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The Digest of Criminal Laws is intended to provide police officers with a small, convenient version of Maryland law to have available while they are on duty. This book does not contain every Maryland law, although efforts were made to include as many relevant laws as possible. Instead of reprinting the text of the law, the laws are typically 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.

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.  
Reporting Suspected Terrorist Activity

When reporting suspected terrorist activity, officers are required to follow all established protocols.

The numbers below are provided to assist officers in collecting or verifying information.

|   |              |
|---|--------------|
| FBI Baltimore Office                        | 410-265-8080 |
| Maryland Emergency Management Agency (MEMA) | 410-517-3600 |
| Maryland Transportation Authority Police    | 410-859-7040 |
| Maryland Homeland Security                  | 410-974-3570 |
| Martins AFB (Dundalk)                       | 410-918-6375 |
| Federal Emergency Management Agency (FEMA)  | 215-931-5614 |
| Center for Disease Control (CDC)            | 404-639-3311 |

NOTE 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 # and then year. Newly decided cases may be accessible only through a database, and will be cited by year and reference number until they get an "official" citation. For example, 2000 WL 12345.  
"WL" stands for Westlaw.

#### GENERAL POLICE POWERS

#### CRIMINAL LAW

##### Definitions.

(a) in this Article the following words have the meanings indicated.

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

(c) "counterfeit" means to forge, counterfeit, materially alter, or falsely make.

(d) "county" means a county of the state or Baltimore City.

(e) "inmate" has the meaning stated in § 1-101 of the Correctional Services Article.

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

(g) "minor" means an individual under the age of 18 years.

(h) "person" means an individual, sole proprietorship, partnership, firm, association, corporation, or other entity.

(i) "state" means:

(1) a state, possession, territory, or commonwealth of the United States; or

(2) the District of Columbia.

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

Criminal Law Article 1-101

#### ATTEMPT

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

A plan or understanding between 2 or more persons to commit an unlawful act. The crime is complete when the agreement is entered into.

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

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

Criminal Law Article 1-202

#### ACCESSORY

##### Before the fact

An accessory before the fact may be charged, tried, convicted, and sentenced for a crime regardless of whether the principal in the crime has been convicted or even charged with that crime.

Criminal Procedure Article 4-204

##### After the fact

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

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

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

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

Unless otherwise provided by law, 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.

Criminal Law Article 1-301

PROOF OF INTENT-fraud, theft, and related crimes

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

Criminal Law Article 1-401

INFANCY

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

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

ARREST

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 of detention of the person; and (4) which is understood by the person arrested.

ARREST

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.

Definition

(c) "Police officer" means any person who, in an official capacity, is authorized by law to make arrests and is:

- (1) A member of the Department of State Police;
  - (2) a member of the police department of Baltimore City;
  - (3) a member of the Baltimore City school police force;
  - (4) a member of the police department, bureau, or force of any county;
  - (5) a member of the police department, bureau or force of a municipal corporation;
  - (6) a member of the Maryland Transit Administration police force, or the Maryland Port Administration police force or the Maryland Transportation Authority police force;
  - (7) a member of the University of Maryland police force or Morgan State University police force;
  - (8) a special police officer who is appointed to enforce the law and maintain order on or protect property of the state or any of its units;
  - (9) a Member of the Department of General Services security force;
  - (10) the sheriff of a county and whose usual duties include the making of arrests;
  - (11) a regularly employed deputy sheriff of a county and who is compensated by the county and whose usual duties include the making of arrests;
  - (12) a member of the Natural Resources police force of the Department of Natural Resources;
  - (13) an authorized employee of the Field Enforcement Division of the Comptroller's Office;
  - (14) a member of the Maryland National Capital Park and Planning Commission Park Police;
  - (15) A member of the Housing Authority of Baltimore City Police Force;
  - (16) A member of the Crofton Police Department;
  - (17) A member of the WMATA Metro Transit Police, subject the jurisdictional limitations under Article XVI, subsection 76 of the Washington Metropolitan area Transit Authority Compact, which is codified at Subsection 10 204 of the Transportation Article;
  - (18) A member of the Internal Investigative unit of the Department of Public Safety and Correctional Services; or
  - (19) A member of the State Forest and Park Service Police Force of the Department of Natural Resources.
- Criminal Procedure Article 2-101

#### Authority of Police Officers

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

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

(2) This section does not authorize a police officer who acts under the authority granted by this section to enforce the Maryland vehicle law beyond the police officer's sworn jurisdiction.

(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 subsection 5-801, 5-802, 5-807, 5-808, and 5-901 of the Criminal Law Article and to the powers of fresh pursuit granted by subtitle 3 of this title.

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

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

(See statute for actual wording)

Criminal Procedure Article 2-102

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

(See statute for actual wording)

Criminal Procedure Article 2-104

#### Resisting or Interfering with Arrest

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

See statute for complete language.

Criminal Law Article 9-408

#### Duty to Semiconscious or Unconscious Suspects

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

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

notify the person's physician immediately; or

have the person immediately transported to:

a physician; or

a facility where the services of a physician are available.

(b) A person who suffers from epilepsy, diabetes, a cardiac condition, or other type of illness that causes temporary blackouts, semiconscious periods, or complete unconsciousness may wear an identification bracelet or metal tag or carry an identification card that is engraved, stamped, or imprinted with the person's name, type of illness, physician's name, and required medication.

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

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

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

Criminal Procedure Article 2-107

#### Warrantless Arrest - In general

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

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

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

Criminal Procedure Article 2-202

#### Warrantless Arrest For Stalking

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

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

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

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

Criminal Procedure Article 2-205

#### Warrantless arrests during state of emergency

(See statute for actual wording)

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

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

Is serving under a proclamation of a state of emergency issued by the Governor, as provided in the Public Safety Article, as:

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

(ii) A member of the militia called into action by the Governor, as provided in the Public Safety Article; or Is serving as a member of the militia ordered into active service by the Governor under the Public Safety Article; or

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

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

Criminal Procedure Article 2-206

#### Nuclear Power Plants

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

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

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

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

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

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

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

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

Criminal Law Article 9-704.1

#### 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 section 2-209 of the Criminal Law Article.

(2) Malicious burning under section 6-104 or 6-105 of the Criminal Law Article or an attempt to commit the crime;

(3) Malicious mischief under section 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 \$500 section 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 section 9-604 of the Criminal Law Article;

(6) Indecent exposure under section 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 section 4-203 or 4-204 of the Criminal Law Article; and

(9) Carrying or wearing a concealed weapon under section 4-101 of the Criminal Law Article.

(10) prostitution and related crimes under Title 11, Subtitle 3 of the Criminal Law 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.
  - (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

#### Harassment

- (a) A person may not follow another in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys the other:
- (1) with the intent to harass, alarm, or annoy the other;
  - (2) after receiving a reasonable warning or request to stop by or on behalf of the other; and
  - (3) without a legal purpose.
- (b) This section does not apply to a peaceable activity intended to express a political view or provide information to others.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.
- Criminal Law Article 3-803

#### Correctional Officers, Parole and Probation Officers

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

(See statute for actual wording)

Criminal Procedure Article Sec. 2-207

#### State Fire Marshal and Assistants

- (a) Warrantless arrest powers for commission of specified felonies.
- (1) The State Fire Marshall or a full-time investigative and inspection assistant of the State Fire Marshall may arrest a person without a warrant if the State Fire Marshall or assistant has probable cause to believe:
    - (i) A felony that is a crime listed in paragraph (2) of this subsection has been committed or attempted; and
    - (ii) The person to be arrested has committed or attempted the felony whether or not in the presence or within view of the State Fire Marshal or assistant.
  - (2) The powers of arrest set forth in paragraph (1) of this subsection apply only to the crimes listed in this paragraph and to attempts, conspiracies, and solicitations to commit these crimes.
- (i) Murder under section 2-201(4) of the Criminal Law Article;

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

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

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

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

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

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

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

1. May not be apprehended;
2. May cause physical injury or property damage to another; or
3. May tamper with, dispose of, or destroy evidence.

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

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

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

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

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

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

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

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

(c) Other warrantless arrest powers.

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

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

(See statute for required notifications)

Criminal Procedure Article 2-208

#### VEHICLE LAW Arrest

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

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

(i) A violation of 22 111 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;

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

(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 intoxicated or while under the influence of alcohol;
- (ii) Driving or attempting to drive while under the influence of any drug, any combination of drugs and alcohol or while under the influence of any controlled dangerous substance;
- (iii) Failure to stop, give information, or render reasonable assistance, as required by subsection 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 subsection 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; or
- (vii) Fleeing or attempting to elude a Police Officer;

(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 section 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 with out unnecessary delay before a District Court Commissioner, as specified in section 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

#### Filing of Charging Document

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

(b) Statement of Charges.

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

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

Md. Rules 4-211

Execution of Warrant—Defendant Not in Custody (e) Unless the defendant is in custody, a warrant shall be executed by the arrest of the defendant. Unless the warrant and charging document are served at the time of the arrest, the officer shall inform the defendant of the nature of the offense charged and of the fact that a warrant has been issued. A copy of the warrant and charging document shall be served on the defendant promptly after the arrest. The defendant shall be taken before a judicial officer of the District Court without unnecessary delay and in no event later than 24 hours after arrest or, if the warrant so specifies, before a judicial officer of the Circuit Court without unnecessary delay and in no event later than the next session of court after the date of arrest. The court shall process the defendant pursuant to Rule 4-216 and may make provision for the appearance or waiver of counsel pursuant to Rule 4-215.

Md. Rules 4-212

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

84 Opinions of the Attorney General\_\_ (1999), note 8 (other citations omitted). But the fact that an officer has authority to use force in a particular circumstance does not necessarily imply that the officer has a duty to use force.

c.f., *Ashburn v. Anne Arundel County*, 306 Md. 617 (1986).

#### ASSISTANCE IN MAKING ARREST

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

Transportation Article 19-101

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

Transportation Article 19-102

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

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

#### FORCE IN MAKING ARREST

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

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

Generally, officers should use the least amount of force that is necessary to control an incident, effect an arrest, or to protect themselves or others from harm or death as may be necessary to take the prisoner into custody. If, however, he is resisted he may repel force with force.

A prudent officer, in making an arrest, should always consider the enormity of the crime and the character of resistance, and use only such a force as may be necessary to overcome the resistance and make the arrest.

#### 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).

#### 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.

No person belonging to the organized militia, shall be arrested on any process except such as may be issued by military authority, while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

Article 65, Sec. 51

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 1, 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).

#### Foreign Vessels

Ships of war belonging to foreign nations are exempt from local jurisdiction of the country whose ports they are permitted to visit, but merchant vessels and their crews are not thus exempt.  
Hochheimer, Sec. 11

#### Consular Notification and Access Reference

##### Instructions for Arrests and Detentions of Foreign Nationals

This summarizes for law enforcement officials the basic consular notification procedures to follow upon the arrest or detention of a foreign national. For more detailed instructions and legal material, see Consular Notification and Access, Department of State publication number 10518, released January 1998. The complete publication is available at [http://travel.state.gov/consul\\_notify.html](http://travel.state.gov/consul_notify.html).

Questions may also be addressed to:

Office of Public Affairs and Policy Coordination

CA/P, Room 4800

Bureau of Consular Affairs

U.S. Department of State

Washington, DC 20520

Telephone: (202) 647-4415

Fax: (202) 736-7559

Urgent after-hours inquiries may be directed to (202) 647-1512

(State Department Operations Center)

#### Steps to Follow When any Foreign National Is Arrested or Detained

Determine the foreign national's country. Normally, this is the country on whose passport or other travel document the foreign national travels.

If the foreign national's country is not on the mandatory notification countries list on the facing page:

(I) Offer, without delay, to notify the foreign national's consular officials of the arrest/detention.

(II) If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.

If the foreign national's country is on the list of mandatory notification countries:

(I) Notify that country's nearest consular officials, without delay, of the arrest/detention.

(II) Tell the foreign national that you are making this notification.

Keep a written record of the provision of notification and actions taken.

#### Mandatory Notification Countries

Algeria

Antigua and

Barbuda

Armenia

Azerbaijan

Bahamas

Barbados

Belarus

Belize

Brunei

Bulgaria  
China<sup>1</sup>  
Costa Rica  
Cyprus  
Czech Republic  
Dominica  
Fiji  
Gambia  
Georgia  
Ghana  
Grenada  
Guyana  
Hong Kong  
Hungary  
Jamaica  
Kazakhstan  
Kiribati  
Kuwait  
Kyrgyzstan  
Malaysia  
Malta  
Mauritius  
Moldova  
Mongolia  
Nigeria  
Philippines  
Poland<sup>2</sup>  
Romania  
Russia  
Saint Kitts and  
    Nevis  
Saint Lucia  
Saint Vincent/  
    Grenadines  
Seychelles  
Sierra Leone  
Singapore  
Slovakia  
Tajikistan  
Tanzania  
Tonga  
Trinidad and  
    Tobago  
Tunisia  
Turkmenistan  
Tuvalu  
Ukraine  
United Kingdom  
U.S.S.R.<sup>3</sup>  
Uzbekistan  
Zambia  
Zimbabwe

1 Does not include Republic of China (Taiwan) passport holders.

2 Mandatory for nonpermanent residents only.

3 Passports may still be in use.

## Suggested Statements to Arrested or Detained Foreign Nationals

### Statement 1

#### When Consular Notification Is at the Foreign National's Option

As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain counsel and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?

### Statement 2

#### When Consular Notification is Mandatory

Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.

(02/02)

### Fresh Pursuit

#### (a) Scope of section.

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

#### (b) Elements of fresh pursuit

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

(2) Fresh pursuit need not be instant pursuit.

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

#### (c) Conditions for fresh pursuit.

A law enforcement officer may engage in fresh pursuit of a person who:

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

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

#### (d) Authority of officer engaged in fresh pursuit.

A law enforcement officer who is engaged in fresh pursuit of a person may:

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

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

Criminal Procedure Article Sec. 2-301

### Authority of Officers of other States to Arrest in this State

Criminal Procedure Article 2-305

### Pursuit of Officers across Maryland/ Virginia water Boundaries

(a)(1) When, in the opinion of the legally constituted authorities of Maryland, there has occurred on the waters of Maryland a violation of this Article, or when, in the opinion of the legally constituted authorities of Virginia, there has occurred on the waters of Virginia a violation of the laws of Virginia

enforceable under subsection 28.2 900, code of Virginia, the legally constituted authorities of the State in which the offense was committed may pursue the offender up to and across the Maryland Virginia boundary into the state in which the offender flees.

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

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

Natural Resources Article 1-210

#### Warrant of Arrest

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

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

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

Md. Rule 4-101

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

Md. Rule 4-212(d)

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

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

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

Md. Rule 4-212(d)

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

Courts and Judicial Proceedings Article 1-605

#### SEARCH WARRANTS

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

Criminal Procedure Article 1-203(a)

Requirements - The Maryland Constitution prohibits general or vague warrants, and warrants that are not supported by a sworn statement. Md. Const., Decl. of Rts., Art 26. Specific warrant requirements are set forth in Criminal Procedure Article 1-203, and Md. Rule 4-601. Generally, search warrants must contain sufficient probable cause to justify searching and seizing, and must be supported by a personal knowledge statement under oath (affidavit) describing the factual basis for probable cause. The person and place to be searched and

seized must be described with particularity. The warrant must be served within 15 calendar days after it was issued, after which it expires and is void. The return must be made to the issuing judge, along with the inventory of property seized. Returned warrants are kept sealed, but may be viewed by persons whose property was seized, or per court order.

**Bench Warrant** - Bench warrants are issued by judges from the bench. Judges may use them for ordering arrest of persons who, for example, ignored a subpoena, left court without authorization, or has been indicted. An arrest per bench warrant is subject to the same requirements as arrest per other warrant. When a warrant is placed in the hands of an officer he is not bound to inquire into the particulars of the complaint, or whether any was made at all. If the warrant is in due form and is sued by a person having a right to issue it, the duty of the officer is to execute it without further inquiry, and the warrant will protect him.

Hall vs. Hall, 6 G & J., 386, Lewin vs. Uzuber, 65 Md. 341.

#### Search Warrants

In general, a District or Circuit Court judge may issue a search warrant when there is probable cause to believe that 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 property subject to seizure under the criminal laws of the state in or on the person or in or on the building, apartment, premises, place, or thing.

(See statute for details)

Criminal Procedure Article 1-203

#### Administrative Search Warrants-Fire Premises

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

Public Safety Article 6-315

#### BENCH WARRANT

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

#### RETAKE WARRANT

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

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

(See statute for complete wording)

Correctional Services Article 3-214

#### Hospital Warrant

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

(1) Authorizes any law enforcement officer in the state to apprehend an individual who is alleged to have violated an order for conditional release and transport the individual to a facility designated by the department; and  
(2) Requires that the issuance of the warrant is entered in the person's criminal history record information of the Criminal Justice Information System. Criminal Procedure Article Sec. 3-101  
For more detailed information see Criminal Procedure Article.

#### Permission will Justify Searching without a Warrant

The Constitutional provisions respecting search warrants apply only in cases where the search is without the consent of the occupant of the premises; therefore, where permission is given to search, either by the occupant or his agent, a search warrant is not necessary.

#### Public Schools' Student Search

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

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

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

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

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

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

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

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

Education Article 7-308

#### EVIDENCE

See Maryland Rules of Evidence Md. Rules 5 101 through 5 1008.

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 trial body before whom an issue is in question, makes its decision from evidence that is presented during the trial of facts. Every policeman should keep in mind when gathering evidence its admissibility during the trial, regardless of its tendency to establish or disprove the matter in question.

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 and accepted at the trial of an issue 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 recognized. Direct evidence, circumstantial evidence, and physical evidence.

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 may be inferred.

Physical evidence speaks for itself. It requires no explanation, merely identification of photographs, X-rays, objects, 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 In a prosecution for an offense for homicide, attempted homicide, or assault with intent to commit homicide (or any civil case), 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 every man, regardless of his religious belief, believes that there is a hereafter and that if he knows he is going to die he will want to make peace with his Maker, that he is more likely to tell the truth if he knows he is going to die than if he is in perfect health and under oath.

**Dying Declaration Instruction** The thing of greatest importance is that the victim believes that he is going to die as a result of the injury received and makes a statement to this effect before making the declaration. The following is a sample of the questions that may be asked:

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 request 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 nevertheless. 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 BY WITNESSES

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

#### Evidence - DNA

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

Courts and Judicial Proceedings Article 10-915

#### WIRETAP

Interception of Communications generally:

For definitions see Courts and Judicial Proceedings Article 10-401.

#### Manufacture, Possession, or Sale of Intercepting Device

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

(b) It is lawful under this section for:

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

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

(3) An officer, agent, or employee of the United States in the normal course of his lawful activities to manufacture, assemble, possess or sell any electronic, mechanical, or other device knowing or having reason to know that the design of

the device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications. However, any sale made under the authority of this paragraph may only be for the purpose of disposing of obsolete or surplus devices.

(4) An officer, agent, or employee of a law enforcement agency of this State or a political subdivision of this State in the normal course of his lawful activities to manufacture, assemble, possess or sell any electronic, mechanical, or other device knowing or having reason to know that the design of the 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 section 10 411 of this subtitle. However, any sale made under the authority of this paragraph may only be for the purpose of disposing of obsolete or surplus devices.

Courts and Judicial Proceedings Article 10-403

#### Lawful Disclosure or Use of Contents of Communication

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

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

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

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

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

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

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

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

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

(f) Any law enforcement officer of the United States, who has lawfully received any information concerning a wire or oral communication or evidence lawfully derived therefrom, which would have been lawful for a law enforcement officer of this State pursuant to section 10 402(c)(2) of this subtitle to receive, may disclose the contents of that communication or the derivative evidence while giving testimony under oath or affirmation in any held under the authority of this State.

Court and Judicial Proceedings Article 10-407.

#### Breaking and Entering to Place or Remove Equipment

Any person who breaks and enters, enters under false pretenses, or trespasses, upon any premises with the intent to place, adjust or remove wiretapping or electronic surveillance or eavesdropping equipment with out 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

#### EXTRADITION, UNIFORM ACT

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

Criminal Procedure Article 9-102

A

#### Abandoned Property

See Commercial Law Article 17-101

#### Abandoned Refrigerator

(a) a person may not place or allow to be placed outside of a building or dwelling an abandoned or discarded refrigerator, icebox, or freezer cabinet that:

- (1) is in a place accessible to children;
- (2) is uncrated; and
- (3) has a door or a lock that cannot be released for opening from the inside.

(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

Criminal Law Article 10-109

#### Abduction

#### Conflict as to Lawful Custodian

(a) This section applies if there is a conflict between a custody order of a court of this State and a custody order of another state.

(b) Except as provided in subsection (c) of this section, a custody order of a court of this State prevails over a custody order of a court of another state.

(c) A custody order of a court of another state prevails over a custody order of this State if the court in the other state passed its custody order:

(1) after the custody order was passed by a court of this State; and

(2) in proceedings in which the lawful custodian under the custody order of a court of this State:

(i) consented to the custody order passed by the court of the other state; or

(ii) participated personally as a party.

Family Law Article 9-303

#### Prohibited Acts in this State

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

(1) abduct, take, or carry away the child from the lawful custodian to a place within this State;

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

(3) harbor or hide the child within this State, knowing that possession of the child was obtained by another relative in violation of this subsection; or

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

Family Law Article 9-304

#### Same Outside of this State

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

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

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

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

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

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

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

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

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

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

Family Law Article 9-305

#### Abuse or Neglect of Vulnerable Adults

(a) Definitions.

(1) in this section 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 non-medical 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: creates a substantial risk of death; or

causes permanent or protracted serious:disfigurement; loss of the function of any bodily member or organ; or 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;
4. sodomy; and
5. unnatural or perverted sexual practices.

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

(b)(1) 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 results in the death of the vulnerable adult; causes serious physical injury to the vulnerable adult; or involves sexual abuse of the vulnerable adult.

A household member or family member may not cause abuse or neglect of a vulnerable adult that: results in the death of the vulnerable adult; causes

serious physical injury to the vulnerable adult; or 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.

