgonine, or a substance from which cocaine or ecgonine may be synthesized or made.

(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 Maryland Department of Health.

(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 other than cannabis 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 other than cannabis;

(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 other than cannabis;

(iv) testing equipment used, intended for use, or designed for use in analyzing the strength, effectiveness, or purity of a controlled dangerous substance other than cannabis;

(v) a scale or balance used, intended for use, or designed for use in weighing or measuring a controlled dangerous substance other than cannabis;

(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 other than cannabis;

(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, a controlled dangerous substance other than cannabis;

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance other than cannabis;

(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 other than cannabis;

(x) a container or other object used, intended for use, or designed for use in storing or concealing a controlled dangerous substance other than cannabis;

(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 cocaine into the human body.

(p-1) "Electronic prescription" means a prescription that:

(1) is generated on an electronic application and transmitted as an electronic data file; and

(2) if the prescription is for a controlled dangerous substance, complies with the requirements of 21 C.F.R. Part 1306.

(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) "Narcotic drug" means a substance:

(i) that has been found to present an extreme danger to the health and welfare of the community because of addiction-forming and addiction-sustaining qualities;

(ii) that is:

1. an opiate;

2. a compound, manufactured substance, salt, derivative, or preparation of opium, coca leaf, or an opiate; or

3. a substance and any compound, manufactured substance, salt, derivative, or preparation that is chemically identical with a substance listed in items 1 and 2 of this item; and

(iii) that is produced:

1. directly or indirectly by extraction from substances of vegetable origin;

2. independently by chemical synthesis; or

3. by a combination of extraction and chemical synthesis.

(2) "Narcotic drug" includes decocainized coca leaf or an extract of coca leaf that does not contain cocaine or ecgonine.

(s) "Noncontrolled substance" means a substance that is not classified as a controlled dangerous substance under Subtitle 4 of this title.

(t) (1) "Opiate" means a substance that has an addiction-forming or addiction-sustaining quality similar to morphine or that can be converted into a drug that has this addiction-forming or addiction-sustaining quality.

(2) "Opiate" includes:

(i) the racemic and levorotatory forms of an opiate;

(ii) except for seeds, the opium poppy, the plant of the species Papaver somniferum L.;

(iii) the poppy straw consisting of the opium poppy after mowing except the seeds; and

(iv) coca leaf.

(3) "Opiate" does not include, unless specifically designated as controlled under § 5-202 of this title, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan).

(u) "Personal use amount" means:

(1) an amount of usable cannabis that does not exceed 1.5 ounces;

(2) an amount of concentrated cannabis that does not exceed 12 grams;

(3) an amount of cannabis products containing delta-9-tetrahydrocannabinol that does not exceed 750 milligrams; or

(4) two or fewer cannabis plants.

(v) "Possess" means to exercise actual or constructive dominion or control over a thing by one or more persons.

(w)(1) "Prescription drug" means a drug that:

(i) is intended to be used by an individual; and

(ii) because of its toxicity, other potentiality for harmful effect, method of use, or collateral measures necessary for its use:

1. bears a cautionary label warning a person that under federal law the drug may not be dispensed without a prescription; or

2. is designated by the Department as not safe for use except under the supervision of a person licensed by the State to administer a prescription drug.

(2) "Prescription drug" does not include a controlled dangerous substance.

(x) “Produce”, with respect to a controlled dangerous substance, includes to manufacture, plant, cultivate, grow, and harvest.
(y) “Registrant” means a person who is registered by the Department to manufacture, distribute, or dispense a controlled dangerous substance in the State.
(z) “Schedule I” means the controlled dangerous substances described in § 5-402 of this title.
(aa) “Schedule II” means the controlled dangerous substances described in § 5-403 of this title.
(bb) “Schedule III” means the controlled dangerous substances described in § 5-404 of this title.
(cc) “Schedule IV” means the controlled dangerous substances described in § 5-405 of this title.
(dd) “Schedule V” means the controlled dangerous substances described in § 5-406 of this title.
(ee) “Secretary” means the Secretary of the Department.
(ff) “Ultimate user” means a person who lawfully possesses a controlled dangerous substance for the person's own use, for the use of a member of the person's household, or for administration to an animal owned by the person or by a member of the person's household.

Criminal Law Article § 5-101

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

Dispensing of 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 prescription, an electronic prescription, or an 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

Dispensing of Substance Listed in Schedule V

(a) 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

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 § 12-101 of 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 $1,000;

(2) for a second violation, a fine not exceeding $2,000; or

(3) for each subsequent violation, imprisonment not exceeding 18 months.

Criminal Law Article § 5-503

Possessing or Administering Controlled Dangerous Substances

(a) Except as otherwise provided in this title, a person may not:

(1) possess or administer to another a controlled dangerous substance, unless:

(i) obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or

(ii) the controlled dangerous substance is cannabis, the individual is at least 21 years old, and the amount possessed is the personal use amount; 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), (3), and (4) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(i) for a first conviction, imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both;

(ii) for a second or third conviction, imprisonment not exceeding 18 months or a fine not exceeding $5,000 or both; or

(iii) for a fourth or subsequent conviction, imprisonment not exceeding 2 years or a fine not exceeding $5,000 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 cannabis is guilty of a misdemeanor of possession of cannabis and is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

(ii) 1. A finding of guilt under this section involving the use or possession of the personal use amount of cannabis by a person under the age of 21 years is a civil offense punishable by a fine not exceeding $100.

2. A finding of guilt under this section involving the use or possession of the civil use amount of cannabis is a civil offense punishable by a fine not exceeding $250.

3. A. In addition to a fine, a court may order a person under the age of 21 years who commits a violation punishable under subsubparagraph 1 or 2 of this subparagraph to attend a drug education program approved by the Maryland Department of Health, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

B. A court that orders a person to a drug education program or substance abuse assessment or treatment under this subsubparagraph may hold the case sub curia pending receipt of proof of completion of the program, assessment, or treatment.

(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 cannabis, 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 cannabis, 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 cannabis because of medical necessity, the court shall dismiss the charge.

(iii) 1. In a prosecution for the use or possession of cannabis under this section, it is an affirmative defense that the defendant used or possessed cannabis 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. cannabis 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 cannabis under this section, it is an affirmative defense that the defendant possessed cannabis because the cannabis 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 cannabis in a public place or assisting the individual for whom the defendant is a caregiver in using the cannabis in a public place; or

B. in possession of more than 1 ounce of cannabis.

(4) The smoking of cannabis in a public place is a civil offense punishable by:

(i) for a first finding of guilt, a fine not exceeding $50; and

(ii) for a second or subsequent finding of guilt, a fine not exceeding $150.

(d) The provisions of subsection (c)(2)(ii) of this section 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.

(e) (1) (i) Before imposing a sentence under subsection (c) of this section, the court may order the Maryland Department of Health or a certified and licensed designee to conduct an assessment of the defendant for substance use disorder and determine whether the defendant is in need of and may benefit from drug treatment.

(ii) If an assessment for substance use disorder is requested by the defendant and the court denies the request, the court shall state on the record the basis for the denial.

(2) On receiving an order under paragraph (1) of this subsection, the Maryland Department of Health, or the designee, shall conduct an assessment of the defendant for substance use disorder and provide the results to the court, the defendant or the defendant's attorney, and the State identifying the defendant's drug treatment needs.

(3) The court shall consider the results of an assessment performed under paragraph (2) of this subsection when imposing the defendant's sentence and:

(i) except as provided in subparagraph (ii) of this paragraph, the court shall suspend the execution of the sentence and order probation and, if the assessment shows that the defendant is in need of substance abuse treatment, require the Maryland Department of Health or the designee to provide the medically appropriate level of treatment as identified in the assessment; or

(ii) the court may impose a term of imprisonment under subsection (c) of this section and order the Division of Correction or local correctional facility to facilitate the medically appropriate level of treatment for the defendant as identified in the assessment.

Criminal Law Article § 5-601

Cannabis – Issuance of Citation to Violators

(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 the civil use amount of cannabis or the personal use amount of cannabis.

(b) (1) A violation of § 5-601 of this part involving the use or possession of the civil use amount of cannabis or the personal use amount of cannabis is a civil offense.

(2) Adjudication of a violation under § 5-601 of this part involving the use or possession of the civil use amount of cannabis or the personal use amount of cannabis:

(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 the civil use amount of cannabis or the personal use amount of cannabis 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) If a citation for a violation of § 5-601 of this part involving the use or possession of the civil use amount of cannabis or the personal use amount of cannabis is issued to a person under the age of 21 years, 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) (1) A person may request a trial by sending a request for trial to the District Court in the jurisdiction where the citation was issued within 30 days of the issuance of the citation.

(2) If a person other than a person described in subsection (c)(2) of this section does not request a trial or prepay the fine within 30 days of the issuance of the citation, the court may impose the maximum fine and costs against the person and find the person is guilty of a Code violation.

(g) The issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(h) (1) The failure of a defendant to respond to a summons described in subsection (c)(2) of this section shall be governed by § 5-212 of the Criminal Procedure Article.

(2) If a person at least 21 years old fails to appear after having requested a trial, the court may impose the maximum fine and costs against the person and find the person is guilty of a Code violation.

(i) In any proceeding for a Code violation under § 5-601 of this part involving the use or possession of the civil use amount of cannabis or the personal use amount of cannabis:

(1) the State has the burden to prove the guilt of the defendant by a preponderance of the evidence;

(2) the court shall apply the evidentiary standards as prescribed by law or rule for the trial of a criminal case;

(3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant is entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, and to testify on the defendant's own behalf, if the defendant chooses to do so;

(5) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and

(6) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

(iii) probation before judgment, imposed by the court in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(j) (1) The defendant is liable for the costs of the proceedings in the District Court.

(2) The court costs in a Code violation case under § 5-601 of this part involving the use or possession of the civil use amount of cannabis or the personal use amount of cannabis in which costs are imposed are $5.

(k) (1) The State's Attorney for any county may prosecute a Code violation under § 5-601 of this part involving the use or possession of the civil use amount of cannabis or the personal use amount of cannabis in the same manner as prosecution of a violation of the criminal laws of the State.

(2) In a Code violation case under § 5-601 of this part involving the use or possession of the civil use amount of cannabis or the personal use amount of cannabis, the State's Attorney may:

(i) enter a nolle prosequi or move to place the case on the stet docket; and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.

(l) A person issued a citation for a violation of § 5-601 of this part involving the use or possession of the civil use amount of cannabis or the personal use amount of cannabis 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.

(m) A citation for a violation of § 5-601 of this part involving the use or possession of the civil use amount of cannabis or the personal use amount of cannabis and the official record of a court regarding the citation are not subject to public inspection and may not be included on the public website maintained by the Maryland Judiciary if:

(1) the defendant has prepaid the fine;

(2) the defendant has pled guilty to or been found guilty of the Code violation and has fully paid the fine and costs imposed for the violation;

(3) the defendant has received a probation before judgment and has fully paid the fine and completed any terms imposed by the court;
(4) the case has been removed from the stet docket after the defendant fully paid the fine and completed any terms imposed by the court;
(5) the State has entered a nolle prosequi;
(6) the defendant has been found not guilty of the charge; or
(7) the charge has been dismissed.
Criminal Law Article § 5-601.1

Cannabis Cultivation

(a) A person may not cultivate cannabis plants in a manner that is contrary to this section.
(b) Cannabis plants may not be cultivated in a location where the plants are subject to public view, including a view from another private property, without the use of binoculars, aircraft, or other optical aids.
(c) (1) In this subsection, "reasonable precautions" includes cultivating cannabis in an enclosed locked space to which persons under the age of 21 years do not possess a key.
(2) A person who cultivates cannabis shall take reasonable precautions to ensure the plants are secure from unauthorized access and access by a person under the age of 21 years.
(d) Cannabis cultivation may occur only on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property.
(e) A person under the age of 21 years may not cultivate cannabis plants.
(f) (1) A person may not cultivate more than two cannabis plants.
(2) If two or more persons at least 21 years old reside at the same residence, no more than two cannabis plants may be cultivated at that residence.
(g) 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 § 5-601.2

Manufacturing, Distributing, Possession with Intent to Distribute, or Dispensing Controlled Dangerous Substance

(a) 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 other than cannabis in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance.
(b) (1) Except as otherwise provided in this title, a person may not possess cannabis in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense cannabis.
(2) Possession of the civil use amount of cannabis or the personal use amount of cannabis without other evidence of an intent to distribute or dispense does not constitute a violation of paragraph (1) of this subsection.
(c) (1) (i) In this subsection, "adult sharing" means transferring cannabis between persons who are 21 years of age or older without remuneration.
(ii) "Adult sharing" does not include instances in which:
1. cannabis is given away contemporaneously with another reciprocal transaction between the same parties;
2. a gift of cannabis is offered or advertised in conjunction with an offer for the sale of goods or services; or
3. a gift of cannabis is contingent on a separate reciprocal transaction for goods or services.
(2) This section does not prohibit, and no civil or criminal penalty may be imposed for, adult sharing of the personal use amount of cannabis.
Criminal Law Article § 5–602.

Equipment to Produce Controlled Dangerous Substance

(a) Except as otherwise provided in this title, a person may not manufacture a controlled dangerous substance other than cannabis, 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 other than cannabis under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance other than cannabis in violation of this title.

(b) Except as otherwise provided in this title, a person may not cultivate or grow cannabis or manufacture a cannabis product, or manufacture, distribute, or possess a machine, equipment, an instrument, an implement, a device, or a combination of them that is adapted to produce cannabis or a cannabis product under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense cannabis or a cannabis product in violation of this title.
(c) (1) (i) In this subsection the following words have the meanings indicated.
(ii) "Adult sharing" has the meaning stated in § 5–602(c)(1) of this subtitle.
(iii)1. "Volatile solvent" means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.
2. "Volatile solvent" includes butane, hexane, and propane.
(2) A person who is at least 21 years old may manufacture a personal use amount of cannabis products or concentrated cannabis for personal use or adult sharing at a private residence if the manufacturing process does not involve the use of a volatile solvent.
Criminal Law Article § 5-603

Counterfeit Substance
(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

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

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

Volume Dealer
(a) A person may not manufacture, distribute, dispense, or possess:
(1) 50 pounds or more of cannabis;
(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) 448 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, distributing, dispensing, or possessing under subsection (a) of this section, the acts may be aggregated if each of the acts occurred within a 90-day period.

(c) (1) (i) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of a felony and on conviction shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not exceeding $100,000.

(ii) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(iii) Except as provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(2) A person who violates subsection (a)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $50,000 or both.

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) (i) Except as provided in paragraph (2) of this subsection, 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.

(ii) A court may not suspend any part of the mandatory minimum sentence of 20 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(2) A drug kingpin who conspires to manufacture, distribute, dispense, transport in, or bring into the State cannabis in an amount listed in § 5–612(a)(1) of this subtitle 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) 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.

(f) This section does not:

(1) prohibit a court from imposing an enhanced penalty under § 5-905 of this title; or

(2) preclude or limit a prosecution for any other crime.

Criminal Law Article § 5-613

Importer of Certain Controlled Dangerous Substances

(a) (1) Unless authorized by law to possess the substance, a person may not bring into the State:

(i) 45 kilograms or more of cannabis;
(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; or
(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) Unless authorized by law to possess the cannabis, a person may not bring into the State more than 5 kilograms but less than 45 kilograms of cannabis.

(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

Faked CDS – Distributing

(a) A person may not distribute, attempt to distribute, or possess with intent to distribute a noncontrolled 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 noncontrolled 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 noncontrolled substance was packaged in a 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 noncontrolled substance; and
(3) whether the physical appearance of the noncontrolled 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 noncontrolled 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 noncontrolled 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 noncontrolled substance was packaged in a manner normally used to illegally distribute a controlled dangerous substance;
(2) if the noncontrolled substance was purchased, whether the amount of the consideration was substantially greater than the reasonable value of the noncontrolled substance; and
(3) whether the physical appearance of the noncontrolled 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

Drug Paraphernalia – Defined; Use/Possession Prohibited

(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) 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 1 year or a fine not exceeding $1,000 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.

(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 1 year or a fine not exceeding $1,000 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 fact or 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) 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, distribute, or dispense a controlled dangerous substance unlawfully include the close proximity of the controlled paraphernalia to an adulterant, diluent, or equipment commonly used to illegally manufacture, 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.
(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 $500; and
(2) for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.
Criminal Law Article § 5-620

Use of Weapon as Separate Crime

(a) (1) In this section the following words have the meanings indicated.
(2) "Drug trafficking crime" means a felony or a conspiracy to commit a felony involving the possession, distribution, manufacture, or importation of a controlled dangerous substance under §§ 5-602 through 5-609 and 5-614 of this subtitle.
(3) "Forfeiting authority" means the office or person designated by agreement between the State's Attorney for a county and the chief executive officer of the governing body that has jurisdiction over the assets subject to forfeiture.
(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) (1) 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 on conviction is subject to:
(i) for a first violation, imprisonment for not less than 5 years and not exceeding 20 years; or
(ii) for each subsequent violation, imprisonment for not less than 10 years and not exceeding 20 years.

(2) (i) The court shall impose a minimum sentence of 5 years under paragraph (1)(i) of this subsection.
(ii) The court shall impose a minimum sentence of 10 years under paragraph (1)(ii) of this subsection.
(3) (i) A court may not suspend any part of a mandatory minimum sentence.
(ii) Except as provided in § 4-305 of the Correctional Services Article, a person sentenced under this subsection is not eligible for parole.
(iii) A sentence imposed under paragraph (1)(ii) of this subsection shall be consecutive to and not concurrent with any other sentence imposed by virtue of the commission of the drug trafficking crime.

(d) (1) (i) In this subsection, "firearm silencer" means a device that is designed for silencing, muffling, or diminishing the report of a firearm.
(ii) "Firearm silencer" includes a combination of parts designed, redesigned, or intended for use in assembling or fabricating a firearm silencer or muffler.
(2) A court shall double the minimum mandatory sentence provided in subsection (c)(1)(ii) of this section if the firearm used during and in relation to a drug trafficking crime is:
(i) listed in § 4-301 of this article or § 5-101 of the Public Safety Article;
(ii) a machine gun; or
(iii) equipped with a firearm silencer.

(e) (1) A firearm or ammunition seized under this section is contraband and shall be forfeited summarily to a forfeiting authority.
(2) Unless otherwise prohibited by law or if forfeiture proceedings have begun, the forfeiting authority shall return the seized property to the owner or possessor within 90 days after the date of seizure if:
(i) the owner or possessor of the property seized is acquitted; or
(ii) the charges against the person are dismissed.
(3) Unless otherwise prohibited by law, the forfeiting authority shall return the seized property to the owner or possessor promptly if the State:
(i) enters a nolle prosequi against the owner or possessor of property seized; and
(ii) does not charge the person within 90 days after the nolle prosequi is entered.

Criminal Law Article § 5-621

Firearm Crimes

(a) In this section, "firearm" includes:
(1) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, and short-barreled rifle, as those words are defined in § 4-201 of this article;
(2) a machine gun, as defined in § 4-401 of this article; and
(3) a regulated firearm, as defined in § 5-101 of the Public Safety Article.

(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

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) A person who violates this section is guilty of a felony and on conviction is subject to:
(1) for a first violation:
(i) imprisonment not exceeding 5 years;
(ii) a fine not exceeding the greater of $250,000 or twice the value of the proceeds involved in the financial transaction; or
(iii) both; or
(2) for each subsequent violation:
(i) imprisonment not exceeding 10 years;
(ii) a fine not exceeding the greater of $500,000 or 5 times the value of the proceeds involved in the financial transaction; or
(iii) both.

(d) Notwithstanding any other provision of law, for purposes of this section each financial transaction is a separate violation.

Criminal Law Article § 5-623

Administering Controlled Dangerous Substance or Drug Without Consent

(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.
(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.

Criminal Law Article § 5-624

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 education.

(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.

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

(i) for a first violation, imprisonment not exceeding 20 years or a fine not exceeding $20,000 or both; or

(ii) for each subsequent violation, imprisonment not less than 5 years and not exceeding 40 years or a fine not exceeding $40,000 or both.

(2) (i) The court may not suspend the 5-year minimum sentence required by paragraph (1)(ii) of this subsection.

(ii) Except as otherwise provided in § 4-305 of the Correctional Services Article, a person sentenced under paragraph (1)(ii) of this subsection is not eligible for parole during this period of the 5-year minimum sentence.

(3) A sentence imposed under paragraph (1) of this subsection shall be consecutive to any other sentence imposed.

(d) Notwithstanding any other law, a conviction under this section may not merge with a conviction under § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-628 of this subtitle.

(e) (1) In a prosecution under this section, a map or certified copy of a map made by a county or municipal unit to depict the location and boundaries of the area within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for school purposes is admissible as prima facie evidence of the location and boundaries of the depicted area, if the governing body of the county or municipal corporation approves the map or certified copy of the map as an official record of the location and boundaries of the depicted area.

(2) The map or a certified copy of the map shall be filed with the county or municipal corporation, which shall maintain the map or the certified copy of the map as an official record.

(3) The governing body of the county or municipal corporation may revise periodically the map or certified copy of the map.

(4) This subsection does not preclude the prosecution from introducing other evidence to establish an element of a crime under this section.

(5) This subsection does not preclude the use or admissibility of maps or diagrams other than those approved by the county or municipal corporation.

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 subtitle.

(b) A person 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

Dispensing Prescription Drugs

(a) Sections 5-701 through 5-704 of this subtitle apply to:

(1) the sale of prescription drugs by a manufacturer, wholesale distributor, retail pharmacist, or jobber to a person not legally qualified or authorized to purchase and hold prescription drugs for use or resale; and
(2) an authorized provider's assistant who is not licensed to administer prescription drugs.

