

6-406.

(a) (1) [A person who has applied to register as a charitable organization may solicit the public unless and until the Circuit Court for Anne Arundel County or other court of competent jurisdiction orders the applicant to stop.] UNLESS EXEMPTED FROM REGISTRATION UNDER § 6-413 OF THIS SUBTITLE, A PERSON MAY NOT SOLICIT THE PUBLIC AS A CHARITABLE ORGANIZATION PRIOR TO REGISTRATION.

(2) THE CIRCUIT COURT OF ANNE ARUNDEL COUNTY OR OTHER COURT OF COMPETENT JURISDICTION MAY RESTRAIN OR ENJOIN A PERSON FROM SOLICITING IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION.

(b) (1) Except as provided in paragraph (2) of this subsection, the Secretary of State has the burden of proof in any court proceeding:

(I) to restrain or enjoin a charitable organization from soliciting the public; OR

(II) BASED ON AN APPEAL BY A CHARITABLE ORGANIZATION OF A FINAL DECISION OF THE SECRETARY OF STATE UNDER § 6-404(C) OF THIS SUBTITLE.

(2) A charitable organization claiming to be exempt from the requirements of this title has the burden of production of evidence on that issue.

(c) The Circuit Court for Anne Arundel County or other court of competent jurisdiction may order a charitable organization to stop soliciting the public if the charitable organization:

(1) is required to be registered but has not applied to be registered [or has not met all registration requirements]; or

(2) has otherwise violated the Maryland Charitable Solicitations Act.

6-411.

(b) (1) A charitable solicitation that is a specific written request to the public for [money] A CHARITABLE CONTRIBUTION shall contain a disclosure statement.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2006.

Approved May 16, 2006.

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