(e) If a state or local unit receives a report of present or past abuse or neglect of a vulnerable adult, an investigation shall be conducted in accordance with:

(1) § 7-1005 of the health - general Article if the adult has a developmental disability as defined in § 7-101 of the health - general Article;

(2) § 10-705 of the health - general Article if the adult is in a facility as defined in § 10-101 of the health - general Article;

(3) § 19-346 or § 19-347 of the health - general Article if the adult is a resident of a related institution as defined in § 19-301 of the health - general Article; and

(4) §§ 14-301 through 14-309 of the family law Article if the adult does not meet the criteria of item (1), (2), or (3) of this subsection.

Criminal Law Article 3-603

#### ACCESSORIES - Misprision of a Felony

##### Accessories Before Fact

An accessory before the fact may be charged, tried, convicted, and sentenced for a crime regardless of whether the principal in the crime has been convicted or even charged with that crime.

Criminal Procedure Article 4-204

#### Advertising

##### False and Fraudulent Advertising

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

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

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

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

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

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

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

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

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

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

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

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

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

Business Article 14-2901

#### 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.

Business Article 14-2903

#### CRIMES AGAINST MARRIAGE

##### Adultery

(a) A person may not commit adultery.

(b) A person who violates this section is guilty of a misdemeanor and on conviction shall be fined \$10.

Criminal Law Article 10-501

##### Bigamy

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

(1) the person's previous lawful spouse has been absent from the person for a continuous period of 7 years; and

(2) the person does not know whether the person's previous lawful spouse is living at the time of the subsequent marriage ceremony.

(b) While lawfully married to a living person, a person may not enter into a marriage ceremony with another.

(c) a person who violates this section is guilty of the felony of bigamy and on conviction is subject to imprisonment not exceeding 9 years.

Criminal Law Article 10-502

##### Aircraft

##### Transportation Article

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

Transportation Article 5-1001

##### Aircraft-Reckless operation

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

operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

Transportation Article 5-1006

#### Aircraft-Towing Advertisement

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

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

Transportation Article 5-1007

#### Firearms or explosives aboard aircraft

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

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

Transportation Article 5-1008

#### Alcoholic Beverage Laws

(a)(1) No alcoholic beverages shall be bought, possessed, stored, imported, transported, kept or suffered to be bought, possessed, stored, imported, transported or kept in any vehicle, vessel or air craft or on any premises or under his charge or control by any person except: (i) by a consumer or, (ii) by a licensee as provided in this Article or, (iii) by a person under 21 years of age who may have in his possession or transport alcoholic beverages for any lawful purpose with the knowledge and consent of his parent or guardian or incident to the lawful employment of the person as provided for in this Article. However, this exception shall not be construed to permit a person under the age of 21 to buy or consume alcoholic beverages, nor to possess, store, import, transport or keep alcoholic beverages for his own use, nor to buy, possess, store, import, transport or keep alcoholic beverages for any purpose in any county or Baltimore City where otherwise prohibited by this Article or any other law of this State.

Art. 2B, Sec. 1-201

#### Sales to Minors and Intoxicated Persons Prohibited

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

Art. 2B Sec.12-801

#### 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

An individual under the age of 21 years may not 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 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.  
Criminal Law Article 10-114

#### False Documentation

An individual under the age of 21 years may not possess a card or document that falsely identifies the age of the individual under circumstances that reasonably indicate an intention to violate the provisions of this subtitle.  
Criminal Law Article 10-115

#### Obtaining for Underage Consumption

An individual may not obtain an alcoholic beverage from any person licensed to sell alcoholic beverages for consumption by another who the individual obtaining 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 does not apply if the person furnishing the alcoholic beverage and the individual to whom the alcoholic beverage is furnished:

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

(ii) are participants in a religious ceremony.

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

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

(ii) are participants in a religious ceremony.

Criminal Law Article 22-105

#### Unregistered Keg

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

(1) possess a keg that has not been registered under or does not have a registration form affixed to it as required by § 21-106 of this Article; or

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

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

Criminal Law Article 22-106

#### Citation

(a) a person who violates §§ 22-101 through 22-106 of this subtitle shall be issued a citation under this section.

(b) a citation for a violation of §§ 22-101 through 22-106 of this subtitle may be issued by:

(1) a police officer authorized to make arrests;

(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; and

(3) in Anne Arundel County, Frederick County, Harford County, Montgomery County, and Prince George's County, and only in the inspector's jurisdiction, an alcoholic beverages inspector who investigates license violations under this Article if the inspector:

(i) has successfully completed an appropriate program of training in the proper use of arrest authority and pertinent police procedures as required by the board of license commissioners; and

(ii) does not carry firearms 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 shall be as prescribed by the district court and shall be uniform throughout the state.

(2) the citation 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.

(e)(1) 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) the district court shall promptly schedule the case for trial and summon the defendant to appear. failure of the defendant to respond to the summons is contempt of court.

(f)(1) for purposes of this section, a violation of §§ 22-101 through 22-106 of this subtitle 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 and Judicial Proceedings 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.

Criminal Law Article 22-107

#### Failure to Provide Proof of Age

(a) a person being issued a citation under §§ 22-101 through 22-107 of this subtitle 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 22-108

#### Alcoholic Beverages Interstate Shipment

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

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

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

Art. 2B, Sec. 16-506.1

#### ANIMALS

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

(4) if the person has charge or custody of an animal, as owner or otherwise:

(i) inflict unnecessary suffering or pain on the animal; or

(ii) unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or 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 participate in and pay for psychological counseling.

Criminal Law Article 10-604

##### Attending Dogfight

(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 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 participate in and pay for psychological counseling.

Criminal Law Article 10-605

#### Aggravated Cruelty to Animals

(a) a person may not:

(1) intentionally mutilate, torture, cruelly beat, or cruelly kill 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.

(b)(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 order a defendant convicted of violating this section to participate in and pay for psychological counseling.  
Criminal Law Article 10-606

#### Arranging, Conducting, or Using Dog in Dogfight

(a) a person may not:

use or allow a dog to be used in a dogfight;

arrange or conduct a dogfight;

possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight; or

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

(b)(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 order a defendant convicted of violating this section to participate in and pay for psychological counseling.  
Criminal Law Article 10-607

#### Cockfight

(a) a person may not use or allow the use of a fowl, cock, or other bird to fight with another animal or possess an implement of cockfighting or arrange a fight or own, possess, sell, transport, or train a fowl, cock, or other bird used for fighting.

(b)(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 order a defendant convicted of violating this section to participate in and pay for psychological counseling.  
See statute for complete wording.

Criminal Law Article 10-608

#### Arrest by Humane Society Officer

(a) except as provided in subsection (b) 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 Baltimore County, the Baltimore County Department of Health, division of animal control shall enforce this section.

Criminal Law Article 10-609

#### Animal as Prize

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

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

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

(3) an incentive to make a business agreement if the offer is to attract trade.  
(c) a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.  
Criminal Law Article 10-610

#### Abandoning Domestic Animal

(a) a person who owns, possesses, or has custody of a domestic animal may not drop or leave the animal on a road, in a public place, or on private property with the intent to abandon the animal.  
(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.  
Criminal Law Article 10-612

#### Poisoning Dog

(a) a person may not willfully and maliciously give poison or ground glass to a dog, or expose poison or ground glass, with the intent that a dog ingests it.  
(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation.  
Criminal Law Article 10-618

#### Dangerous Dog

(d) a dog owner may not:  
(1) leave a dangerous dog unattended on the owner's real property unless the dog is:  
(i) confined indoors;  
(ii) in a securely enclosed and locked pen; or  
(iii) in another structure designed to restrain the dog; or  
(2) allow a dangerous dog to leave the owner's real property unless the dog is leashed and muzzled, or is otherwise securely restrained and muzzled.  
(f) a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500.  
(See statute for complete language)  
Criminal Law Article 10-619

#### 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.

Criminal Law Article 6-106

#### Threat of Arson

(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-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

### 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) "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) (1) a person may not intentionally cause or attempt to cause serious physical injury to another.

(2) a person may not commit an assault with a firearm, including:

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle, as those terms are defined in § 4-201 of this Article;

(ii) an assault pistol, as defined in § 4-301 of this Article;

(iii) a machine gun, as defined in § 4-401 of this Article; and

(iv) a regulated firearm, as defined in section 5-101 of the Public Safety Article.

(b) 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) A person who violates 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.  
Criminal Law Article 3-203

#### Peace Orders

##### Definitions.

Courts and Judicial Proceedings Article 3-1501

##### Application

Courts and Judicial Proceedings Article 3-1502

#### Law Enforcement Responsibility

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

(b) A law enforcement officer immediately shall serve the temporary peace order on the respondent.

(c)(1) The temporary peace order shall be effective for not more than 7 days after service of the order.

(2) The court may extend the temporary 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.

(See statute for complete language)

Courts and Judicial Proceedings Article 3-1504

#### Respondent Right to Hearing

Courts and Judicial Proceedings Article 3-1505

#### Failure to Comply with Peace Order

(a) Misdemeanor-on conviction fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both.

(See statute for actual wording)

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

Courts and Judicial Proceedings Article 3-1508

#### Peace Order-Petition

Courts and Judicial Proceedings Article 3-1503

#### Domestic Violence

(a) A petitioner may seek relief from abuse by filing with a court a petition that alleges abuse of any person eligible for relief by the respondent.

(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 petitioner regarding the financial resources of respondent; and

(6) in a case of alleged child abuse or alleged abuse of a vulnerable adult, any information known to the petitioner of 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 the 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) A temporary ex parte order;

(2) A protective order;

(3) A witness subpoena.

(d)(1) When the court 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 a copy of the petition and the ex parte order to the local department.

(2) When the local department receives the petition and the ex parte order from the court, the local department shall:

(i) investigate the alleged abuse as provided in Title 5, Subtitle 7 of this Article; or

(ii) investigate the alleged abuse as provided in Title 14, Subtitle 3 of this Article; and

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

Family Law Article 4-504

(a)(1) If a petition is filed under this subtitle and the court finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the court, in an expert proceeding, may enter a temporary order to protect any person eligible for relief from abuse.

(2) The temporary ex parte 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 non spouse 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 one 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 childcare provider of a person eligible for relief while a child of the person is in the care of the child care provider; and

(vii) award temporary custody of a minor child of the person eligible for relief and the respondent.

(b)(1) A law enforcement officer immediately shall serve the temporary ex parte order on the alleged abuser under this section.

(2) there shall be no cost to the petitioner for service of the temporary ex parte order.

(c)(1) The temporary ex parte order shall be effective for not more than 7 days after service of the order.

(2) The court may extend the temporary ex parte order as needed, but not exceed 30 days, to effectuate service of the order where necessary to provide protection.

Family Law Article 4-505

#### Domestic Violence-Removal of Weapons

A law enforcement officer may remove a firearm from the scene where an alleged act of domestic violence has occurred under certain circumstances.

Family Law Article 4-511

#### Assisted 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

#### Assisting Another to Commit or Attempt Suicide

With the purpose of assisting another individual to commit or attempt to commit suicide, an individual may not:

(1) by coercion, duress, or deception, knowingly cause another individual to commit suicide or attempt to commit suicide;

(2) knowingly provide the physical means by which another individual commits or attempts to commit suicide with knowledge of that individual's intent to use the physical means to commit suicide; or

(3) knowingly participate in a physical act by which another individual commits or attempts to commit suicide.

Criminal Law Article 3-102

#### Exceptions

(a) palliative care-pain relief.

A licensed health care professional does not violate § 3-102 of this subtitle by administering or prescribing a procedure or administering, prescribing, or dispensing a medication to relieve pain, even if the medication or procedure may

hasten death or increase the risk of death, unless the licensed health care professional knowingly administers or prescribes the procedure or administers, prescribes, or dispenses the medication to cause death.

(b) life-sustaining procedures.

A licensed health care professional does not violate  $\alpha$  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) family caregiver.

(1) unless the family member knowingly administers a procedure or administers or dispenses a medication to cause death, a family member does not violate  $\alpha$  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

#### Automobiles-Motor Vehicles

For laws in general relating to motor vehicles, see Transportation Article.

#### Transportation of Stolen Motor Vehicles Federal Statute

Whoever shall transport or cause to be transported interstate or foreign commerce a motor vehicle or aircraft knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than five years or both fine and imprisonment.

Whoever shall receive, conceal, store, barter, sell or dispose of any motor vehicle or aircraft moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than five years, or both.

Any person violating this Act (commonly referred to as the Dyer Act) may be punished in any district in or through which such motor vehicle or aircraft has been transported or removed by such offender.

18 U.S.C.A. 2312 2313

#### B

#### Blackmail, Extortion and other Threats

##### Extortion

(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 or attempt to obtain money, property, or anything of value from another person with the person's consent, if the consent is induced by wrongful use of actual or threatened force or violence, or by wrongful threat of economic injury.

(c) If the value of the property is \$500 or more, 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 \$5,000 or both.

(d) same-property value less than \$500.

If the value of the property is less than \$500, 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.

(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) An officer or employee of the state or of a county, municipal corporation, bi-county agency, or multi-county agency 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.

(b) If the value of the property is \$500 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 10 years or a fine not exceeding \$5,000 or both; and

(2) notwithstanding any pardon, shall be barred permanently from employment by the state or by a county, municipal corporation, bi-county agency, or multi-county agency.

(c) If the value of the property is less than \$500, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

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

Criminal Law Article 3-702

#### Inducing Another to Give Up Compensation

(a) An officer or employee of the state or of a county, municipal corporation, bi-county agency, or multi-county agency may not, by force, intimidation, or threat, induce a person employed in work financed wholly or partly by the state or by a county, municipal corporation bi-county agency, or multi-county agency to give up any compensation to which the person is 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, 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, or anything of value from another, may not verbally threaten to:

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

- (2)(i) cause physical injury to a person;
- (ii) inflict emotional distress on a person;
- (iii) cause economic damage to a person; or
- (iv) cause damage to the property of a person.

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

Criminal Law Article 3-705

#### Extortion by Written Threat

(a)(1) This section applies to any writing, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark or designation.

- (2)(i) cause physical injury to a person;
- (ii) inflict emotional distress on a person;
- (iii) cause economic damage to a person; or
- (iv) cause damage to the property of a person.

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

Criminal Law Article 3-706

#### Coercing or Intimidating Another to Contribute or Donate

(a) This section does not prohibit picketing in connection with a labor dispute, as defined in § 4-301 of the Labor and Employment Article.

(b) A person or group may not engage in an act or conduct solely to coerce or intimidate another person to contribute or donate any money, goods, materials, or services to a social, economic, or political association or organization.

(c)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$100 or both.

(2) each day on which a violation of this section occurs is a separate violation.

Criminal Law Article 3-707

#### Boat Act

See Natural Resources Articles

#### Damaging or Interfering with Use of Public Wharf or Landing

(a) a person may not:

- (1) interfere with the use of a public landing;
- (2) do anything to destroy the usefulness of the public landing; or
- (3) damage a wharf or structure erected on the wharf by the state, a county, or a person under a written agreement with a state unit or a county for public benefit.

(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$25.

Natural Resources Article 8-724.1

#### Boating-Operating while Intoxicated or Under the Influence

(a) A person may not operate or attempt to operate a vessel while the person:

- (1) Is intoxicated;
- (2) Is under the influence of alcohol;
- (3) Is so far under the influence of any drug, combination of drugs, or combination of one or more drugs and alcohol that the person cannot operate a vessel safely; or

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

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

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

(c) It is not a defense to a charge of violating subsection (a)(3) of this section that the person charged is or was entitled under the laws of this state to use the drug, combination of drugs, or combination of 1 or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely operating a vessel. (d)(1) Notwithstanding any other provision of this title, a person who violates paragraph (1) of subsection (a) of this section is guilty of a misdemeanor and upon conviction:

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

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

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

(2) Notwithstanding any other provisions of this title, a person who violates paragraph (2), (3), or

(4) of subsection (a) of this section is guilty of a misdemeanor and upon conviction:

(i) for a first offense, shall be subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both; and for a second or subsequent offense, shall be subject to a fine of not more than \$1,000 or imprisonment of not more than 1 year or both. (e) If a person is charged with a violation of this section, the court may find the person guilty of any lesser included offense under any subsection of this section.

Natural Resources Article 8-738

#### Boats, Operating Recklessly

(a) a person may not:

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

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

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

Natural Resources Article 8-738.1

#### Bodily Fluids—Ingest

A person may not knowingly and willfully cause another to ingest bodily fluids without consent or by force or threat of force. Violation of this section is a misdemeanor.

See statute for complete language.

Criminal Law Article 3-215

#### Bribery

Bribery of Public Employee

(a) in this section, "public employee":  
(1) means an officer or employee of:  
(i) the state; or  
(ii) a county, municipal corporation, bi-county or multi-county agency, or other political subdivision of the state; and  
(2) includes:  
(i) an executive officer of the state;  
(ii) a judge of the state;  
(iii) a judicial officer of the state;  
(iv) a member or officer of the general assembly;  
(v) a member of the police force of Baltimore City or the Department of State Police; and  
(vi) a member, officer, or executive officer of a municipal corporation.  
(b) a person may not bribe or attempt to bribe a public employee to influence the public employee in the performance of an official duty of the public employee.  
(c) a public employee may not demand or receive a bribe, fee, reward, or testimonial to:  
(1) influence the performance of the official duties of the public employee; or  
(2) neglect or fail to perform the official duties of the public employee.  
(d) a person who violates this section is guilty of the misdemeanor of bribery and on conviction:  
(1) is subject to imprisonment for not less than 2 years and not exceeding 12 years or a fine not less than \$100 and not exceeding \$5,000 or both;  
(2) may not vote; and  
(3) may not hold an office of trust or profit in the state.  
Criminal Law Article 9-201

#### Bribery of Juror; Acceptance of Bribe by Juror

(a) a person may not bribe or attempt to bribe a juror for rendering a verdict.  
(b) a juror may not accept a bribe for rendering a verdict.  
(c) a person who violates this section is guilty of a misdemeanor and on conviction:  
(1) is subject to imprisonment for not less than 18 months and not exceeding 6 years; and  
(2) may not serve on a jury in the future.  
Criminal Law Article 9-202

#### Bribery of Voter

(a)(1) a person, including a candidate for office, may not give or directly or indirectly promise a gift or reward to secure a vote or a ballot at an election under the constitution and laws of the state.  
(2) a person may not keep or allow to be kept a house or other accommodation in the state on an election day where, before the close of the election, the person, at the person's expense, gratuitously provides alcoholic beverages to voters.  
(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to:  
(1) imprisonment not exceeding 6 months or a fine not exceeding \$500 or both; and  
(2) any other penalties applicable under the constitution.  
Criminal Law Article 9-203

#### Bribery of Person Participating in or Connected with Athletic Contest

(a) a person may not bribe or attempt to bribe another who is participating in or connected with an athletic contest held in the state.

(b) a person who violates this section is guilty of the misdemeanor of bribery and on conviction is subject to imprisonment for not less than 6 months and not exceeding 3 years or a fine not less than \$100 and not exceeding \$5,000 or both.  
Criminal Law Article 9-204

#### Acceptance of Bribe by Person Participating in or Connected with Athletic Contest

(a) a person participating in or connected with an athletic contest may not accept a bribe to alter the outcome of the athletic contest.

(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

Criminal Law Article 9-205

#### Bungee Jumping Operations

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

(2) "Bungee Jump" means jumping or falling by an individual from a height while attached to a

rope or cord that is elastic, rubber, or latex.

(3) "Bungee jumping operations" means an operation that allows an individual to Bungee jump for a fee or dues.

(b) A person may not conduct a Bungee jumping operation.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor, and, on conviction, is subject to a fine not exceeding \$2,500 or imprisonment not exceeding 6 months or both.

Business Regulation Article 13-503

#### Burglary and Related Crimes

##### Definitions.

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

(b) "break" retains its judicially determined meaning except to the extent that its meaning is expressly or impliedly changed in this subtitle.

(c)(1) "burglar's tool" means a tool, instrument, or device adapted, designed, or used to commit or facilitate the commission of a burglary crime.

(2) "burglar's tool" includes:

(i) a picklock, key, crowbar, pry bar, jack, or bit;

(ii) explosive material including nitroglycerine, dynamite, or gunpowder; and

(iii) a device capable of burning through metal, concrete, or other solid material, including an acetylene torch, electric arc, burning bar, thermal lance, or oxygen lance.

(d) "crime of violence" has the meaning stated in § 14-101 of this Article.

(e) "dwelling" retains its judicially determined meaning except to the extent that its meaning is expressly or impliedly changed in this subtitle.

(f) "enter" retains its judicially determined meaning except to the extent that its meaning is expressly or impliedly changed in this subtitle.

(g)(1) "firearm" includes:

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, and short-barreled rifle, as those terms are defined in § 4-201 of this Article;

(ii) a machine gun, as defined in § 4-401 of this Article; and

(iii) a regulated firearm, as defined in the Public Safety Article 5-101.

(2) "firearm" does not include a firearm that has been modified to be permanently inoperative.

(h)(1) "storehouse" retains its judicially determined meaning.

(2) "storehouse" includes:

(i) a building or other construction, or a watercraft;

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

(iii) a storeroom or public building; and

(iv) a trailer, aircraft, vessel, or railroad car.  
Criminal Law Article 6-201

#### Burglary in the First Degree

(a) A person may not break and enter the dwelling of another with the intent to commit theft or a crime of violence.

(b) A person who violates this section is guilty of the felony of burglary in the first degree and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article 6-202

#### Burglary in the Second Degree

(a) A person may not break and enter the storehouse of another with the intent to commit theft, a crime of violence, or arson in the second degree.

(b) A person may not break and enter the storehouse of another if the person intends to steal, take, or carry away a firearm.

(c) A violation is a felony.

See Statute for complete language.

Criminal Law Article 6-203

#### Burglary in the Third Degree

(a) A person may not break and enter the dwelling of another with the intent to commit a crime.

(b) A person who violates this section is guilty of the felony of burglary in the third degree and on conviction is subject to imprisonment not exceeding 10 years.

Criminal Law Article 6-204

#### Burglary in the Fourth Degree

(a) A person may not break and enter the dwelling of another.

(b) A person may not break and enter the storehouse of another.

(c) A person, with the intent to commit theft, may not be in or on:

(1) the dwelling or storehouse of another; or

(2) a yard, garden, or other area belonging to the dwelling or storehouse of another.

(d) A person may not possess a burglar's tool with the intent to use or allow the use of the burglar's tool in the commission of a violation of this subtitle.

(e) A person who violates this section is guilty of the misdemeanor of burglary in the fourth degree and on conviction is subject to imprisonment not exceeding 3 years.