(b) A person may not dispense a prescription drug except:
(1) on an authorized provider's:
(i) electronic prescription;
(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) If a person convicted under this section holds a license under Title 12 of the Health Occupations Article, the license shall be revoked in accordance with § 12-313(c) of the Health Occupations Article.

Criminal Law Article § 5-702

Unsolicited Mailing

(a) This section does not apply to the mailing of a drug to a person who under State law is authorized to disburse, prescribe, or administer the drug.

(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.

(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 § 5-703

Inhalants

(a) (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 anaesthesia 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.

(d) 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

Miscellaneous Prohibited Acts

(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, drug paraphernalia, or controlled paraphernalia except:
(1) in the course of regular professional duties; and
(2) in conformity with this title and the standards of the authorized provider's profession relating to controlled dangerous substances, drug paraphernalia, or controlled paraphernalia.

(d) A controlled dangerous substance, drug paraphernalia, or controlled paraphernalia manufactured, distributed, dispensed, possessed, prescribed, or administered in violation of subsection (c) of this section is contraband.

(e) (1) If the trier of fact specifically finds that a person has knowingly or intentionally violated this section, the person is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $100,000 or both.
(2) In all other cases, a person who violates this section is subject to a civil penalty not exceeding $50,000.

Criminal Law Article § 5-902

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) (1) If the trier of fact specifically finds that a person knowingly or intentionally violated subsection (a)(1) of this section, the person is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $100,000 or both.
(2) In all other cases, a person who violates subsection (a)(1) of this section is subject to a civil penalty not exceeding $50,000.
(3) A person who willfully violates subsection (a)(2) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $100,000 or both.

Criminal Law Article § 5-904

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.

(d) Payment or an offer or promise to pay for a drug, medicine, or alcoholic beverage obtained in violation of this section is not a defense to a violation of this section.

Criminal Law Article § 8-610

Potency; Labeling; and Packaging

(a) The Administration shall adopt regulations establishing limits on the maximum potency of cannabis products sold in the State, including limits on the maximum amount of THC in individual cannabis products and limits on the maximum aggregate THC amount for multiple edible cannabis products packaged together.
(b) A package of cannabis for distribution to a consumer or qualifying patient shall:
(1) conform to:
(i) child-resistant packaging requirements established under 16 C.F.R. § 1700.15(b)(1); and
(ii) tamper-evident packaging;
(2) provide that packaging and labeling shall include:
(i) a finished product lot number and expiration date if applicable;
(ii) a statement:
1. that consumption of cannabis may impair your ability to drive a car or operate machinery, use extreme caution;
2. of potential risks associated with cannabis use, especially during pregnancy or breast feeding; and
3. that this package contains cannabis, keep out of the reach of children and animals;
(iii) the name, address, and phone number of the dispensary that sold the product to report an adverse event;
(iv) any allergen warning required by law;
(v) a listing of noncannabis ingredients; and
(vi) an itemization, including weight:
1. of all cannabinoid and terpene ingredients specified for the product; and
2. concentrations of any cannabinoid of less than 1% printed with a leading zero before the decimal point.
(c) Cannabis labeling and packaging may not include:
(1) subject to subsection (d) of this section, any image that may appeal to children including:
(i) images of food, candy, baked goods, cereal, fruit, and beverages; and
(ii) a resemblance to the trademarked characteristic product-specialized packaging of any commercially available candy, snack, baked good, cereal, or beverage;
(2) any image that is designed or likely to appeal to minors, including cartoons, toys, animals, children, or any likeness to images, characters, or phrases that are popularly used to advertise to children;
(3) a statement, artwork, or design that could reasonably mislead any individual to believe that the packaging contains anything other than a finished cannabis product; and
(4) any image of a seal, flag, crest, coat of arms, or other insignia that could reasonably mislead any individual to believe that the product has been endorsed, manufactured, or used by any agency of a state or political subdivision.
(d) The Administration may adopt regulations to allow the sale, on or before July 1, 2024, of cannabis or cannabis products that are labeled or packaged using images described under subsection (c)(1) of this section.
Alcohol Beverages and Cannabis Article § 36-203.1

Medical Cannabis

(a) A qualifying patient or caregiver may obtain medical cannabis from a dispensary licensed by the Administration.
(b) (1) A qualifying patient who is at least 21 years old may not cultivate more than four cannabis plants.
(2) If two or more qualifying patients who are at least 21 years old reside at the same residence, not more than four cannabis plants may be cultivated at that residence.
(3) Except as provided in paragraphs (1) and (2) of this subsection, a qualifying patient shall comply with the cannabis cultivation requirements established under § 5-601.2 of the Criminal Law Article.
(c) A qualifying patient under the age of 18 years may obtain medical cannabis only through:
(1) the qualifying patient's caregiver; or
(2) any designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7-446 of the Education Article.
(d) A caregiver may serve not more than five qualifying patients at any time.
(e) (1) Except as provided in paragraph (2) of this subsection, a qualifying patient may have not more than two caregivers.
(2) A qualifying patient under the age of 18 years may have not more than four caregivers.
(f) A sale of cannabis or cannabis products to a qualifying patient is not subject to taxes imposed on the sale of cannabis or cannabis products under § 11-104(k) of the Tax--General Article.
(g) A qualifying patient may not possess more than the amount of cannabis or cannabis-infused product that is authorized in the written certification of the patient.

(h) Designated school personnel described in subsection (c)(2) of this section:
(1) may administer to a student only medical cannabis:
(i) that is obtained through the student's caregiver; and
(ii) in accordance with dosing, timing, and delivery route instructions as provided by the certifying provider's written instructions; and
(2) are not required to register with the Administration under this subtitle.
(i) A caregiver may administer medical cannabis to a student who is a qualifying patient of the caregiver on school property, during school-sponsored activities, and while on a school bus.
Alcoholic Beverages and Cannabis Article § 36-302

COMPUTERS, ELECTRONICS, AMD TELECOMMUNICATIONS

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

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:
(i) access, 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 service, 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 service, 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) the 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 Utilities Article;
(iii) a service provided in the State by a public service company, as defined in § 1-101 of the Public Utilities 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 § 1-101 of the Education Article.

(5) (i) This paragraph does not apply to a person who has a bona fide scientific, educational, 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 into the computer, computer network, or computer system of another person without the authorization of the other person.

(6) A person may not commit an act prohibited under this subsection with the intent to interrupt or impair the functioning of a public safety answering point, as defined in § 1–301 of the Public Safety Article.

(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 violates 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 $100,000 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.

(5) A person who violates subsection (c)(6) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $25,000 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 section is not a prerequisite for maintenance of an action under this subsection.

Criminal Law Article § 7-302

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.

(e) A cable television company may bring an action to enjoin a violation of this section.

(f) In addition to the penalties under subsection (d) of this section, a person who violates subsection (c)(3) or (6) of this section is liable to the aggrieved cable television company for all appropriate civil damages awarded by a court.

(g) A device used to violate this section is subject to seizure by and forfeiture to the State.

Criminal Law Article § 7-303

Prohibited Transfer of Recorded Sounds or 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

Prohibited Transfer of Recorded Sounds or Images

(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

Prohibited Transfer of Recorded Sounds or Images - Penalty

(a) For a first violation, a person who violates this part 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 for each individual act in violation of this part.

(b) For each subsequent violation, a person who violates this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $10,000 or both for each individual act in violation of this part.

Criminal Law Article § 7-309

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 is used 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, photoelectronic, 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

Telecommunication Devices and Access Codes – 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.

Criminal Law Article § 7-314

Telecommunication Devices and Access Codes - Prohibited

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

Telecommunication Devices and Access Codes – 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.
(d) In addition to any other sentence authorized by law, the court may direct that a person convicted of a violation of this part forfeit to the State any unlawful telecommunication devices or access codes or unlawful access devices in the person's possession or control that were involved in the violation.

Criminal Law Article § 7-316

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.
(d) (1) A two-way radio and related equipment used in violation of this section is subject to seizure.
(2) On conviction of a violation of this section, any property seized under paragraph (1) of this subsection shall be forfeited to the State and no property right shall exist in the property.
(3) Any property that is forfeited under paragraph (2) of this subsection shall be turned over to the Secretary of General Services, who may:
(i) order that the property be retained for official use of State units; or
(ii) otherwise dispose of the property as the Secretary considers appropriate.

Criminal Law Article § 9-601

CORRECTIONAL FACILITIES

Contraband – Generally

(a) A person may not:
(1) deliver any contraband to a person detained or confined in a place of confinement;
(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; or
(2) possess an alcoholic beverage with the intent to deliver it to a person detained or confined in a place of confinement.
(c) A person detained or confined in a place of confinement may not knowingly possess or receive an alcoholic beverage.
(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.
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; or
(2) possess a controlled dangerous substance with the intent to deliver it to a person detained or confined in a place of confinement.
(b) A person detained or confined in a place of confinement may not knowingly possess or receive a controlled dangerous substance.
(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 § 9-416

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

False Imprisonment of a Correctional Employee

(a) An incarcerated individual may not falsely imprison an individual who:

(1) is employed by a correctional facility;

(2) performs volunteer work for a correctional facility;

(3) performs duties in a correctional facility by virtue of federal, State, or local government employment; or

(4) performs duties in a correctional facility by virtue of a contract with a local government or the federal or State government.

(b) (1) An incarcerated individual who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(2) A sentence imposed under this section may not be suspended.

Correctional Services Article § 8-801

Indecent Exposure – Incarcerated Individual

(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 incarcerated individual 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 incarcerated individual's body in the presence of the correctional officer or authorized personnel.

(c) An incarcerated individual 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

Incarcerated Individual Causing Correctional Employee to Come into Contact with Bodily Fluid

(a) An incarcerated individual 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 incarcerated individual and the employee.

(b) An incarcerated individual 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 incarcerated individual 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

Sexual Conduct between Correctional or Juvenile Services Employee and Incarcerated Individual 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) "Incarcerated individual" has the meaning stated in § 1-101 of this article.

(ii) "Incarcerated individual" includes an individual confined in a community adult rehabilitation center.

(5) "Law enforcement officer" has the meaning stated in § 1-101 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 a contractor providing 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 incarcerated individual.

(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 of Juvenile Services, a detention center for juveniles, or a facility for juveniles listed in § 9-226(b) of the Human Services Article.

(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) 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 under color of 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.

(g) A sentence imposed for a violation of this section may be separate from and consecutive to or concurrent with a sentence for another crime under § 3-303, § 3-304, or §§ 3-307 through 3-310 of this subtitle, or § 3-305, § 3-306, § 3-311, or § 3-312 of this subtitle as the sections existed before October 1, 2017.

Criminal Law Article § 3-314

COUNTERFEITING AND FORGERY

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 may be 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

Possession of Counterfeit Motor Vehicle 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

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, transmit, 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 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

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 multicounty 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

Use of Forged, Falsified, or Counterfeit Signatures Prohibited

(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

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 counterfeited; 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

Trademark Counterfeiting

(a) (1) In this section the following words have the meanings indicated.
(2) "Counterfeit mark" means:
(i) an unauthorized copy of intellectual property; or
(ii) intellectual property affixed to goods knowingly sold, offered for sale, manufactured, or distributed, to identify services offered or rendered, without the authority of the owner of the intellectual property.
(3) "Intellectual property" means a trademark, service mark, trade name, label, term, device, design, or word adopted or used by a person to identify the goods or services of the person.
(4) "Retail value" means:
(i) a trademark counterfeiter's selling price for the goods or services that bear or are identified by the counterfeit mark; or
(ii) a trademark counterfeiter's selling price of the finished product, if the goods that bear a counterfeit mark are components of the finished product.
(5) "Trademark counterfeiter" means a person who commits the crime of trademark counterfeiting prohibited by this section.

(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 $1,500 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 10 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 $1,500, a person who violates this section is guilty of the misdemeanor of trademark counterfeiting and on conviction:
(1) is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 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 $1,500 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

Counterfeiting and Issuing of Tokens

(a) In this section, "token" means a ticket, coupon, coin, disc, slug, or any other thing that:
(1) is evidence of the right of an individual to enter, leave, ride on, or pass through or over any thing or place for which a fee is charged, including a building, ground, public conveyance, vessel, or bridge; and
(2) is intended or designed to be inserted into a box or machine for the collection of fees or given to a collector.

(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

Counterfeiting and Issuing Tokens

(a) In this section, "token" means a ticket, coupon, coin, disc, slug, or any other thing that:
(1) is evidence of the right of an individual to enter, leave, ride on, or pass through or over any thing or place for which a fee is charged, including a building, ground, public conveyance, vessel, or bridge; and
(2) is intended or designed to be inserted into a box or machine for the collection of fees or given to a collector.

(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 § 8-613

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

Counterfeit or Altered Maryland State Lottery Ticket

(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(b) 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(b) 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

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

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

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

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

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:

(1) 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 $1,500 but less than $25,000, 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.

(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least $25,000 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 10 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 20 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 at least $100 but less than $1,500, 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.

(3) If the value of all money, goods, services, and other things of value obtained in violation of this section is less than $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

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 $1,500 but less than $25,000, 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.

(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 $25,000 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 10 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 20 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 at least $100 but less than $1,500, 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.

(3) 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 $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

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

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 $1,500 but less than $25,000, 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.

(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least $25,000 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 10 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 20 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 at least $100 but less than $1,500, 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.

(3) If the value of all money, goods, services, and other things of value obtained in violation of this section is less than $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

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

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, chargeback, 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(a)(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(a)(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 requestor:
(1) containing the reason that the credit card number or 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

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 or § 8-301 of this title, 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 as 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

CRIME OF VIOLENCE

Definition

(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) 1. the victim is under the age of 13 years and the offender is an adult at the time of the offense; or
2. the offender is at least 21 years old and the victim is under the age of 16 years; 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) a felony offense under Title 3, Subtitle 11 of this article;

(19) an attempt to commit any of the crimes described in items (1) through (18) of this subsection;

(20) continuing course of conduct with a child under § 3-315 of this article;

(21) assault in the first degree;

(22) assault with intent to murder;

(23) assault with intent to rape;

(24) assault with intent to rob;

(25) assault with intent to commit a sexual offense in the first degree; and

(26) assault with intent to commit a sexual offense in the second degree.

(b) (1) Except as provided in subsection (f) of this section, on conviction for a fourth time of a crime of violence, a person who has served three separate terms of confinement in a correctional facility as a result of three separate convictions of any crime of violence shall be sentenced to life imprisonment without the possibility of parole.

(2) Notwithstanding any other law, the provisions of this subsection are mandatory.

(c) (1) Except as provided in subsection (f) of this section, on conviction for a third time of a crime of violence, a person shall be sentenced to imprisonment for the term allowed by law but not less than 25 years, if the person:

(i) has been convicted of a crime of violence on two prior separate occasions:

1. in which the second or succeeding crime is committed after there has been a charging document filed for the preceding occasion; and

2. for which the convictions do not arise from a single incident; and

(ii) has served at least one term of confinement in a correctional facility as a result of a conviction of a crime of violence.

(2) The court may not suspend all or part of the mandatory 25-year sentence required under this subsection.

(3) A person sentenced under this subsection is not eligible for parole except in accordance with the provisions of § 4-305 of the Correctional Services Article.

(d) (1) (i) Except as provided in paragraph (2) of this subsection, on conviction for a second time of a crime of violence committed on or after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:

1. has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 1994; and

2. served a term of confinement in a correctional facility for that conviction.

(ii) The court may not suspend all or part of the mandatory 10-year sentence required under this paragraph.

(2) (i) On conviction for a second time of a crime of violence committed on or after October 1, 2018, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:

1. has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 2018; and

2. served a term of confinement in a correctional facility for that conviction.

(ii) The court may not suspend all or part of the mandatory 10-year sentence required under this paragraph.

(iii) A person sentenced under this paragraph is not eligible for parole except in accordance with the provisions of § 4-305 of the Correctional Services Article.

(e) If the State intends to proceed against a person as a subsequent offender under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

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.

(c) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

Criminal Law Article § 14-104

DESTRUCTIVE DEVICES - EXPLOSIVES

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 § 11-101 of the Public Safety Article; and

(ii) dynamite for construction work, ammonium nitrate, natural gas in pipelines or storage tanks, ether, and cannisterized oxygen for health care facilities.

(3) "Explosive material" does not include items excluded from explosives in § 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 a political 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.

(c) (1) In addition to any penalty provided in subsection (b) of this section, a person convicted or found to have committed a delinquent act under this section may be ordered by the court to pay restitution to:

(i) the State, county, municipal corporation, bicounty agency, multicounty agency, county board of education, public authority, or special taxing district for actual costs reasonably incurred due to a violation of this section, including the search for, removal of, and damages caused by a destructive device; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property or damage sustained due to a violation of this section.

(2) (i) If a person convicted or found to have committed a delinquent act under this section is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(3) This subsection does not limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

Criminal Law Article § 4-503

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.

(e) (1) In addition to the penalty provided in subsection (c) of this section, a court may order a person convicted or found to have committed a delinquent act under this section to pay restitution to:

(i) the State, county, municipal corporation, bicounty unit, multicounty unit, county board of education, public authority, or special taxing district for actual costs reasonably incurred in responding to a location and searching for a destructive device as a result of a violation of this section; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property as a result of a violation of this section.

(2) This subsection may not be construed to limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

(3) (i) If the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(f) 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:

(1) for a first violation, 6 months; and

(2) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer.

Criminal Law Article § 9-504

False Representation of Destructive Device or Toxic Material

(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 § 4-501 of this 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 § 4-501 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.

(c) (1) In addition to the penalty provided in subsection (b) of this section, a person convicted or found to have committed a delinquent act under this section may be ordered by the court to pay restitution to:

(i) the State, county, municipal corporation, bicounty unit, multicounty unit, county board of education, public authority, or special taxing district for actual costs reasonably incurred as a result of a violation of this section; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property as a result of a violation of this section.

(2) This subsection may not be construed to limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

(3) (i) If the person convicted or found to have committed a delinquent act in violation of this section is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(d) 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:

(1) for a first violation, 6 months; and

(2) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer.

Criminal Law Article § 9-505

DISORDERLY CONDUCT AND DISTURBING PEACE

Disturbing the Public Peace and Disorderly Conduct

(a) (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 a 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, race track, 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

Interference in Commercial Athletic Events
(a) (1) In this section the following words have the meanings indicated.
(2) "Commercial athletic contest" means an athletic or sporting event held in a public arena, field, hall, or stadium for admission to which the general public must pay an admission charge.
(3) "Object" means an item that may cause injury to a participant in or observer of the commercial athletic contest.
(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 health care 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 Maryland Department of Health.
(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

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 at one 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

Unlawful Picketing and Assembly

(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

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 operation" 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 § 3-503

EXTORTION

Extortion – Generally

(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 State or Local Government Officer or Employee

(a) In this section, “political subdivision” includes a:

(1) county;

(2) municipal corporation;

(3) bicounty or multicounty agency;

(4) county board of education;

(5) public authority; or

(6) special taxing district.

(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 Inducing Another to Give up Compensation
(a) An officer or employee of the State or of a county, municipal corporation, bicounty agency, or multicounty 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, bicounty agency, or multicounty agency to give up any compensation to which the person is entitled 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, labor, services, 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 by Verbal Threat
(a) A person, with the intent to unlawfully extort money, property, labor, services, 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) This section does not apply to a good faith reasonable notice of dishonor and warning of criminal prosecution under Title 8, Subtitle 1 of this article given by a holder of an instrument to the maker of the instrument.
(b) A person, with the intent to unlawfully extort money, property, or anything of value from another, may not knowingly send or deliver, or make for the purpose of being sent or delivered and part with the possession of, a writing threatening 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.
(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 § 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

Sextortion

(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

FALSE ADVERTISING AND RELATED CRIMES

False and Fraudulent Advertising Prohibited

(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 Commercial Electronic Mail

(a) This section does not apply to an interactive computer service provider or a telecommunication utility to the extent that the interactive computer service provider or the telecommunication utility merely handles, retransmits, or carries a transmission of commercial 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 is 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 effect of deceiving the recipient.

(c) A person is presumed to know that the intended recipient of commercial electronic mail is a resident of the State if the information is available on request from the registrant of the Internet domain name contained in the recipient's electronic mail address.

(d) An interactive computer service provider:
(1) May block the receipt or transmission through its interactive computer service of commercial electronic mail that it reasonably believes is or will be sent in apparent violation of this section; and
(2) May not be held liable for an action under item (1) of this subsection that is voluntarily taken in good faith.

Commercial Law Article § 14-3002

FALSE STATEMENTS, ALARMS, AND CALLS FOR SERVICE

False Statement – To Law Enforcement Officer

(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 and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

Criminal Law Article § 9-501

Making a False Statement, Report, or Complaint of Emergency or Crime – Anti-Swatting

(a) (1) In this section the following words have the meanings indicated.
(2) "Emergency" means a condition that:
(i) poses an imminent threat to public safety; and
(ii) results in, or is likely to result in:
1. the response of a public official; or
2. the evacuation of an area, a building, a structure, a vehicle, or any other place.
(3) "Governmental emergency report recipient" means:
(i) a peace officer;
(ii) a police agency of the State or a unit of local government;
(iii) a person involved in the operation of a public safety answering point, as defined in § 1-301 of the Public Safety Article; or
(iv) any other government employee or contractor who is authorized to receive reports of a crime or an emergency.
(b) (1) A person may not make, or cause to be made, a statement, report, or complaint of an emergency or alleging the commission of a crime that the person knows to be false as a whole or in material part to a governmental emergency report recipient with reckless disregard of causing bodily harm to an individual as a direct result of a response to the statement, report, or complaint.
(2) A person may not violate paragraph (1) of this subsection by making a false statement, report, or complaint alleging the commission of a crime if the result of the statement, report, or complaint is a response from law enforcement and serious physical injury to a person or the death of a person as a proximate result of lawful conduct arising out of the response.
(c) (1) Except as provided in paragraph (3) of this subsection, a person who violates subsection (b)(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 $2,000 or both.
(2) Except as provided in paragraph (3) of this subsection, a person who violates subsection (b)(2) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $20,000 or both.
(3) A first-time violation of this section by a minor is a civil offense subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.
(4) In addition to any other penalty provided in this subsection, a court, in imposing a sentence on a person convicted of violating this section, may order the person to reimburse any individual who incurs damages as a proximate result of lawful conduct arising out of the response to the statement, report, or complaint.
(d) A person who violates this section may be charged, prosecuted, tried, and convicted in:
(1) the county where the defendant made the false statement, report, or complaint;
(2) the county in which the statement, report, or complaint was received by a governmental emergency report recipient; or
(3) the county in which a governmental emergency report recipient responded to the statement, report, or complaint.
(e) In addition to any penalties under subsection (c) of this section, a person who violates this section is civilly liable to any individual who is injured as a result of the violation.
(f) This section may not be construed to conflict with 47 U.S.C. § 230 or 42 U.S.C. § 1983.

Criminal Law Article § 9-501.1

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 Fire Alarm
(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

FIREARMS

Regulated Firearms – Definitions
(a) In this subtitle the following words have the meanings indicated.
(b) "Antique firearm" has the meaning stated in § 4-201 of the Criminal Law Article.
(b-1)(1) "Convicted of a disqualifying crime" includes:
(i) a case in which a person received probation before judgment for a crime of violence; and
(ii) a case in which a person received probation before judgment in a domestically related crime as defined in § 6-233 of the Criminal Procedure Article.
(2) "Convicted of a disqualifying crime" does not include a case in which a person received a probation before judgment:
(i) for assault in the second degree, unless the crime was a domestically related crime as defined in § 6-233 of the Criminal Procedure Article; or
(ii) that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.
(c) "Crime of violence" means:
(1) abduction;
(2) arson in the first degree;
(3) assault in the first or second degree;
(4) burglary in the first, second, or third degree;
(5) carjacking and armed carjacking;
(6) escape in the first degree;
(7) kidnapping;
(8) voluntary manslaughter;
(9) maiming as previously proscribed under former Article 27, § 386 of the Code;
(10) mayhem as previously proscribed under former Article 27, § 384 of the Code;
(11) murder in the first or second degree;
(12) rape in the first or second degree;
(13) robbery;

(14) robbery with a dangerous weapon;
(15) sexual offense in the first, second, or third degree;
(16) home invasion under § 6-202(b) of the Criminal Law Article;
(17) a felony offense under Title 3, Subtitle 11 of the Criminal Law Article;
(18) an attempt to commit any of the crimes listed in items (1) through (17) of this subsection; or
(19) assault with intent to commit any of the crimes listed in items (1) through (17) of this subsection or a crime punishable by imprisonment for more than 1 year.

(d) "Dealer" means a person who is engaged in the business of:
(1) selling, renting, or transferring firearms at wholesale or retail; or
(2) repairing firearms.

(e) "Dealer's license" means a State regulated firearms dealer's license.

(f) "Designated law enforcement agency" means a law enforcement agency that the Secretary designates to process applications to purchase regulated firearms for secondary sales.

(g) "Disqualifying crime" means:
(1) a crime of violence;
(2) a violation classified as a felony in the State; or
(3) a violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years.

(h) (1) "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;
(ii) the frame or receiver of such a weapon; or
(iii) an unfinished frame or receiver, as defined in § 5-701 of this title.
(2) "Firearm" includes a starter gun.

(i) "Firearm applicant" means a person who makes a firearm application.

(j) "Firearm application" means an application to purchase, rent, or transfer a regulated firearm.

(k) "Fugitive from justice" means a person who has fled to avoid prosecution or giving testimony in a criminal proceeding.

(l) "Habitual drunkard" means a person who has been found guilty of any three crimes under § 21-902(a), (b), or (c) of the Transportation Article, one of which occurred in the past year.

(m) "Habitual user" means a person who has been found guilty of two controlled dangerous substance crimes, one of which occurred in the past 5 years.

(n) (1) "Handgun" means a firearm with a barrel less than 16 inches in length.
(2) "Handgun" includes signal, starter, and blank pistols.

(o) "Handgun qualification license" means a license issued by the Secretary that authorizes a person to purchase, rent, or receive a handgun.

(p) "Licensee" means a person who holds a dealer's license.

(q) "Qualified handgun instructor" means a certified firearms instructor who:
(1) is recognized by the Maryland Police and Correctional Training commissions;
(2) has a qualified handgun instructor license issued by the Secretary; or
(3) has a certification issued by a nationally recognized firearms organization.

(r) "Regulated firearm" means:
(1) a handgun; or
(2) a firearm that is any of the following specific assault weapons or their copies, regardless of which company produced and manufactured that assault weapon:
(i) American Arms Spectre da Semiautomatic carbine;
(ii) AK-47 in all forms;
(iii) Algimec AGM-1 type semi-auto;
(iv) AR 100 type semi-auto;
(v) AR 180 type semi-auto;
(vi) Argentine L.S.R. semi-auto;
(vii) Australian Automatic Arms SAR type semi-auto;
(viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;
(ix) Barrett light .50 cal. semi-auto;
(x) Beretta AR70 type semi-auto;

(xi) Bushmaster semi-auto rifle;
(xii) Calico models M-100 and M-900;
(xiii) CIS SR 88 type semi-auto;
(xiv) Claridge HI TEC C-9 carbines;
(xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle;
(xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;
(xvii) Dragunov Chinese made semi-auto;
(xviii) Famas semi-auto (.223 caliber);
(xix) Feather AT-9 semi-auto;
(xx) FN LAR and FN FAL assault rifle;
(xxi) FNC semi-auto type carbine;
(xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
(xxiii) Steyr-AUG-SA semi-auto;
(xxiv) Galil models AR and ARM semi-auto;
(xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
(xxvi) Holmes model 88 shotgun;
(xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
(xxviii) Manchester Arms "Commando" MK-45, MK-9;
(xxix) Mandell TAC-1 semi-auto carbine;
(xxx) Mossberg model 500 Bullpup assault shotgun;
(xxxi) Sterling Mark 6;
(xxxii) P.A.W.S. carbine;
(xxxiii) Ruger mini-14 folding stock model (.223 caliber);
(xxxiv) SIG 550/551 assault rifle (.223 caliber);
(xxxv) SKS with detachable magazine;
(xxxvi) AP-74 Commando type semi-auto;
(xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand;
(xxxviii) Street sweeper assault type shotgun;
(xxxix) Striker 12 assault shotgun in all formats;
(xl) Unique F11 semi-auto type;
(xli) Daewoo USAS 12 semi-auto shotgun;
(xlii) UZI 9mm carbine or rifle;
(xliii) Valmet M-76 and M-78 semi-auto;
(xliv) Weaver Arms "Nighthawk" semi-auto carbine; or
(xlv) Wilkinson Arms 9mm semi-auto "Terry".

(s) "Rent" means the temporary transfer for consideration of a regulated firearm that is taken from the property of the owner of the regulated firearm.

(t) "Secondary sale" means a sale of a regulated firearm in which neither party to the sale:
(1) is a licensee;
(2) is licensed by the federal government as a firearms dealer;
(3) devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of earning a profit through the repeated purchase and resale of firearms; or
(4) repairs firearms as a regular course of trade or business.

(u) "Secretary" means the Secretary of State Police or the Secretary's designee.

(v) "Straw purchase" means a sale of a regulated firearm in which a person uses another, known as the straw purchaser, to:
(1) complete the application to purchase a regulated firearm;
(2) take initial possession of the regulated firearm; and
(3) subsequently transfer the regulated firearm to the person.

Public Safety Article § 5-101

Regulated Firearms – Scope of Subtitle

This subtitle does not apply to:

(1) the transfer or possession of a regulated firearm or detachable magazine:
(i) for testing or experimentation authorized by the Secretary; and
(ii) by a federally licensed gun manufacturer, dealer, or importer;
(2) the sale, transfer, or possession of an antique firearm;
(3) an unserviceable firearm sold, transferred, or possessed as a curio or museum piece;
(4) law enforcement personnel of any unit of the federal government, members of the armed forces or the National Guard, or law enforcement personnel of the State or any local agency in the State, while those personnel or members are acting within the scope of their official duties;
(5) a regulated firearm modified to render it permanently inoperative;
(6) purchases, sales, and transportation to or by a federally licensed gun manufacturer, dealer, or importer;
(7) an organization that is required or authorized by federal law governing its specific business or activity to maintain firearms;
(8) the receipt of a regulated firearm by inheritance, if the heir forwards to the Secretary a completed application to purchase or transfer that regulated firearm; or
(9) a signal pistol or other visual distress signal that the United States Coast Guard approves as a marine safety device.
Public Safety Article § 5-102

Regulated Firearms - Restrictions on Possession

(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) (i) has been convicted on or after October 1, 2023, of a second or subsequent violation of § 4-104 of the Criminal Law Article; or
(ii) has been convicted on or after October 1, 2023, of a violation of § 4-104 of the Criminal Law Article if the violation resulted in the use of a loaded firearm by a minor causing death or serious bodily injury to the minor or another person;
(4) subject to subsection (b-1) of this section, is on supervised probation after being convicted:
(i) of a crime punishable by imprisonment for 1 year or more;
(ii) for a violation of § 21-902(b) or (c) of the Transportation Article; or
(iii) for violating a protective order under § 4-509 of the Family Law Article;
(5) is a fugitive from justice;
(6) is a habitual drunkard;
(7) is addicted to a controlled dangerous substance or is a habitual user;
(8) 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;
(9) has been found incompetent to stand trial under § 3-106 of the Criminal Procedure Article;
(10) has been found not criminally responsible under § 3-110 of the Criminal Procedure Article;
(11) has been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10-101 of the Health--General Article;
(12) has been involuntarily committed to a facility as defined in § 10-101 of the Health--General Article;
(13) 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;
(14) 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
(15) 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.

(b-1) Subsection (b)(4) of this section may not be construed to prohibit possession of a regulated firearm by a person who was not convicted of but received only probation before judgment for an offense listed in subsection (b)(4) of this section.

(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, § 5-614, § 5-621, or § 5-622 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.

(5) A person convicted under this subsection is not prohibited from participating in a drug treatment program under § 8-507 of the Health--General Article because of the length of the sentence.

(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 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.

(g) Subject to subsection (b)(3) of this section, a person who has been convicted on or after October 1, 2023, of a violation of § 4-104 of the Criminal Law Article may not possess a regulated firearm for 5 years following the date of the conviction.

Public Safety Article § 5-133

Rifles and Shotguns – 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) "NICS Index" has the meaning stated in § 5-133.2 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.

Public Safety Article § 5-201

Rifles and Shotguns – Scope of Subtitle

This subtitle does not apply to a short-barreled rifle or short-barreled shotgun that is:

(1) an antique firearm as defined in § 4-201 of the Criminal Law Article;
(2) a device designed or redesigned for use other than as a weapon;
(3) a device designed or redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or
(4) a firearm that cannot:
    (i) discharge a projectile by an explosive; and
    (ii) be readily restored to a firing condition.

Public Safety Article § 5-202

Possession of Short-Barreled Rifles or 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, the State, or a political subdivision of the State;
    (ii) a member of the armed forces 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 a political subdivision of another state, while temporarily in this State;
    (iv) a warden or correctional officer of a correctional facility in the 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) 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 on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

Public Safety Article § 5-203

Rifles and Shotguns – Sale, Rental, or Transfer by Non-Licenses

(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, 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; or
(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 NICS 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 rifle 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.

Public Safety Article § 5-204.1

Rifles and Shotguns – Possession by Person 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(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 (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 of the rifle or shotgun, if:
(i) the rifle or shotgun is unloaded;
(ii) the person has notified a law enforcement unit, barracks, or station that the rifle or shotgun is being transported 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

Persons Convicted of Crimes of Violence Prohibited from Possessing a Rifle or Shotgun

(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 section is a separate crime.

Public Safety Article § 5-206

Handgun Permits – Carrying, Wearing, or Transporting While Under the Influence of Alcohol or Drugs

(a) A person who holds a permit 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.

Public Safety Article § 5-314

Untraceable Firearms - Definitions

(a) In this subtitle the following words have the meanings indicated.
(b) "Antique firearm" has the meaning stated in § 4-201 of the Criminal Law Article.
(c) "Federally licensed firearms dealer" means a person licensed by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives to deal in firearms.
(d) "Federally licensed firearms importer" means a person licensed by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives to import firearms.
(e) "Federally licensed firearms manufacturer" means a person licensed by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives to manufacture firearms.
(f) "Firearm" has the meaning stated in § 5-101 of this title.
(g) "Secretary" means the Secretary of State Police or the Secretary's designee.
(h) "Unfinished frame or receiver" means a forged, cast, printed, extruded, or machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm.

Public Safety Article § 5-701

Untraceable Firearms – Application of Subtitle

This subtitle does not apply to:

(1) a firearm that:
  (i) was manufactured before October 22, 1968; or
  (ii) is an antique firearm;
(2) a sale, an offer to sell, a transfer, or a delivery of a firearm or an unfinished frame or receiver to, or possession of a firearm or unfinished frame or receiver by:
  (i) a federally licensed firearms dealer;
  (ii) a federally licensed firearms manufacturer; or
  (iii) a federally licensed firearms importer; or
(3) a transfer or surrender of a firearm or an unfinished frame or receiver to a law enforcement agency.

Public Safety Article § 5-702

Untraceable Firearms – Serial Numbers Required

(a) (1) A person may not purchase, receive, sell, offer to sell, or transfer an unfinished frame or receiver unless it is required by federal law to be, and has been, imprinted with a serial number by a federally licensed firearms manufacturer or federally licensed firearms importer in compliance with all federal laws and regulations applicable to the manufacture and import of firearms.
(2) Except as provided in paragraph (1) of this subsection, a person may not sell, offer to sell, or transfer a firearm unless it is imprinted with a serial number as described under subsection (b) of this section.

(b) (1) This subsection does not apply to:
  (i) possession of a firearm unless a person knew or reasonably should have known that the firearm was not imprinted with a serial number as described under this subsection;
  (ii) possession of a firearm that does not comply with the marking requirements described under this subsection by a person who received the firearm through inheritance, and is not otherwise prohibited from possessing the firearm, for a period not exceeding 30 days after inheriting the firearm; or
  (iii) possession of an unfinished frame or receiver by a person that made or manufactured the unfinished frame or receiver, without the use of any prefabricated parts, and who is not otherwise prohibited from possessing the unfinished frame or receiver, for a period not exceeding 30 days after the person made or manufactured the unfinished frame or receiver.
(2) On or after March 1, 2023, a person may not possess a firearm unless:
  (i) the firearm is required by federal law to be, and has been, imprinted by a federally licensed firearms manufacturer, federally licensed firearms importer, or other federal licensee authorized to provide marking services, with a serial number in compliance with all federal laws and regulations applicable to the manufacture and import of firearms; or
  (ii) the firearm:

1. has been imprinted by a federally licensed firearms dealer, federal firearms manufacturer, or other federal licensee authorized to provide marking services, with:
A. the zip code of the current owner or person that made, completed, or initially assembled the firearm;
B. the initials of the current owner or person that made, completed, or initially assembled the firearm; and
C. a number that does not match a number used by the current owner on another firearm or by the person who made, completed, or initially assembled the firearm on any other firearm that the person has made, completed, or initially assembled; and
2. has been registered with the Secretary.

(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 5 years or a fine not exceeding $10,000 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 2 years or a fine not exceeding $10,000 or both.
(3) Each violation of this section is a separate crime.

(d) A federally licensed firearms dealer or other federal licensee authorized to provide marking services who imprints a firearm under subsection (b)(2)(ii) of this section shall imprint the firearm in compliance with all federal laws and regulations applicable to affixing serial numbers to firearms, including:
(1) minimum size and depth requirements; and
(2) requirements that the numbers not be readily susceptible to being obliterated, altered, or removed.

Public Safety Article § 5-703

Child's Access to Firearms

(a) (1) In this section 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) (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 minor's access to a firearm is supervised by an individual at least 18 years old;
(2) the minor'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 minor 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 minor has 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.

(e) (1) A violation of this section may not:
(i) be considered evidence of negligence;
(ii) be considered evidence of contributory negligence;
(iii) limit liability of a party or an insurer; or
(iv) diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition.
(2) A party, witness, or lawyer may not refer to a violation of this section during a trial of a civil action that involves property damage, personal injury, or death.

Criminal Law Article § 4-104

Bulletproof Body Armor

(a) (1) 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 § 5-101 of the Public Safety Article.
(7) “Secretary” means the Secretary of 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.
(e) A sentence imposed under this section may be separate from a sentence for any crime of violence or drug trafficking crime establishing the violation of this section.

Criminal Law Article § 4-106

Bulletproof 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.
(d) In making a determination under subsection (c) of this section with respect to a petitioner, the Secretary shall consider:
(1) the effect of the determination on the employment of the petitioner;
(2) the interests of justice;
(3) the safety of the petitioner;
(4) any other valid reason for the petitioner to purchase, possess, or use bulletproof body armor; and
(5) the totality of the circumstances.
(e) As a condition of issuing a permit to a petitioner, the Secretary shall require that the petitioner agree to maintain in the person's possession a certified copy of the permit, including any terms, conditions, or limitations.
(f) (1) A permit under this section expires 5 years after the date of its issuance.
(2) A permit shall be renewed for successive periods of 5 years if the applicant:
(i) files an application for renewal at any time within 3 months before the permit expires; and
(ii) satisfies the requirements of this section.
(g) The Secretary may revoke a permit at any time if the Secretary finds that the holder no longer satisfies the qualifications set forth in subsection (c) of this section.
(h) (1) A person whose application for a permit or renewal of a permit has been rejected or whose permit has been revoked or limited may request the Secretary to conduct an informal review by filing a written request within 10 days after receiving written notice of the Secretary's initial action.
(2) The informal review may include a personal interview of the applicant.
(3) An informal review under this subsection is not subject to the Administrative Procedure Act.[1]
(4) After the informal review, the Secretary shall sustain, reverse, or modify the initial action taken and notify the applicant of the decision in writing within 30 days after receiving the request for informal review.
(i) (1) A person aggrieved by a decision of the Secretary may seek review of the decision under Title 10, Subtitle 2 of the State Government Article.

(2) A request for informal review under subsection (h) of this section is not a condition precedent to instituting a contested case proceeding under this subsection.

(j) The Secretary shall adopt regulations to carry out this section.

(k) A person who violates subsection (a) of 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 § 4-107

Possession or Use of Restricted Firearm Ammunition Relating to Commission of Crime Prohibited

(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

Wearing, Carrying, or Transporting Firearms; Areas for Children or Vulnerable Individuals; Government or Public Infrastructure Areas; Special Purpose Areas

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

(2) "Area for children and vulnerable individuals" means:

(i) a preschool or prekindergarten facility or the grounds of the facility;

(ii) a private primary or secondary school or the grounds of the school; or

(iii) a health care facility, as defined in § 15-10B-01(g)(1), (2), (3), and (4) of the Insurance Article.

(3) "Firearm" has the meaning stated in § 4-104 of this subtitle.

(4) "Government or public infrastructure area" means:

(i) a building or any part of a building owned or leased by a unit of State or local government;

(ii) a building of a public or private institution of higher education, as defined in § 10-101 of the Education Article;

(iii) a location that is currently being used as a polling place in accordance with Title 10 of the Election Law Article or for canvassing ballots in accordance with Title 11 of the Election Law Article;

(iv) an electric plant or electric storage facility, as defined in § 1-101 of the Public Utilities Article;

(v) a gas plant, as defined in § 1-101 of the Public Utilities Article; or

(vi) a nuclear power plant facility.

(5) "Law enforcement official" has the meaning stated in § 4-201 of this title.

(6) "Police officer" has the meaning stated in § 3-201 of the Public Safety Article.

(7) "ROTC" means Reserve Officer Training Corps.

(8) "Service member" has the meaning stated in § 9-901 of the State Government Article.

(9) "Special purpose area" means:

(i) a location licensed to sell or dispense alcohol or cannabis for on-site consumption;

(ii) a stadium;

(iii) a museum;

(iv) an amusement park;

(v) a racetrack; or

(vi) a video lottery facility, as defined in § 9-1A-01 of the State Government Article.

(b) This section does not apply to:

(1) a law enforcement official or a police officer;

(2) an on-duty employee of a law enforcement agency authorized by the agency to possess firearms on duty or whose duty assignment involves the possession of firearms;
(3) a service member on duty or traveling to or from duty;
(4) a member of an ROTC program while participating in an activity for an ROTC program;
(5) a correctional officer or warden of a correctional facility in the State;
(6) a railroad police officer appointed under Title 3, Subtitle 4 of the Public Safety Article;
(7) an employee of an armored car company, if the person is acting within the scope of employment and has a valid permit to wear, carry, or transport a handgun issued under Title 5, Subtitle 3 of the Public Safety Article;
(8) subject to subsection (i) of this section, a person who has retired as a law enforcement official in good standing from a law enforcement agency of the United States, the State or another state, or a local unit in the State or another state, who possesses a firearm, if:
(i) 1. the person is carrying the person's badge or credential in compliance with the requirements of the badge or credential;
2. the firearm carried or possessed by the person is concealed from view under or within an article of the person's clothing; and
3. the person is authorized to carry a handgun under the laws of the State or the United States; or
(ii) 1. the person possesses a valid permit to wear, carry, or transport a handgun issued under Title 5, Subtitle 3 of the Public Safety Article; and
2. the firearm carried or possessed by the person is concealed from view under or within an article of the person's clothing;
(9) for a location that is not owned by, leased by, or otherwise under the control of the State or a political subdivision of the State:
(i) the owner or lessee of the location; or
(ii) a person who is authorized by the owner or lessee of the location to wear, carry, or transport a firearm at the location for the purpose of:
1. employment as a security guard licensed under Title 19 of the Business Occupations and Professions Article; or
2. protecting any individual or property at the location with an express agreement between the parties, remuneration, or compensation;
(10) a location being used with the permission of the person or governmental unit that owns, leases, or controls the location for:
(i) an organized shooting activity for educational purposes;
(ii) a historical demonstration using a firearm; or
(iii) hunting or target shooting; or
(11) a firearm that is carried or transported in a motor vehicle if the firearm is:
(i) locked in a container; or
(ii) a handgun worn, carried, or transported 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.