Criminal Law Article 6-205

#### 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 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.

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

C

#### Cable Television

##### Interference with Cable Television Service

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

(2) "cable television company" means a franchised or private cable television company.

(3) "cable television service" means:

- (i) cable and satellite cable programming;
- (ii) service provided by or through the facility of a cable television system or a closed circuit coaxial cable communication system; or
- (iii) a microwave, satellite, or similar transmission service used with a cable television system or a closed circuit coaxial cable communication system.

(b)(1) destroying, damaging, cutting, tampering with, installing, tapping, removing, displacing, or connecting with a wire, conduit, apparatus, or other equipment of a cable television company is prima facie evidence of an intent to receive cable television services without payment.

(2) actual possession of a device designed to facilitate an act prohibited by this section, or possession and control of a quantity of those devices indicating possession for resale, is prima facie evidence of an intent to violate this section.

(c) A person may not:

(1) destroy, damage, cut, tamper with, install, tap, remove, displace, or connect with a wire, conduit, apparatus, or other equipment of a cable television company with the intent to receive cable television services without payment;

(2) prevent, obstruct, or delay the sending, conveyance, distribution, or receiving of programming material transmitted by a cable television company;

(3) with the intent to deprive a person of lawful compensation, receive, attempt to receive, or assist another to receive:

(i) cable television service by trick, use of a decoder, or other fraudulent means; or

(ii) satellite cable programming that is:

1. offered for sale in the person's area through an unauthorized marketing system; or

2. received by decoding encrypted satellite cable programming;

(4) without authority from the cable television company, connect with a cable, wire, component, or other device used to distribute cable television service;

(5) alter:

(i) a device installed with the authorization of a cable television company to intercept or receive a program or service carried by the company; or

(ii) equipment capable of decoding encrypted satellite cable programming to intercept or receive satellite cable programming; or

(6) sell, rent, or offer for sale or rent a device or a plan for a device knowing that the recipient intends to use the device or to plan to do an act prohibited by this section.

(d)(1) except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both; or

(ii) for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.

(2) a person who commits an act prohibited by this section for payment or offer of payment is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

Criminal Law Article 7-303

#### Car Jacking

An individual may not take unauthorized possession or control of a motor vehicle from another individual who actually possesses the motor vehicle, by force or violence, or by putting that individual in fear through intimidation or threat of force or violence. Violation of this section is a felony.

Criminal Law Article 3-405

#### Cemetery-Crimes Relating to Human Remains

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

(b) burial site.

(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.

(c) associated funerary object.

(1) "associated funerary object" means an item of human manufacture or use that is intentionally placed:

(i) with human remains at the time of interment in a burial site; or

(ii) after interment, as a part of a death ceremony of a culture, religion, or group.

(2) "associated funerary object" includes a gravestone, monument, tomb, or other structure in or directly associated with a burial site.

(d) "permanent cemetery" means a cemetery that is owned by:

(1) a cemetery company regulated under title 5 of the business regulation Article;

(2) a nonprofit organization; or

(3) the state.

Criminal Law Article 10-401

#### Removing Human Remains without Authority

Except as provided in subsection (b) of this section, a person may not remove or attempt to remove human remains from a burial site.

Criminal Law Article 10-402

#### Removal of Human Remains or Funerary Object

(b) A person may not knowingly sell, buy, or transport for sale or profit, or offer to buy, sell, or transport for sale or profit:

(1) unlawfully removed human remains; or

(2) an associated funerary object obtained in violation of  $\alpha$  10-404 of this subtitle.

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

Criminal Law Article 10-403

#### Destroying Funerary Objects; Indecent Conduct

(a) A person may not willfully destroy, damage, deface, or remove:

(1) an associated funerary object or another structure placed in a cemetery; or

(2) a building, wall, fence, railing, or other work, for the use, protection, or ornamentation of a cemetery.

(b) A person may not willfully destroy, damage, or remove a tree, plant, or shrub in a cemetery.

(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.

Criminal Law Article 10-404

#### Child Abuse

(a) Definitions. (See Statute)

(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 abuse to the minor.

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

- (1) imprisonment not exceeding 25 years; or
- (2) if the violation results in the death of the victim, imprisonment not exceeding 30 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 3-601

#### Children-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 misdemeanor 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 3-602

#### Child Neglect

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

(b)(1) Abuse means: (i) the physical injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is significantly harmed or at risk of being significantly harmed; or (ii) Sexual abuse of a child, whether physical injuries are sustained or not.

(2) Abuse does not include, for that reason alone, providing a child with non medical religious remedial care and treatment recognized by state law.

(n)(1) Neglect means the leaving of a child unattended or other failure to give proper care and attention to a child by the child's parents, guardian, or custodian under circumstances that indicate that the child's health or welfare is significantly harmed or placed at risk of significant harm.

(2) Neglect does not include, for that reason alone, providing a child with non medical religious remedial care and treatment recognized by state law.

(p)(1) Sexual Abuse means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care of custody or responsibility for supervision of a child, by any household or family member.

(2) Sexual Abuse includes:

(i) incest, rape, or sexual offense in any degree;

(ii) sodomy; and

(iii) unnatural or perverted sexual practices.

(See statute for additional definitions.)

Family Law Article 5-701

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

(a)(1) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, or educator or human service worker, acting in a professional capacity, who has reason to believe that a child has been subjected to:

(i) abuse, shall notify the local department or the appropriate law enforcement agency; or

(ii) neglect, shall notify the local department; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, immediately notify and give all information required by section to the head of the institution or the designee of the head.

(b) A health practitioner who specialized in the psychiatric treatment of pedophilia is not required to report sexual abuse use subsection (a)(1)(i) of this section if:

(1) the health practitioner's reason to believe that a child has been subjected to sexual abuse is based exclusively on a report made to the health practitioner by an individual stating that the individual sexually abused the child;

(2) the health practitioner is providing psychiatric treatment to the individual for the purpose of curing the individual's pedophilia; and

(3) the sexual abuse occurred prior to the time that the individual began the psychiatric treatment with the health practitioner.

(c)(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:

1. to the local department or appropriate law enforcement agency if the person has reason to believe that the child has been subjected to abuse; or

2. to the local department if the person has reason to believe that the child has been subjected to neglect; 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 if the individual has reason to believe that the child has been subjected to abuse.

(2)(i) An agency to which an oral report or suspected abuse is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department or an appropriate law enforcement agency from agreeing to cooperative arrangements.

(d) Insofar as is reasonable 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) identity of any individual responsible for the abuse or neglect.

Family Law Article 5-704

(a)(1) Except as provided in paragraph (2) of this subsection. Notwithstanding and other provision of law, including any law on privileged communications, a person other than a health practitioner, police officer, or educator or human

service worker who has reason to believe that a child has been subjected to abuse or neglect shall:

(i) if the person has reason to believe the child has been subjected to abuse, notify the local department or the appropriate law enforcement agency; or

(ii) if the person has reason to believe the child has been subjected to neglect, notify the local department.

(2) A person is not required to provide notice under paragraph (1) of this subsection:

(i) In violation of the privilege described under 9 108 of the Courts and Judicial Proceedings Article;

(ii) If the notice would disclose matter communicated in confidence by a client to the client's attorney or other information relating to the representation of the client; or

(iii) In violation of any constitutional right to assistance of counsel.

(3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (I) of this subsection if the notice would disclose

matter in relation to any communication described in 9 111 of the Courts and Judicial Proceedings Article;

(i) The communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and

(ii) The minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

(a) Promptly after receiving a report of suspected abuse or neglect:

(1) 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 to protect the health, safety, and welfare of the child or children; or

(2) the local department shall make a thorough investigation of a report of suspected neglect to protect the health, safety, and welfare of the child or children.

(b) Within 24 hours after receiving a report of suspected abuse and within 5 days after receiving a report of suspected neglect, 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.

(c) The investigation shall include:

(1) a determination of the nature, extent, and cause of the abuse or neglect, if any; and

(2) 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.

(d) On request by the local department, the local State's Attorney shall assist in the investigation.

(e) The local department, the appropriate law enforcement agencies, and the State's Attorney within each county and Baltimore City shall enter into a written agreement that specifies standard operating procedures for the investigation and prosecution of reported cases of suspected abuse. (f)(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.

(2) The joint investigation procedure shall:

(i) include appropriate techniques for expediting validation sexual abuse complaints;

(ii) include investigation techniques designed to:

1. decrease the potential for physical harm to the child; and
2. decrease any trauma experienced by the child in the investigation and prosecution of the case; and

(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases.

(g)(1) To the extent possible, an investigation under 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 which is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

(h) Within 10 days after the local department or law enforcement agency receives the first notice of suspected abuse, the local department or law enforcement agency shall report to the local State's Attorney the preliminary findings of the investigation.

(i) Within 5 business days after completion of the investigation of suspected abuse, 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.

Family Law Article 5-706

Any person who in good faith makes or participates in making a report of abuse or neglect under section 5 704 or section 5 705 of this subtitle or participates in an investigation or a resulting judicial proceeding is immune from any civil liability or criminal penalty that would otherwise result from making or participating in a report of abuse or neglect or participating in an investigation or a resulting judicial proceeding.

Family Law Article 5-708

(a) If a representative of a local department is conducting an investigation under this subtitle, the representative may enter the house hold 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.

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 section 5 706(g) of this subtitle within the time specified.

Family Law Article 5-709

(a)(1) In this section, Emergency Medical Treatment means medical or surgical care rendered by a physician or health care institution to a child under this section:

(i) to relieve any urgent illness or life threatening health condition; or

(ii) to determine the nature or extent of any abuse or neglect.

(2) Emergency Medical Treatment does not include:

(i) non emergency outpatient treatment; or

(ii) periodic non emergency health care.

(b) Any physician who is licensed or authorized to practice medicine in this State shall examine or treat any child, with or without the consent of the child's parent, guardian, or custodian, to determine the nature and extent of any abuse or neglect to the child if the child is brought to the physician:

(1) in accordance with a court order;

(2) by a representative of a local department who states that the representative believes the child

is an abused or neglected child; or

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

(c) If a physician examines a child under subsection (b) of this section and determines that emergency medical treatment is indicated, the physician may treat the child, with or without the consent of the child's parent, guardian, or custodian.

(d)(1) A physician who examines or treats a child under this section is immune from any civil liability that may result from the failure to obtain consent from the child's parent, guardian, or custodian for the examination or treatment of the child.

(2) The immunity extends to:

(i) any health care institution with which the physician is affiliated, or to which the child is brought; and

(ii) any individual working under the control or supervision of the physician or under the control or supervision of the health care institution.

(e)(1) In accordance with regulations adopted by the Secretary of Health and Mental Hygiene, the Department of Health and Mental Hygiene shall pay for emergency medical treatment charges that are incurred on behalf of a child who is examined or treated under this section.

(2) The child's parent or guardian is liable to the Department of Health and Mental Hygiene for the payments and shall take any steps necessary to secure health benefits available for the child from a public or private benefit program.

(3) The local department shall:

(i) immediately determine whether a child treated or examined under this section is eligible for medical assistance payments; and

(ii) secure medical assistance benefits for any eligible child examined or treated under this section.

(f) To the extent possible, the Governor shall include in the annual State budget funds for the payment of emergency medical treatment for children examined or treated under this section.

Family Law Article 5-712

#### Child-Unattended

(a) A person who is charged with the care of a child under the age of 8 years may not allow the child to be locked or confined in a dwelling, building, enclosure, or motor vehicle while the person charged is absent and the dwelling, building, enclosure, or motor vehicle is out of the sight of the person charged unless the person charged provides a reliable person at least 13 years old to remain with the child to protect the child.

(b) A person who violated this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 30 days, or both.

Family Law Article 5-801

#### 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

#### Communications-Interference

##### Interference with Emergency Communication

(a) in this section, "emergency" means a circumstance in which:  
(1) an individual is or is reasonably believed by the person transmitting the communication to be in imminent danger of death or serious bodily harm; or  
(2) property is in imminent danger of damage or destruction.  
(b) a person may not:  
(1) knowingly, intentionally, or recklessly interrupt, disrupt, impede, or otherwise interfere with the transmission of a two-way radio communication made:  
(i) to inform or inquire about an emergency; and  
(ii) on a frequency commonly used or monitored by an emergency services organization; or  
(2) transmit false information about an emergency on a two-way radio frequency commonly used or monitored by an emergency services organization.  
(c) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.  
Criminal Law Article 9-601

##### Opening Letter without Permission

(a) A person may not take and break open a letter that is not addressed to the person without permission from the person to whom the letter is addressed or the personal representative of the addressee's estate.  
(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for 6 days and a fine of \$15.  
Criminal Law Article 3-905

#### Divulging or Failing to Deliver Private Communications

(b) An employee or agent of a telegraph company or telephone company, or of a person operating telegraph lines or telephone lines for profit in the state, may not:

- (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) Definitions.

(b) Except as provided in subsection (d) of this section, a video tape distributor, or an agent or employee of a video tape distributor, may not publish the following information relating to sales, rentals, or loans of video tapes, video disks, or films to a protected individual:

(1) any numerical designation used by the video tape distributor to identify the protected individual; or

(2) any listing of videotapes, videodisks, or films bought, rented, or borrowed by the protected individual from the videotape distributor.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months for all violations or a fine not exceeding \$500 for each violation or both.

(d) This section does not prohibit the distribution of information protected under subsection (b) of this section to:

(1) a person designated by the videotape distributor and authorized by the protected individual before distribution to receive the information;

(2) any appropriately authorized law enforcement personnel; or

(3) a collection agency used or person designated by the videotape distributor to collect unreturned rental videotapes, videodisks, or films, or an amount equal to their value.

Criminal Law Article 3-907

#### COMPUTERS

##### 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.

(b) This section does not preclude the applicability of any other provision of this code.

(c)(1) a person may not intentionally, willfully, and without authorization access, 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 services, or computer database.

(2) a person may not commit an act prohibited by paragraph (1) of this subsection with the intent to:

(i) cause the malfunction or interrupt the operation of all or any part of a computer, computer network, computer control language, computer software, computer system, computer services, or computer data; or

(ii) alter, damage, or destroy all or any part of data or a computer program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer services, or computer database.

(3) a person may not intentionally, willfully, and without authorization:

(i) possess, identify, or attempt to identify a valid access code; or

(ii) publicize or distribute a valid access code to an unauthorized person.

(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.

(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.

Criminal Law Article 7-302

Also See Spam Deterrence Section  
Criminal Law Article 3-805.1

Concealed Weapon  
See Weapons.

#### CONTAINERS

##### Opening Closed Food Container

(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.

Health-General Article 21-259.1

#### CONTRABAND

##### Correctional Facilities - General

(a) a person may not:

- (1) deliver any contraband to a person detained or confined in a place of confinement; or
- (2) possess any contraband with intent to deliver it to a person detained or confined in a place of confinement.

(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 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 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 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 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

#### Convicts - Fugitive

##### Harboring Fugitive

(a) this section does not apply if the warrant is for a traffic offense.

(b) a person may not harbor a fugitive to prevent the fugitive's discovery or arrest after:

(1) being notified, or otherwise knowing, that a felony warrant was issued for the arrest of the fugitive; and

(2) being notified that harboring the fugitive is a crime.

(c) a person may not knowingly harbor a fugitive who is avoiding:

(1) prosecution;

(2) custody; or

(3) confinement after conviction of a felony.

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

Criminal Law Article 9-402

##### Harboring Escaped Inmate

(a) a person may not willfully harbor an inmate, who was imprisoned for a felony and who escaped from the custody of the division of correction or other correctional unit to which the inmate has been committed, after:

(1) being notified, or otherwise knowing, that the inmate escaped; and

(2) being notified that harboring the inmate is a crime.

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

Criminal Law Article 9-403

#### Escape in the First Degree

- (a) a person may not knowingly escape from a place of confinement.
- (b) a person may not escape from a detention center for juveniles or a facility for juveniles listed in Article 83C, § 2-117(a)(2) and in the course of the escape commit an assault.
- (c)(1) this subsection applies to a person who is:
  - (i) temporarily released from a place of confinement; or
  - (ii) committed to home detention under the terms of pretrial release or by the division of correction under title 3, subtitle 4 of the Correctional Services Article.
- (2) a person may not knowingly:
  - (i) violate any restriction on movement imposed under the terms of a temporary release or a home detention order or agreement; or
  - (ii) fail to return to a place of confinement under the terms of a temporary release or a home detention order or agreement.
- (d) except as provided in § 9-405 of this subtitle, a person who violates this section is guilty of the felony of escape in the first degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$20,000 or both.

Criminal Law Article 9-404

#### Escape in the Second Degree

- (a)(1) a person who has been lawfully arrested may not knowingly depart from custody without the authorization of a law enforcement or judicial officer.
- (2) a person may not knowingly fail to obey a court order to report to a place of confinement.
- (3) a person who is serving a sentence in a home detention program other than the division of correction home detention program under title 3, subtitle 4 of the Correctional Services Article may not knowingly:
  - (i) violate any restriction on movement imposed under the terms of the home detention order or agreement; or
  - (ii) fail to return to a place of confinement under the terms of the home detention order or agreement. except as otherwise punishable under § 9-404(b) of this subtitle, a person may not escape from a detention center for juveniles or a facility for juveniles listed in Article 83C, § 2-117(a)(2).
- (b) a person who violates this section is guilty of the misdemeanor of escape in the second degree and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

Criminal Law Article 9-405

#### Counterfeiting and Forgery

##### Illegal Use of Transcripts, Diplomas, Grade Reports

- (a)(1) A person may not falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting a transcript, diploma, or grade report of a post secondary educational institution.
- (2) A person may not use, offer, or present as genuine a false, forged, counterfeited, or altered transcript, diploma, or grade report of a post secondary educational institution.
- (3) A person may not use, offer or present a transcript, diploma, or grade report of a post secondary educational institution in a fraudulent manner. 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

#### 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

Credit Card Theft

(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  $\square$  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) 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  $\alpha$  8-204 or  $\alpha$  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) if the value of all money, goods, services, and other things of value obtained in violation of this section exceeds \$500, 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.

(2) Value of goods is less than \$500—misdemeanor

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) if the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section exceeds \$500, 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.

(2) if the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section does not exceed \$500, 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 8-207

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) if the value of all money, goods, services, and other things of value obtained in violation of this section exceeds \$500, 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.

(2) if the value of all money, goods, services, and other things of value obtained in violation of this section does not exceed \$500, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both.

(3) If the value of all goods is less than \$100-misdemeanor.

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, charge back, insurance collection, fraud prevention, or credit card or payment device recovery that relates to the credit card number or payment device number, an account accessed by the credit card number or payment account number, a debt for which the holder or a person authorized by the holder gave the credit card number or payment device number for purposes of identification, or a debt or obligation arising, alone or in conjunction with another means of payment, from the use of the credit card number or payment device number;

(5) except as provided in subsection (b) of this section, the disclosure is reasonably necessary in connection with:

(i) the sale or pledge, or negotiation of the sale or pledge, of any portion of a business or the assets of a business;

(ii) the management, operation, or other activities involving the internal functioning of the person making the disclosure; or

(iii) the management, operation, or other activities involving disclosures between a corporation and its subsidiaries or controlled affiliates or between the subsidiaries or the controlled affiliates;

(6) the disclosure is made to a consumer reporting agency, as defined in § 14-1201 of the Commercial Law Article;

(7) subject to subsection (d) of this section, whether or not the person is a consumer reporting agency and whether or not the disclosure is a consumer report, the disclosure is made under a circumstance specified in the credit reporting provisions of § 14-1202(3)(i), (ii), (iii), or (iv) of the Commercial Law Article; or

(8) the disclosure is allowed under § 1-303 of the Financial Institutions Article.

(b) a disclosure for marketing purposes may not be made if the holder of an active credit card number or payment device number has prohibited the issuer in writing at the issuer's address from using the card or number for marketing purposes.

(c)(1) notwithstanding subsection (a)(5)(iii) of this section, a disclosure for marketing purposes may not be made if the holder of an active credit card number or payment device number, other than an encoded credit card number or encoded payment device number, has notified the issuer in writing at an address specified by the issuer, that disclosure for marketing purposes is not allowed.

(2) the issuer shall notify each holder of an active credit card number or payment device number of the nondisclosure option and the specified address on a periodic basis at the issuer's discretion at least once each year.

(3) the issuer shall comply with the holder's election within 45 days after receiving the holder's response.

(4) the election shall remain in effect until the holder rescinds the election or until there have been no debits or credits to the credit card number or payment device number for a 12-month period.

(d) notwithstanding subsection (a)(7) of this section, and except as provided in § 14-1202(3)(i) of the Commercial Law Article, a person may not furnish a report containing a credit card number or payment device number before receiving an individual written, electronic, or other tangible record of a certification from the 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

#### 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, 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.

See statute for complete language

Criminal Law Article 8-601

#### Possessing Counterfeit Title to Motor Vehicle

(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:

Manufacture United States Currency; Counterfeit, cause to be counterfeited, or willingly aid or assist in counterfeiting United States currency; or make, scan, record, reproduce, transit, or have in the person's control, custody, or possession an analog, digital, or electronic image of United States currency.

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

Criminal Law Article 8-604

#### Counterfeiting of Public Documents

(a)(1) a person, with intent to defraud another, may not counterfeit, or cause to be counterfeited, or willingly aid or assist in counterfeiting:

(i) a commission, patent, or pardon; or

(ii) a warrant, certificate, or other public security from which money may be drawn from the treasury of the state.

(2) a person, with intent to defraud another, may not print, write, sign, or pass a counterfeit warrant, certificate, or public security if the person knows that it was counterfeited.

(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 multi-county agency.

(b) a person may not or may not attempt to:

(1) willfully make a false entry in a public record;

(2) except under proper authority, willfully alter, deface, destroy, remove, or conceal a public record; or

(3) except under proper authority, willfully and intentionally access a public record.

(c) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

Criminal Law Article 8-606

#### Counterfeiting of Orders for Money or Goods

(a) in this section, "order for money or goods" means any writing, ordering, or requesting for the payment of money or the delivery of goods.

(b) a person may not:

(1) with intent to defraud another, cause or procure to be counterfeited, or willingly aid or assist in counterfeiting an order for money or goods;

(2) with intent to defraud another, issue, publish, or pass a counterfeit order for money or goods, if the person knows it was counterfeit; or

(3) knowingly and fraudulently obtain money or goods by means of a counterfeit order for money or goods.