(c) A person may not wear, carry, or transport a firearm in an area for children or vulnerable individuals.

(d) (1) A person may not wear, carry, or transport a firearm in a government or public infrastructure area.
(2) A government or public infrastructure area specified under subsection (a)(4)(i) of this section must display a clear and conspicuous sign at the main entrance of the building or the part of a building that is owned or leased by the unit of State or local government indicating that it is not permissible to wear, carry, or transport a firearm in the building or that part of the building.

(e) A person may not wear, carry, or transport a firearm in a special purpose area.

(f) A person who willfully violates subsection (c), (d)(1), or (e) of 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.

(g) (1) A conviction under this section may not merge with a conviction for any other crime based on the act establishing the violation of this section.
(2) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

(h) For purposes of this section, a requirement to keep a handgun concealed is not violated by:
(1) the momentary and inadvertent exposure of a handgun; or

(2) the momentary and inadvertent exposure of the imprint or outline of a handgun.

(i) Nothing in this section limits the power of an administrative head of a Maryland court to punish for contempt or to adopt rules or orders regulating, allowing, restricting, or prohibiting the possession of weapons in any building housing the court or any of its proceedings, or on any grounds appurtenant to the building.

Criminal Law Article § 4-111

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 rimfire or conventional centerfire fixed ammunition; or

(ii) uses rimfire or conventional centerfire 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;

(3) a fire and explosive investigator of the Prince George's County Fire/EMS Department as defined in § 2-208.3 of the Criminal Procedure Article;

(4) a Montgomery County fire and explosive investigator as defined in § 2-208.1 of the Criminal Procedure Article;

(5) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2-208.2 of the Criminal Procedure Article;

(6) a Worcester County fire and explosive investigator as defined in § 2-208.4 of the Criminal Procedure Article;

(7) a City of Hagerstown fire and explosive investigator as defined in § 2-208.5 of the Criminal Procedure Article; or

(8) a Howard County fire and explosive investigator as defined in § 2-208.6 of the Criminal Procedure Article.

(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) 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) 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 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) 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 5 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 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 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

Use 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

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, speechmaking, marching, holding a vigil, or engaging in any other similar conduct that involves the communication or expression of views or grievances and that has the effect, intent, or propensity to attract a crowd or onlookers.

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

(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 System 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) 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

Regulation or Weapons 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) 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.
(3) A county, municipal corporation, or special taxing district may not prohibit the transportation of an item listed in subsection (a) of this section by a person who is carrying a court order requiring the surrender of the item, if:
(i) the handgun, rifle, or shotgun is unloaded;
(ii) the person has notified the law enforcement unit, barracks, or station that the item is being transported in accordance with the court order; and
(iii) the person transports the item directly to the law enforcement unit, barracks, or station.

(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) 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

Assault Weapons and Detachable Magazines - Definitions

(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 Arms AP-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 centerfire 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) "Rapid fire activator" means any device, including a removable manual or power-driven activating device, constructed so that, when installed in or attached to a firearm:
(i) the rate at which the trigger is activated increases; or
(ii) the rate of fire increases.

(2) "Rapid fire activator" includes a bump stock, trigger crank, hellfire trigger, binary trigger system, burst trigger system, switch/auto-sear, or a copy or a similar device, regardless of the producer or manufacturer.

(3) "Rapid fire activator" does not include a semiautomatic replacement trigger that improves the performance and functionality over the stock trigger.

(n) "Switch/auto-sear" means a device that applies force to a firearm's trigger bar to prevent it from limiting the weapon to firing only one round each time the trigger is depressed.

(o) "Trigger crank" means a device that, when installed in 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

Assault Weapons – Scope of Subtitle

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 Weapons – 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 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 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

Assault Weapons – 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

Assault Weapons – Rapid Fire Activator; Prohibited

(a) Except as provided in subsection (b) of this section, a person may not:
(1) transport a rapid fire activator into the State; or
(2) manufacture, possess, sell, offer to sell, transfer, purchase, or receive a rapid fire activator.

(b) This section does not apply to the possession of a rapid fire activator by a person who:
(1) possessed the rapid fire 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 activator;
(3) received authorization to possess a rapid fire 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 activator.

(c) Nothing in this section is intended to prohibit the otherwise lawful possession of a part or combination of parts by:
(1) a police officer or other person employed by a law enforcement agency under circumstances in which the officer or other person possesses the part or parts in accordance with authorization given by the law enforcement agency; or
(2) a person who has registered a machine gun with the Secretary of State Police under § 4-403 of this title if the part or parts are possessed for use in only, and necessary for the proper function of, a machine gun that is currently registered by the person under § 4-403 of this title.

Criminal Law Article § 4-305.1

Assault Weapons and Detachable Magazines – Penalties

(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 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

Uniform Machine Gun Act – Definitions

(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;

(4) the possession of a machine gun for a purpose that is manifestly not aggressive or offensive; or

(5) the transportation of a lawfully possessed machine gun by a person who is carrying a court order requiring the surrender of the machine gun, if:

(i) the machine gun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the machine gun is being transported in accordance with the court order; and

(iii) the person transports the machine gun directly to the law enforcement unit, barracks, or station.

(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) On 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) (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) (1) 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) (1) A person who acquires a machine gun shall register the machine gun with the Secretary of 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 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 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 unnaturalized 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.
(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.
Criminal Law Article § 4-405

FIREWORKS

Definitions

(a) In this title the following words have the meanings indicated.
(b) (1) "1.3 G fireworks" means special fireworks designed primarily to produce visible or audible effects by combustion or explosion.
(2) "1.3 G fireworks" includes:
(i) toy torpedoes, railway torpedoes, firecrackers and salutes that do not qualify as 1.4 G fireworks, exhibition display pieces, illuminating projectiles, incendiary projectiles, and incendiary grenades;
(ii) smoke projectiles or bombs containing expelling charges but without bursting charges;
(iii) flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, and flash powder or spreader cartridges containing an amount not exceeding 72 grains of flash powder each; and
(iv) flash cartridges consisting of a paper cartridge shell, small arms primer, and flash composition, not exceeding 180 grains, all assembled in one piece.
(c) (1) "1.4 G fireworks" means common fireworks designed primarily to produce visible effects by combustion.
(2) "1.4 G fireworks" includes:
(i) small devices containing less than 2 grains of pyrotechnic composition designed to produce an audible effect;
(ii) Roman candles, not exceeding 10 balls, that have a total pyrotechnic composition not exceeding 20 grams and inside tube diameter not exceeding 3/8 inch;
(iii) sky rockets with sticks, that have a total pyrotechnic composition not exceeding 20 grams and an inside tube diameter not exceeding 1/2 inch;
(iv) helicopter-type rockets that have a total pyrotechnic composition not exceeding 20 grams and an inside tube diameter not exceeding 1/2 inch;
(v) wheels that have a total pyrotechnic composition not exceeding 60 grams for each driver unit or 240 grams for each wheel and an inside tube diameter of driver units not exceeding 1/2 inch;

(vi) illuminating torches and colored fire in any form that have a total pyrotechnic composition not exceeding 100 grams each;
(vii) dipped sticks that have a pyrotechnic composition containing any perchlorate not exceeding 5 grams;
(viii) mines or shells in which the mortar is an integral part, that have a total pyrotechnic composition not exceeding 40 grams;
(ix) firecrackers or salutes with casings that have a total pyrotechnic composition not exceeding 2 grains each and external dimensions not exceeding 1 1/2 inches in length or 1/4 inch in diameter; and
(x) novelties that consist of two or more 1.4 G fireworks.

(d) "Explosive composition" means a mixture or substance that, when ignited, may cause such a generation of highly heated gases that the resulting gaseous pressures are capable of producing destructive effects on contiguous objects.

(e) "Finishing and assembling building" means a structure in which fireworks are assembled and packed but are not mixed or pressed.

(f) (1) "Fireworks" means combustible, implosive or explosive compositions, substances, combinations of substances, or articles that are prepared to produce a visible or audible effect by combustion, explosion, implosion, deflagration, or detonation.

(2) "Fireworks" includes 1.3 G fireworks, 1.4 G fireworks, firecrackers, squibs, rockets, Roman candles, fire balloons, and signal lights.

(3) "Fireworks" does not include:
(i) toy pistols, toy canes, toy guns, or other devices that use paper caps that contain 0.25 grains or less of explosive composition if the devices are constructed so that a hand cannot touch the cap when the cap is in place for use;
(ii) toy pistol paper caps that contain less than 0.20 grains of explosive composition;
(iii) sparklers that do not contain chlorates or perchlorates;
(iv) ground-based sparkling devices that are nonaerial and nonexplosive, and are labeled in accordance with the requirements of the U.S. Consumer Product Safety Commission;
(v) paper wrapped snappers that contain less than 0.03 grains of explosive composition; or
(vi) ash-producing pellets known as "snakes" that do not contain mercury and are not regulated by the U. S. Department of Transportation.

(g) (1) "Fireworks plant" means land and any building on the land used in connection with the manufacture, packaging, repackaging, or processing of fireworks.

(2) "Fireworks plant" includes a storage building used in connection with plant operation.

(h) "Mixing building" means a building primarily used to mix and blend pyrotechnic composition other than wet sparkler mixes.

(i) "Press building" means a building used primarily for pressing or loading pyrotechnic composition into tubes or containers.

(j) "Pyrotechnic composition" means a chemical mixture that on burning and without explosion produces visible or brilliant displays, bright lights, or whistles.

(k) "Storage building" means a structure in which finished fireworks or fireworks in any state of processing are stored, but in which processing or manufacturing is not performed.

Public Safety Article § 10-101

Discharge and Possession of Fireworks without a Permit

(a) Unless the person holds a permit issued under this subtitle, a person may not:

(1) discharge fireworks; or

(2) possess fireworks:
(i) with intent to discharge or allow the discharge of the fireworks in violation of this subtitle; or
(ii) for the purpose of disposing or selling the fireworks to a person for use or discharge without a permit, if a permit is required by this subtitle.

(b) (1) Except as otherwise provided in this subtitle, a person may not sell fireworks to another person without a permit issued under this subtitle.

(2) (i) A person licensed by the State Fire Marshal under Subtitle 2 of this title may sell or deliver fireworks to a bona fide distributor, jobber, or wholesaler with a principal place of business in a state where the sale or possession of fireworks is allowed.

(ii) The State Fire Marshal may require a person who is an out-of-state distributor, jobber, or wholesaler to submit a certificate issued by the person's state of operation that demonstrates authority to buy and receive fireworks.

Public Safety Article § 10-110

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 this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

Public Safety Article § 10-112

FLAG DESECRATION

Definition

In this subtitle, "flag" includes any size flag, standard, color, ensign, or shield made of any substance or represented or produced on any substance, that purports to be a flag, standard, color, ensign, or shield of the United States or of this State.

Criminal Law Article § 10-701

Mutilation

(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

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 part.

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

Bad Checks - Obtaining Property or Services

(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

Bad Checks - 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

Bad Checks - Limitation on Prosecution

(a) A person who obtains property or services by issuing or passing a check in violation of § 8-103 of this subtitle 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 subtitle 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.
(c) Unless specifically charged by the State, obtaining property or services with a value of less than $100 by issuing or passing a check in violation of § 8-103 of this subtitle, as provided in § 8-106(d) of this subtitle, may not be considered a lesser included crime of any other crime.
Criminal Law Article § 8-105

Pyramid Promotional Schemes

(a) (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

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.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

Criminal Law Article § 8-406

Fraudulent Conversion of Leased or Rented Goods

(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

Fraud – Definition
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
(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.
(d)(1) A person who is convicted of a violation of this section shall make full restitution of the money or the value of the property, food stamps, or other assistance obtained by the person in violation of this section.
(2) Full restitution under paragraph (1) of this subsection shall be made after the person has received notice and has been given the opportunity to be heard as to the amount of payment and how it is to be made.
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

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

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

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 $1,500 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.
(e) (1) In this subsection, "business entity" includes an association, firm, institution, partnership, and corporation.
(2) A business entity that violates a provision of this part is subject to a fine not exceeding:
(i) $250,000 for each felony; and
(ii) $100,000 for each misdemeanor.

Criminal Law Article § 8-516

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 fire fighter;
(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

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

Financial Crimes Against 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 $1,500 but less than $25,000 is guilty of a felony and:
1. is subject to imprisonment not exceeding 5 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 $25,000 but less than $100,000 is guilty of a felony and:
1. is subject to imprisonment not exceeding 10 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 20 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 $1,500 is guilty of a misdemeanor and:
(i) is subject to imprisonment not exceeding 1 year 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.
(g) In addition to any penalties set forth in this section, a violation of this section:
(1) is an unfair, abusive, or deceptive trade practice within the meaning of Title 13 of the Commercial Law Article; and
(2) is subject to the enforcement and penalty provisions contained in Title 13 of the Commercial Law Article.
Criminal Law Article § 8-801

Intentional Motor Vehicle Accidents or Fraudulent Reports

It is a fraudulent insurance 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

Intentional Motor Vehicle Accidents or Fraudulent Reports Penalties

(a) (1) A person that violates § 27-407 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 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 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.
Insurance Article § 27-408

FUGITIVES AND ESCAPEES

Definitions

(a) In this subtitle the following words have the meanings indicated.
(b) "Concealment" means hiding, secreting, or keeping out of sight.
(c) "Escape" retains its judicially determined meaning.
(d) "Fugitive" means an individual for whom a felony arrest warrant has been issued and is outstanding.
(e) (1) "Harbor" includes offering a fugitive or escaped incarcerated individual:
(i) concealment;
(ii) lodging;
(iii) care after concealment; or
(iv) obstruction of an effort of an authority to arrest the fugitive or escaped incarcerated individual.
(2) "Harbor" does not include failing to reveal the whereabouts of a fugitive or an escaped incarcerated individual by a person who did not participate in the effort of the fugitive or escaped incarcerated individual to elude arrest.
(f) "Hardware secure facility" means a facility that is securely locked or fenced to prevent escape.
(g) (1) "Place of confinement" means:
(i) a correctional facility;
(ii) a facility of the Maryland Department of Health; or
(iii) any other facility in which a person is confined under color of law.
(2) "Place of confinement" does not include:
(i) a detention center for juveniles;
(ii) a facility for juveniles listed in § 9-226(b) of the Human Services Article;
(iii) a place identified in a juvenile community detention order; or
(iv) a privately operated, hardware secure facility for juveniles committed to the Department of Juvenile Services.
Criminal Law Article § 9-401

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 incarcerated individual, who was imprisoned for a felony and who escaped from the custody of the Division of Correction or other correctional unit to which the incarcerated individual has been committed, after:
(1) being notified, or otherwise knowing, that the incarcerated individual escaped; and
(2) being notified that harboring the incarcerated individual 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

Escape in the First Degree
(a) A person may not knowingly escape from a place of confinement.
(b) A person may not:
(1) escape from:
(i) a detention center for juveniles;
(ii) a facility for juveniles listed in § 9-226(b) of the Human Services Article;
(iii) a place identified in a juvenile community detention order; or
(iv) a privately operated, hardware secure facility for juveniles committed to the Department of Juvenile Services; and
(2) in the course of the escape commit an assault.
(c) 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 may not escape from:
(i) except as otherwise punishable under § 9-404(b) of this subtitle, a detention center for juveniles or a facility for juveniles listed in § 9-226(b) of the Human Services Article;
(ii) a place identified in a home detention order or agreement;
(iii) a place identified in a juvenile community detention order; or
(iv) a privately operated, hardware secure facility for juveniles committed to the Department of Juvenile Services.
(b) (1) This subsection applies to a person who is:
(i) temporarily released from a place of confinement;
(ii) committed to a pretrial agency;
(iii) committed to home detention by:
1. the court; or
2. the Division of Correction under Title 3, Subtitle 4 of the Correctional Services Article;
(iv) committed to a home detention program administered by a county;

(v) released to a private home detention monitoring agency as defined in § 20-101 of the Business Occupations and Professions Article; or

(vi) ordered by a court to serve a term of custodial confinement as defined in § 6-219 of the Criminal Procedure Article as a condition of a suspended sentence or probation before or after judgment.

(2) A person may not knowingly:

(i) violate any restriction on movement imposed under the terms of a temporary release, pretrial commitment, custodial confinement, or home detention order or agreement;

(ii) fail to return to a place of confinement under the terms of a temporary release, pretrial commitment, custodial confinement, or home detention order or agreement; or

(iii) remove, block, deactivate, or otherwise tamper with a monitoring device required to be worn or carried by the person to track the person's location, including an ankle or wrist bracelet, global position satellite offender tracking technology, or comparable equipment or system.

(c) 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

GAMBLING

Betting, Wagering, Gambling, and Related Activities

(a) A person may not:

(1) make or sell a book or pool on the result of a race, contest, or contingency;

(2) 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

(3) 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 not exceeding 6 months or a fine not exceeding $5,000 or both.

(c) (1) The provisions of this subsection apply only in Baltimore City.

(2) A person who violates this section may be charged by a citation.

(3) A citation for a violation of this section may be issued to a person by a police officer authorized to make arrests in Baltimore City if there is probable cause to believe that the person is committing or has committed a violation of this section.

(4) A citation issued under this subsection 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 or term of imprisonment that may be imposed;

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

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

(vii) the signature of the police officer issuing the citation.

(5) (i) The police officer who issued the citation shall forward to the appropriate court a copy of the citation.

(ii) The court shall promptly schedule the case for trial and summon the defendant to appear.

(iii) Willful failure of the defendant to respond to the summons is contempt of court.

Criminal Law Article § 12-102

Playing Certain Games

(a) For money or any other thing or consideration of value, a person may not:

(1) bet, wager, or gamble; or

(2) play any other gaming device or fraudulent trick.

(b) (1) A violation of this section is a civil offense punishable by a fine not exceeding:

(i) $500, if the violation involves money or any other thing or consideration of value not exceeding $100; or

(ii) $1,000, if the violation involves money or any other thing or consideration of value that exceeds $100.

(2) Adjudication of a violation under this section:

(i) is not a criminal conviction for any purpose; and

(ii) does not impose any of the civil disabilities that may result from a criminal conviction.

(c) (1) A citation for a violation of this section may be issued to a person by a police officer authorized to make arrests if there is probable cause to believe that the person is committing or has committed a violation of this section.

(2) A citation issued under this subsection shall contain:

(i) the name, address, and date of birth of the person charged;

(ii) the statute allegedly violated;

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

(iv) the location at which the violation occurred;

(v) the fine that may be imposed;

(vi) a notice stating that prepayment of the fine is allowed;

(vii) 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; and

(viii) the signature of the police officer issuing the citation.

(3) The form of the citation shall be uniform throughout the State and shall be prescribed by the District Court.

(4) (i) The Chief Judge of the District Court shall establish a schedule for the prepayment of a fine.

(ii) Prepayment of a fine shall be considered a plea of guilty to a Code violation.

(5) The issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(6) A person may request a trial by sending a request for trial to the District Court in the jurisdiction where the citation was issued within 30 days after the issuance of the citation.

(7) If a person does not request a trial or prepay the fine within 30 days after the issuance of the citation, the District Court may impose the maximum fine and costs against the person and find the person guilty of a Code violation for the purposes of this section.

(8) (i) The defendant is liable for the costs of the proceedings in the District Court.

(ii) The court costs in a Code violation case under this section in which costs are imposed are $5.

(d) In any proceeding for a Code violation under this section:

(1) the State has the burden to prove the guilt of the defendant by a preponderance of the evidence;

(2) the court shall apply the evidentiary standards as prescribed by law or rule for the trial of a criminal case;

(3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant is entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, and to testify on the defendant's own behalf, if the defendant chooses to do so;

(5) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and

(6) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

(iii) probation before judgment, imposed by the court in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(e) (1) The State's Attorney for any county may prosecute a Code violation under this section in the same manner as prosecution of a violation of the criminal laws of the State.

(2) In a Code violation case under this section, the State's Attorney may:

(i) enter a nolle prosequi or move to place the case on the stet docket; and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.

(f) A person issued a citation for a violation of this section 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.

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

(a) This section:

(1) applies notwithstanding the issuance of a license or permit through or by a county, municipal corporation, or other political subdivision of the State; and

(2) does not authorize an act that is otherwise prohibited by law.

(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

Duty of Law Enforcement Officer - Gambling

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

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.
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.
Criminal Law Article § 12-205

Possession or Operation of Slot Machine
(a) Except as allowed under §§ 12-304 through 12-306 of this subtitle, a person may not locate, possess, keep, or operate a slot 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

Individuals Under the Age of 21 Prohibited from Video Lottery Facilities
(a) (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 employee" has the meaning stated in § 9-1A-01 of the State Government Article.
(4) "Video lottery facility" has the meaning stated in § 9-1A-01 of the State Government Article.
(5) "Video lottery terminal" has the meaning stated in § 9-1A-01 of the State Government Article.
(b)(1) Except as provided in paragraph (2) of this subsection, an individual under the age of 21 years may not:
(i) play a table game or video lottery terminal in a video lottery facility; or
(ii) enter or remain in an area within a video lottery facility that is designated for table game or video lottery terminal activities.
(2) A video lottery employee who is an adult may enter or remain in an area within a video lottery facility that is designated for table game or video lottery terminal activities if the video lottery employee is working.
Criminal Law Article § 10-136

Citations – Individuals Under the Age of 21 Prohibited from Video Lottery Facilities
(a) 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

GANGS -CRIMINAL ORGANIZATIONS

Threats to Coerce, Induce or Solicit Criminal Organization

(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 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

Criminal Law Article § 9-802

Schools –

Threats to Coerce, Induce or Solicit Criminal Organization

(a) A person may not threaten an individual, or a friend or family member of an individual, with or use physical violence to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal organization:

(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 of education and used for elementary or secondary education.

(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.

(c) 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 $20,000 or both.

(d) Notwithstanding any other law, a conviction under this section may not merge with a conviction under § 9-802 of this subtitle.

Criminal Law Article § 9-803

Organization or Supervision of Criminal Organization Prohibited

(a) A person may not organize, supervise, promote, sponsor, finance, or manage a criminal organization.

(b) A person 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 $1,000,000 or both.

(c) A sentence imposed under this section shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

Criminal Law Article § 9-805

HATE CRIMES

Definitions

(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.

(c) "Homeless" means:

(1) lacking a fixed, regular, and adequate nighttime residence; or

(2) having a primary nighttime residence that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

(ii) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(d) "Sexual orientation" means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality

Criminal Law Article § 10-301

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

Hate Crimes; Destruction of Property; False Statement, Report, or Complaint

Motivated either in whole or in substantial part by another person's or group's race, color, religious beliefs, sexual orientation, sex, gender identity, disability, or national origin, or because another person or group is homeless, a person may not:

(2) (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;
(iii) burn or attempt or threaten to burn an object on the real or personal property of that person or group; or
(iv) make or cause to be made a false 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, about that person or group, with the intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint, in violation of § 9-501 of this article; 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 Associated Building

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, sex, 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, sex, gender identity, disability, or national origin of that person or group or because that person or group is homeless.

Criminal Law Article § 10-305

Use of item or 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 personal 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

Penalty

(a) Except as provided in subsection (b) of this section, 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 violates § 10-304(2)(i) of this subtitle 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.
(2) A person who violates § 10-304(2)(ii) of this subtitle 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.
(c) In addition to any other penalties imposed by this section, the court may require a person who violates this subtitle to complete an antibias education program.

Criminal Law Article § 10-306

Sentences

(a) Except as provided in subsection (b) of this section, a sentence imposed under this subtitle may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this subtitle.
(b) If a person is convicted of a violation of § 10-304(1)(i) of this subtitle based on a violation of § 9-501.1 of this article, a sentence imposed under this subtitle shall be concurrent with a sentence imposed under § 9-501.1 of this article.

Criminal Law Article § 10-307

HOMICIDE – MOTOR VEHICLE OR VESSEL

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

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) (1) Except as provided in paragraph (2) of this subsection, 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, § 2-504, § 2-505, § 2-506, 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, § 2-504, § 2-505, § 2-506, or § 3-211 of this article, or § 21-902 of the Transportation Article, shall be considered a violation of this section.

Criminal Law Article § 2-503

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.
(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section 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.
(2) (i) A person who violates this section, having previously been convicted under this section, § 2-209, § 2-210, § 2-503, § 2-505, § 2-506, 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 5 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, § 2-505, § 2-506, or § 3-211 of this article, or § 21-902 of the Transportation Article, shall be considered a violation of this section.

Criminal Law Article § 2-504

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) of this subsection, 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, § 2-506, 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, § 2-506, or § 3-211 of this article, or § 21-902 of the Transportation Article, shall be considered a violation of this section.

(d) It is not a defense to a charge of violating this section that the person is or was entitled under the laws of this State to use a drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug, combination of drugs, or combination of one or more drugs and alcohol would make the person incapable of driving, operating, or controlling a motor vehicle or vessel in a safe manner.

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.

(c) (1) Except as provided in paragraph (2) of this subsection, 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 § 2-506

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.

(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.
(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.
Criminal Law Article § 10-401

Removing Human Remains without Authority
(a) 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.
(b) Subject to subsection (c) of this section, the State's Attorney for a county may authorize in writing the removal of human remains from a burial site in the State's Attorney's jurisdiction:
(1) to ascertain the cause of death of the person whose remains are to be removed;
(2) to determine whether the human remains were interred erroneously;
(3) for the purpose of reburial; or
(4) for medical or scientific examination or study allowed by law.
(c) (1) Except as provided in paragraph (4) of this subsection, the State's Attorney for a county shall require a person who requests authorization to relocate permanently human remains from a burial site to publish a notice of the proposed relocation in a newspaper of general circulation in the county where the burial site is located.
(2) The notice shall be published in the newspaper one time.
(3) The notice shall contain:
(i) a statement that authorization from the State's Attorney is being requested to remove human remains from a burial site;
(ii) the purpose for which the authorization is being requested;
(iii) the location of the burial site, including the tax map and parcel number or liber and folio number; and
(iv) all known pertinent information concerning the burial site, including the names of the persons whose human remains are interred in the burial site, if known.
(4) (i) The State's Attorney may authorize the temporary relocation of human remains from a burial site for good cause, notwithstanding the notice requirements of this subsection.
(ii) If the person requesting the authorization subsequently intends to relocate the remains permanently, the person promptly shall publish notice as required under this subsection.
(5) The person requesting the authorization from the State's Attorney shall pay the cost of publishing the notice.
(6) The State's Attorney may authorize the removal of the human remains from the burial site after:
(i) receiving proof of the publication required under paragraph (1) of this subsection; and
(ii) 15 days after the date of publication.
(7) This subsection may not be construed to delay, prohibit, or otherwise limit the State's Attorney's authorization for the removal of human remains from a burial site.
(8) For a known, but not necessarily documented, unmarked burial site, the person requesting authorization for the removal of human remains from the burial site has the burden of proving by archaeological excavation or another acceptable method the precise location and boundaries of the burial site.
(d) (1) Any human remains that are removed from a burial site under this section shall be reinterred in:
(i) 1. a permanent cemetery that provides perpetual care; or
2. a place other than a permanent cemetery with the agreement of a person in interest as defined under § 14-121(a)(4) of the Real Property Article; and
(ii) in the presence of:
1. a mortician, professional cemeterian, or other individual qualified in the interment of human remains;
2. a minister, priest, or other religious leader; or
3. a trained anthropologist or archaeologist.

(2) The location of the final disposition and treatment of human remains that are removed from a burial site under this section shall be entered into the local burial sites inventory or, if no local burial sites inventory exists, into a record or inventory deemed appropriate by the State's Attorney or the Maryland Historical Trust.

(e) This section may not be construed to:

(1) preempt the need for a permit required by the Maryland Department of Health under § 4-215 of the Health--General Article to remove human remains from a burial site; or

(2) interfere with the normal operation and maintenance of a cemetery, as long as the operation and maintenance of the cemetery are performed in accordance with State law.

(f) (1) Subject to paragraphs (2) and (3) of this subsection, human remains or the remains of a decedent after cremation, as defined in § 5-508 of the Health--General Article, may be removed from a burial site within a permanent cemetery and reinterred in:

(i) the same burial site; or

(ii) another burial site within the boundary of the same permanent cemetery.

(2) The following persons, in the order of priority stated, may arrange for a reinterment of remains under paragraph (1) of this section:

(i) the surviving spouse or domestic partner of the decedent;

(ii) an adult child of the decedent;

(iii) a parent of the decedent;

(iv) an adult brother or sister of the decedent;

(v) a person acting as a representative of the decedent under a signed authorization of the decedent; or

(vi) the guardian of the person of the decedent at the time of the decedent's death, if one has been appointed.

(3) (i) The reinterment under paragraph (1) of this subsection may be done without the need for obtaining the authorization of the State's Attorney under subsection (b) of this section or providing the notice required under subsection (c) of this section.

(ii) 1. A person who arranges for the reinterment of remains within a permanent cemetery under paragraph (1)(ii) of this subsection, within 30 days after the reinterment, shall publish a notice of the reinterment in a newspaper of general circulation in the county where the permanent cemetery is located.

2. The notice shall be published in the newspaper one time.

3. The notice shall contain:

A. a statement that the reinterment took place;

B. the reason for the reinterment;

C. the location of the burial site from which remains have been removed, including the tax map and parcel number or liber and folio number;

D. the location of the burial site in which the remains have been reinterred, including the tax map and parcel number or liber and folio number; and

E. all known pertinent information concerning the burial sites, including the names of the persons whose cremated remains or human remains are interred in the burial sites, if known.

(iii) Within 45 days after the reinterment, a person who arranges for a reinterment of remains under paragraph (1)(ii) of this subsection shall provide a copy of the notice required under this paragraph to the Office of Cemetery Oversight.

(4) The location of a reinterment of remains under paragraph (1) of this subsection shall be entered into the inventory of the local burial sites or, if no inventory exists, into a record or inventory deemed appropriate by the Maryland Historical Trust.

(g) 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.

(h) A person who violates this section is subject to § 5-106(b) of the Courts Article.

Criminal Law Article § 10-402

Removal of Human Remains or Funerary Object

(a) This section does not apply to:

(1) a person acting in the course of medical, archaeological, educational, or scientific study;

(2) a licensed mortician or other professional who transports human remains in the course of carrying out professional duties; or

(3) a person acting under the authority of:
(i) § 10-402 of this subtitle; or
(ii) § 4-215 or § 5-408 of the Health--General Article.

(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.

(d) The Maryland Historical Trust may appropriate all human remains and associated funerary objects obtained in violation of this subtitle for management, care, and administration until a determination of final disposition as provided by law.

(e) This section may not be construed to interfere with the normal operation and maintenance of a cemetery including:
(1) correction of improper burial siting; and
(2) moving the human remains within a cemetery with the consent of a person who qualifies as an heir as defined in § 1-101 of the Estates and Trusts Article.

Criminal Law Article § 10-403

Destroying Funerary Objects; Indecent Conduct

(a) (1) Subject to the provisions of paragraph (2) of this subsection, a person may not willfully destroy, damage, deface, or remove:
(i) an associated funerary object or another structure placed in a cemetery;
(ii) a building, wall, fence, railing, or other work, for the use, protection, or ornamentation of a cemetery; or
(iii) Any other part of the grounds 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, or other part of the grounds of the cemetery 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 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 in writing 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

Human Remains – Concealing a Crime by Destroying

(a) A person may not, with the intent to conceal a crime, knowingly and willfully dismember, destroy, remove, bury, dispose of, or obliterate by any means any portion of human remains.

(b) A person may not aid or abet another in violating 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 5 years.

(d) A sentence imposed under this section may be consecutive to or concurrent with any other sentence imposed for any other crime based on the act establishing the violation of this section.

Criminal Law Article § 10-405

Human Organs – Selling or Buying Prohibited

(a) (1) A person may not sell or buy any body or any part of a body that is under the exclusive control of the Board.

(2) A person other than a nonprofit organization that qualifies under § 501(c)(3) of the Internal Revenue Code, may not sell, buy, or act as a broker for a profit in the transfer of any human organ that:

(i) Is removed from a human body that is alive or dead at the time of removal; and

(ii) Is not under the exclusive control of the Board.

(3) In this section, "human organ" does not include blood and plasma.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not send, transport, or permit or cause to be sent or transported out of the State any body or any part of a body that is under the exclusive control of the Board.

(2) The Board may authorize, by regulation, the transporting of human specimens under its exclusive control to an out-of-state medical study program, provided that:

(i) The needs of the schools of the State are met;

(ii) The requesting party demonstrates the need for a specimen;

(iii) The circumstances of the request are that:

1. No other sufficient source of specimens within the requesting state exists; or

2. A preexisting organ tissue donation was made by an individual in compliance with the Maryland Revised Uniform Anatomical Gift Act;

(iv) The requesting party bears the responsibility for transporting and the specialized care of the specimen and all associated costs; and

(v) The Board retains the right of exclusive control of the specimen including the final disposition when appropriate or necessary to fulfill an obligation to return the remains of a donated specimen to the donor's family.

(3) The Board may authorize a physician, teacher, demonstrator, or investigator of advanced human biological sciences to send or transport human specimens out of the State for use by medical study programs.

Health General Article § 5-408

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) In a reduction facility;

(5) By donating the body to medical science; or

(6) By removing the body to another state for final disposition in accordance with the laws of the other state.

(b) A person may not use or dispose of soil remains produced by natural organic reduction:

(1) On public or private property without the prior written permission of:

(i) The owner of the public property;

(ii) The surviving owners of public record of the private property; or

(iii) If the decedent was sole owner of the property at death, the authorizing agent;

(2) By using the soil remains to grow food for consumption by humans or livestock;

(3) By selling or reselling the soil remains to a third party; or

(4) By combining or incorporating the soil remains into compost offered for sale to consumers or for commercial or agricultural purchasers.

(c) Unless a funeral establishment or cemetery has otherwise agreed in writing, a reduction facility that produces soil remains is responsible for providing for the final disposition and disposal of the soil remains in accordance with written direction given by an authorizing agent.

(d) Except for acts of gross negligence or reckless disregard of the prohibitions under subsection (b) of this section, a practitioner or reduction facility operator is not liable for:

(1) Transferring possession of soil remains at a reduction facility; or

(2) Delivering soil remains to another location according to the written direction provided by an authorizing agent.
(e) 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

HUMAN TRAFFICKING

Definitions

(a) In this subtitle the following words have the meanings indicated.
(b) "Assignation" has the meaning stated in § 11-301 of this article.
(c) "Prostitution" has the meaning stated in § 11-301 of this article.
(d) "Sexually explicit performance" has the meaning stated in § 11-301 of this article.
Criminal Law Article § 3-1101

Sex 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 violate subsection (a) of this section with the use of or intent to use force, threat, coercion, or fraud.
(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 sex 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 sex 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) or (e) of this section that the person did not know the age of the victim.
Criminal Law Article § 3-1102

HUNTING

Hunting – Restrictions

(a) (1) (i) The Department may allow a person to hunt on each Sunday of the game bird and game mammal seasons in:
1. Allegany County;

2. Subject to subparagraph (iii) of this paragraph, Calvert County, from 30 minutes before sunrise until 10:30 a.m.;
3. Subject to subparagraph (iii) of this paragraph, Caroline County, from 30 minutes before sunrise until 10:30 a.m.;
4. Cecil County;
5. Subject to subparagraph (iii) of this paragraph, Charles County, from 30 minutes before sunrise until 10:30 a.m.;
6. Subject to subparagraph (iv) of this paragraph, Dorchester County, from 30 minutes before sunrise until 10:30 a.m.;
7. Garrett County;
8. Subject to subparagraph (iii) of this paragraph, Queen Anne's County, from 30 minutes before sunrise until 10:30 a.m.;
9. St. Mary's County;
10. Subject to subparagraph (ii) of this paragraph, Somerset County, from 30 minutes before sunrise until 10:30 a.m.;
11. Washington County;
12. Subject to subparagraph (ii) of this paragraph, Worcester County, from 30 minutes before sunrise until 10:30 a.m.; and
13. Subject to subparagraph (v) of this paragraph, Wicomico County, from 30 minutes before sunrise until 10:30 a.m.

(ii) The time restrictions under subparagraph (i)10 and 12 of this paragraph do not apply:
1. On each Sunday of the deer firearms season; and
2. On the last three Sundays in October and the first two Sundays in November of the deer bow hunting season.

(iii) The time restrictions under subparagraph (i)2, 3, 5, and 8 of this paragraph do not apply:
1. On each Sunday during the deer firearms season;
2. On the last three Sundays in October and the first two Sundays in November during the deer bow hunting season; and
3. On each Sunday of the spring turkey hunting season.

(iv) The time restrictions under subparagraph (i)6 of this paragraph do not apply:
1. On each Sunday of the deer hunting seasons from the first Sunday in October through the second Sunday in January, inclusive; and
2. On each Sunday of the spring turkey hunting season.

(v) The time restrictions under subparagraph (i)(13) of this paragraph do not apply:
1. On the first Sunday of the deer firearms season; and
2. On the last three Sundays in October and the first two Sundays in November of the deer bow hunting season.

(2) The Department may allow a person to hunt deer on each Sunday of the deer hunting seasons from the first Sunday in October through the second Sunday in January, inclusive, in:
(i) Carroll County; and
(ii) Frederick County.

(3) (i) Subject to subparagraph (ii) of this paragraph, the Department may allow a person to hunt deer on each Sunday of the deer hunting seasons from 30 minutes before sunrise until 10:30 a.m. in:
1. Kent County;
2. Montgomery County; and
3. Talbot County.

(ii) The time restrictions under this paragraph do not apply:
1. To a participant in a junior deer hunt authorized under this subtitle;
2. On one Sunday designated by the Department during the deer firearms season;
3. In Kent County, on each Sunday during the deer bow hunting season and the deer muzzle loader season;
4. In Montgomery County, on one Sunday designated by the Department during the deer bow hunting season; and
5. In Talbot County, on the last three Sundays in October and the first two Sundays in November during the bow hunting season.

(4) The Department may allow a person to hunt deer during the deer firearms season:
(i) On each Sunday in Harford County; and

(ii) On the first Sunday in Anne Arundel County.

(5) The Department may allow a person to hunt deer during the deer bow hunting season on:

(i) The last three Sundays in October and the first two Sundays in November in Harford County; and

(ii) The first Sunday in November in Anne Arundel County.

(6) The Department may allow a person to hunt turkey on each Sunday of the spring turkey hunting season in:

(i) Carroll County;

(ii) Kent County; and

(iii) Talbot County, from 30 minutes before sunrise until 10:30 a.m.

(7) Notwithstanding any other provision of this subtitle, the Department may allow a person with a deer management permit to shoot deer on any Sunday throughout the year in accordance with the terms of the permit.

(8) The Department may allow a person using a State certified raptor to hunt game birds or mammals on each Sunday during the open season for the game birds or mammals.

(9) The Department may allow an unarmed person participating in an organized fox chase to chase foxes on Sunday.

(10) The Department may allow a person shooting pen-reared game birds or tower-released flighted mallard ducks to hunt on Sunday at a regulated shooting ground in accordance with § 10-906 of this title.

(11) The Department may allow a person who is 16 years old or younger to hunt on Sunday if participating in a junior hunt established by the Department in accordance with this subtitle.

(12) Except as provided in paragraphs (8) through (10) of this subsection and subject to paragraph (7) of this subsection, a person may not hunt on Sunday in:

(i) Baltimore City;

(ii) Baltimore County;

(iii) Howard County; or

(iv) Prince George's County.

(13) A person may not hunt migratory game birds on Sunday.

(14) A person may not hunt on public land within the State park system on Sunday.

(15)(i) The Department may not allow a person to hunt on public land designated for hunting by the Department on Sunday except in:

1. Allegany County;
2. Cecil County;
3. Garrett County;
4. St. Mary's County;
5. Washington County;
6. Dorchester County, for turkey during the spring turkey hunting season;
7. Frederick County, for deer from the first Sunday in October through the second Sunday in January of the following year, inclusive;
8. Subject to subparagraph (ii) of this paragraph, Somerset County, on public land leased to a hunt club from 30 minutes before sunrise until 10:30 a.m.;
9. Subject to subparagraph (ii) of this paragraph, Worcester County, from 30 minutes before sunrise until 10:30 a.m.; and
10. Subject to subparagraph (iii) of this paragraph, Wicomico County, from 30 minutes before sunrise until 10:30 a.m.

(ii) The time restrictions under subparagraph (i)8 and 9 of this paragraph do not apply:

1. On each Sunday of the deer firearms season; and
2. On the last three Sundays in October and the first two Sundays in November of the deer bow hunting season.

(iii) The time restrictions under subparagraph (i)10 of this paragraph do not apply:

1. On the first Sunday of the deer firearms season; and
2. On the last three Sundays in October and the first two Sundays in November of the deer bow hunting season.

(b) A person may not hunt any game bird or mammal, except raccoon and opossum, at nighttime.

(c) (1) A person may not shoot at any species of wildlife from an automobile or other vehicle or, except as provided in § 4-203(b) of the Criminal Law Article and Title 5, Subtitle 3 of the Public Safety Article, possess in or on an automobile or other vehicle a loaded handgun or shotgun, or a rifle containing any ammunition in the magazine or chamber.

(2) If this subsection is violated by an occupant of a vehicle which has 2 or more occupants and it cannot be determined which occupant is the violator, the owner of the vehicle, if present, shall be presumed to be responsible for

the violation. In the absence of the owner of the vehicle, the operator of the vehicle shall be presumed to be responsible for the violation.

(3) Provisions of this subsection do not apply to a disabled person who obtains a special permit under § 10-307 of this title.

(d) (1) (i) For the purposes of this subsection, "off-road vehicle" means a motorized vehicle designed for or capable of cross-country travel on land, water, snow, ice, marsh, swampland, or other natural terrain.

(ii) "Off-road vehicle" includes four-wheel drive or low-pressure tire vehicles, automobiles, trucks, motorcycles and related two-wheel vehicles, amphibious machines, ground-effect or air-cushion vehicles, snowmobiles, boats, farm-type tractors, earth-moving or construction equipment, lawn mowers, snowblowers, garden or lawn tractors, or golf carts.

(2) A person may not pursue wildlife with an off-road vehicle.