(c) a person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

Criminal Law Article 8-609

#### Counterfeiting Prescription

(a) in this section "prescription" includes an order, paper, and recipe purported to have been made by an authorized provider, as defined in § 5-101 of this Article, for a drug, medicine, or alcoholic beverage.

(b) a person may not:

(1) knowingly counterfeit, cause or procure to be counterfeited, or willingly aid or assist in counterfeiting a prescription;

(2) knowingly issue, pass, or possess a counterfeit prescription; or

(3) obtain or attempt to obtain a prescription drug by fraud, deceit, or misrepresentation.

(c) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years.

Criminal Law Article 8-610

#### Trademark Counterfeiting

(b) a person may not willfully manufacture, produce, display, advertise, distribute, offer for sale, sell, or possess with the intent to sell or distribute goods or services that the person knows are bearing or are identified by a counterfeit mark.

(c) if the aggregate retail value of the goods or services is \$1,000 or more, a person who violates this section is guilty of the felony of trademark counterfeiting and on conviction:

(1) is subject to imprisonment not exceeding 15 years or a fine not exceeding \$10,000 or both; and

(2) shall transfer all of the goods to the owner of the intellectual property.

(d) if the aggregate retail value of the goods or services is less than \$1,000, a person who violates this section is guilty of the misdemeanor of trademark counterfeiting and on conviction:

(1) is subject to:

(i) for a first violation, imprisonment not exceeding 18 months or a fine not exceeding \$1,000 or both; or

(ii) for each subsequent violation, imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or both; and

(2) shall transfer all of the goods to the owner of the intellectual property.

(e) an action or prosecution for trademark counterfeiting in which the aggregate retail value of the goods or services is less than \$1,000 shall be commenced within 2 years after the commission of the crime.

(f) any goods bearing a counterfeit mark are subject to seizure by a law enforcement officer to preserve the goods for transfer to the owner of the intellectual property either:

(1) under an agreement with the person alleged to have committed the crime; or

(2) after a conviction under this section.

(g) state or federal registration of intellectual property is prima facie evidence that the intellectual property is a trademark or trade name.

Criminal Law Article 8-611

#### Counterfeiting and Issuing of Tokens

(b)(1) a person may not counterfeit or issue, or cause to be counterfeited or issued, or aid or assist in counterfeiting or issuing a token without the permission of the person who lawfully issues, sells, or gives away the token.

(2) a person may not issue or pass a token if the person knows that it was:

(i) counterfeited; or

(ii) issued without the permission of the person who lawfully issues, sells, or gives away the token.

(c) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year.

Criminal Law Article 8-612

Unlawful Operation of Vending Machines and Related Manufacture of Slugs

(b) a person may not:

(1) operate, cause to be operated, or attempt to operate or cause to be operated a vending machine by a means not lawfully authorized by the owner, lessee, or licensee of the vending machine, including by means of a slug or by counterfeit, mutilated, sweated, or foreign currency;

(2) take, obtain, or receive from or in connection with a vending machine any property or service, without depositing into the vending machine United States currency in the amount required by the owner, lessee, or licensee of the vending machine; or

(3) manufacture for sale, sell, or give away a slug or device that is intended to be deposited in a vending machine if the person:

(i) intends to defraud the owner, lessee, licensee, or other person entitled to the contents of the vending machine; or

(ii) knows that the slug or device is intended for unlawful use.

(c) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 months or a fine not exceeding \$500 or both.

Criminal Law Article 8-613

D

Destructive Devices

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

(b) destructive device.

(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) explosive material.

(1) "explosive material" means material that explodes when detonated and has a destructive capability.

(2) "explosive material" includes:

(i) explosives as defined in section 11-101 of the Public Safety Article; and

(ii) dynamite for construction work, ammonium nitrate, natural gas in pipelines or storage tanks, ether, and cannisterized oxygen for health care facilities.

(3) "explosive material" does not include items excluded from explosives in section 11-101 of the Public Safety Article when the items are used in their original configuration.

(d) incendiary material.

(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) toxic material.

(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) penalty.

- (1) a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$250,000 or both.
- (2) a sentence imposed under this subsection may be separate from and consecutive to or concurrent with a sentence for a crime based on the act or acts establishing the violation of this section.
- (3) in addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the motor vehicle administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:
  - (i) for a first violation, 6 months; and
  - (ii) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer.

Criminal Law Article 4-503

#### Disturbance of the Public Peace and Disorderly Conduct

(a) definitions.

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

- (2)(i) "public conveyance" means a conveyance to which the public or a portion of the public has access to and a right to use for transportation.
- (ii) "public conveyance" includes an airplane, vessel, bus, railway car, school vehicle, and subway car.
- (3)(i) "public place" means a place to which the public or portion of the public has access and a right to resort for business, dwelling, entertainment, or other lawful purpose.
- (ii) "public place" includes:

1. a restaurant, shop, shopping center, store, tavern, or other place of business;

2. a public building;
3. a public parking lot;
4. a public street, sidewalk, or right-of-way;
5. a public park or other public grounds;
6. the common areas of a building containing four or more separate dwelling units, including a corridor, elevator, lobby, and stairwell;
7. a hotel or motel;
8. a place used for public resort or amusement, including an amusement park, golf course, 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) prohibited.

(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 Athletic Events

(b) a person may not disrupt or interfere with a commercial athletic contest by throwing or projecting an object on the playing field or seating area.

(c) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 months or a fine not exceeding \$250 or both.

Criminal Law Article 10-203

#### Interference with Access to or Egress from a Medical Facility

(a) Definitions.

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

(2)(i) "medical facility" means:

1. a facility as defined in  $\alpha$  10-101 of the Health - General Article; or
2. a health care facility as defined in  $\alpha$  19-114 of the Health - General Article.

(ii) "medical facility" includes an agency, clinic, or office operated under the direction of the local health officer or under the regulatory authority of the department of health and mental hygiene.

(b) scope of section.

(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

E

#### Embezzlement

The fraudulent misappropriation of a thing by a person to whom it has been entrusted.

Hochheimer, Sec. 74

#### Emergency evaluations

##### Definitions.

(a) In general. In part IV of this subtitle the following words have the meanings indicated.

(b) "Court" means a district or circuit court of this State.

(c) "Emergency Evaluatee" 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)(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 a physician or psychologist 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.

(2) "Mental Disorder" does not include mental retardation.

(f) "Peace Officer" means a sheriff, a deputy sheriff, a state police officer, a county police officer, or 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 Treasury Department authorized to exercise powers delegated under 18 U.S.C. Sec. 3056.

Health-General Article 10-620

#### LISTS OF EMERGENCY FACILITIES

At least once a year, the department shall:

- (1) Publish a list of emergency facilities and their addresses; and
- (2) Give the list to each health department, Judge of a court, sheriff's office, and police station, and Secret Service office in this state.

Health-General Article 10-621

#### PETITION FOR EMERGENCY EVALUATION

(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 has a mental disorder and that there is clear and imminent danger of the individual's doing bodily harm to the individual or another.

(b) The petition for emergency evaluation of an individual may be made by:

- (1) A physician, a psychologist, or health officer or designee of a health officer who has examined the individual;
- (2) A peace officer who personally has observed the individual; or
- (3) Any other interested person.

(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 evaluatee's: 1. Name; and 2. Description;

(iv) State the following information, if available: 1. the address of emergency evaluatee; and 2. the name and address of the spouse or a child, parent, or other relative of the emergency evaluatee or any other individual who is interested in the emergency evaluatee;

(v) Contain a description of the behavior and statements of the emergency evaluatee that led the petitioner to believe that the emergency evaluatee has a mental disorder and that there is clear and imminent danger of the emergency evaluatee's doing bodily harm to the emergency evaluatee or another; and

(vi) 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, 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

#### Emergency Facility

(a) Duty of Peace Officer.

(1) A police officer shall take an emergency evaluatee 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, a psychologist, a health officer or designee or a health officer, or a peace officer

(2) After a peace officer takes the emergency evaluatee to an emergency facility, the peace officer need not stay unless, because the emergency evaluatee is violent, a physician asks the supervisor of the peace officer to have the peace officer stay.

(3) A peace officer shall stay until the supervisor responds to the request for assistance. If the emergency evaluatee is violent, the supervisor shall allow the peace officer to stay.

(4) If a physician asks that a peace officer stay, a physician shall examine the emergency evaluatee as promptly as possible.

(b) Duties of Emergency Facility.

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

(2) Within 6 hours after an emergency evaluatee is brought to an emergency facility, a physician shall examine the emergency evaluatee, to determine whether the emergency evaluatee meets the requirements for involuntary admission.

(3) Promptly after the examination, the emergency evaluatee shall be released unless the emergency evaluatee:

(i) asks for voluntary admission; or

(ii) meets the requirements for involuntary admission.

(4) An emergency evaluatee 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 anytime, 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 there appears to be clear and imminent danger of the individual's doing bodily harm to the individual or another.

(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

#### ENVIRONMENTAL ISSUES/CRIMES

The Maryland Department of Environment (MDE) is the lead agency in the State for environmental issues and the Attorney General's Environmental Crimes Unit (ECU) is the principal investigative/prosecutorial office for environmental crimes. While some issues, such as littering/solid waste, are straightforward and uncomplicated, other matters, such as air pollution, hazardous waste, etc., can be more complex and should be referred to the appropriate MDE administration, the Environmental Crimes Unit and/or the local agency responsible for environmental issues.

If you have a question about an environmental issue that is not listed below, call (410) 631-3000 or 1-800-633-6101 and the MDE operator will direct your call.

If you have a question about environmental crimes, call the Environmental Crimes Unit (410) 631-3025 or 1-800-633-6101 ext.3025. After working hours, call (410) 486-3101 or 1-800-525- 5555 and the MSP/Pikesville Duty Officer will forward your call to ECU attorney/investigator on call.

#### Air Pollution

See Environment Article Title 2, Ambient Air Quality Control.

Questions about air pollution, asbestos, dust, odors, open burning, radiation, smoke, etc. should be referred to the MDE/Air and Radiation Management Administration (410) 631-3215 or 1-800- 633-6101 ext. 3215. After working hours, call (410) 243-8700.

#### Hazardous Waste

See Environmental Article Title 7, Hazardous Materials and Hazardous Substances.

Questions about hazardous waste, chemical spills/releases, drum dumps, transportation incidents involving hazardous materials, etc. should be referred to the MDE/Emergency Response Program (410) 333-2950. After working hours, call (410) 974-3551.

Questions about littering/solid waste violations, landfills, recycling, sludge, etc. should be referred to the MDE/Waste Management Administration/Solid Waste Program (410) 631-3364 or 1-800-633-6101 ext. 3364. After working hours, call (410) 974- 3551.

#### Medical Waste/Infectious Waste

Questions about medical waste or infectious waste should be referred to the local health department or the MDE/Emergency Response Program (410) 333-2950. After working hours, call (410) 974-3551.

#### Water Pollution

See Environment Article Title 4, Water Management, and Title 9, Water, Ice and Sanitary Facilities.

Questions about water pollution, sediment and erosion control, wastewater treatment plants, discharges of any substance into surface and groundwater that is not a permitted discharge should be referred to the Water Management Administration (410) 631-3401 or 1-800-633-6101 ext. 3409.

After working hours, call (410) 243-8700.

#### F

##### False Imprisonment of a Correctional Employee

An inmate may not falsely imprison an individual who is employed by a correctional facility, performs volunteer work or perform duties by virtue of their employment.

An inmate who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

A sentence imposed under this section may not be suspended.

Correctional Services Article 8-807

##### False Statement

###### False 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

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

False Statement-When under Arrest

(a) a person who is arrested by a law enforcement officer of the state, of a county, municipal corporation, or other political subdivision of the state, or of the Maryland-National Capital Park and Planning Police may not knowingly, and with intent to deceive, make a false statement to a law enforcement officer concerning the person's identity, address, or date of birth.

(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

Criminal Law Article 9-502

False Statement-to Public official Concerning Crime or Hazard

(a) a person may not make, or cause to be made, a statement or report that the person knows to be false as a whole or in material part to an official or unit of the state or of a county, municipal corporation, or other political subdivision of the state that a crime has been committed or that a condition imminently dangerous to public safety or health exists, with the intent that the official or unit investigate, consider, or take action in connection with that statement or report.

(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

Criminal Law Article 9-503

False Statement-Concerning Destructive Device or Toxic Material

(a) this section does not apply to a statement made or rumor circulated by an officer, employee, or agent of a bona fide civilian defense organization or unit, if made in the regular course of the person's duties.

(b) a person may not circulate or transmit to another, with intent that it be acted on, a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic material, as those terms are defined in § 4-501 of this Article.

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

Criminal Law Article 9-504

False Representation of Destructive Device

(a) a person may not manufacture, possess, transport, or place 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.

Criminal Law Article 9-505

#### Flight to avoid Prosecution or Testimony - FEDERAL

Whoever moves or travels in interstate or foreign commerce with intent either 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 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 USCA 49-1073

#### Fire in Open Air

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

(b) An individual or corporation may not carelessly or negligently set on fire, or cause to be set on fire any woods, brush, grass, grain, or stubble resulting in damage to the property of another.

Setting a fire contrary to the provisions of this subsection, or allowing it to escape to the injury of adjoining lands, is prima facie proof of carelessness or neglect within the meaning of this subsection. The land owner from whose land the fire originated also is liable in a civil action for damages for injury resulting from the fire, and for the cost of fighting and extinguishing the fire, unless he can prove to the satisfaction of the court before which the case is tried that the injury complained of was suffered without any negligence on the part of the owner or his agents.

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

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

Natural Resources Article 5-704

#### Fireworks

Definitions.

Public Safety Article 10-101

#### Permits to discharge or sell Fireworks

See statute for narrative

It is unlawful for any person to discharge fireworks without a permit.

Public Safety Article 10-110

(a) A person may not sell sparklers or sparkling devices to a person under the age of 16 years.

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

Public Safety Article 10-112

Fish and Fishing

For provisions relating thereto see Natural Resources Article.

Flag, etc-Desecration of Maryland Uniform Flag Law

Marked Flag and Merchandise

(a) this section applies to a flag of the United States or of this state, or a flag that is authorized by law of the United States or of this state.

(b) for exhibition or display, a person may not place or cause to be placed a word, figure, mark, picture, design, or advertisement of any nature on a flag.

(c) a person may not publicly exhibit a flag with a word, figure, mark, picture, design, or advertisement printed, painted, or produced on or attached to the flag.

(d) a person may not publicly display for sale, manufacture, or otherwise, or sell, give, or possess for sale or for use as a gift or for any other purpose, an Article of merchandise or receptacle on which a flag is produced or attached to advertise, decorate, or mark the merchandise.

(e) 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 10-703

Mutilation (Flag)

(a) a person may not intentionally mutilate, deface, destroy, burn, trample, or use a flag:

(1) in a manner intended to incite or produce an imminent breach of the peace; and

(2) under circumstances likely to incite or produce an imminent breach of the peace.

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

Criminal Law Article 10-704

Fraud

Identity Fraud

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

(2) "payment device number" has the meaning stated in section 8-213 of this title.

(3) "personal identifying information" means a name, address, telephone number, driver's license number, social security number, place of employment, employee identification number, mother's maiden name, bank or other financial institution account number, date of birth, personal identification number, credit card number, or other payment device number.

(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 in the name of the individual.

(c) a person may not knowingly and willfully assume the identity of another:

(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; or

(ii) avoid the payment of debt or other legal obligation.

(d) a person who violates this section where the benefit is greater than \$500 is guilty of a felony and where the benefit is less than \$500 is guilty of a misdemeanor.

(See statute for actual wording)  
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 sell, issue, offer for sale, or offer to issue an identification card or document that contains:

(1) a blank space for a person's age or date of birth; or

(2) a person's incorrect age or date of birth.

(c) this section does not prohibit a manufacturer of identification cards or documents from selling or issuing identification cards or documents that contain a blank space for a person's age or date of birth to:

(1) employers, for use as employee identification cards or documents;

(2) hospitals, for use as patient identification cards; or

(3) governmental units.

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

(2) each identification card or document sold or issued and each offer in violation of this section is a crime that may be separately prosecuted.

(e) the attorney general, or the state's attorney for a county where a violation of this section occurs, may seek an injunction to stop a sale, issue, or offer that violates this section.

Criminal Law Article 8-302

#### Fictitious and Fraudulent Government Identification Documents

(b) A person may not, with fraudulent intent, possess or display a fictitious or fraudulently altered government identification document, lend a document to another or display another persons identification. Violation of this section is a misdemeanor.

See statute for complete language

Criminal Law Article 8-303

#### Impersonating Member of Fraternal Organization

(a) a person may not falsely impersonate an officer or member of a military or patriotic organization, grand or subordinate lodge, or fraternal or sororal society that is chartered or has grand or subordinate lodges in the state.

(b)(1) subject to paragraph (2) of this subsection, a person may not wear, or use to obtain aid, assistance, or personal or social recognition from a person in the state, the insignia of a military or patriotic organization, or a lodge or fraternal society that is chartered or has grand or subordinate lodges in the state, unless the person is entitled to use or wear the insignia under the constitution bylaws, or rules of the organization, lodge, or society.

(2) nothing in this subsection 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

#### Telecommunication Service Providers

##### 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, photo-electronic, or photo-optical system; or

(2) by a radio, telephone, fiber optic, cable television, satellite, microwave, data transmission, wireless, or internet-based distribution system, network, or facility, including electronic, data, video, audio, internet access, telephonic, microwave and radio communications, transmissions, signals, and services and those communications, transmissions, signals, and services provided directly or indirectly, by or through a system, network, facility, or technology listed in this subsection.

(e)(1) "telecommunication service provider" means a person that:

(i) owns or operates a fiber optic, cable television, satellite, internet-based, telephone, wireless, microwave, data transmission, or radio distribution system, network, or facility; or

(ii) provides a telecommunication service directly or indirectly using any of the systems, networks, or facilities listed in item (i) of this paragraph.

(2) "telecommunication service provider" includes a person that, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunication service.

(f) "unlawful access device" means an instrument, device, access code, machine, equipment, technology, or software that is primarily designed, assembled, manufactured, sold, distributed, possessed, used, offered, promoted, or advertised to defeat or circumvent technology, software, or a device, or a component or part of any technology, software, or a device used by the provider, owner, or licensee of a telecommunication service or of a data, audio, or video program or transmission, to protect that telecommunication, data, audio, or video service, program, or transmission from unauthorized receipt, acquisition, access, decryption, disclosure, communication, transmission, or retransmission.

(g)(1) "unlawful telecommunication device or access code" means a telecommunication device or access code that has been altered, designed, modified, programmed, or reprogrammed, alone or in conjunction with another telecommunication device or access code, to facilitate the disruption, acquisition, receipt, transmission, or decryption of a telecommunication service without the express consent or express authorization of the telecommunication service provider.

(2) "unlawful telecommunication device or access code" includes a device, technology, product, service, equipment, access code, computer software, component, or part that is primarily distributed, sold, designed, assembled, manufactured, modified, programmed, reprogrammed, or used to provide the unauthorized access to or receipt, transmission, disruption, decryption, or acquisition of a telecommunication service provided by a telecommunication service provider.

Criminal Law Article 7-313

#### Scope of Part

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

### 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

### Penalties

- (a) A person who violates  $\alpha$  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  $\alpha$  7-315 of this part involving 100 or fewer unlawful telecommunication devices or access codes or unlawful access devices is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.
- (c) In addition to any other sentence authorized by law, the court may require a person convicted of violating this part to make restitution in accordance with the Criminal Procedure Article.

## Criminal Law Article 7-316

### Pyramid Promotional Schemes

(a) definitions.

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

(2) "compensation" includes payment based on a sale or distribution made to a person who:

- (i) is a participant in a plan or operation; or
- (ii) on making a payment, is entitled to become a participant.

(3) "consideration" does not include:

- (i) payment for purchase of goods or services furnished at cost for use in making sales to persons who are not participants in the scheme and who are not purchasing in order to participate in the scheme;
- (ii) time or effort spent in pursuit of sales or recruiting activities; or
- (iii) the right to receive a discount or rebate based on the purchase or acquisition of goods or services by a bona fide cooperative buying group or association.

(4) "promote" means to induce one or more persons to become a participant.

(5) "pyramid promotional scheme" means a plan or operation by which a participant gives consideration for the opportunity to receive compensation to be derived primarily from any person's introduction of others into participation in the plan or operation rather than from the sale of goods, services, or other intangible property by the participant or others introduced into the plan or operation.

(b) a person may not establish, operate, advertise, or promote a pyramid promotional scheme.

(c) it is not a defense to a prosecution under this section that:

(1) the plan or operation limits the number of persons who may participate or limits the eligibility of participants; or

(2) on payment of anything of value by a participant, the participant obtains any other property in addition to the right to receive compensation.

(d) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$10,000 or both.

Criminal Law Article 8-404

#### Wrongful Disposal of Vessel 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

#### Misuse of Documents of Title

(a) a person, on the person's own behalf or on behalf of another, who receives, accepts, or takes in trust from another a warehouse or elevator receipt, bill of lading, or document giving, or purporting to give, title to, or the right to possession of, goods, wares, merchandise, or other personal property, subject to a written contract expressing the terms and conditions of the trust, may not fail to fulfill in good faith the terms and conditions of the trust.

(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not less than 1 year and not exceeding 10 years or a fine not less than \$500 and not exceeding \$5,000 or both.

Criminal Law Article 8-406

#### Fraudulent Conversion of Leased or Rented Good

(a) this section applies to a written lease notwithstanding that the 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 not for nominal consideration.

(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) limitation on prosecution.

(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, 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.

Criminal Law Article 8-407

#### Public Assistance Fraud

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.

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

#### Bribe or Kickback

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

#### Obtaining 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 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

(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 \$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.

Criminal Law Article 8-516

#### Other Public Fraud

##### Fundraising

(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

## G

GAMBLING Statewide Provisions

Betting, Wagering, Gambling, etc.

(a) a person may not:

- (1) bet, wager, or gamble;
- (2) make or sell a book or pool on the result of a race, contest, or contingency;
- (3) establish, keep, rent, use, or occupy, or knowingly allow to be established, kept, rented, used, or occupied, all or a part of a building, vessel, or place, on land or water, within the state, for the purpose of:
  - (i) betting, wagering, or gambling; or
  - (ii) making, selling, or buying books or pools on the result of a race, contest, or contingency; or
- (4) receive, become the depository of, record, register, or forward, or propose, agree, or pretend to forward, money or any other thing or consideration of value, to be bet, wagered, or gambled on the result of a race, contest, or contingency.

(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 6 months and not exceeding 1 year or a fine of not less than \$200 and not exceeding \$1,000 or both.

Criminal Law Article 12-102

Playing Certain Games

(a) for money or any other thing or consideration of value, a person may not play:

- (1) the game called "thimbles";
- (2) the game called "little joker";
- (3) dice or the game commonly called "crap"; or
- (4) any other gaming device or fraudulent trick.

(b) person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 6 months and not exceeding 2 years or a fine not exceeding \$100 or both.

Criminal Law Article 12-103

Gaming Device, or Building, Vessel, or Place for Gambling

(a) a person may not:

- (1) keep a gaming device, or all or a part of a building, vessel, or place, on land or water within the state for the purpose of gambling;
- (2) own, rent, or occupy all or a part of a building, vessel, or place and knowingly allow a gaming device to be kept in the building, vessel, or place;
- (3) lease or rent all or a part of a building, vessel, or place to be used for the purpose of gambling;
- (4) deal at a gaming device or in a building, vessel, or place for gambling;
- (5) manage a gaming device or a building, vessel, or place for gambling; or
- (6) have an interest in a gaming device or the profits of a gaming device.

(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 6 months and not exceeding 1 year or a fine not exceeding \$500 or both.

Criminal Law Article 12-104

Gambling on Vessel or Building or other Structure on or over Water within the State

(b) a person may not bet, wager, or gamble or keep, conduct, maintain, or operate a gaming device on:

- (1) a vessel or a part of a vessel on water within the state, except as provided in § 6-209 of the transportation Article; or
- (2) all or a part of a building or other structure that is built on or over water within the state, if the building or other structure cannot be entered from the shore of the state by a person on foot.

(c) to conduct, maintain, or operate a gaming device, a person may not establish, keep, rent, use, or occupy, or knowingly allow to be established, kept, rented, used, or occupied:

- (1) a vessel on water within the state; or
- (2) a building or other structure that is built on or over water within the state, if the building or other structure cannot be entered from the shore of the state by a person on foot.

(d) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of not less than \$200 and not exceeding \$1,000 or both for each violation.

Criminal Law Article 12-105

Gambling-Duty of Law Enforcement Officer

If a law enforcement officer has a reason to suspect a gaming device is kept unlawfully at a place, the law enforcement officer shall:

- (1) visit the place; and
- (2) charge all persons who violate a law that prohibits gambling.

Criminal Law Article 12-111

Possession or Operation of Slot Machine

(a) except as allowed under §§ 12-304 through 12-306 of this subtitle eligible organizations in certain counties, machine distributors, disposal of machines), a person may not locate, possess, keep, or operate 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

GAME LAWS

See Natural Resources Articles.

(f) Any person who while operating a motor vehicle upon any highway in this State accidentally strikes and kills a deer upon said highway shall upon producing evidence of collision with said deer to any State Police or Game Warden of this State under this Article, be entitled to possession of said deer. The provisions of this subsection shall be applicable to deer killed by collision with a motor vehicle at any time whether during the open season for killing deer or during the legally closed season.  
Natural Resources Article 10-415

H

Harassment

Hate Crimes

Damaging Property of Religious Entity

A person may not deface, damage, or destroy, or attempt 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 church, synagogue, or other 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 10-301

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 10-302

Harassment; Destruction of Property

Because of another's race, color, religious beliefs, or national origin, a person may not:

- (1) harass or commit a crime against that person;
- (2) damage the real or personal property of that person;
- (3) deface, damage, or destroy, attempt to deface, damage, or destroy the real or personal property of that person; or
- (4) burn or attempt to burn an object on the real or personal property of that person.

Criminal Law Article 10-303

Damage to Associated Building

A person may not deface, damage, or destroy, attempt to deface, damage, or destroy, burn or attempt 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, or national origin 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, or national origin of that person or group.

Criminal Law Article 10-304

Penalty

A person who violates this subtitle is subject to the following penalties:

- (1) if the violation involves a separate crime that is a felony, the person is guilty of a felony and on conviction is subject:
  - (i) to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; or

(ii) if the violation also results in death to a victim, to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both; and  
(2) in all other cases, the person 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 10-305

#### 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 Law Article 3-605

#### Human Organs-Selling or buying Prohibited

See Health Articles General

#### Hunting-Use of Artificial Lights

(e)(1) A person, or two or more persons together, may not hunt or attempt to hunt at nighttime any species of wild bird or wild quadruped with a light, including the headlights of any vehicle, and a person may not cast the rays of any artificial light when the rays emanate from a vehicle on any woods, fields, orchards, livestock, wild animals or birds, dwellings or buildings. The provisions of this paragraph do not apply to the normal use of headlights of a vehicle traveling on any public or private road in a normal manner, to any police, emergency or utility company vehicle using spotlights in the performance of their duties, or to any farmer or landowner on his own or leased land using artificial lights to check on his land, crops, livestock or poultry. However, raccoons, fox, or opossum may be hunted on foot at nighttime during open season with the use of a dog or light, or both.

(2)(i) Except in Anne Arundel, Baltimore, Calvert, Carroll, Charles, Allegany, Garrett, Howard, Kent, Caroline, Talbot, Dorchester, Queen Anne's, Cecil, Frederick, St. Mary's, Somerset, Washington, and Worcester Counties, a person may cast the rays of an artificial light from a vehicle on woods, fields, orchards, livestock, wild animals or birds for the sole purpose of observing or photographing wildlife until 9:00 p.m.

(ii) If a person casts the rays of any artificial light under this paragraph the person has the burden of establishing that the person was doing so for the purpose of observing or photographing wildlife.

(iv) If a person casting artificial light under this paragraph or anyone with the person casting artificial light has a firearms or bow in their possession, the person shall be presumed to be in violation of paragraph (1) of this subsection.  
Natural Resources Article 10-410(e)

#### Hunting on Private Land

(b)(1) A person may not upon any pretense come to hunt with a gun, on the lands owned by another person without the written permission of the landowner, his agent, or lessee. Any person hunting on this private property is liable for any damage he causes to the private property while hunting on it. The landowner shall not be liable for accidental injury or damage to the person whether or not the landowner or his agent gave permission to hunt on it.

(2) The provisions of this subsection apply only in the following counties: (i) Allegany county, (ii) Anne Arundel County; (iii) Baltimore County; (iv) Calvert

County; (v) Carroll County; (vi) Cecil County; (vii) Charles County; (viii) Frederick County; (ix) Garrett County; (x) Harford County; (xi) Montgomery County; (xii) Prince George's County; (xiii) St. Mary's County; and (xiv) Washington County.

(c) In Allegany, Anne Arundel, Baltimore, Carroll, Charles, Frederick, Garrett, Wicomico, Somerset, Howard, or Worcester counties, a person may not enter or trespass upon land owned by another person for the purpose of hunting deer on the land with gun, rifle, bow and arrow, or any other means without first securing the written permission of the landowner, his agent, or lessee. Any person hunting deer on land owned by another person shall exhibit written permission upon the request of any natural resources police officer, and law enforcement officer, or the landowner, his agent, or lessee. The natural resources police officer or any law enforcement officer shall arrest any person hunting without written permission upon the request of the landowner, his agent, or lessee.

(d) In Anne Arundel, Caroline, Carroll, Cecil, Frederick, Kent, Prince George's, Queen Anne's, Talbot, and Washington counties, a person who hunts with a gun or other weapon upon the lands of another without first obtaining written permission from the owner or possessor of the land is guilty of a misdemeanor, and upon conviction of a first offense is subject to a fine not exceeding \$1,000. Upon conviction of a second or subsequent offense, the person is subject to a fine not exceeding \$2,000.

Natural Resources Article 10-411(b), (c), and (d)

#### Hunting-Careless or Negligent

While engaged in hunting or pursuing any wildlife, a person may not:

- (1) Carelessly or negligently: shoot, wound, or kill another person; or
- (2) Intentionally or willfully destroy or damage any real property, personal property, or farm livestock of another person.

Natural Resources Article 10-424

#### I

#### Indecent Exposure-Inmates

(a) Words or phrases in this section that describe the common-law crime of indecent exposure shall retain their judicially determined meanings except to the extent expressly or implicitly changed in this section.

(b) An inmate may not, with intent to annoy, abuse, torment, harass, or embarrass a correctional officer or authorized personnel, lewdly, lasciviously, and indecently expose private parts of the inmate's body in the presence of the correctional officer or authorized personnel.

(c) An inmate who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

Correctional Services Article 8-803

#### Influencing or Intimidating Victims or Witnesses.

Inducing false testimony or avoidance of subpoena

(a) a person may not harm another, threaten to harm another, or damage or destroy property with the intent to:

- (1) influence a victim or witness to testify falsely or withhold testimony; or
- (2) induce a victim or witness:

(i) to avoid the service of a subpoena or summons to testify; or

(ii) to be absent from an official proceeding to which the victim or witness has been subpoenaed or summoned.

(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years.

Criminal Law Article 9-302

Intimidating Victim or Witness-Retaliatioin for Testimony

(a) a person may not intentionally harm another or damage or destroy property with the intent of retaliating against a victim or witness for:

- (1) giving testimony in an official proceeding; or
- (2) reporting a crime or delinquent act.

(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years.

Criminal Law Article 9-303

Intimidating or Corrupting Juror

(a) a person may not, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror, a witness, or an officer of a court of the state in the performance of the person's official duties.

(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 9-305

Intimidation-Obstruction of Justice

(a) a person may not, by threat, force, or corrupt means, obstruct, impede, or try to obstruct or impede the administration of justice in a court of the state.

(b) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

Criminal Law Article 9-306

Interfering with, or Falsely represent being State Fire Marshall or Assistant  
See statute for actual wording.

A person may not willfully interfere with or obstruct the State Fire Marshall, a Deputy State Fire Marshall, Special Assistant State Fire Marshall, Special Deputy State Fire Marshall, while the State Fire Marshall, Deputy State Fire Marshall, Special Assistant State Fire Marshall, Special Deputy State Fire Marshall, is fighting a fire, performing emergency service, proceeding to a fire or other emergency, or while dispatched on a call for emergency service.

A person may not willfully interfere with or obstruct the State Fire Marshall, a Deputy State Fire Marshall, Special Assistant State Fire Marshall, Special Deputy State Fire Marshall in the course of conducting an inspection or investigating a fire or explosion.

It is unlawful for any person to falsely represent himself as being a State Fire Marshal or a sworn employee of the Office of the State Fire Marshal, with fraudulent design on a person or property; or have, use, wear, or display without proper authority for the purpose of deception, any uniform, shield, button, ornament, identification, or shoulder patch, or any simulation or imitation of these Articles, adopted by the Office of the State Fire Marshal. Violation of this section is a misdemeanor punishable by imprisonment for not more than three (3) years.

Public Safety Article 6-602

Interfering with, or falsely represent being a firefighter, a rescue squad member or emergency services Personnel

See statute for actual wording.

A person may not willfully interfere with or obstruct a firefighter, a rescue squad member, or emergency services personnel while fighting a fire, performing emergency service, proceeding to a fire or other emergency, or while dispatched on a call for emergency service.

It is unlawful for any person to falsely represent himself as being a firefighter, a rescue squad member, or emergency services personnel, with fraudulent design on a person or property; or have, use, wear, or display without proper authority for the purpose of deception, any uniform, shield, button, ornament, identification, or shoulder patch, or any simulation or imitation of these Articles, adopted by a career or volunteer fire department, rescue squad, or emergency services unit.

Violation of this section is a misdemeanor punishable by imprisonment for not more than three (3) years.

Public Safety Article 7-402

#### 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 Federal Bureau of Investigation;

(6) The Drug Enforcement Administration; or

(5) 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 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, 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) See statute for narrative

(e) See statute for narrative

(f) A person who violates this section is guilty of a misdemeanor and, upon conviction shall be subject to a fine of not exceeding \$2,000 or to imprisonment for not more than 2 years or to both.

Public Safety Article 3-502

#### Interference with Hunters

(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 rules and regulations to prohibit the interference or disruption.

(b) While on private land that is owned by another person or in a hunting area on land managed by the department, a person may not:

(1) Interfere intentionally with the lawful taking of wildlife by another person; or

(2) Harass, drive, or disturb any game animal intentionally for the purpose of disrupting a lawful hunt.

(c) A natural resources police officer or other police officer of the State who has probable cause to believe that a person has violated this section may:

(1) order the person to desist or to leave the area; or

(2) arrest the person on refusal to desist or leave the area.

(b) The conduct declared unlawful in this section does not include any incidental interference arising from lawful activity by private land users or users of land managed by the department, including farmers, miners, or persons engaged in recreation.

Injuries

Life-threatening injury by motor vehicle or vessel while under the influence of alcohol and related crimes.

(a) Definitions.

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

(2) "under the influence of alcohol per se" 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) conversion of alcohol concentration measurement; presumptions and evidentiary rules.

(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 and Judicial Proceedings Article apply to a person charged under this section.

(c)(1) a person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(2) a violation of this subsection is life-threatening injury by motor vehicle or vessel while:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(3) a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(d) life-threatening injury by motor vehicle or vessel while impaired by alcohol.

(1) a person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by alcohol.

(2) a violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by alcohol.

(3) a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

(e) life-threatening injury by motor vehicle or vessel while impaired by drugs.

(1) a person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is 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) a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

(f) life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance.

(1) this subsection does not apply to a person who is entitled to use the controlled dangerous substance under the laws of the state.

(2) a person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance as defined in § 5-101 of this Article.

(3) a violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance.

(4) a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

Criminal Law Article 3-211

J

Jurisdiction-Victims Dies in Another County

If any person be feloniously stricken or poisoned in one county, and die of the same stroke or poison in another county, the offender shall be tried in the court within whose jurisdiction such county lies where the stroke or poison was given.

(See statute for actual wording)

Criminal Procedure Article 4-201

Juveniles

Jurisdiction over persons triable in juvenile court despite age limit contained in section 4 301.

The District Court has jurisdiction over a person who is brought before a court sitting as juvenile court if:

(1) The juvenile court waives jurisdiction or the person elects to be tried according to the regular criminal procedure; and

(1) The offense charged is within the jurisdiction conferred by section 4 301.

Courts and Judicial Proceedings Article 4-303

Taking a child into custody

(a) A child may be taken into custody under this subtitle by any of the following methods:

(1) In accordance with an order of the court

(2) In accordance with section 5-709 of the Family Law Article; or

(3) By a law enforcement officer if the officer has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for his protection.

(b) Whenever a law enforcement officer takes a child into custody under this section, the officer shall:

(1) immediately notify the child's parents, guardian, or custodian;

(2) immediately notify the department; and

(3) Keep custody only until the local department either takes custody under section 3-815 of this subtitle or authorizes release of the child unless the officer determines that it is safe to return the child to the child's parent, custodian, or guardian.

(c)(1) If a parent, guardian, or custodian fails to bring the child before the court when requested, the court may issue a writ of attachment directing that the child be taken into custody and brought before the court.

(2) The court may proceed against the parent, guardian, or custodian for contempt.

Courts and Judicial Proceedings Article 3-814

Parents are liable for support after commitment

After giving the parent a reasonable opportunity to be heard, the court may order either parent or both parents to pay a sum in the amount the court directs to cover wholly or partly the support of the child under this subtitle.

Courts and Judicial Proceedings Article 3-8A-29

Contributing to certain condition of child

(a) It is unlawful for an adult willfully to contribute to, encourage, cause or tend to cause any act, commission or condition which results in a violation, renders a child delinquent or in need of supervision.

(b) a person may be convicted under this section even if the child has not been found to have committed a violation or adjudicated delinquent or in need of supervision.

(c) An adult convicted under this section is subject to a fine of not more than \$2500 or imprisonment for not more than 3 years, or both. The court may suspend sentence and place the adult on probation subject to the terms and conditions it deems to be in the best interests of the child and the public.

Courts and Judicial Proceedings Article 3-8A-31

Minors Consent Provisions

Part I. Minors.

Notwithstanding any other provision of law, a minor who is at least 17 years old, without the

consent of a parent, may give blood to a program that:

- (1) Is voluntary;
- (2) Does not pay money for the blood; and
- (3) Is approved by:
  - (i) The American Association of Blood Banks; or
  - (ii) The American Red Cross

Health-General Article 20-101

Medical Treatment

(a) A minor has the same capacity as an adult to consent to medical treatment if the minor:

- (1) Is married; or
- (2) Is the parent of a child.

(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; and
- (7) Physical examination to obtain evidence of an alleged rape or sexual offense; AND
- (8) Initial medical screening and physical examination on and after admission of the minor into a detention center.

(c-1) The capacity of a minor to consent to treatment for drug abuse or alcoholism under subsection (c)(1) (2) of this section does not include the capacity to refuse treatment for drug abuse or alcoholism in an inpatient

alcohol or drug abuse treatment program certified under Title 8 of this Article for which a parent or guardian has given consent.

(d) A minor has the same capacity as an adult to consent to psychological treatment as specified under subsection (c)(1) and (2) of this section if, in the judgment of the attending physician or a psychologist, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual.

(e) A physician, psychologist, or an individual under the direction of a physician or psychologist 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, the attending physician, psychologist or, on advice or direction of the attending physician, or psychologist, 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, except information about an abortion.

Health-General Article 20-102

#### Abortion

(a) Except as provided in subsections (b) and (c) of this section, a physician may not perform an abortion on an unmarried minor unless the physician first gives notice to a parent or guardian of the minor.

(b) The physician may perform the abortion without notice to parent or guardian if:

(1) The minor does not live with a parent or guardian; and

(2) A reasonable effort to give notice to a parent or guardian is unsuccessful.

(c)(1) The physician may perform the abortion, without notice to a parent or guardian of a minor if, in the professional judgement of the physician, notice to the parent or guardian may lead to physical or emotional abuse of the minor.

(2) The physician is not liable for civil damages or subject to a criminal penalty for a decision under this subsection not to give notice.

(a) The postal receipt that shows an Article of mail was sent by registered mail to the last known address of a parent or guardian and that is attached to a copy of the notice letter that was sent in that Article of mail shall be conclusive evidence of notice or a reasonable effort to give notice, as the case may be.

Health-General Article 20-103

#### Mental or emotional disorder

(a)(1) A minor who is 16 years old or older has the same capacity as an adult to consent to

consultation, diagnosis, and treatment of a mental or emotional disorder by a physician, psychologist, or a clinic.

(2) The capacity of a minor to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a physician, psychologist, or a clinic under paragraph (1) of this subsection does not include the capacity to refuse consultation, diagnosis, or treatment for a mental or emotional disorder for which a parent, guardian, or custodian of the minor has given consent.

(b) Without the consent of or over the express objection of a minor, the attending physician, 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

(b) 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

K

#### 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

#### Kidnapping-Child

(a)(1) A person may not, without color of right:

(i) forcibly abduct, take, or carry away a child under the age of 12 years from:

1. the home or usual place of abode of the child; or
2. the custody and control of the child's parent or legal guardian;

(ii) without the consent of the child's parent or legal guardian, persuade or entice a child under the age of 12 years from:

1. the child's home or usual place of abode; or
2. the custody and control of the child's parent or legal guardian; or

(iii) with the intent of depriving the child's parent or legal guardian, or any person lawfully possessing the child, of the custody, care, and control of the child, knowingly secrete or harbor a child under the age of 12 years.

(2) in addition to the prohibitions provided under paragraph (1) of this subsection, a person may not, by force or fraud, kidnap, steal, take, or carry away a child under the age of 16 years.

(b)(1) A person who violates subsection (a)(1) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(2)(i) except as provided under subparagraph (ii) of this paragraph, a person, other than a parent of the child, who violates subsection (a)(2) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(ii) 1.If a person convicted under subsection (a)(2) of this section is convicted in the same proceeding of rape or a first degree sexual offense under subtitle 3 of this title, the person is guilty of a felony and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

2. if the state intends to seek a sentence of imprisonment for life without the possibility of parole under sub-subparagraph (i) of this subparagraph, the state shall notify the person in writing of the state's intent at least 30 days before trial.

Criminal Law Article 3-503

L

Larceny (See Theft)

#### Laser Pointers

##### Misuse of Laser Pointer

(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

#### Law Enforcement Officers-Good Samaritan Act

(a) A law enforcement officer acting outside the officer's jurisdiction but in the State, is not civilly liable, except to the extent that he would be if acting in his own jurisdiction, for any act or omission in preventing or attempting to prevent a crime, or in effectuating an arrest, in order to protect life or property if:

(i) the action is not grossly negligent; and

(ii) the action is taken at the scene of the crime or attempted crime.

(b) A law enforcement officer sued for acting under subsection

(A) of this section shall be defended in any civil action by the law enforcement officer's employer

as if the incident had occurred in the officer's jurisdiction.

(c) A law enforcement officer who is injured in taking action under subsection

(A) of this section is entitled to Workmen's Compensation, disability, death benefits, life insurance and all other benefits to the same extent as if the injury had been sustained in the officer's jurisdiction.

Courts and Judicial Proceedings Article Sec. 5-309.2

#### LICENSES

##### Private Detective Agency Licenses

##### License Required; Eligibility

Business Occupations and Professions Article 13-301

##### Private Detective badges

A certified Private Detective may wear or carry a badge only if:

(1) the Secretary 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 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 business that provides security guard services in the state; and

(2) Solicit to engage in a business that provides security guard services in the state.

(b) An individual or a firm may qualify for a license as a security guard agency.

Business Occupations and Professions Article 19-301

##### Use of Security Guard Certification Card

(a) At any time that a certified Security Guard provides a security guard service, the Security Guard shall carry the certification card issued under section 19 405 of this subtitle.

(b) On request of a law enforcement officer, a certified Security Guard shall show the security guard's certification card.

Business Occupations and Professions Article 19-406

#### Security Guard Badges:

(a) Whenever a Security Guard is in uniform, the Security Guard may wear a badge that is:

- (1) of a design approved by the Secretary; and
  - (2) issued by the licensed Security Agency that employs the Security Guard.
- (b) Whenever a security guard is in uniform, the security guard shall clearly display and wear the clearance card issued by the secretary which identifies the security guard.