(e) (1) A person or 2 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 the farmer's or landowner's own or leased land using artificial lights to check on the farmer's or landowner's 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) In Baltimore City and Montgomery and Prince George's counties only, a person may cast the rays of an artificial light from a vehicle on woods, fields, orchards, livestock, wild animals, or wild 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 purposes of observing or photographing wildlife.

(iii) If a person casting artificial light under this paragraph or anyone with the person casting artificial light has a firearm or bow in the person's possession, the person shall be presumed to be in violation of paragraph (1) of this subsection.

(f) A person may not shoot at any species of wildlife on, from, or across any paved public highway or the shoulder of the highway. A person may not shoot from any public highway, whether paved or unpaved, in Kent County and Queen Anne's County or shoot from any public road, whether paved or unpaved, within the boundaries of the Hanover municipal waterworks property in Carroll County.

(g) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the "safety zone", of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) A person, while hunting for any wild bird or mammal, may not shoot or discharge any firearm within 300 yards of a public or nonpublic school during school hours or at a time when a school-approved activity is taking place.

(3) (i) For archery hunters in Allegany County, Calvert County, Carroll County, Cecil County, Frederick County, Garrett County, Harford County, Montgomery County, St. Mary's County, Washington County, Worcester County, or Wicomico County, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(ii) For archery hunters in Anne Arundel County, the safety zone described in paragraph (1) of this subsection extends for 100 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(iii) In Howard County, for archery hunters who are hunting under the authority of a deer management permit, or who are actively participating in a hunting program administered by the county, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by humans.

(4) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.

(5) In Harford County, an archery hunter shall use a tree stand when hunting any wild bird or mammal within 50 to 100 yards of a dwelling house, residence, church, public or nonpublic school, or other building or camp occupied by human beings.

(6) (i) In Montgomery County or Washington County, an archery hunter shall be in an elevated position that allows the hunter to shoot in a downward trajectory when hunting any wild bird or mammal within 50 to 100 yards of a dwelling house, residence, church, public or nonpublic school, or other building or camp occupied by human beings.

(ii) In Howard County, for archery hunters who are hunting under the authority of a deer management permit, or who are actively participating in a hunting program administered by the county, shall be in an elevated position that allows the hunters to shoot in a downward trajectory when hunting any wild bird or mammal within 50 to 150 yards of a dwelling house, residence, church, public or nonpublic school, or other building or camp occupied by human beings.

(h) A person may not dig in or drive a motor vehicle on any cleared field while hunting, except with the permission of the owner, tenant, or other person in charge of the land, or park or leave standing any motor vehicle so that the motor vehicle blocks the means of ingress or egress to any person's property, cattle ways, or fields.

(i) A person may not carry a firearm to hunt any wild bird, mammal, amphibian, or reptile while intoxicated or under the influence of alcohol or any narcotic drug.

(j) (1) A person may not hunt or attempt to hunt wild birds or mammals from an aircraft within the State.

(2) Any person who violates provisions of this subsection is guilty of a misdemeanor and upon conviction is subject to a fine of not more than $1,000 or imprisonment for not more than 6 months or both, with costs imposed in the discretion of the court.

(k) A person may not set any trap, except box traps for rabbits, net, or snare of any description to take any game birds or mammals, except fur-bearing mammals. A trap, net, or snare found in the possession of any person shall be prima facie evidence that the device was used to violate this subsection. A law enforcement officer of the State shall confiscate and destroy the device. A person may not place traps of any description on another person's property without the other person's written permission.

(l) A person may not hunt with any ferret or weasel.

(m) A person may not kill, attempt to kill, or injure by poison wildlife or domestic poultry.

(n) A person may not smoke, burn, injure, hunt, or molest any game birds or mammals in any den or damage or destroy the den of any game bird or mammal.

(o) (1) In Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties, a person may not use, set, place, or maintain any steel jaw leghold trap on land. The steel jaw leghold trap may be used for the capture of fur-bearing mammals in water only.

(2) This subsection does not apply to:

(i) Traps set on farmland by the owner of the farmland, by the owner's agent or tenant, owner's lessee, or by any member of the owner's or tenant's immediate family who resides on the farmland; or

(ii) Traps set by an authorized agent of the Maryland Forest, Park and Wildlife Service who exercises the agent's duties for wildlife control under guidelines established by the Department.

(p) (1) (i) "Snare trap" means a device made of wire, synthetic cord, or other material that:

1. Is in the form of a noose with a slipknot, stop, swivel, or eyelet holes; and
2. Is designed or set with the intent of capturing an animal by the neck.

(ii) "Snare trap" includes:

1. A pole snare;
2. A hanging snare; and
3. A neck snare.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in Anne Arundel, Baltimore, Carroll, Cecil, Harford, Montgomery, and Prince George's counties, a person may not use, sell, possess, set, place, or maintain a snare trap.

(ii) In Anne Arundel County, from July 1, 1990, through June 30, 1992, a person may sell or possess a snare trap.

Natural Resources Article § 10-410

Hunting on Private Land

(a) A person may not upon any pretense come to hunt on the lands owned by another person without the written permission of the landowner or the landowner's agent or lessee.

(b) Any person hunting on this private property is liable for any damage the person causes to the private property while hunting on the private property.

(c) The landowner may not be liable for accidental injury or damage to the person whether or not the landowner or the landowner's agent gave permission to hunt on the private property.

(d) In Harford County a person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine of not less than $25 and not exceeding $250.

Natural Resources Article § 10-411

Mammal or Game Bird Possession – Killed by Vehicle Strike

(f) A person who possesses a game bird or mammal killed by means other than hunting shall report the possession in accordance with regulations adopted by the Department.

Natural Resources Article § 10-415

Interference or Disruption of Hunting

(a) If the Department 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 regulations to prohibit that 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.

(d) 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

Injuries or Damages to Persons or Property

(a) While engaged in hunting or pursuing any wildlife or unprotected birds or mammals, 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.

(b)(1) A person may not conduct or participate in an organized contest for prizes or monetary awards for which unprotected birds are launched by mechanical or manual means as targets for the contest participants.

(2) This subsection does not apply:

(i) To the lethal taking of unprotected birds to protect or manage public or private property, domestic animals, livestock, or wildlife; or

(ii) During an otherwise authorized hunting or dog training activity.

(3) A person is subject to a fine of $25 for each unprotected bird killed in violation of this subsection.

Natural Resources Article § 10-424

Hunting with Guns or Devices via Internet Connection Prohibited

(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

IDENTITY THEFT AND IMPERSONATIONS

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 or a payment device number.

(g) (1) (i) A person who violates this section where the benefit, credit, good, service, health information or health care, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least $1,500 but less than $25,000 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.

(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 $25,000 but less than $100,000 is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 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 20 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 health care, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least $100 but less than $1,500 is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year 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 10 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 1 year 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 may be 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.

(k) Notwithstanding any other law, the Department of State Police may initiate investigations and enforce this section throughout the State without regard to any limitation otherwise applicable to the Department's activities in a municipal corporation or other political subdivision.

(l) (1) Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority Police, the Maryland Port Administration Police, the Park Police of the Maryland-National Capital Park and Planning

Commission, or a municipal corporation or county may investigate violations of this section 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 Department of State Police adopts.

(3) The regulations are not subject to Title 10, Subtitle 1 of the State Government Article.

(4) The authority granted in paragraph (1) of this subsection may be exercised only if an act related to the crime was committed in the investigating law enforcement agency's jurisdiction or if the complaining witness resides in the investigating law enforcement agency's jurisdiction.

(m) If action is taken under the authority granted in subsection (l) of this section, notification of an investigation:

(1) in a municipal corporation, shall be made to the chief of police or designee of the chief of police;

(2) in a county that has a county police department, shall be made to the chief of police or designee of the chief of police;

(3) in a county without a police department, shall be made to the sheriff or designee of the sheriff;

(4) in Baltimore City, shall be made to the Police Commissioner or the Police Commissioner's designee;

(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, shall be made to the respective chief of police or the chief's designee; and

(6) on property owned, leased, or operated by or under the control of the Maryland-National Capital Park and Planning Commission, to the chief of police of the Maryland-National Capital Park and Planning Commission for the county in which the property is located.

(n) When acting under the authority granted in subsection (k) or (l) of 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.

(o) (1) A State's Attorney or the Attorney General may investigate and prosecute a violation of this section or a violation of any crime based on the act establishing a violation of this section.

(2) If the Attorney General exercises authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of a grand jury in any county or Baltimore City, to investigate and prosecute the violation.

(p) Notwithstanding any other provision of law, the prosecution of a violation of this section or for a violation of any crime based on the act establishing a violation of this section may be commenced in any county in which:

(1) an element of the crime occurred; or

(2) the victim resides.

Criminal Law Article § 8-301

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; or

(ii) a person's incorrect age or date of birth; or

(2) knowingly sell, issue, offer for sale, or offer to issue an 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

False Identification Documents

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

(2) "Government identification document" means one of the following documents issued by the United States government or any state or local government:

(i) a passport;
(ii) an immigration visa;
(iii) an alien registration card;
(iv) an employment authorization card;
(v) a birth certificate;
(vi) a Social Security card;
(vii) a uniformed services identification;
(viii) an adoption decree;
(ix) a marriage license;
(x) a driver's license; or
(xi) a photo identification card.

(3) "Uniformed services" has the meaning stated in § 9–901 of the State Government Article.

(b) A person may not, with fraudulent intent:

(1) possess a fictitious or fraudulently altered government identification document;

(2) display, cause, or allow to be displayed a fictitious or fraudulently altered government identification document;

(3) lend a government identification document to another or knowingly allow the use of the person's government identification document by another; or

(4) display or represent as the person's own a government identification document not issued to the person.

(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 § 8-303

Identity Fraud Victim – Police Reports

(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; and

(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

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 uniformed services 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 may be 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

INDECENCY AND OBSCENITY

Adult Sexual Displays and Related Crimes - Definitions

(a) In this subtitle the following words have the meanings indicated.
(b) "Advertising purposes" means the purpose of propagandizing in connection with the commercial:
(1) sale of a product;
(2) offering of a service; or
(3) exhibition of entertainment.
(c) "Sadomasochistic abuse" means:
(1) flagellation or torture committed by or inflicted on an individual who is:
(i) nude;
(ii) wearing only undergarments; or
(iii) wearing a revealing or bizarre costume; or
(2) binding, fettering, or otherwise physically restraining an individual who is:
(i) nude;
(ii) wearing only undergarments; or
(iii) wearing a revealing or bizarre costume.
(d) "Sexual conduct" means:
(1) human masturbation;
(2) sexual intercourse;
(3) whether alone or with another individual or animal, any touching of or contact with:
(i) the genitals, buttocks, or pubic areas of an individual; or
(ii) breasts of a female individual; or
(4) lascivious exhibition of the genitals or pubic area of any person.
(e) "Sexual excitement" means:
(1) the condition of the human genitals when in a state of sexual stimulation;
(2) the condition of the human female breasts when in a state of sexual stimulation; or
(3) the sensual experiences of individuals engaging in or witnessing sexual conduct or nudity.
Criminal Law Article 11-101

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

(a) This section applies to a motion picture show or other presentation, whether animated or live, that wholly or partly:
(1) depicts or reveals:
(i) sadomasochistic abuse;
(ii) sexual conduct; or
(iii) sexual excitement; or
(2) includes obscene material or explicit verbal descriptions or narrative accounts of sexual conduct.
(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

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 may not commit the common law crime of indecent exposure.
(c) A person may not with prurient intent commit the common law crime of indecent exposure when the person knows or reasonably should know that a minor is present and the minor is:
(1) at least 2 years old; and
(2) more than 4 years younger than the person.
(d) (1) 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.
(2) A person who violates subsection (c) of 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 § 11-107

Obscene Matter - Definition

(a) In this subtitle the following words have the meanings indicated.
(b) “Distribute” means to transfer possession.
(c) “Knowingly” means having knowledge of the character and content of the matter.
(d) “Matter” means:
(1) a book, magazine, newspaper, or other printed or written material;
(2) a picture, drawing, photograph, motion picture, or other pictorial representation;
(3) a statue or other figure;
(4) a recording, transcription, or mechanical, chemical, or electrical reproduction; or
(5) any other article, equipment, machine, or material.
(e) “Sadomasochistic abuse” has the meaning stated in § 11-101 of this title.
(f) “Sexual conduct” has the meaning stated in § 11-101 of this title.
(g) “Sexual excitement” has the meaning stated in § 11-101 of this title.
Criminal Law Article § 11-201

Obscene Matter - 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.
(c) (1) The State's Attorney may maintain an action for an injunction in the circuit court against a person to prevent the sale, further sale, distribution, further distribution, acquisition, publication, or possession within the State of any book, magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing, photograph, motion picture film or showing, or any article, item, or instrument the use of which is obscene.
(2) The circuit court may enjoin the sale or distribution of a book, magazine, motion picture film or showing, or other publication or item that is prohibited under this section from sale or distribution.
(3) After being served a summons and complaint in an action by the State's Attorney under this section, a person who sells, distributes, or acquires the enjoined material is chargeable with knowledge of the contents of the materials described in this section.
(4) The defendant is entitled to a trial of the issues within 1 day after joinder of issue.
(5) The court shall render a decision within 2 days after the conclusion of the trial.
(6) If an order or judgment is entered in favor of the State's Attorney, the final order or judgment shall contain provisions:
(i) directing the person to surrender the obscene matter to the peace officer designated by the court or the county sheriff; and
(ii) directing the peace officer or county sheriff to seize and destroy the obscene matter.
(7) In an action brought under this section, the State's Attorney is not:
(i) required to file a bond before an injunction order is issued;
(ii) liable for costs; or
(iii) liable for damages sustained because of the injunction order if judgment is rendered in favor of the defendant.
Criminal Law Article § 11-202

Sale or Display of Obscene Item to Minor

(a) (1) In this section the following words have the meanings indicated.
(2) “Distribute” includes to rent.
(3) “Illicit sex” means:
(i) human genitals in a state of sexual stimulation or arousal;
(ii) acts of human masturbation, sexual intercourse, or sodomy; or
(iii) fondling or other erotic touching of human genitals.

(4) "Item" means a:
(i) still picture or photograph;
(ii) book, pocket book, pamphlet, or magazine;
(iii) videodisc, videotape, video game, film, or computer disc; or
(iv) recorded telephone message.
(5) "Obscene" means:
(i) that the average adult applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
(ii) that the work depicts sexual conduct specified in subsection (b) of this section in a way that is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material; and
(iii) that the work, taken as a whole, lacks serious artistic, educational, literary, political, or scientific value.
(6) "Partially nude figure" means a figure with:
(i) less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or
(ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(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.

(c) The provision of services or facilities by a telephone company under a tariff approved by the Public Service Commission is not a violation of subsection (b) of this section relating to recorded telephone messages.

(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

Obscene Performance in Certain Counties

(a) This section applies only in Allegany, 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

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;
(3) use a computer to depict or describe a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct;
(4) knowingly promote, advertise, solicit, distribute, or possess with the intent to distribute any matter, visual representation, or performance:
(i) that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct; or
(ii) in a manner that reflects the belief, or that is intended to cause another to believe, that the matter, visual representation, or performance depicts a minor engaged as a subject of 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 not exceeding 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.
(c) (1) (i) This paragraph applies only if the minor's identity is unknown or the minor is outside the jurisdiction of the State.
(ii) In an action brought under this section, the State is not required to identify or produce testimony from the minor who is depicted in the obscene matter or in any visual representation or performance that depicts the minor engaged as a subject in sadomasochistic abuse or sexual conduct.
(2) The trier of fact may determine whether an individual who is depicted in an obscene matter, or any visual representation or performance as the subject in sadomasochistic abuse or sexual conduct, was a minor by:
(i) observation of the matter depicting the individual;
(ii) oral testimony by a witness to the production of the matter, representation, or performance;
(iii) expert medical testimony; or
(iv) any other method authorized by an applicable provision of law or rule of evidence.
Criminal Law Article § 11-207

Possession of Visual Representation of Child under 16 Engaged in Certain Sexual Acts

(a) (1) In this section, "indistinguishable from an actual and identifiable child" means an ordinary person would conclude that the image is of an actual and identifiable minor.
(2) "Indistinguishable from an actual and identifiable child" includes a computer-generated image that has been created, adapted, or modified to appear as an actual and identifiable child.
(3) "Indistinguishable from an actual and identifiable child" does not include images or items depicting minors that are:
(i) drawings;
(ii) cartoons;
(iii) sculptures; or
(iv) paintings.
(b) (1) A person may not knowingly possess and intentionally retain a film, videotape, photograph, or other visual representation showing an actual child or a computer-generated image that is indistinguishable from an actual and identifiable child under the age of 16 years:
(i) engaged as a subject of sadomasochistic abuse;
(ii) engaged in sexual conduct; or
(iii) in a state of sexual excitement.

(2) A person may not knowingly or intentionally access and intentionally view a film, videotape, photograph, or other visual representation showing an actual child or a computer-generated image that is indistinguishable from an actual and identifiable child under the age of 16 years:
(i) engaged as a subject of sadomasochistic abuse;
(ii) engaged in sexual conduct; or
(iii) in a state of sexual excitement.

(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 $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.

(d) 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.

(e) 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

Obscene Matter - Exemptions

(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.
(2) A distribution made in accordance with a bona fide scientific, educational, governmental, artistic, news, or other similar justification is not subject to the prohibitions and penalties imposed by this subtitle.

(b) A justification is not bona fide under this section if a reasonable person would find that a dominant purpose of the depiction of an individual under the age of 16 years engaging in sexual conduct is to arouse or gratify sexual desire in either the violator, the individual under the age of 16 years, or the viewer.

Criminal Law Article § 11-210

KIDNAPPING

Kidnapping

(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

Child Kidnapping

(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 subsubparagraph 1 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

LABOR TRAFFICKING

Definitions

(a) In this subtitle the following words have the meanings 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 § 3-1201

Labor Trafficking Prohibited

(a) 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 § 3-1202

LAW ENFORCEMENT – CRIMES AGAINST

Resisting or Interfering with Arrest

(a) In this section, "police officer" means an individual who is authorized to make an arrest under Title 2 of the Criminal Procedure Article.

(b) A person may not intentionally:

(1) resist a lawful arrest; or

(2) 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.

(c) A person who violates this section is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(d) The unit of prosecution for a violation of this section is based on the arrest or detention regardless of the number of police officers involved in the arrest or detention.

Criminal Law Article § 9-408

Disarming 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.

(d) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation under this section.

Criminal Law Article § 4-103

MALICIOUS DESTRUCTION

Malicious Destruction

(a) A person may not willfully and maliciously destroy, injure, or deface the real or personal property of another.

(b) 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) 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.

(d)(1) For purposes of this subsection, an act of "graffiti" means a permanent drawing, permanent painting, or a permanent mark or inscription on the property of another without the permission of the owner of the property.

(2) In addition to the penalties set forth in subsections (b) and (c) of this section, the court shall order a person convicted of causing malicious destruction by an act of graffiti to pay restitution or perform community service or both.
(3) Title 11, Subtitle 6 of the Criminal Procedure Article applies to an order of restitution under this subsection.

(e) (1) Except as provided in paragraph (2) of this subsection, to determine a penalty, the court may consider as one crime the aggregate value of damage to each property resulting from one scheme or continuing course of conduct.
(2) If separate acts resulting in damage to the properties of one or more owners are set forth by separate counts in one or more charging documents, the separate counts may not be merged for sentencing.

(f) (1) The value of damage is not a substantive element of a crime under this section and need not be stated in the charging document.
(2) The value of damage shall be based on the evidence and that value shall be applied for the purpose of imposing the penalties established in this section.
(3) If it cannot be determined from the evidence whether the value of the damage to the property is more or less than $1,000, the value is deemed to be less than $1,000.

Criminal Law Article § 6-301

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

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

MARRIAGE – CRIMES AGAINST

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.
(d) An indictment or warrant for bigamy is sufficient if it substantially states:
"(name of defendant) on (date), in (county), having a living spouse, feloniously entered into a marriage ceremony with (name of subsequent spouse), in violation of § 10-502 of the Criminal Law Article, against the peace, government, and dignity of the State.".
Criminal Law Article § 10-502

Marriage of Minor
(a) An individual 17 years old may not marry unless:
(1) (i) the individual has the consent of each living parent, guardian, or legal custodian of the individual; or
(ii) if the individual does not have the consent required under item (i) of this item, 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; and
(2) the individual presents a certified copy of an order granting authorization to marry in accordance with the provisions of Title 5, Subtitle 2A of this article to the clerk of the circuit court not earlier than 15 days after the order was issued.
(b) An individual under the age of 17 may not marry.
Family Law Article § 2-301

MASS TRANSIT AND RAILROADS

Actions Prohibited in Transit Facilities or Vehicles
(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) As used in this section, "elderly and handicapped person" means any person who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable to use transit facilities and transit services or railroad facilities and railroad services as effectively as a person who is not so affected.

(d) The provisions of subsection (b)(3), (5), (8), and (12) of this section do not apply to charter bus service rendered by the Administration. The provisions of subsection (b)(2) and (12) of this section do not apply to excursion train service rendered by the Administration or by a railroad company under contract to the Administration. The provisions of subsection (b)(3) of this section do not apply to any railroad service rendered by the Administration or by a railroad company under contract to the Administration.

(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

Railroad Vehicle – Definition

In this subtitle, "railroad vehicle" includes a car, carriage, engine, locomotive, or tender..