Business Occupations and Professions Article 19-407

#### Misrepresentation

(a) Unless authorized under this subtitle to engage in business for the purpose of providing security guard services, a person may not represent to the public by use of the title, including "Licensed Security Guard Agency", "Security Guard Agency", or security guard, by description of services, methods, or procedures, or otherwise that the person is authorized to engage in business to provide security guard services in the State.

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

Business Occupations and Professions Article 19-602

#### Unauthorized Distribution and Use of Security Guard Certification Cards and Badges

Business Occupations and Professions Article 19-603

#### Litter Control Law

(a) definitions.

See Statute

(c) a person may not:

(1) dispose of litter on a highway or perform an act that violates the state vehicle laws regarding disposal of litter, glass, and other prohibited substances on highways; or

(2) dispose or cause or allow the disposal of litter on public or private property unless:

(i) the property is designated by the state, a unit of the state, or a political subdivision of the state for the disposal of litter and the person is authorized by the proper public authority to use the property; or

(ii) the litter is placed into a litter receptacle or container installed on the property.

(d) if two or more individuals are occupying a motor vehicle, boat, airplane, or other conveyance from which litter is disposed in violation of subsection (c) of this section, and it cannot be determined which occupant is the violator: if present, the owner of the conveyance is presumed to be responsible for the violation; or if the owner of the conveyance is not present, the operator is presumed to be responsible for the violation.

Criminal Law Article 10-110

Lotteries - See Gambling

Lotteries - State

Any person who knowingly presents for payment or transfers to another person to be presented for payment a counterfeit or altered Maryland State Lottery Ticket or share is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than two thousand five hundred dollars (\$2,500.00) or imprisoned for not more than three years.

State Government Article 9-124

M

Manufactured Articles-Removing Serial Numbers

Serial Number-Alteration and Sale of Good

(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

Possession and 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

Military Department: When Ordered Into Service of State

See statute for actual wording.

The Governor shall have the power in times of public crisis, disaster, rioting, catastrophe, insurrection, invasion, tumult, breach of peace or upon reasonable apprehension of the imminence to enforce the laws of this State, or to carry on any of the functions of the militia of this State, or any part, or whenever, by the law of the land, martial law may be declared, to order into the active service of the State all or any part of the militia as he may deem proper or necessary. Whenever the militia is in active service each and every member so ordered to active State duty shall be vested, in enforcing the laws of this State, with all the authority of peace or police officers for the duration of such active State duty of such members, and their bailiwick shall extend throughout the State. Active State service or active duty shall not include drill periods or preparations there for or equivalent training, or annual field training of the militia while in its capacity as National Guard of the United States, unless the Governor shall provide specifically to the contrary. Whenever the militia or any part is in the active service of the State, the ranking officer of the militia ordered into active State service, or his subordinates on active State duty, shall cooperate with local law enforcement authorities or, as the exigencies of the case may require, pursuant only to proper order from the Governor, subordinate the local law enforcement authorities, including the State Police, to their direction and control and shall assume all the powers vested in these subordinated law enforcement authorities.

Public Safety Article 13-701

Police Power of National Guard On site Technicians:

See statute for actual wording.

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

Public Safety Article 13-402

Mass Transit-Prohibited Acts

(a) A person who, for the purpose of accepting transportation, boards a vehicle owned or controlled by the Administration shall pay the correct fare in the required manner.

(b) A person who fails to pay the correct fare in the required manner and who then willfully refuses to leave the vehicle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250.

(c) Any person who engages in any of the following acts in a public Mass Transit bus, rapid rail car, or transit station is guilty of a misdemeanor:

(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 designated receptacles 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, or other dangerous Articles;

(7) Carry or possess any live animal, except seeing eye dogs and hearing ear dogs properly harnessed and accompanied by a blind person or a deaf person, and small animals properly packaged;

(8) Obstruct, hinder, interfere with, or otherwise disrupt or disturb the operation or operator of a Mass Transit bus or rapid rail car.

(9) Board any Mass Transit bus through the rear exit door, unless so directed by an employee or agent of the Mass Transit Administration;

(10) Urinate or defecate, except in rest rooms;

(11) Fail to move to the rear of any Mass Transit bus or rapid rail car when requested to do so by the operator or a police officer; or

(12) Fail to vacate a seat designated for the elderly or handicapped when requested to do so by the Mass Transit operator or a police officer.

(d) 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 Mass Transit facilities as effectively as a person who is not so affected.

(e) The provisions of subsection (c) shall not apply to Charter Bus Service rendered by the Mass Transit Administration.

(f) A person convicted of violating subsection (c) is subject to a fine of not more than \$250 for each offense. This section does not prohibit enforcement of any other general or local law or ordinance, rule or regulation of a State or local authority or agency, which does not conflict with the provisions of this section.

Transportation Article 7-705

## MINORS

### Marriage of Minors-In General

(a) An individual 16 or 17 years old may not marry unless:(1) the individual has the consent of a parent or guardian and the parent or guardian swears that the individual is at least 16 years old; or

(2) if the individual does not have the consent of a parent or guardian, either party to be married gives the clerk a certificate from a licensed physician stating that the physician has examined the woman to be married and has found that she is pregnant or has given birth to a child.

(b) An individual 15 years old may not marry unless:

(1) the individual has the consent of a parent or guardian; and

(2) either party to be married gives the clerk a certificate from a licensed physician stating that the physician has examined the woman to be married and has found that she is pregnant or has given birth to a child.

(2) An individual under the age of 15 may not marry.

Family Law Article 2-301

### Public Schools-Compulsory Attendance

(a) Each child who resides in this State and is 6 years old or older and under 16 shall attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age.

(b) A county superintendent, school principal, or an individual authorized by the county superintendent or principal may excuse a student for a necessary absence.

(c) Each person who has under his control a child who is 6 years old or older and under 16 shall see that the child attends school or receives instructions as required by this section. (d)(1) This section applies to any child who has a mental, emotional, or physical handicap.

(2) This section does not apply to a child:

(i) Whose mental, emotional, or physical condition makes his instruction detrimental to his progress; or

(ii) Whose presence in school presents a danger of serious physical harm to others,

(3) With the advice of the school principal, supervisor, pupil personnel supervisor, or visiting teacher and with the written recommendation of a licensed physician or a State Department of Education certified or licensed psychologist, the county superintendent may:

(i) Make other appropriate provisions for the free education of any student excepted from attendance under paragraph (2) of this subsection; or

(ii) Permit the parents or guardians of that student to withdraw him from public school, for as long as the attendance of the child in a public school would be detrimental to his progress or his presence in school would present a danger of serious physical harm to others.

(4) If a child is withdrawn from a public school under this subsection, the county board shall make other appropriate provisions for the education of the child.

(5) If an appropriate educational placement is not available immediately, the county board shall make interim provisions for the education of the child until an appropriate placement becomes available.

(e)(1) Any person who induces or attempts to induce a child to absent himself unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

(2) Any person who has control over a child who is 6 years old or older and under 16 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$50 per day of unlawful absence or imprisonment not to exceed 10 days, or both.

(3) See statute for balance of section.

Education Article Sec. 7-301

Principals, teachers, and school security guards intervening in fights

(a) Authority to intervene; degree of force.

(1) A principal, teacher, or school security guard in any public school may intervene in a fight or physical struggle that takes place in his presence in a school building or on school grounds, whether the fight is among students or other individuals.

(2) The degree and force of the intervention may be as reasonably necessary to restore order and to protect the safety of the combatants and surrounding individuals.

(b) A principal, teach, or school security guard who is hurt while intervening in a fight under this section:

(1) Shall be compensated by the county board for any necessary medical expenses that result directly from the intervention; and

(2) May not lose any compensation for time lost from his school duties that results directly from the intervention, but his compensation may be reduced by any payments made under the Workmen's Compensation Law.

(c) In any suit, claim, or criminal charge brought by a parent or other claimant of one of the combatants against the principal, teacher, or school security guard because of the intervention, the county board:

(1) Shall provide legal counsel for the principal, teacher, or school security guard, or may provide reimbursement for the reasonable expenses of the legal defense of any criminal charge if the county board considers it appropriate; and

(2) Shall save the principal, teacher, or school security guard harmless from any award or decree against him.

Education Article 7-307

Minor-Nudity and Sexual Displays

See statute for definitions

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

#### Exhibition to Minors

(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;

(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 person convicted of indecent exposure is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

Criminal Law Article 11-107

#### Obscene Matter

See statute for definitions

#### Distribution, Exhibition, Importation, and Publication

(a) a person may not:

(1) knowingly send or cause to be sent any obscene matter into the state for sale or distribution;

(2) knowingly bring or cause to be brought any obscene matter into the state for sale or distribution;

(3) in the state prepare, publish, print, exhibit, distribute, or offer to distribute any obscene matter; or

(4) possess any obscene matter in the state with the intent to distribute, offer to distribute, or exhibit.

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

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

Criminal Law Article 11-202

#### Sale or Display of Obscene Item to Minor

See statute for definitions

(b)(1) a person may not willfully or knowingly display or exhibit to a minor an item:

(i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or

(ii) that consists of an obscene picture of a nude or partially nude figure.

(2) a person may not willfully or knowingly engage in the business of displaying, exhibiting, selling, showing, advertising for sale, or distributing to a minor an item:

(i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or

(ii) that consists of an obscene picture of a nude or partially nude figure.

(3) if a newsstand or other place of business is frequented by minors, the owner, operator, franchisee, manager, or an employee with managerial responsibility may not openly and knowingly display at the place of business an item whose sale, display, exhibition, showing, or advertising is prohibited by paragraph (2) of this subsection.

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

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

Criminal Law Article 11-203

#### Obscene Performance in Certain Counties

(a) this section applies only in Anne Arundel, Charles, Howard, Somerset, Wicomico, and Worcester counties.

(b)(1) a person may not prepare, give, direct, present, perform or participate in an obscene performance, exhibition, drama, play, show, dancing exhibition, tableau, or other entertainment in which individuals perform or participate live in an obscene manner in the presence of individuals who have paid any kind of consideration to observe the exhibition or performance.

(2) an owner, lessee, or manager of a building, garden, place, room, structure, or theater may not knowingly allow or assent to the use of the premises for the types of exhibitions prohibited by paragraph (1) of this subsection.

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

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

Criminal Law Article 11-204

Obscene Matter-Advertising

(a) a person may not knowingly:

(1) write or create advertising or otherwise promote the sale or distribution of matter the person represents or holds out to be obscene; or

(2) solicit the publication of advertising that promotes the sale or distribution of matter the person represents or holds out to be obscene.

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

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

Criminal Law Article 11-205

Child Pornography

(a) a person may not:

(1) cause, induce, solicit, or knowingly allow a minor to engage as a subject in the production of obscene matter or a visual representation or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct;

(2) photograph or film a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct; use a computer to depict or describe a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct;

(4) knowingly promote, distribute or possess with the intent to distribute any matter, visual representation, or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct; or

(5) use a computer to knowingly compile, enter, transmit, make, print, publish, reproduce, cause, allow, buy, sell, receive, exchange, or disseminate any notice, statement, advertisement, or minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for the purpose of engaging in, facilitating, encouraging, offering, or soliciting unlawful sadomasochistic abuse or sexual conduct of or with a minor.

(b) a person who violates this section is guilty of a felony and on conviction is subject to:

(1) for a first violation, imprisonment for 10 years or a fine not exceeding \$25,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 20 years or a fine not exceeding \$50,000 or both.

Criminal Law Article 11-207

Possession of Visual Representation of Child under 16 Engaged in Certain Sexual Acts

(a) a person may not knowingly possess a film, videotape, photograph, or other visual representation depicting an individual under the age 14 of 16 years:

(1) engaged as a subject of sadomasochistic abuse;

(2) engaged in sexual conduct; or

(3) in a state of sexual excitement.

(b) 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 \$2,500 or both; and

(2) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$5,000 or both.

(c) nothing in this section may be construed to prohibit a parent from possessing visual representations of the parent's own child in the nude unless the visual representations depict the child engaged:

- (1) as a subject of sadomasochistic abuse; or
- (2) in sexual conduct and in a state of sexual excitement.

Criminal Law Article 11-208

#### Internet Crimes

See statute for the procedure to obtain information that resides on a server controlled by an interactive computer service provider.

Criminal Law Article 11-208.1

#### Hiring Minor for Prohibited Purpose

(a) a person may not hire, employ, or use an individual, if the person knows, or possesses facts under which the person should reasonably know, that the individual is a minor, to do or assist in doing an act described in § 11-203 of this subtitle.

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

- (1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and
- (2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

Criminal Law Article 11-209

#### Sexual Solicitation of a Minor

b) A person may not, with the intent to commit a violation of subsection 3-304, 3-306, 06 3-307 of this subtitle, knowingly solicit a minor, or an individual the person believes to be a minor, to engage in activities that would be unlawful for the person to engage in under subsection 3-304, 3-306, or 3-307 of this subtitle.

c) A violation of this section is considered to be committed in the state for purposes of determining jurisdiction if the solicitation:

originated in this state; or

(2) is received in the state.

d) A person who violates this section is guilty of a felony and on conviction is subject to not more than 10 years in prison or a fine not exceeding \$25,000 or both.

Criminal Law Article 3-324

#### Exemption from Subtitle

(a)(1) a person having a bona fide scientific, educational, governmental, artistic, news, or other similar justification for possessing or distributing prohibited matter is not subject to the prohibitions and penalties imposed by this subtitle.

Criminal Law Article 11-210

#### Missing Children

(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

(a) On receipt of a report regarding a missing child by a law enforcement agency, the law enforcement agency shall immediately determine if:

(1) The missing child has not been the subject of a prior missing persons report;

(2) The missing child suffers from a mental or physical handicap or illness;

(3) The disappearance of the missing child is of a suspicious or dangerous nature;

(4) The person filing the report of a missing child has reason to believe that the missing child may have been abducted;

(5) The missing child has ever been previously the subject of a child abuse report filed with the

State or local law enforcement agency; or

(6) The missing child is under 14 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 Maryland Interagency Law Enforcement Systems (MILES) and the National Crime Information Center (NCIC) computer networks;

(2) Institute appropriate intensive search procedures;

(3) Notify the National Missing Children Information Center and forward to the State Clearing house for missing children a copy of the missing persons report involving the missing child;

(4) Notify the appropriate local department of social services, and, to the extent possible, obtain any information that may assist in the locating of the missing child; and

(5) Enlist the aid of the State Police, when appropriate, in locating the missing child.

(c) If the conditions specified in subsection (a) of this section do not exist, the law enforcement agency shall:

(1) Immediately seek to determine the circumstances surrounding the disappearance of the missing child; and

(2) Implement the procedures set forth in subsection (b) of this section within 12 hours of the filing of a report regarding a missing child, if the missing child has not been located.

(d) Notwithstanding any provision of law to the contrary, if a missing child has not been located within 24 hours of the filing of a missing persons report and either the local law enforcement agency or the State police have reason to believe that the missing child may not be located in a jurisdiction other than the jurisdiction where the missing persons report was filed, the Maryland State Police shall enter the investigation and, in cooperation with the appropriate local law enforcement agencies, assist State and National efforts to locate the missing child. (e)(1) A law enforcement agency may not adopt rules, regulations, or policies that prohibit or discourage the filing of a report or the taking of any action on a report that a child is a missing child or that a child is believed to be a missing child.

(f) Every person filing a report of a missing child shall be required to notify the local law enforcement agency and the State Police immediately upon the locating of the missing child if it is unlikely that the local law enforcement agency or the State Police have knowledge that the missing child has been located.

Family Law Article 9-402

(a) There is a State Clearing house for missing children operated by the State Police that is responsible for:

(1) The receipt, collection, and distribution of general information and annual statistics regarding missing children; and  
(2) Coordination of law enforcement agencies and other interested persons or groups within and outside the State regarding information on children who have disappeared from, or are thought to be located in, Maryland.  
(b) The State Police Secretary may develop, in cooperation with local law enforcement agencies, a plan for voluntary fingerprinting programs for children.  
Family Law Article 9-403

#### MURDER - Homicide

Elimination of 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

#### Murder in the first degree

(a) In general.

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  $\alpha$  3-502 or  $\alpha$  3-503(a)(2) of this Article;  
(vii) mayhem;  
(viii) rape;  
(ix) robbery under  $\alpha$  3-402 or  $\alpha$  3-403 of this Article;  
(x) sexual offense in the first or second degree;  
(xi) sodomy; or  
(xii) a violation of  $\alpha$  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) death;  
(ii) imprisonment for life without the possibility of parole; or  
(iii) imprisonment for life.  
(2) unless a sentence of death is imposed in compliance with  $\hat{U}$ 2-202 of this subtitle and subtitle 3 of this title, or a sentence of imprisonment for life without the possibility of parole is imposed in compliance with  $\alpha$  2-203 of this subtitle and  $\alpha$  2-304 of this title, the sentence shall be imprisonment for life.  
Criminal Law Article 2-201

#### Murder in the second degree

(a) A murder that is not in the first degree under  $\alpha$  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 30 years.

Criminal Law Article 2-204

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

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

(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.

Criminal Law Article 2-207

Manslaughter by vehicle or vessel

(a) In this section, "vehicle" includes a motor vehicle, streetcar, locomotive, engine, and train.

(b) A person may not cause the death of another as a result of the person's driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.

(c) A violation of this section is manslaughter by vehicle or vessel.

(d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

Criminal Law Article 2-209

Homicide by motor vehicle or vessel while impaired or under the influence

"Under the influence of alcohol per se" defined.

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) 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 25 not exceeding \$5,000 or both.

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) 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.

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) 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.

(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) 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.

(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

#### Manslaughter

Manslaughter is the unlawful and felonious killing of another, without malice aforethought.

Rolfes v. State, 10 Md.App. 204 (1970). When the person acting has no intention to injure anybody, but death is the result of unlawful action endangering life, this is manslaughter. Mills v. State, 13 Md.App. 196, cert. Denied, 264 750 (1972).

Manslaughter is still a common law offense in Maryland but the statute provides that manslaughter is a felony and is punishable by up to 10 years in prison.

#### Involuntary

Where the killing of another is unintentional and without malice (1) by doing some unlawful act that is not a felony, or (2) by negligently doing some lawful act, or (3) by their negligent omission of a legal duty. *Rolfes v. State*, 10 Md.App. 204 (1970).

#### Voluntary

Where the act causing death is due wholly to sudden passion or heat of blood caused by reasonable provocation, and not with malice aforethought. *Gray v. State*, 6 Md.App. 677, cert. Denied, 256 Md. 745 (1969)

Assault with Intent to Murder

See Assault.

#### N

#### NARCOTICS-MARYLAND CONTROLLED DANGEROUS SUBSTANCES ACT

Definitions; See Statute

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 from an authorized provider if the substance is:

(1) listed in schedule II; and

(2) a drug to which  $\alpha$  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 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  $\alpha$  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

#### Methadone

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 alcohol and drug abuse administration of the department; or

(2) an emergency or medical situation exists under regulations that the department adopts in cooperation with the Medical and Chirurgical Faculty of Maryland.

Criminal Law Article 5-502

#### Opium

(a) In this section, "opium" includes:

(1) codeine; and

(2) a natural or synthetic compound, manufactured substance, salt, derivative, mixture, or preparation of opium.

(b)(1) except on a valid prescription of an authorized prescriber as defined in the Health Occupations Article, a person may not dispense, give, or sell a preparation containing opium or any of its derivatives.

(2) this subsection does not apply to:

- (i) a sale made to an authorized provider; or
- (ii) a sale made by a manufacturer, distributor, or licensed pharmacy to a hospital or institution that operates a dispensary in which an authorized provider is in charge.

(c)(1) except on a prescription from an authorized prescriber as defined in § 12-101 of the Health Occupations Article, a person may not possess or control a preparation containing opium or its derivatives.

(2) a person may possess or control a preparation containing opium or its derivatives if the possession or control is in the regular course of lawful business, occupation, profession, employment, or duty of the person.

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

- (1) for a first violation, a fine not exceeding \$1000;
- (2) for a second violation, a fine not exceeding \$2000; or
- (3) for each subsequent violation, imprisonment not exceeding 18 months.

Criminal Law Article 5-503

#### Substance Listed in Schedule III or Schedule IV

(a) Except when dispensed directly to an ultimate user by an authorized provider who is not a pharmacist, a controlled dangerous substance listed in Schedule III or Schedule IV that is a drug to which § 21-220 of the health - general Article applies may not be dispensed without a written or oral prescription.

(b) Unless renewed by the authorized provider, the prescription may not be:

- (1) filled or refilled more than 6 months after the date of prescription; or
- (2) refilled more than five times.

Criminal Law Article 5-504

#### Substance Listed in Schedule V

(a) A controlled dangerous substance listed in schedule V may not be distributed or dispensed except for a medical purpose.

(b) When dispensing the controlled dangerous substance, an authorized provider shall securely affix to the container, in addition to any other label already there, a label with:

- (1) the dispenser's name, signature, and registry number;
- (2) the date on which the controlled dangerous substance is dispensed; and
- (3) the purchaser's name.

Criminal Law Article 5-505

#### Possessing or Administering Controlled Dangerous Substance

(a) Except as otherwise provided in this title, a person may not:

(1) possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or

(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:

- (i) fraud, deceit, misrepresentation, or subterfuge;
- (ii) the counterfeiting or alteration of a prescription or a written order;
- (iii) the concealment of a material fact;
- (iv) the use of a false name or address;
- (v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or
- (vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

(c)(1) except as provided in 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 4 years or a fine not exceeding \$25,000 or both.

(2) a person whose violation of this section involves the use or possession of marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

Criminal Law Article 5-601

#### Manufacturing, Distributing, Possession with Intent to Distribute, or Dispensing Controlled Dangerous Substance

Except as otherwise provided in this title, a person may not:

- (1) manufacture, distribute, or dispense a controlled dangerous substance; or
- (2) possess a controlled dangerous substance in sufficient quantity reasonably to indicate under all circumstances an intent to manufacture, distribute, or dispense a controlled dangerous substance.

Criminal Law Article 5-602

#### Equipment to Produce Controlled Dangerous Substance

Except as otherwise provided in this title, a person may not manufacture, distribute, or possess a machine, equipment, instrument, implement, device, or a combination of them that is adapted to produce a controlled dangerous substance under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance in violation of this title.

Criminal Law Article 5-603

#### 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 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 Prescription

(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 who violates  $\alpha$  5-602 of this subtitle with respect to any of the following controlled dangerous substances in the amounts indicated is subject on conviction to a fine not exceeding \$100,000 and the enhanced penalty provided in subsection (c) of this section:

(1) 50 pounds or more of marijuana;

(2) 448 grams or more of cocaine;

(3) 448 grams or more of any mixture containing a detectable amount of cocaine;

(4) 50 grams or more of cocaine base, commonly known as "crack";

(5) 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(6) any mixture containing 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(7) 1,000 dosage units or more of lysergic acid diethylamide;

(8) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;

(9) 16 ounces or more of phencyclidine in liquid form;

(10) 448 grams or more of any mixture containing phencyclidine;

(11) 448 grams or more of methamphetamine; or

(12) any mixture containing 448 grams or more of methamphetamine.

(b) For the purpose of determining the quantity of a controlled dangerous substance involved in individual acts of manufacturing, in subsection (a) of this section, the reference to the "signature" of the distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense under subsection (a) of this section, the acts may be aggregated if each of the acts occurred within a 90-day period.

(c)(1) a person who is convicted under  $\alpha$  5-602 of this subtitle with respect to a controlled dangerous substance in an amount indicated in subsection (a) of this section shall be sentenced to imprisonment for not less than 5 years.

(2) the court may not suspend any part of the mandatory minimum sentence of 5 years.

(3) except as provided in  $\alpha$  4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

Criminal Law Article 5-612

#### Drug Kingpin

(a) In this section, "drug kingpin" means an organizer, supervisor, financier, or manager who acts as a coconspirator in a conspiracy to manufacture, distribute, dispense, transport in, or bring into the state a controlled dangerous substance.

(b) penalty.

(1) a drug kingpin who conspires to manufacture, distribute, dispense, transport in, or bring into the state a controlled dangerous substance in an amount listed in  $\alpha$  5-612 of this subtitle is guilty of a felony and on conviction is subject to imprisonment for not less than 20 years and not exceeding 40 years without the possibility of parole or a fine not exceeding \$1,000,000 or both.

(2) a court may not suspend any part of the mandatory minimum sentence of 20 years.

(3) the person is not eligible for parole during the mandatory minimum sentence.

(c) It is not a defense to a prosecution under this section that the controlled dangerous substance was brought into or transported in the state solely for ultimate distribution or dispensing in another jurisdiction.

(d) Notwithstanding any other provision of this title, a conviction under this section does not merge with the conviction for any crime that is the object of the conspiracy.

(e) The provisions of  $\alpha$  6-220 of the Criminal Procedure Article do not apply to a conviction under this section.

Criminal Law Article 5-613

#### Importer of Certain Controlled Dangerous Substances

(a) Unlawful amounts.

(1) unless authorized by law to possess the substance, a person may not bring into the state:

(i) 45 kilograms or more of marijuana;

(ii) 28 grams or more of cocaine;

(iii) any mixture containing 28 grams or more of cocaine;

(iv) 4 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(v) 1,000 dosage units of lysergic acid diethylamide;

(vi) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;

(vii) 28 grams or more of phencyclidine in liquid or powder form;

(viii) 112 grams or more of any mixture containing phencyclidine;

(ix) 1,000 dosage units or more of methaqualone;

(x) 28 grams or more of methamphetamine;

(xi) any mixture containing 28 grams or more of methamphetamine;

(xii) 4 grams or more of fentanyl or a fentanyl analogue.

(2) a person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$50,000 or both.

(b) Same-smaller amounts of marijuana.

(1) unless authorized by law to possess the marijuana, a person may not bring into the state more than 5 kilograms but less than 45 kilograms of marijuana.

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

Criminal Law Article 5-614

#### Distributing Faked Controlled Dangerous Substance

(a) A person may not distribute, attempt to distribute, or possess with intent to distribute a non-controlled substance:

(1) that the person represents as a controlled dangerous substance;

(2) that the person intends for use or distribution as a controlled dangerous substance; or

(3) under circumstances where one reasonably should know that the non-controlled substance will be used or distributed for use as a controlled dangerous substance.

(b) To determine if a person has violated this section, the court or other authority shall include in its consideration:

(1) whether the non-controlled substance was packaged in manner normally used to distribute a controlled dangerous substance illegally;

(2) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount

of consideration was substantially greater than the reasonable value of the non-controlled substance; and

(3) whether the physical appearance of the non-controlled substance is substantially identical to that of a controlled dangerous substance.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$15,000 or both.

(d) It is not a defense to a prosecution under this section that the defendant believed that the non-controlled substance was a controlled dangerous substance.  
Criminal Law Article 5-617

#### Possession or Purchase of Non-controlled Substance

(a) Except as authorized in this title, a person may not possess or purchase a non-controlled substance that the person reasonably believes is a controlled dangerous substance.

(b) To determine if a person has violated this section, the court shall include in its consideration:

(1) whether the non-controlled substance was packaged in a manner normally used to illegally distribute a controlled dangerous substance;

(2) if the non-controlled substance was purchased, whether the amount of the consideration was substantially greater than the reasonable value of the non-controlled substance; and

(3) whether the physical appearance of the non-controlled substance is substantially identical to that of a controlled dangerous substance.

(c) It is not a defense to a prosecution under this section that the substance a person possessed or purchased was not a controlled dangerous substance if the person reasonably believed that it was a controlled dangerous substance.

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

Criminal Law Article 5-618

#### Drug Paraphernalia

(a)(1) in this section, "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, testing, analyzing, packaging, repackaging, storing, containing, or concealing a controlled dangerous substance in violation of this title; or

(ii) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of this title.

(2) "drug paraphernalia" includes:

(i) a kit used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled dangerous substance or from which a controlled dangerous substance can be derived;

(ii) a kit used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled dangerous substance;

(iii) an isomerization device used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled dangerous substance;

(iv) testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled dangerous substance;

(v) a scale or balance used, intended for use, or designed for use in weighing or measuring a controlled dangerous substance;

(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a controlled dangerous substance;

(vii) a separation gin or sifter used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance;

(ix) a capsule, balloon, envelope, or other container used, intended for use, or designed for use in packaging small quantities of a controlled dangerous substance;

(x) a container or other object used, intended for use, or designed for use in storing or concealing a controlled dangerous substance;

(xi) a hypodermic syringe, needle, or other object used, intended for use, or designed for use in parenterally injecting a controlled dangerous substance into the human body; and

(xii) an object used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as:

1. a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without screen, permanent screen, hashish head, or punctured metal bowl;

2. a water pipe;

3. a carburetion tube or device;

4. a smoking or carburetion mask;

5. an object known as a roach clip used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;

6. a miniature spoon used for cocaine and cocaine vials;

7. a chamber pipe;

8. a carburetor pipe;

9. an electric pipe;

10. an air-driven pipe;

11. a chillum;

12. a bong; and

13. an ice pipe or chiller.

(b) 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.
- (c) 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.

(d) penalty-see statute A person who violates this subsection is guilty of a misdemeanor.

Criminal Law Article 5-619

#### Controlled Paraphernalia

- (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) possess or distribute controlled paraphernalia under circumstances which reasonably indicate an intention to use the controlled paraphernalia for purposes of illegally administering a controlled dangerous substance.
- (b) Evidence of circumstances that reasonably indicate an intent to use controlled paraphernalia to manufacture, administer, distribute, or dispense a controlled dangerous substance unlawfully include the close proximity of the controlled paraphernalia to an adulterant, diluent, or equipment commonly used to illegally manufacture, administer, distribute, or dispense controlled dangerous substances, including:
- (1) a scale;
  - (2) a sieve;
  - (3) a strainer;
  - (4) a measuring spoon;
  - (5) staples;
  - (6) a stapler;
  - (7) a glassine envelope;
  - (8) a gelatin capsule;
  - (9) procaine hydrochloride;
  - (10) mannitol;
  - (11) lactose;
  - (12) quinine; and
  - (13) a controlled dangerous substance.

(c) Information that is communicated to a physician to obtain controlled paraphernalia from the physician in violation of this subtitle is not a privileged communication.

(c) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor.

See Statute for penalty

Criminal Law Article 5-620

#### Use of Weapon as Separate Crime

- (b) During and in relation to a drug trafficking crime, a person may not:
- (1) possess a firearm under sufficient circumstances to constitute a nexus to the drug trafficking crime; or
  - (2) use, wear, carry, or transport a firearm.
- (c) penalty. See Statute for exact language

In addition to the sentence provided for the drug trafficking crime, a person who violates subsection (b) of this section is guilty of a felony and the court shall double the minimum mandatory sentence if a firearm is used.

Criminal Law Article 5-621

#### Firearm Crimes

(b) A person may not possess, own, carry, or transport a firearm if that person has been convicted of:

(1) a felony under this title;

(2) a crime under the laws of another state or of the United States that would be a felony under this title if committed in this state;

(3) conspiracy to commit a crime referred to in paragraphs (1) and (2) of this subsection; or

(4) an attempt to commit a crime referred to in paragraphs (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) penalty-see statute  
Criminal Law Article 5-623

#### Drug-induced Conduct

(a) In this section, "drug" does not include alcohol.  
(b) A person may not administer a controlled dangerous substance or other drug to another without that person's knowledge and commit against that other:  
(1) a crime of violence as defined in § 14-101 of this Article; or  
(2) a sexual offense in the third degree under § 3-307 of this Article.  
(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.  
Criminal Law Article 5-624

#### Controlled Dangerous Substance Near School

(a) A person may not manufacture, distribute, dispense, or possess with intent to distribute a controlled dangerous substance in violation of § 5-602 of this subtitle or conspire to commit any of these crimes:  
(1) in a school vehicle, as defined under § 11-154 of the Transportation Article; or  
(2) in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary educational purposes.  
(b) Subsection (a) of this section applies whether or not:  
(1) school was in session at the time of the crime; or  
(2) the real property was being used for purposes other than school purposes at the time of the crime.  
felony-see statute for penalty  
Note-Must be within 1,000ft. of property owned or used for school purposes.  
Criminal Law Article 5-627

#### Use of Minor

(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 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 Drug

(b) a person may not dispense a prescription drug except:

(1) on an authorized provider's:

(i) written prescription; or

(ii) oral prescription that the pharmacist reduces to writing and files; or

(2) by refilling a written or 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 or 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  $\alpha$  12-504 of the Health Occupations Article, called for in a prescription of a physician or other authorized provider.

(b) Subsection (a) of this section applies to a person acting on the person's own behalf or as an agent or employee of some other person.

(c) (1) a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment of not less than 1 month and not exceeding 1 year or a fine of not less than \$100 and not exceeding \$500 or both.

(2) a person convicted under this section may not practice pharmacy under a certificate or registration issued under state law.

Criminal Law Article 5-702

#### Unsolicited Mailing

(b) A person may not send by mail a prescription drug, controlled dangerous substance, or medicine to "resident", "occupant", or to a named addressee who has not requested that the prescription drug, controlled dangerous substance, or medicine be mailed.

Criminal Law Article 5-703

#### Inhalant

(a) scope of section.

(1) this section applies to fingernail polish, model airplane glue, or any other substance that causes intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system when smelled or inhaled.

(2) this section does not apply to:

(i) the inhalation of 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  $\alpha$  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  $\alpha$  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

#### Jurisdiction

##### Statewide Jurisdiction for Officers

(a) investigations and enforcement.

(1) notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority police, the Maryland Port Administration police, or a municipal corporation or county may investigate and otherwise enforce this title (Title 5 CDS, Prescriptions, and other Substances) and Title 12 of the Criminal Procedure Article throughout the state without any limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of State Police.

(2) the authority granted in paragraph (1) of this subsection may be exercised only in accordance with regulations that the Secretary of the State Police adopts.

(3) the regulations are not subject to Title 10, Subtitle 1 of the State Government Article.

(b) If action is taken under the authority granted in this section, notification of an investigation or enforcement action shall be made:

(1) in a municipal corporation, to the chief of police or designee of the chief of police;

(2) in a county that has a county police department, to the chief of police or designee of the chief of police;

(3) in a county without a police department, to the sheriff or designee of the sheriff;

(4) in Baltimore City, to the police commissioner or the police commissioner's designee; and

(5) on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, to the respective chief of police or the chief's designee.

(c) When acting under the authority granted in this section, a law enforcement officer:

(1) in addition to any other immunities and exemptions to which the officer may be entitled, has the immunities from liability and exemptions accorded to a law enforcement officer of the Department of State Police; but

(2) remains an employee of the officer's employing agency.

Criminal Law Article 5-802

##### Administrative Inspection Warrants.

(a) In this section, "administrative probable cause" means a valid public interest in the effective enforcement of this title or regulations sufficient to justify administrative inspection of the area premises, building, or conveyance in the circumstances specified in the application for the administrative inspection warrant.

(b) On showing of administrative probable cause, a judge of the state may issue an administrative inspection warrant to conduct:

(1) administrative inspections authorized by this title; and

(2) seizures of property appropriate to the inspections.

See statute for details

Criminal Law Article 5-804

##### Other 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 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 or controlled paraphernalia.
  - (d) A controlled dangerous substance or controlled paraphernalia manufactured, distributed, dispensed, possessed, prescribed, or administered in violation of subsection (c) of this section is contraband.
  - (e) penalties-See statute.
- Criminal Law Article 5-902

#### 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  $\alpha$  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  $\alpha$  5-303(d) of this title.
  - (b) penalties-See statute
- Criminal Law Article 5-904

O

#### Obscene Publications

See also Minors Obscene Matter.

P

#### 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.  
Criminal Law Article 9-101

#### Subornation of Perjury

(a) a person may not procure another to commit perjury as prohibited by § 9-101 of this subtitle.

(b) a person who violates this section is guilty of the misdemeanor of subornation of perjury and on conviction is subject to imprisonment not exceeding 10 years.

Criminal Law Article 9-102

#### Poison

##### Attempt to Poison

(a) A person may not attempt to poison another.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

Criminal Law Article 3-213

##### Contaminating water supply or food or drink

(a) A person may not knowingly and willfully contaminate, attempt to contaminate, or conspire to contaminate the water of a source or tributary of a water supply, including the waters of a well, spring, brook, lake, pond, stream, river, or reservoir by adding disease germs, bacteria, poison, or poisonous matter, if the water supply is used or is usable for drinking or domestic purposes.

(b) A person may not knowingly and willfully contaminate, attempt to contaminate, or conspire to contaminate any drink, food, food product, or food supply by adding disease germs, bacteria, poison, or poisonous matter.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article 3-214

#### Police Officers, Special

Each person appointed under this subtitle as a special police officer is charged with the protection and preservation of peace and good order on the property described in the application for the commission. The officer has the power to arrest persons who trespass or commit offenses thereon. The officer has, and may exercise, the powers of a police officer upon the property described in the application for the commission and may exercise these powers in any county or city of the State in connection with the care, custody, and protection of other property of the requesting authority or other property, real or personal, for which it has assumed an obligation to maintain or protect. In order to facilitate the orderly ingress and egress of traffic to and from the property described in the application, the officer has authority to direct and control traffic on public highways and roads adjacent to and in the immediate vicinity of the property described in the application when this activity is approved in advance by the Secretary of the Department of State Police; however, only a special police officer with a probationary or permanent appointment as a security officer or a member of any industrial police force who holds a special police commission, and has completed the basic training course for police officers as established by the Police Training Commission, pursuant to the Public Safety Article may make arrests or issue traffic citations for violations of any of the provisions of the Maryland Vehicle Law or any other State or local traffic laws or regulations. The officer may exercise this power only upon the property of the officer's employer as described in the application for the commission unless the officer is in active pursuit of an individual for the

purpose of immediate apprehension. The officer is responsible for any abuse of the officer's powers or the exercise of them on property not within the officer's jurisdiction. The requesting authority for whose convenience and protection the officer has been appointed is also responsible for any wrongful actions committed by the officer in the course of the officer's duties as well as any abuse of the powers granted by the Commission either on or off the premises.

See Public Safety Article

#### Police Officer-Resisting or Hindering

It is unlawful for any person to resist or in any manner hinder or prevent a public officer in the lawful execution of his duty, knowing him to be such officer. Penalty, fine or imprisonment, or both. (Common Law offense.)

Lamb v. State, 141 Md.App. 610, 624 (2001)

#### Prison Employee

##### Contact with Bodily Fluids

(a) An inmate may not maliciously cause or attempt to cause an employee of a state correctional facility, a local correctional facility, or a sheriff's office, regardless of employment capacity, to come into contact with:

(1) seminal fluid, urine, or feces; or

(2) blood, if the contact with the blood is not the result of physical injury resulting from physical body contact between the inmate and the employee.

(b) An inmate who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

(c) A sentence imposed under this section shall be consecutive to any sentence that the inmate was serving at the time of the crime or that had been imposed but was not yet being served at the time of sentencing.

(d) A sentence imposed under this section may not be suspended.

Criminal Law Article 3-205

#### Property-Baggage, Maliciously Destroying

##### Malicious Destruction-generally

(a) A person may not willfully and maliciously destroy, injure, or deface the real or personal property of another.

(b) property damage of at least \$500.

A person who, in violation of this section, causes damage of at least \$500 to the property is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

(c) property damage of less than \$500.

A person who, in violation of this section, causes damage of less than \$500 to the property is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

Criminal Law Article 6-301

#### Destroying, Injuring, Property Maliciously

##### 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

#### Prostitution and Related Crimes

#### Pandering

(a) a person may not knowingly:

- (1) take or cause another to be taken to any place for prostitution;
- (2) place, cause to be placed, or harbor another in any place for prostitution;
- (3) persuade or encourage by threat or promise another to be taken to or placed in any place for prostitution;
- (4) unlawfully take or detain another with the intent to use force, threat, or persuasion to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse; or
- (5) 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.

(b) 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.

(c) a person who violates this section is guilty of the misdemeanor of pandering and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

Criminal Law Article 11-303

#### Receiving Earnings of Prostitute

(a) a person may not receive or acquire money or proceeds from the earnings of a person engaged in prostitution with the intent to:

- (1) promote a crime under this subtitle;
- (2) profit from a crime under this subtitle; or
- (3) conceal or disguise the nature, location, source, ownership, or control of money or proceeds of a crime under this subtitle.

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

Criminal Law Article 11-304

#### Abduction of Child under 16 for Prostitution

(a) for purposes of prostitution or 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; or
- (2) knowingly secrete or harbor or aid in the secreting or harboring of an individual under the age of 16 years 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 misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

Criminal Law Article 11-305

#### House of Prostitution

(a) a person may not knowingly:

- (1) engage in prostitution or assignation by any means;
- (2) keep, set up, occupy, maintain, or operate a building, structure, or conveyance for prostitution or assignation;
- (3) allow a building, structure, or conveyance owned or under the person's control to be used for prostitution or assignation;
- (4) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation; or
- (5) procure or solicit or offer to procure or solicit for prostitution or assignation.

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

Criminal Law Article 11-306

R

#### RAILROAD

Railroad Cars, etc.-Crimes involving Railroads

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) Except as authorized by law or the rules of the railroad company, a person may not be in or on a railroad vehicle on a railroad track in the state.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 month or a fine not exceeding \$25 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 utility companies 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 Tickets

(a) Unless authorized by a railroad company that maintains offices in the state, a person may not:

- (1) buy, sell, or engage in the business of buying or selling railroad tickets or the unused parts of railroad tickets;
  - (2) act as vendor or broker of whole or partly used railroad tickets;
  - (3) solicit personally or by sign, advertisement, or otherwise to buy or sell railroad tickets; or
  - (4) aid or abet in buying or selling railroad tickets in the state.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$100 or both.
- (c) Each act of buying or selling railroad tickets is a separate violation.
- Criminal Law Article 6-506

#### RAPE/SEX OFFENSES

##### Sexual crimes

##### Definitions.

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Mentally defective individual" means an individual who suffers from mental retardation 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.
- (c) "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.
- (d) "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.
- (e) (1) "Sexual act" means any of the following acts, regardless of whether semen is emitted:
- (i) anilingus;
  - (ii) cunnilingus;
  - (iii) fellatio;
  - (iv) anal intercourse, including penetration, however slight, of the anus; or
  - (v) an act:
    1. in which an object 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 penetrates an individual's genital opening or anus for an accepted medical purpose.
- (f) sexual contact.
- (1) "sexual contact", as used in  $\hat{U}$  3-307 and 3-308 of this subtitle, means an intentional touching of the victim's or actors genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.
- (2) "sexual contact" includes an act:

(i) in which a part of an individual's body, except the penis, mouth, or tongue, penetrates, however slightly, into another individual's genital opening or anus; and

(ii) that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party.

(3) "sexual contact" does not include:

(i) a common expression of familial or friendly affection; or

(ii) an act for an accepted medical purpose.

(g) vaginal intercourse.

(1) "vaginal intercourse" means genital copulation, whether or not semen is emitted.

(2) "vaginal intercourse" includes penetration, however slight, of the vagina.

Criminal Law Article 3-301

#### Rape in the First Degree

(a) A person may not:

(1) engage in vaginal intercourse 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; 18 or

(v) commit the crime in connection with a burglary in the first, second, or third degree.

(b)(1) Except as provided in paragraph (2) of this section, a person who violates this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life; or

(2) A person who violates this section is guilty of the felony of rape in the first degree and upon conviction is subject to imprisonment not exceeding life without the possibility of parole if:

(i) The person is convicted in the same proceeding of violating  $\alpha$  3-503(a)(2) of this title and the victim was a child under the age of 16, or

(ii) The defendant was previously convicted of violating this section or Section 3-305 of this subtitle.

Criminal Law Article 3-303

#### Rape in the Second Degree

(a) A person may not engage in vaginal intercourse with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a mentally defective 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 mentally defective 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 who violates this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article 3-304

#### Sexual Offense in the First Degree

(a) A person may not:

(1) 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)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life; or

(2) A person who violates this section is guilty of the felony of sexual offense in the first degree and upon conviction is subject to imprisonment not exceeding life without the possibility of parole if:

(i) The person is convicted in the same proceeding of violating  $\alpha$  3-503(a)(2) of this title and the victim was a child under the age of 16, or

(ii) The defendant was previously convicted of violating this section or Section 3-303 of this subtitle.

Criminal Law Article 3-305

#### Sexual Offense in the Second Degree

(a) A person may not engage in a sexual act with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the sexual act knows or reasonably should know that the victim is a mentally defective 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 sexual act is at least 4 years older than the victim.

(b) A person who violates this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article 3-306

#### 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 mentally defective 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 mentally defective 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) 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.