Criminal Law Article § 6-501

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

Unauthorized Access to Railroad Vehicle

(a) (1) In this section the following words have the meanings indicated.
(2) (i) "Passenger" means an individual who is traveling by railroad vehicle with lawful authorization and who does not participate in the operation of the railroad vehicle.
(ii) "Passenger" does not include a stowaway.
(3) (i) "Railroad" means a form of ground transportation that runs on rails or electromagnetic guide ways.
(ii) "Railroad" includes:
1. a commuter or other short-haul railroad passenger service in a metropolitan or suburban area; and
2. a high-speed ground transportation system that connects metropolitan areas.
(iii) "Railroad" does not include:
1. highway ground transportation; or

2. a rapid transit operation in a metropolitan area that does not connect to the general railroad transportation system.

(4) "Railroad carrier" means a person who provides railroad transportation.

(5) "Railroad property" means the material, equipment, and property used on or in connection with a railroad, right-of-way, or yard.

(6) "Right-of-way" means the track or roadbed that is:

(i) owned, leased, or operated by a railroad carrier;

(ii) located on either side of the tracks of the railroad carrier; and

(iii) 1. readily recognizable to a reasonable person as railroad property; or

2. reasonably identified as railroad property by fencing or appropriate signs.

(7) "Yard" means a system of parallel tracks, crossovers, and switches where railroad vehicles are switched or connected, and where railroad vehicles and other rolling stock are kept when not in use or when awaiting repair.

(b) This section does not apply to:

(1) a passenger on a railroad vehicle;

(2) an individual who enters railroad property in an emergency to:

(i) rescue from harm another individual or an animal, including livestock, a pet, or wildlife; or

(ii) remove an object that the individual reasonably believes to pose an imminent threat to life or limb;

(3) an individual on the station grounds or in the depot of a railroad carrier as a passenger or to transact lawful business;

(4) a person, a family member or invitee of a person, or an employee or independent contractor of a person who enters a railroad right-of-way to obtain access to land that the person owns, leases, or operates at a private crossing approved by the railroad carrier;

(5) a person having permission of the railroad carrier to enter the railroad property;

(6) a law enforcement officer, firefighter, or emergency response personnel while performing official duties;

(7) a representative of the Maryland Department of Transportation or the Maryland Department of Labor while performing official duties; or

(8) a representative of the Federal Railroad Administration or the National Transportation Safety Board while performing official duties.

(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

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

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

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

MINORS – CONSENT PROVISIONS

Blood Donation

(a) Notwithstanding any other provision of law, a minor who is at least 17 years old, without the consent of a parent or legal guardian, 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.

(b) (1) Notwithstanding any other provision of law, a minor who is at least 16 years old, and has obtained the consent of a parent or legal guardian, may give blood to the programs listed in subsection (a) of this section.
(2) Consent may be obtained via telephone or electronic means.

Health General Article § 20-101

Medical Treatment

(a) A minor has the same capacity as an adult to consent to medical or dental 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 treatment to obtain the consent of another individual.

(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;
(7) Physical examination to obtain evidence of an alleged rape or sexual offense;
(8) Initial medical screening and physical examination on and after admission of the minor into a detention center; and
(9) Treatment for the prevention of human immunodeficiency virus (HIV).

(c-1) The capacity of a minor to consent to treatment for drug abuse or alcoholism under subsection (c)(1) or (2) of this section does not include the capacity to refuse treatment for drug abuse or alcoholism in an inpatient or intensive outpatient 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 health care 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

Parental Notification of Abortion

(a) In this section, "qualified provider" means a physician, nurse practitioner, nurse-midwife, licensed certified midwife, physician assistant, or any other individual:
(1) Who is licensed, certified, or otherwise authorized by law to practice in the State; and
(2) For whom the performance of an abortion is within the scope of the individual's license or certification.
(b) Except as provided in subsections (c) and (d) of this section, a qualified provider may not perform an abortion on an unmarried minor unless the qualified provider first gives notice to a parent or guardian of the minor.
(c) The qualified provider may perform the abortion without notice to a 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.
(d) (1) The qualified provider may perform the abortion, without notice to a parent or guardian of a minor if, in the professional judgment of the qualified provider:
(i) Notice to the parent or guardian may lead to physical or emotional abuse of the minor;
(ii) The minor is mature and capable of giving informed consent to an abortion; or
(iii) Notification would not be in the best interest of the minor.
(2) The qualified provider is not liable for civil damages or subject to a criminal penalty for a decision under this subsection not to give notice.
(e) The postal receipt that shows an article of mail was sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, 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.
(f) A qualified provider may not provide notice to a parent or guardian if the minor decides not to have the abortion.

Health General Article § 20-103

Treatment of Mental Disorder

(a) In this section, "health care 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) Subject to paragraph (2) of this subsection, a minor who is 12 years old or older who is determined by a health care provider to be mature and capable of giving informed consent has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by the 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:
(i) Refuse consultation, diagnosis, or treatment for a mental or emotional disorder for which a parent, guardian, or custodian of the minor has given consent; or
(ii) Except as otherwise provided in this subtitle, if the minor is under the age of 16 years, consent to the use of prescription medications to treat a mental or emotional disorder.
(c) (1) Except as provided in paragraph (2) of this subsection and subject to paragraph (3) 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 health care 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) Subject to paragraph (3) of this subsection, 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.

(3) A health care provider may decide to provide information to a parent, guardian, or custodian of a minor under paragraphs (1) and (2) of this subsection unless the health care provider believes that the disclosure will lead to harm to the minor or deter the minor from seeking care.

(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

MINORS – CRIMES AGAINST

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 – 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

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

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

Causation or Encouragement of Child's Delinquent Acts Prohibited

(a) It is unlawful for an adult willfully to contribute to, encourage, cause or tend to cause any act, omission, 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. However, the court may expunge a delinquent adjudication from the child's record and enter it as a finding in the adult's case.
(c) An adult convicted under this section is subject to a fine of not more than $2,500 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-30

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 violates 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

MOTOR VEHICLE OFFENSES

Life-Threatening Injury by Motor Vehicle or Vessel While Under the Influence of Alcohol and Related Crimes

(a) (1) In this section the following words have the meanings indicated.
(2) "Under the influence of alcohol per se" means having 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) (1) 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 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) (i) Except as provided in subparagraph (ii) of this paragraph, 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.
(ii) A person who violates this subsection, having previously been convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, or § 2-506 of this article, or § 21-902 of the Transportation Article, 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.

(d) (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) (i) Except as provided in subparagraph (ii) of this paragraph, 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.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, or § 2-506 of this article, or § 21-902 of the Transportation Article, 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.

(e) (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 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.

(2) A violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by drugs.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, 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.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, or § 2-506 of this article, or § 21-902 of the Transportation Article, 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.

(f) (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) (i) Except as provided in subparagraph (ii) of this paragraph, 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.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, or § 2-506 of this article, or § 21-902 of the Transportation Article, 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.

(g) For the purposes of application of subsequent offender penalties under subsection (c), (d), (e), or (f) of this section, 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 § 2-506 of this article, or § 21-902 of the Transportation Article, shall be considered a violation of this section.

Criminal Law Article § 3-211

Racing Vehicle on Highway or Private Property Used by the Public

(a) (1) 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.

(2) Except as provided in § 21-1211 of this title, a person may not participate as a timekeeper or flagman in any race or speed contest specified in paragraph (1) of this subsection.

(b) (1) Except as provided in paragraph (2) of this subsection, a person convicted of a violation of subsection (a)(1) of this section is subject to imprisonment not exceeding 60 days or a fine not exceeding $1,000 or both.

(2) A person convicted of a violation of subsection (a)(1) of this section that results in serious bodily injury to another person, as defined in § 20-102(c) of this article, is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

Transportation Article § 21-1116

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) 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 § 20-102(c) of this article, serious bodily injury of another person.

(b) A person convicted of a violation of this section is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

(c) A sentence imposed under this section shall be separate from and concurrent with any other sentence imposed for any crime based wholly or partly on the act establishing the violation of this section.

Transportation Article § 21-1124.3

Commission of Violation for Recording Purpose Prohibited

(a) In this section, “violation” means:
(1) A violation of the Maryland Vehicle Law[1] that is punishable by a sentence of imprisonment; or
(2) A violation of § 21-901.1(a) of this title.

(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 officer of the governing body of the county in which the violation is to occur, or the chief executive officer's designee.

(c) A person convicted of a violation of this section is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

Transportation Article § 21-1126

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 two or three 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 28 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 surfacing 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 – Equipment and Manufacturing Requirements

(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 tamper 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. § 1512.

(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 § 22-420

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 as that crime existed before October 1, 2020; 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

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 subtitle 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 40 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 as "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 manslaughter 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, sexual orientation, religious beliefs, or disability, 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

Murder or Manslaughter of Viable Fetus
(a) For purposes of a prosecution under this title, "viable" has the meaning stated in § 20-209 of the Health--General Article.
(b) Except as provided in subsections (d) through (f) of this section, a prosecution may be instituted for murder or manslaughter of a viable fetus.
(c) A person prosecuted for murder or manslaughter as provided in subsection (b) of this section must have:
(1) intended to cause the death of the viable fetus;
(2) intended to cause serious physical injury to the viable fetus; or
(3) wantonly or recklessly disregarded the likelihood that the person's actions would cause the death of or serious physical injury to the viable fetus.
(d) Nothing in this section applies to or infringes on a woman's right to terminate a pregnancy as stated in § 20-209 of the Health--General Article.
(e) Nothing in this section subjects a physician or other licensed medical professional to liability for fetal death that occurs in the course of administering lawful medical care.
(f) Nothing in this section applies to an act or failure to act of a pregnant woman with regard to her own fetus.
(g) Nothing in this section shall be construed to confer personhood or any rights on the fetus.
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

Manslaughter by Vehicle or Vessel - Gross Negligence
(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) (1) Except as provided in paragraph (2) of this subsection, 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.
(2) (i) A person who violates this section, having previously been convicted under this section, § 2-210, § 2-503, § 2-504, § 2-505, § 2-506, 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 15 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, § 2-210, § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of this article, or § 21-902 of the Transportation Article, shall be considered a violation of this section.
(e) (1) An indictment or other charging document for manslaughter by vehicle or vessel is sufficient if it substantially states: "(name of defendant) on (date) in (county) killed (name of victim) in a grossly negligent manner against the peace, government, and dignity of the State.".

(2) An indictment or other charging document for manslaughter by vehicle or vessel need not set forth the manner or means of death.
Criminal Law Article § 2-209

Manslaughter by Vehicle or Vessel – Criminal Negligence
(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) (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 $5,000 or both.
(2) (i) A person who violates this section, having previously been convicted under this section, § 2-209, § 2-503, § 2-504, § 2-505, § 2-506, 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 5 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, § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of this article, or § 21-902 of the Transportation Article, shall be considered a violation of this section.
Criminal Law Article § 2-210

OBSTRUCTING JUSTICE AND INTIMIDATION OFFENSES

Obstructing Justice – Definitions
(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.
(c) "Victim" means a person against whom a crime or delinquent act has been committed or attempted.
(d) "Witness" means a person who:
(1) has knowledge of the existence of facts relating to a crime or delinquent act;
(2) makes a declaration under oath that is received as evidence for any purpose;
(3) has reported a crime or delinquent act to a law enforcement officer, prosecutor, intake officer, correctional officer, or judicial officer; or
(4) has been served with a subpoena issued under the authority of a court of this State, any other state, or the United States.
Criminal Law Article § 9-301

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;
(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.

(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 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;

(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 proceeding, 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 § 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.

(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.

Criminal Law Article § 9-302

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 relating 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 relating 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 10 years or a fine not exceeding $5,000 or both.

(2) If the official proceeding 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.

(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.

Criminal Law Article § 9-303

Intimidating or Corrupting Juror. Witness, or Officer of the Court

(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 in 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.
(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.
Criminal Law Article § 9-305

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

Impairment of Verity or Availability of Physical Evidence
(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

State Fire Marshall - Interference, Obstruction, or False Representation
(a) A person may not willfully interfere with or obstruct the State Fire Marshal, a deputy State fire marshal, or a special assistant State fire marshal while the State Fire Marshal, deputy State fire marshal, or special assistant State fire marshal:
(1) is fighting a fire, performing emergency service, or proceeding to a fire or other emergency; or
(2) is dispatched on a call for emergency service.
(b) A person may not willfully interfere with or obstruct the State Fire Marshal, a deputy State fire marshal, or a special assistant State fire marshal in the course of conducting an inspection or investigating a fire or explosion.
(c) A person may not, with fraudulent design on person or property, falsely represent that the person is a State fire marshal or a sworn employee of the office of State Fire Marshal.
(d) A person may not have, use, wear, or display without proper authority, for the purpose of deception, a uniform, shield, button, ornament, identification, or shoulder patch, or a simulation or imitation of these articles, adopted by the office of State Fire Marshal.
(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years.
Public Safety Article § 6-602

Firefighter - Interference, Obstruction, or False Representation
(a) A person may not willfully interfere with or obstruct a firefighter, a rescue squad member, or emergency services personnel while the firefighter, rescue squad member, or emergency services personnel:
(1) is fighting a fire, performing emergency services, or proceeding to a fire or other emergency; or

(2) is dispatched on a call for emergency services.

(b) A person may not, with fraudulent design on person or property, falsely represent that the person is a member of a career or volunteer fire department, rescue squad, or emergency services unit of the State or a county or municipal corporation of the State.

(c) A person may not have, use, wear, or display without proper authority, for the purpose of deception, a uniform, shield, button, ornament, identification, or shoulder patch, or a simulation or imitation of these articles, adopted by a career or volunteer fire department, rescue squad, or emergency services unit.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years.

Public Safety Article § 7-402

PERJURY

Perjury

(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.

(c) (1) If a person makes an oath or affirmation to two contradictory statements, each of which, if false, is prohibited by subsection (a) of this section, it is sufficient to allege, and for conviction to prove, that one of the statements is willfully false without specifying which one.

(2) If the two contradictory statements made in violation of paragraph (1) of this subsection are made in different counties, the violation may be prosecuted in either county.

(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

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.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

Criminal Law Article § 9-102

POISONING AND CONTAMINATION

Attempted Poisoning

(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

(a) (1) In this section the following words have the meanings indicated.
(2) "Telegraph company" has the meaning stated in § 1-101 of the Public Utilities Article.
(3) "Telegraph lines" has the meaning stated in § 1-101 of the Public Utilities Article.
(4) "Telephone company" has the meaning stated in § 1-101 of the Public Utilities Article.
(5) "Telephone lines" has the meaning stated in § 1-101 of the Public Utilities Article.
(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:
(1) 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) (1) In this section the following words have the meanings indicated.
(2) "Protected individual" means an individual who buys, rents, or borrows a videotape, video disk, or film from a videotape distributor.
(3) "Publish" means to distribute to a person other than the protected individual or an agent of the protected individual.
(4) "Videotape distributor" means a retail establishment operating for profit that sells, rents, or loans videotapes, video disks, or films.
(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, video disks, 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

PROSTITUTION AND OTHER RELATED CRIMES

Definitions

(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

Engaging in Prostitution or Assignation

(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 Person Engaged in Prostitution

(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.
(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.
Criminal Law Article § 11-304

Persuasion/Enticement 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.
(c) It is not a defense to prosecution under this section that the person did not know the age of the victim.
Criminal Law Article § 11-305

House of Prostitution

(a) A person may not knowingly procure or solicit or offer to procure or solicit 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 § 11-306

Using Building, Structure, or Conveyance for Prostitution or Assignation

(a) A person may not knowingly:
(1) allow a building, structure, or conveyance owned or under the person's control to be used for prostitution or assignation;
(2) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation; or
(3) keep, set up, maintain, or operate 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 § 11-307

RECKLESS ENDANGERMENT

Reckless Endangerment

(a) A person may not recklessly:
(1) 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 or 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 § 5-101 of the Public Safety Article.
Criminal Law Article § 3-204

ROBBERY

Robbery - Definitions

(a) In this subtitle the following words have the meanings indicated.
(b) "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.
(c) "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.
(d) (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, affixed to, or found on land, or that is 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.

(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

Carjacking

(a) In this section, "motor vehicle" has the meaning stated in § 11-135 of the Transportation Article.

(b) (1) 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.
(2) A violation of this subsection is carjacking.
(c) (1) A person may not employ or display a dangerous weapon during the commission of a carjacking.
(2) A violation of this subsection is armed carjacking.
(d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.
(e) A sentence imposed under this section may be separate from and consecutive to a sentence for any other crime that arises from the conduct underlying the carjacking or armed carjacking.
(f) It is not a defense under this section that the defendant did not intend to permanently deprive the owner or possessor of the motor vehicle.
Criminal Law Article § 3-405

SABOTAGE

Sabotage - Definitions
(a) In this subtitle the following words have the meanings indicated.
(b) "Defense-related activity" means:
(1) the preparation of the United States or a state for defense or war; or
(2) the prosecution of war by the United States or a country 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 subtitle.
(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 subtitle.
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
(a) This section applies to a person possessing an identification badge or identification card required for employment or visitation that is issued by:
(1) a unit of the State or a county, municipal corporation, special taxing district, or public corporation of the State; or
(2) a person that owns or operates in the State:
(i) a factory or warehouse or a manufacturing, printing, publishing, mechanical, or mercantile establishment or a plant of any kind;
(ii) a mine or quarry;
(iii) a railway; or

(iv) a water, sewage, gas, electric, transmission, heating, refrigerating, telephone, or other publicly owned or public service company.

(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

School Attendance Requirements

(a) This section does not apply to a child under the age of 18 years who:

(1) Has obtained a Maryland high school diploma, an equivalent out-of-state high school diploma, or a GED;

(2) Is a student with disabilities and has completed the requirements for a Maryland high school certificate of completion;

(3) Is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age;

(4) Has completed an instruction program under item (3) of this subsection;

(5) Is severely ill and requires home or hospital instruction;

(6) Is married;

(7) Is in military service;

(8) Is committed by court order to an institution without an educational program;

(9) Provides financial support to the child's family as documented by a local department of social services;

(10) Subject to the approval of the county superintendent, has been expelled under § 7-305 of this subtitle;

(11) Is pregnant or a parent and is enrolled in an alternative educational program;

(12) Attends an alternative educational program;

(13) Subject to written parental consent and written agreement with the county board, attends a public school on a part-time basis and attends a private career school as defined under § 10-101 of this article; or

(14) Is waived from the provisions of this section by the State Superintendent.

(a-1)(1) Except as otherwise provided in this section, each child who resides in this State and is 5 years old or older and under 18 shall attend a public school regularly during the entire school year.

(2) In accordance with regulations of the State Board of Education, a child who resides in this State and is 5 years old may be exempted from mandatory school attendance for 1 year if the child's parent or guardian files a written request with the local school system asking that the child's attendance be delayed due to the child's level of maturity.

(3) Except as provided in subsection (f) of this section or in regulations of the State Board of Education, each child who resides in this State shall attend a kindergarten program regularly during the school year prior to entering the first grade unless the child is otherwise receiving regular, thorough instruction in the skills and studies usually taught in a kindergarten program of a public school.

(b) A county superintendent, school principal, or an individual authorized by the county superintendent or principal may excuse a student for a lawful absence.

(c) Each person who has legal custody or care and control of a child who is 5 years old or older and under 16 shall see that the child attends school or receives instruction 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 the child's instruction detrimental to the child's 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 the child from public school, for as long as the attendance of the child in a public school would be detrimental to the child's progress or the child's 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 be absent 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 legal custody or care and control of a child who is 5 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:

(i) For a first conviction is subject to a fine not to exceed $50 per day of unlawful absence or imprisonment not to exceed 3 days, or both; and

(ii) For a second or subsequent conviction is subject to a fine not to exceed $100 per day of unlawful absence or imprisonment not to exceed 5 days, or both.

(3) In addition to the penalties provided under paragraph (2) of this subsection, the court may order a person convicted under paragraph (2) of this subsection to perform community service.

(4) (i) For a person with legal custody or care and control of a child at the time of an alleged violation of this section, it is an affirmative defense to a charge under this section that the person made reasonable and substantial efforts to see that the child attended school as required by law but was unable to cause the child to attend school.

(ii) If the court finds the affirmative defense is valid, the court shall dismiss the charge under this section against the defendant.

(5) (i) As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions that would promote the child's attendance.

(ii) The suspension authority provided for under subparagraph (i) of this paragraph is in addition to and not in limitation of the suspension authority under § 6-221 of the Criminal Procedure Article.

(e-1)(1) This subsection applies only:

(i) In a county in which the circuit administrative judge has established a Truancy Reduction Pilot Program under § 3-8C-02 of the Courts Article; and

(ii) To the extent that funds are provided in an annual State budget for a Truancy Reduction Pilot Program.

(2) A charge under this section may be filed in the juvenile court and assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts Article.

(3) The court may condition marking a charge under this section stet on participation of the defendant in the appropriate Truancy Reduction Pilot Program under Title 3, Subtitle 8C of the Courts Article.

(f) A child may be exempted from attending kindergarten if a parent or guardian of the child files a written request with the local school system and verifies that the child is enrolled:

(1) Full time in a licensed child care center;

(2) Full time in a registered family child care home; or

(3) Part time in a Head Start 5 year old program.

(g) Subject to data being available through the Maryland Longitudinal Data System established under § 24-702 of this article and except as otherwise provided in this section, a child under the age of 18 years shall return to attendance at a public school regularly during the school year as required by this section, if the child:

(1) Is no longer participating in GED courses; and

(2) Has not obtained a passing score on the GED test that resulted in the issuance of a Maryland high school diploma.

Education Article § 7-301

Violence Prevention on School Premises

(a) (1) A principal, teacher, school security guard, or other school system personnel in any public school may take reasonable action necessary to prevent violence on school premises or on a school-sponsored trip, including intervening in a fight or physical struggle that takes place in his or her presence, whether the fight is among students or other individuals.

(2) The degree and force of the intervention may be as reasonably necessary to prevent violence, restore order and to protect the safety of the combatants and surrounding individuals.

(b) A principal, teacher, school security guard, or other school system personnel who is hurt while taking preventive action or 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 preventive action or intervention; and

(2) May not lose any compensation for time lost from school duties that results directly from the preventive action or intervention, but compensation may be reduced by any payments made under the Maryland Workers' Compensation Act.[1]

(c) In any suit, claim, or criminal charge brought by a parent or other claimant of one of the combatants against the principal, teacher, school security guard, or other school system personnel because of the preventive action or intervention, the county board:

(1) Shall provide legal counsel for the principal, teacher, school security guard, or other school system personnel 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, school security guard, or other school system personnel harmless from any award or decree against him.

Education Article § 7-307

Disorderly Conduct and Disturbing Classes, 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 at home by any means, including in person, by telephone, or by electronic mail. This prohibition applies only to threats arising out of the scope of the employee's employment.

(d) In addition to the penalties provided in this section or in § 6-409 of the Criminal Law Article, on application by the governing board of any institution of elementary, secondary, or higher education, the circuit court of the county in which the institution is located may issue an injunction restraining any specific activities that violate this section.

(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.

(f) (1) On or before December 1, 2022, and each December 1 thereafter, each county board of education, including the Baltimore City Board of School Commissioners, shall report to the Department on the number of school disruptions in the county in violation of this section for the immediately preceding school year.

(2) A county board shall report the information required under paragraph (1) of this subsection in the following manner:

(i) The disruptions shall be sorted into the following categories:

1. Attendance;
2. Arson, fire, or explosives;
3. Dangerous substances;
4. Sex offenses; and
5. Attack with a weapon, threats, or fighting; and

(ii) Each incident of disruption shall be disaggregated by:

1. The race, ethnicity, disability status, and gender of the individual;
2. The actions taken against an individual by the local school or county board resulting from a violation, including suspensions of fewer than 10 days, suspensions of 10 days or more, and expulsions; and
3. Referrals for prosecution.

(3) On or before February 1, 2023, and each February 1 thereafter, the Department shall submit to the Maryland Center for School Safety and, in accordance with § 2-1257 of the State Government Article, the General Assembly a report on incidents of school disruptions in public schools in the State from a compilation of the reports submitted to the Department under paragraph (1) of this subsection and disaggregated in the manner required under paragraph (2) of this subsection.

(4) Each county board shall include information on school disruptions from the 2018-2019 and 2019-2020 school years in its report to the Department for the report due on December 1, 2022.

Education Article § 26-101

Denial of Access to Public School Buildings or Grounds

(a) In this section, "school resource officer" means a law enforcement officer as defined under § 1-101(e) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under § 3-101(b) of the Public Safety Article and the local education agency.

(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

Alcohol Possession on School Premises

(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 section.

(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 Title 3, Subtitle 8A of the Courts Article.

(2) Any person 18 years old or older violating the provisions of this section shall be issued a citation and be subject to § 10-119 of the Criminal Law Article.

Education Article § 26-103

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

Hazing
(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 Procedure Article, § 11-722

SEX OFFENSES

Sexual Offenses – Definitions
(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) communicating 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

Consent

(a) In this subtitle, "consent" means the clear and voluntary agreement by an individual to engage in vaginal intercourse, a sexual act, or sexual contact.

(b) In this subtitle:

(1) the existence of consent, lack of consent, or withdrawal of consent shall be determined based on a totality of the circumstances, including the words and conduct of the victim and the defendant;

(2) consent may be withdrawn before or during vaginal intercourse, a sexual act, or sexual contact;

(3) the lack of consent may be communicated through words or conduct;

(4) a current or previous dating, social, or sexual relationship by itself does not constitute consent;

(5) submission as a result of fear, threat, or coercion does not constitute consent if the individual alleged to have performed the act in violation of this subtitle knows or reasonably should know that the victim would submit as a result of fear, threat, or coercion; and

(6) the manner of dress of an individual does not constitute consent.

(c) This section may not be construed to require documentation of consent.

Criminal Law Article § 3-301.1

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) A person 18 years of age or older may not violate subsection (a) of this section involving a victim who is a child under the age of 13 years.

(d) (1) Except as provided in paragraphs (2), (3), and (4) 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.

(4) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (c) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment for not less than 25 years and not exceeding life without the possibility of parole.

(ii) A court may not suspend any part of the mandatory minimum sentence of 25 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (e) of this section, the mandatory minimum sentence shall not apply.

(e) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection (d)(2), (3), or (4) of this section, or imprisonment for not less than 25 years under subsection (d)(4) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

Criminal Law Article § 3-303

Attempted Rape 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) 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) (1) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of 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 violates 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.

(ii) A court may not suspend any part of the mandatory minimum sentence of 15 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum sentence shall not apply.

(d) If the State intends to seek a sentence of imprisonment for not less than 15 years under subsection (c)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

Criminal Law Article § 3-304

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

(2) (i) "Person in a position of authority" means a person who:

1. A. is at least 21 years old and works for remuneration or as a volunteer for a public or private preschool, elementary school, or secondary school; or

B. is at least 22 years old and works for remuneration or as a volunteer for a program; and

2. exercises supervision over or works or interacts with one or more minors who attend the school or participate in the program.

(ii) "Person in a position of authority" includes a principal, vice principal, teacher, coach, or school counselor at a public or private preschool, elementary school, or secondary school.

(3) "Program" means:

(i) an individual, a business, a religious or faith-based institution, or an organization that provides, on a for-profit or nonprofit basis, instructional, coaching, recreational, spiritual, character-building, or supervisory services or activities for minors, including:

1. sports, music, dance, art, or martial arts coaching or instruction;

2. tutoring or academic enrichment;

3. day care or after school care;

4. scouting; or

5. day or overnight camping; or

(ii) any unit of local, State, or federal government.

(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:

(i) is a student enrolled at a school where the person in a position of authority works; or

(ii) 1. is participating in a program for which the person in a position of authority works; and

2. is at least 6 years younger than the person in a position of authority.

(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:

(i) is a student enrolled at a school where the person in a position of authority works; or

(ii) 1. is participating in a program for which the person in a position of authority works; and

2. is at least 6 years younger than the person in a position of authority.

(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, § 3-304, §§ 3-307 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.

(e) (1) Unless specifically charged by the State, a violation of this section may not be considered a lesser included crime of any other crime.

(2) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

Criminal Law Article § 3-308

Continuing Course of Conduct Against a Child

(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.

(b) (1) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(2) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence under § 3-602 of this title.

(c) In determining whether the required number of acts occurred in violation of this section, the trier of fact:

(1) must determine only that the required number of acts occurred; and

(2) need not determine which acts constitute the required number of acts.

(d) (1) A person may not be charged with a violation of § 3-303, § 3-304, or § 3-307 of this subtitle involving the same victim in the same proceeding as a violation of this section unless the other violation charged occurred outside the time period charged under this section.

(2) A person may not be charged with a violation of § 3-303, § 3-304, or § 3-307 of this subtitle involving the same victim unless the violation charged occurred outside the time period charged under this section.

(e) For purposes of prosecution under this section, violations of subsection (a) of this section that occur in separate periods of 90 days or more shall be considered separate violations.

Criminal Law Article § 3-315

Physical Resistance Not Required

(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

Incest

(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

Sexual Solicitation of a Minor

(a) In this section, "solicit" means to command, authorize, urge, entice, request, or advise a person by any means, including:

(1) in person;
(2) through an agent or agency;
(3) over the telephone;
(4) through any print medium;
(5) by mail;
(6) by computer or Internet; or
(7) by any other electronic means.

(b) (1) A person may not, with the intent to commit a violation of § 3-304 or § 3-307 of this subtitle or § 11-207, § 11-303, § 11-304, § 11-305, § 11-306, or § 11-307 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3-304 or § 3-307 of this subtitle or § 11-207, § 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 § 3-304 or § 3-307 of this subtitle or § 11-207, § 11-303, § 11-304, § 11-305, § 11-306, or § 11-307 of this article, knowingly solicit 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 the minor that would be unlawful for the person to engage in under § 3-304 or § 3-307 of this subtitle or § 11-207, § 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 the 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 offense, imprisonment not exceeding 10 years or a fine not exceeding $25,000 or both; and
(2) for a second or subsequent offense, imprisonment not exceeding 20 years or a fine not exceeding $50,000 or both.

Criminal Law Article § 3-324

STALKING AND HARASSMENT

Course of Conduct - Defined

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

Stalking

(a) In this section:

(1) "stalking" means a malicious course of conduct that includes approaching or pursuing another where:

(i) the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:

1. A. of serious bodily injury;
   B. of an assault in any degree;
   C. 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;
   D. of false imprisonment; or
   E. of death; or
2. that a third person likely will suffer any of the acts listed in item 1 of this item; or

(ii) the person intends to cause or knows or reasonably should have known that the conduct would cause serious emotional distress to another; and

(2) "stalking" includes conduct described in item (1) of this subsection that occurs:

(i) in person;
(ii) by electronic communication, as defined in § 3-805 of this subtitle; or

(iii) through the use of a device that can pinpoint or track the location of another without the person's knowledge or consent.

(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

Harassment

(a) (1) In this section the following words have the meanings indicated.
(2) "Residence" includes the yard, grounds, outbuildings, and common areas surrounding a residence.
(3) "Visual surveillance" has the meaning stated in § 3–901 of this title.

(b) A person may not follow another in or about a public place, conduct visual surveillance of an area of another's residence where the other has a reasonable expectation of privacy, 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.

(c) (1) This section does not apply to a peaceable activity intended to express a political view or provide information to others.
(2) This section may not be construed in a manner that infringes on any right guaranteed under the United States Constitution or the Maryland Declaration of Rights.

(d) 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

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

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;

(ii) masturbation; or

(iii) sadomasochistic abuse.

(6) (i) "Visual representation" of an identifiable person means:

1. an unaltered image of the person; or

2. an image created with or without using other existing depictions of the person that is indistinguishable from the person, from the perspective of an ordinary person.

(ii) "Visual representation" includes a computer–generated image.

(iii) "Visual representation" does not include an image or depiction that is:

1. a drawing;

2. a cartoon;

3. a sculpture; or

4. a painting.

(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 intimate parts exposed or while engaged in an act of sexual activity:

(1) with the intent to harm, harass, intimidate, threaten, or coerce the other person;

(2) (i) 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 person who violates this section is subject to § 5–106(b) of the Courts Article.

(f) (1) A person whose visual representation was distributed in violation of this section has a civil cause of action for defamation per se or invasion of privacy against any person who distributed the visual representation.

(2) In addition to other relief, the court may award reasonable attorney's fees to a prevailing plaintiff under this subsection.

(g) A visual representation of a victim that is part of a court record for a case arising 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 or civil action 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 plaintiff or the plaintiff's attorney;

(vii) the defendant or the defendant's attorney; or

(viii) the victim or the victim's attorney.

Criminal Law Article § 3-809

SUICIDE

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 who commits 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) 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) 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) 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

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, or embarrass another;

(2) repeated calls with the intent to annoy, abuse, torment, harass, or embarrass another; or

(3) a comment, request, suggestion, or proposal that is obscene, lewd, lascivious, filthy, or indecent.

(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 $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 e-mail, an instant messaging service, an 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) subscribe 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. intimidate or harass the minor; and
2. cause physical injury or serious emotional distress to the minor.

(4) A person may not maliciously engage in a single significant act or course of conduct using an electronic communication if:
(i) the person's 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. intimidate or harass the minor; and
2. cause physical injury or serious emotional distress to the 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 directs the person to provide the information, facilities, 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.

(e) (1) A person who violates subsection (b)(1), (2), (3), (4), or (5) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $10,000 or both.
(2) A person who violates subsection (b)(6) of 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 § 3-805

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 use a device 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

THEFT

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.
(2) "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 subtitle.

(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 conduct or 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) Except as provided in § 7–104.1 of this subtitle, 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 § 7–104(g)(1) or (2) of this subtitle has been committed, when it cannot be determined whether the value of the property or service is more or less than $1,500 under the standards of this section, the value is deemed to be less than $1,500.

(2) For the purposes of determining whether a theft violation subject to either § 7–104(g)(2) or (3) of this subtitle 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) (1) When theft is committed in violation of this part under one scheme or continuing course of conduct, whether from the same or several sources:

(i) the conduct may be considered as one crime; and

(ii) the value of the property or services may be aggregated in determining whether the theft is a felony or a misdemeanor.

(2) Multiple thefts committed by the same person in multiple counties under one scheme or continuing course of conduct may be joined and prosecuted in any county in which any one of the thefts occurred.

(g) The value of a chip designated for use in a table game authorized under Title 9, Subtitle 1A of the State Government Article is:

(1) the face value depicted on the chip; or

(2) if no face value is depicted on the chip, the value designated by the Maryland Lottery and Gaming Control Commission based on the color of the chip.

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 property was provided by law enforcement as part of an investigation, if the property was described to the defendant as being obtained through the commission of theft; or
(iv) 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) (1) A person convicted of theft of property or services with a value of:
(i) at least $1,500 but less than $25,000 is guilty of a felony and:
1. is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both; and
2. shall restore the property taken to the owner or pay the owner the value of the property or services;
(ii) at least $25,000 but less than $100,000 is guilty of a felony and:
1. is subject to imprisonment not exceeding 10 years or a fine not exceeding $15,000 or both; and
2. shall restore the property taken to the owner or pay the owner the value of the property or services; or
(iii) $100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding 20 years or a fine not exceeding $25,000 or both; and
2. shall restore the property taken to the owner or pay the owner the value of the property or services.

(2) Except as provided in paragraph (3) of this subsection, a person convicted of theft of property or services with a value of at least $100 but less than $1,500, is guilty of a misdemeanor and:

(i) is subject to:

1. for a first conviction, imprisonment not exceeding 6 months or a fine not exceeding $500 or both; and
2. for a second or subsequent conviction, imprisonment not exceeding 1 year or a fine not exceeding $500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(3) A person convicted of theft of property or services with a value of less than $100 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(4) Subject to paragraph (5) of this subsection, a person who has four or more prior convictions under this subtitle and who is convicted of theft of property or services with a value of less than $1,500 under paragraph (2) of this subsection is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(5) The court may not impose the penalties under paragraph (4) of this subsection unless the State's Attorney serves notice on the defendant or the defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial that:

(i) the State will seek the penalties under paragraph (4) of this subsection; and

(ii) lists the alleged prior convictions.

(h) (1) If a person is convicted of a violation under this section for failure to pay for motor fuel after the motor fuel was dispensed into a vehicle, the court shall:

(i) notify the person that the person's driver's license may be suspended under § 16-206.1 of the Transportation Article; and

(ii) notify the Motor Vehicle Administration of the violation.

(2) The Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with the Motor Vehicle Administration, shall establish uniform procedures for reporting a violation under this subsection.

(i) An action or prosecution for a violation of subsection (g)(2) or (3) of this section shall be commenced within 2 years after the commission of the crime.

(j) A person who violates this section by use of an interactive computer service may be prosecuted, indicted, tried, and convicted in any county in which the victim resides or the electronic communication originated or terminated.

Criminal Law Article § 7-104

Organized Retail Theft

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

(2) "Organized retail theft" means the commission, either alone or in concert with one or more other persons, of a series of thefts of retail merchandise from one or more retail merchants over a 90–day period with the intent to:

(i) permanently deprive the merchant of the merchandise;

(ii) return the merchandise to the merchant for monetary or other gain; or

(iii)resell, trade, or barter the merchandise for monetary or other gain.

(3) (i) "Value" has the meaning stated in § 7–103 of this subtitle.

(ii) "Value" includes the market value of any property damaged in furtherance of the crime and any costs to repair, replace, or restock any damaged or stolen property.

(b) A person may not commit organized retail theft of property with an aggregate value exceeding $1,500.

(c) A person who violates subsection (b) of this section with a value of:

(1) at least $1,500 but less than $25,000 is guilty of a felony and:

(i) is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services;

(2) at least $25,000 but less than $100,000 is guilty of a felony and:

(i) is subject to imprisonment not exceeding 10 years or a fine not exceeding $15,000 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services; or

(3) $100,000 or more is guilty of a felony and:

(i) is subject to imprisonment not exceeding 20 years or a fine not exceeding $25,000 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(d) (1) This section does not preclude prosecution for theft under § 7–104 of this subtitle.

(2) If a person is convicted under § 7–104 of this subtitle and this section for the same acts or transactions, the conviction under this section shall merge for sentencing purposes into the conviction under § 7–104 of this subtitle.

(e) (1) (i) If a defendant is convicted of or receives a probation before judgment disposition for theft under § 7–104 of this subtitle, burglary under § 6–203 or § 6–205 of this article, robbery under § 3–402 or § 3–403 of this article, or use of a firearm in the commission of a crime of violence or a felony under § 4–204 of this article, on request of the State's Attorney the court shall make a finding of fact based on evidence produced at trial as to whether the crime is organized retail theft.

(ii) The State has the burden of proving by a preponderance of the evidence that the crime is organized retail theft.

(2) If the court finds that the crime is organized retail theft under paragraph (1) of this subsection, that finding shall become part of the court record for purposes of reporting to the Criminal Justice Information System Central Repository under § 10–215 of the Criminal Procedure Article.

Criminal Law Article § 7-104.1

Motor Vehicle Theft

(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 part.

(2) If a person is convicted under § 7-104 of this part 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 part.

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

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

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 for not less than 6 months and not exceeding 4 years or a fine not less than $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

Theft or Duplication of State-Owned Keys
(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.
(c) (1) The Department of General Services shall adopt regulations to govern the use, distribution, manufacture, duplication, and possession of keys capable of being used in locks in or on real property that the State owns or leases.
(2) Each key subject to the regulations adopted under this subsection shall be clearly identified by:
(i) the words “do not duplicate” or “unlawful to duplicate”; and
(ii) a symbol indicating State ownership.
Criminal Law Article § 7-204

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 this 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

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 unsalable 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.
(c) The penalty provisions of Subtitle 12 of this title do not apply to this section.
Health General Article § 21-259.1

Transportation of Stolen Vehicle – Federal Statute
Whoever transports in interstate or foreign commerce a motor vehicle, vessel, or aircraft, knowing the same to have been stolen, shall be fined under this title or imprisoned not more than 10 years, or both.
18 U.S.C.A. §§ 2312

Sale or Receipt of Stolen Vehicle – Federal Statute
(a) Whoever receives, possesses, conceals, stores, barters, sells, or disposes of any motor vehicle, vessel, or aircraft, which has crossed a State or United States boundary after being stolen, knowing the same to have been stolen, shall be fined under this title or imprisoned not more than 10 years, or both.
(b) For purposes of this section, the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.
18 U.S.C.A. §§ 2312-2313

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
(a) This section applies to a threat made by oral or written communication or electronic communication, as defined in § 3-805(a) of this title.
(b) 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 five or more people at substantial risk of death or serious physical injury, as defined in § 3-201 of this title, if the threat were carried out.
(c) (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 any expenses and losses incurred in responding to the unlawful threat unless the court states on the record the reasons why reimbursement would be inappropriate.
(d) A person who violates this section may be indicted, prosecuted, tried, and convicted in any county where:
(1) the threat was received;
(2) the threat was made; or

(3) the consequences of the threat occurred.
Criminal Law Article § 3-1001

TRESPASS

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 on 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

Wanton Trespass on Private Property

(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 Division II of the Housing and Community Development Article, 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

Use of a Vehicle on Private Property

(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, snowblower, 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

Use of an Off-Road Vehicle on Public Property

(a) In this section, "political subdivision" includes a:
(1) county;
(2) municipal corporation;
(3) bicounty or multicounty 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, snowblower, 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

Wanton Entry on 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

Trespass in 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

Entry on Property for Purpose of Invading Privacy of Occupants ("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

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

Wanton Trespass on Property of Government House

(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

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

VISUAL SURVEILLANCE

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.
(f) (1) An individual who was under visual surveillance in violation of this section has a civil cause of action against any person who conducted or procured a person to conduct the visual surveillance.
(2) In an action under this subsection, the court may award actual damages and reasonable attorney's fees.
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, 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 child care home used for the care and custody of a child;
9. a residence; or
10. another place of private or public use or accommodation.
(ii) “Private place” includes a tanning room, dressing room, bedroom, or restroom.
(6) (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 conduct or procure another to conduct visual surveillance of:
(1) an individual in a private place without the consent of that individual; or

(2) the private area of an individual by use of a camera without the consent of the individual under circumstances in which a reasonable person would believe that the private area of the individual would not be visible to the public, regardless of the location of the 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.

(e) (1) An individual who was under visual surveillance in violation of this section has a civil cause of action against any person who conducted or procured another to conduct the visual surveillance.

(2) In an action under this subsection, the court may award actual damages and reasonable attorney's fees.

(f) This section does not affect any legal or equitable right or remedy otherwise provided by law.

(g) This section does not affect the application of § 3-901 of this subtitle.

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 child care 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 multiunit 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.

(g) (1) An individual who was observed through the use of a camera in violation of this section has a civil cause of action against any person who placed or procured another to place the camera on the real property.

(2) In an action under this subsection, the court may award damages and reasonable attorney's fees.

(h) This section does not affect any legal or equitable right or remedy otherwise provided by law.

Criminal Law Article § 3-903

WEAPONS

Dangerous Weapons

(a) (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, sandclub, 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 entitled or required to carry the weapon as part of the officer's official equipment, or by any conservator of the peace, who is entitled or required to carry the weapon as part of the 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

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

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

WIRETAPPING

Manufacture, Assembly, Possession, or Sale of interception Devices Prohibited

(a) Except as otherwise specifically provided in this subtitle, any 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 a felony and is subject to imprisonment for not more than 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 device 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 § 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

Illegal Entrance to Install, Adjust, or Remove Electronic Surveillance Equipment Prohibited

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