(b) (1) Except as provided in paragraph (2) of this section, 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) On conviction of a violation of this section, a person who has been convicted on a prior occasion not arising from the same incident is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

Criminal Law Article 3-308

#### 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

#### 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

#### Attempted Sexual Offense in the First Degree

(a) A person may not attempt to commit a sexual offense 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 3-311

#### Attempted Sexual Offense in the Second Degree

(a) A person may not attempt to commit a sexual offense 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 3-312

#### Sexual Conduct between Correctional or Juvenile Services Employee and Inmate or Confined Child

(a) Definitions.

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

(2)(i) "correctional employee" means a:

1. correctional officer, as defined in  $\alpha$  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)(i) "inmate" has the meaning stated in  $\alpha$  1-101 of this Article.

(ii) "inmate" includes an individual confined in a community adult rehabilitation center.

(b) A correctional employee may not engage in vaginal intercourse or a sexual act with an inmate.

(c) An employee or licensee of the department of Juvenile Services may not engage in vaginal intercourse or a sexual act with an individual confined in a child care institution licensed by the department, a detention center for juveniles, or a facility for juveniles listed in Article 83c,  $\alpha$  2-117(a)(2) of the code.

(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 \$3,000 or both.

Criminal Law Article 3-314

#### Spousal Defense

(a) Except as provided in subsections (b) and (c) of this section, a person may not be prosecuted under  $\alpha$  3-303,  $\alpha$  3-304,  $\alpha$  3-307, or  $\alpha$  3-308 of this subtitle for a crime against a victim who was the person's legal spouse at the time of the alleged rape or sexual offense.

(b) a person may be prosecuted under  $\alpha$  3-303(a),  $\alpha$  3-304(a)(1), or  $\alpha$  3-307(a)(1)(i) and (ii)1 or 2 of this subtitle for a crime against the person's legal spouse if:

(1) at the time of the alleged crime the person and the person's legal spouse have lived apart, without cohabitation and without interruption:

(i) under a written separation agreement executed by the person and the spouse; or

(ii) for at least 3 months immediately before the alleged rape or sexual offense; or

(2) the person in committing the crime uses force and the act is without the consent of the spouse.

(c) A person may be prosecuted under  $\alpha$  3-303,  $\alpha$  3-304,  $\alpha$  3-307, or  $\alpha$  3-308 of this subtitle for a crime against the person's legal spouse if at the time of the alleged crime the person and the spouse live apart, without cohabitation and without interruption, under a decree of limited divorce.

Criminal Law Article 3-317

#### Sodomy

A person who is convicted of sodomy is guilty of a felony and is subject to imprisonment not exceeding 10 years.

Criminal Law Article 3-320

#### Unnatural or Perverted Sexual Practice

(a) A person may not:

(1) take the sexual organ of another or of an animal in the person's mouth;

(2) place the person's sexual organ in the mouth of another or of an animal; or

(3) commit another unnatural or perverted sexual practice with another or with an animal.

(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 \$1,000 or both.

Criminal Law Article 3-321

#### 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 3-322

#### 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 of commodity.

(2) subsection (a)(2) of this section does not apply to:

(i) a law enforcement officer or security guard in the performance of an official duty; or

(ii) an individual acting in defense of a crime of violence as defined in section 5-101 of the Public Safety Article.

Criminal Law Article 3-204

#### Recorded Material

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 7-307

#### 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.  
Penalty See Criminal Law Article 7-309  
Criminal Law Article 7-308

#### Robbery

See statute for definitions

(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

(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 with a dangerous weapon.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article 3-403

For assault with intent to rob, see Assault.

S

Sabotage

Definitions.

(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 county with which the United States maintains friendly relations.

(c) "identification badge" means a badge that a person wears to show the person's identity or right to be in or on any premises described in § 9-704 of this 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

(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

Sodomy

See Rape and Sex Offenses

#### Stalking

In this subtitle, "course of conduct" means a persistent pattern of conduct, composed of a series of acts over time, that shows a continuity of purpose.  
Criminal Law Article 3-801

(a) In this section, "stalking" means a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear of:

- (1) (i) of serious bodily injury or death;
- (ii) an assault in any degree;
- (iii) rape or sexual offense as defined by subsection 3-303 through 3-308 of this Article or attempted rape or sexual offense in any degree;
- (iv) false imprisonment; or
- (v) death; or
- (2) that a third person likely will suffer any of the acts listed in paragraph (1) of this subsection.

(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) is authorized, required, or protected by 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.

(d) 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

#### Strikes-Picketing

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

T

#### Telephone and Electronic Mail Use

##### Misuse of Telephone Facilities and Equipment

(a) A person may not use telephone facilities or equipment to make:

(1) an anonymous call that is reasonably expected to annoy, abuse, torment, harass, 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) In this section, "electronic mail" means the transmission of information or a communication by the use of a computer or other electronic means that is sent to a person identified by a unique address and that is received by the person.

(b) A person may not use electronic mail with the intent to harass:

(1) one or more persons; or

(2) by sending lewd, lascivious, or obscene material.

(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 mail or to conduct surveillance of electronic mail, if a court order directs the person to provide the information, facilities, or technical assistance:

(1) a provider of electronic mail;

(2) an officer, employee, agent, landlord, or custodian of a provider of electronic mail; 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 mail or to conduct surveillance of electronic mail.

(d) This section does not apply to a peaceable activity intended to express a political view or provide information to others.

(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 \$500 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) a person may not attach a device to a telephone or telephone line that dials by remote control a preprogrammed 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) 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.

"interactive computer service" includes a service or system that provides access to the internet.

(f) "motor vehicle" has the meaning stated in  $\alpha$  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.

(1) "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) The value of property or service under this part shall be determined in accordance with this section.

(c)(1) except as provided in paragraph (2) of this subsection, this subsection applies to a written instrument whether or not the instrument has been issued or delivered.

(2) this subsection does not apply to a written instrument that has a readily ascertainable market value.

(3)(i) for purposes of this part, a written instrument is valued as provided by this paragraph.

(ii) the value of an instrument constituting evidence of debt, including a check, draft, or promissory note, is the amount due or collectible on the instrument. that value is ordinarily the face amount of the instrument, less any portion that has been satisfied.

(iii) the value of any other instrument that creates, releases, discharges, or otherwise affects a valuable legal right, privilege, or obligation is the amount of economic loss the owner of the instrument might reasonably suffer because of the loss of the instrument.

(d) The value of a trade secret lacking a readily ascertainable market value is a reasonable value that represents the damage the owner suffered by the loss of an advantage over those who do not know or use the trade secret.

(e)(1) For the purposes of determining whether a theft violation subject to either subsection 7-104(g)(1) or (2) of this subtitle has been committed, when it cannot be determined whether the value of the property or service is more or less than \$500 under the standards of this section, the value is deemed to be less than \$500.

(2) For the purposes of determining whether a theft violation subject to either subsection 7-104(g)(2) or (3) of this 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) When theft is committed in violation of this part under one scheme or continuing course of conduct, whether from the same or several sources:

(1) the conduct may be considered as one crime; and

(2) the value of the property or services may be aggregated in determining whether the theft is a felony or a misdemeanor.

Criminal Law Article 7-103

#### General Theft Provisions

(a) A person may not willfully or knowingly obtain or exert unauthorized control over property, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(b) A person may not obtain control over property by willfully or knowingly using deception, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(c)(1) a person may not possess stolen personal property knowing that it has been stolen, or believing that it probably has been stolen, if the person:

(i) intends to deprive the owner of the property;

(ii) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(iii) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(2) in the case of a person in the business of buying or selling goods, the knowledge required under this subsection may be inferred if:

(i) the person possesses or exerts control over property stolen from more than one person on separate occasions;

(ii) during the year preceding the criminal possession charged, the person has acquired stolen property in a separate transaction; or

(iii) being in the business of buying or selling property of the sort possessed, the person acquired it for a consideration that the person knew was far below a reasonable value.

(3) in a prosecution for theft by possession of stolen property under this subsection, it is not a defense that:

(i) the person who stole the property has not been convicted, apprehended, or identified;

(ii) the defendant stole or participated in the stealing of the property; or

(iii) the stealing of the property did not occur in the state.

(4) unless the person who criminally possesses stolen property participated in the stealing, the person who criminally possesses stolen property and a person who has stolen the property are not accomplices in theft for the purpose of any rule of evidence requiring corroboration of the testimony of an accomplice.

(d) A person may not obtain control over property knowing that the property was lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature or amount of the property, if the person:

(1) knows or learns the identity of the owner or knows, is aware of, or learns of a reasonable method of identifying the owner;

(2) fails to take reasonable measures to restore the property to the owner; and

(3) intends to deprive the owner permanently of the use or benefit of the property when the person obtains the property or at a later time.

(e) A person may not obtain the services of another that are available only for compensation:

(1) by deception; or

(2) with knowledge that the services are provided without the consent of the person providing them.

(f) Under this section, an offender's intention or knowledge that a promise would not be performed may not be established by or inferred solely from the fact that the promise was not performed.

(g) a person convicted of theft of property or services with a value of \$500 or more is guilty of a felony. A person convicted of theft of property or services with a value of less than \$500 is guilty of a misdemeanor.

(See statute for actual wording)

Criminal Law Article 7-104

#### 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  $\alpha$  7-104 of this part.

(2) if a person is convicted under  $\alpha$  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  $\alpha$  7-104 of this part.

Criminal Law Article 7-105

#### Newspaper Theft

(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

#### 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  $\alpha$  7-104(b) or (e) of this part.

(b) If a person is prosecuted for theft under this section, the presumptions of  $\alpha$  8-104 of this Article apply to the same extent as if the person were prosecuted under  $\alpha$  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  $\alpha$  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  $\alpha$  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  $\alpha$  7-103 of this Article.

Criminal Law Article 8-101

#### Rules of Construction

(a) For purposes of this subtitle, a drawer has insufficient funds with a drawee to cover a check when the drawer has with the drawee:

(1) no account;

- (2) only a closed account;
  - (3) no funds; or
  - (4) funds in an amount that is less than the amount needed to cover the check.
- (b) A check dishonored for "no account" has been dishonored for "insufficient funds".

#### Criminal Law Article 8-102

##### Obtaining Property or Services by Bad Check

(a) A person may not obtain property or services by issuing a check if:

- (1) the person knows that there are insufficient funds with the drawee to cover the check and other outstanding checks;
- (2) the person intends or believes when issuing the check that payment will be refused by the drawee on presentment; and
- (3) payment of the check is refused by the drawee on presentment.

(b) A person may not obtain property or services by issuing a check if:

- (1) when issuing the check, the person knows that the person or, in the case of a representative drawer, the person's principal intends, without the consent of the payee, to stop or countermand the payment of the check, or otherwise to cause the drawee to disregard, dishonor, or refuse to recognize the check; and
- (2) payment is refused by the drawee on presentment.

(c) A person may not issue a check if:

(1) the check is in payment for services provided or to be provided by:

- (i) an employee of the drawer or representative drawer; or
- (ii) an independent contractor hired by the drawer or representative drawer;

(2) the drawer or representative drawer:

(i) intends or believes when issuing the check that payment will be refused by the drawee on presentment; or

(ii) knows that the drawer or, in the case of a representative drawer, the principal of the representative drawer has insufficient funds with the drawee to cover the check and other outstanding checks;

(3) the employee of the drawer or representative drawer or an independent contractor hired by the drawer or representative drawer passes the check to a third person; and

(4) payment is refused by the drawee on presentment.

(d) a person may not obtain property or services by passing a check if:

(1) the person knows that the drawer of the check has insufficient funds with the drawee to cover the check and other outstanding checks;

(2) the person intends or believes when passing the check that payment will be refused by the drawee on presentment; and

(3) payment of the check is refused by the drawee on presentment.

(e) a person may not obtain property or services by passing a check if:

(1) the person knows that:

(i) payment of the check has been stopped or countermanded; or

(ii) the drawee of the check will disregard, dishonor, or refuse to recognize the check; and

(2) payment is refused by the drawee on presentment.

#### Criminal Law Article 8-103

##### Presumptions

(a) The drawer or representative drawer is presumed to know that there are insufficient funds whenever the drawer of a check has insufficient funds with the drawee to cover the check and other outstanding checks when issuing the check.

(b) The drawer or representative drawer of a dishonored check is presumed to have intended or believed that the check would be dishonored on presentment if:

(1) the drawer had no account with the drawee when issuing the check; or

(2)(i) when issuing the check, the drawer had insufficient funds with the drawee to cover the check and other outstanding checks;  
(ii) the check was presented to the drawee for payment not more than 30 days after the date of issuing the check; and  
(iii) the drawer had insufficient funds with the drawee at the time of presentment.

(c) A notice of protest of a check, or a certificate under oath of an authorized representative of the drawee declaring the dishonor of a check, the drawer's lack of an account, or that the drawer had insufficient funds introduced in evidence is presumptive evidence, that:

(1) the check was dishonored by the drawee; and

(2) the drawer had:

(i) no account with the drawee when the check was issued; or

(ii) insufficient funds with the drawee at the time of presentment and issuing of the check.

(d) The fact that a drawer or representative drawer, without the consent of the payee, stopped or countermanded the payment of the check, or otherwise caused the drawee to disregard, dishonor, or refuse to recognize the check without returning or tendering the return of the property obtained, is presumptive evidence that the drawer or representative drawer had the intent when issuing the check to stop or countermand payment or otherwise cause the drawee to disregard, dishonor, or refuse to recognize the check.

Criminal Law Article 8-104

#### Limitation on Prosecution

(a) A person who obtains property or services by issuing or passing a check in violation of § 8-103 of this 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.

Criminal Law Article 8-105

#### Theft of 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 enter or be on the premises of another, and take and carry away from the premises or out of the custody or use of the other, or the other's agent, or a governmental unit any property, including:

- (1) a vehicle;
- (2) a motor vehicle;
- (3) a vessel; or
- (4) livestock.

(b) A person who violates this section is guilty of a misdemeanor and on conviction:

(1) is subject to imprisonment of at least 6 months and not exceeding 4 years or a fine of at least \$50 and not exceeding \$100 or both; and

(2) shall restore the property taken and carried away in violation of this section or, if unable to restore the property, shall pay to the owner the full value of the property.

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.

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) 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

#### Threats Against State or Local Officials

(a) definitions.

(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 § 15-102 of the State Government 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 or local official.

(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

#### 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 imprisonment not exceeding 90 days or a fine not exceeding \$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 imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

(d) This section prohibits only wanton entry on private property.

(e) This section also applies to property that is used as a housing project and operated by a housing authority or state public body, as those terms are defined in Article 44, Section 1-103 (c) and (t) of the code, if an authorized agent of the housing authority or state public body gives the required notice specified in subsection (a) or (b) of this section.

Criminal Law Article 6-403

#### 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, snow blower, garden or lawn tractor, or golf cart while being used for its designed purpose.

(b) Except when traveling on a clearly designated private driveway, a person may not use a vehicle or off-road vehicle on private property unless the person has in the person's possession the written permission of the owner or tenant of the private property.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

Criminal Law Article 6-404

#### Use of an Off-Road Vehicle on Public Property

(a) In this section, "political subdivision" includes a:

- (1) county;
- (2) municipal corporation;
- (3) bi-county or multi-county agency;
- (4) county board of education;
- (5) public authority; or
- (6) special taxing district.

(b) This section does not apply to:

- (1) a vessel;
- (2) a military, fire, or law enforcement vehicle;
- (3) a farm-type tractor, other agricultural equipment used for agricultural purposes, or construction equipment used for agricultural purposes or earth moving;
- (4) earth-moving or construction equipment used for those purposes; or
- (5) a lawn mower, snow blower, garden or lawn tractor, or golf cart while being used for its designed purpose.

(c) Except as otherwise allowed by law, a person may not use an off-road vehicle on property known by the person to be owned or leased by the state or a political subdivision.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

Criminal Law Article 6-405

#### 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

(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

#### Public Schools: Prohibitions and Penalties: School Security

(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) See statute for narrative.

(e) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500, imprisonment not exceeding 6 months, or both.

Education Article 26-101

#### Drinking or possessing intoxicating beverages on school premise.

(a)(1) Unless locally approved by the county board of education, a person may not drink or

possess any alcoholic beverage on the premises of any public school.

(2) A person who drinks or possesses any alcoholic beverage and causes a public disturbance at any elementary or secondary school athletic contest may not refuse to comply with a request by a law enforcement officer to stop drinking and causing the public disturbance. If the person complies with the first request, he may not be charged under this paragraph.

(b)(1) Any person under 18 years of age who violates the provisions of this section shall be issued a citation and be subject to the dispositions for a violation under Subtitle 8 of Title 3 of the Courts and Judicial Proceedings Article.

(2) Any person 18 years old or older violating the provisions of this section shall be issued a citation. See statute for balance of section.

Education Article 26-103

#### Trespass-Public Educational Institution

(b) The governing board, president, superintendent, or principal, 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 person who:

(1) Is not a bona fide, currently registered student, or staff or faculty member at the institution, and who does not have a lawful business to pursue at the institution; or

(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 education functions of the institution.

(c) Administrative personnel and authorized employees of any public institution of elementary, secondary, or higher education 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(a) 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 an authorized person;

(4) 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, Sec 26-102

#### Railroad - Trespass

In this subtitle, "railroad vehicle" includes a car, carriage, engine, locomotive, or

Criminal Law Article 6-501

#### Riding on Railcar

(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

## U

#### Utilities

##### Public Utility Interference-Electrical Equipment

(a) In this section, "electric company" has the meaning stated in § 1-101 of the public utility companies 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 Equipment

(a) In this section, "gas company" has the meaning stated in § 1-101 of the public utility companies 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

(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 utility companies Article.

(c) A person may not wrongfully and maliciously:

(1) connect, disconnect, tap, interfere or tamper with, or make a connection with water equipment that belongs to a company, municipal corporation, county, or unit of state or local government that uses or supplies water for domestic, agricultural, or manufacturing purposes; or

(2) tamper with a meter used to register the water consumed.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

Criminal Law Article 6-305

V

#### Visual Surveillance

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

(2) "private place" means a dressing room or rest room in a retail store.

(3) "visual surveillance" means surveillance by:

(i) direct sight;

(ii) the use of mirrors;

(iii) the use of cameras; or

(iv) the use of an electronic device that can be used surreptitiously to observe an individual.

(b) This section does not apply to any otherwise lawful surveillance conducted by a law enforcement officer while performing official duties.

(c) A person may not conduct or procure another to conduct visual surveillance of an individual in a private place without the consent of that individual.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$1,000 or both.

(e) It is not a defense to a prosecution under this section that the defendant owns the premises where the private place is located.

Criminal Law Article 3-901

#### Visual Surveillance with Prurient Intent

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

(2) "camera" includes any electronic device that can be used surreptitiously to observe an individual.

(3) (i) "private place" means a room in which a person can reasonably be expected to fully or partially disrobe and has a reasonable expectation of privacy, bedroom, or restroom in:

(1) an office, business, or store;

(2) a recreational facility;

(3) a restaurant or tavern;

(4) a hotel, motel, or other lodging facility;

(5) a theater or sports arena;

(6) a school or other educational institution;

(7) a bank or other financial institution;

(8) any part of a day care home used for the care and custody of a child; or

(9) another place of public use or accommodation.

(ii) Private Place includes a tanning room, dressing room, bedroom, or restroom.

(4) (i) "visual surveillance" means the deliberate, surreptitious observation of an individual by any means.

(ii) "visual surveillance" includes surveillance by:

1. direct sight;

2. the use of mirrors; or

3. the use of cameras.

(iii) "visual surveillance" does not include a casual, momentary, or unintentional observation of an individual.

(b) This section does not apply to a person who without prurient intent:

(1) conducts filming by or for the print or broadcast media;

(2) conducts or procures another to conduct visual surveillance of an individual to protect property or public safety or prevent crime; or

(3) conducts visual surveillance and:

(i) holds a license issued under title 13 or title 19 of the business occupations and professions Article; and

(ii) is acting within the scope of the person's occupation.

(c) A person may not with prurient intent 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 1 year or a fine not exceeding \$2,500 or both.

Criminal Law Article 3-902

#### Camera Surveillance

(a) In this section, "camera" includes any electronic device that can be used surreptitiously to observe an individual.

(b) This section does not apply to:

(1) an adult resident of the private residence where a camera is placed;

(2) a person who places or procures another to place a camera on real property without the intent to conduct deliberate surreptitious observation of an individual inside the private residence;

(3) a person who has obtained the consent of an adult resident, or the adult resident's legal guardian, to place a camera on real property to conduct deliberate surreptitious observation of an individual inside the private residence;

(4) any otherwise lawful observation with a camera conducted by a law enforcement officer while performing official duties;

(5) filming conducted by a person by or for the print or broadcast media through use of a camera that is not secreted from view;

(6) any part of a private residence used for business purposes, including any part of a private residence used as a day care home for the care and custody of a child; or

(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.

(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.

Criminal Law Article 3-903

## Weapons

### Dangerous Weapons

(a) definitions.

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

(2) "nunchaku" means a device constructed of two pieces of any substance, including wood, metal, or plastic, connected by any chain, rope, leather, or other flexible material not exceeding 24 inches in length.

(3)(i) "pepper mace" means an aerosol-propelled combination of highly disabling irritant pepper-based products.

(ii) "pepper mace" is also known as oleoresin capsicum (o.c.) spray.

(4) "star knife" means a device used as a throwing weapon, consisting of several sharp or pointed blades arrayed as radially disposed arms about a central disk.

(5)(i) "weapon" includes a dirk knife, bowie knife, switchblade knife, star knife, 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

### 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) a person hired by a county board of education specifically for the purpose of guarding public school property;  
(3) a person engaged in organized shooting activity for educational purposes; or  
(4) 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 handgun in violation of this section shall be sentenced under subtitle 2 of this title.

Criminal Law Article 4-102

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.

Criminal Law Article 4-103

Child's Access to Firearms

(a) definitions.

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

(2) "ammunition" means a cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.

(3) "child" means an individual under the age of 16 years.

(4)(i) "firearm" means a handgun, rifle, shotgun, short-barreled rifle, or short-barreled shotgun, as those terms are defined in  $\square$  4-201 of this title, or any other firearm.

(ii) "firearm" does not include an antique firearm as defined in  $\square$  4-201 of this title.

(b) This section does not apply if:

(1) the child's access to a firearm is supervised by an individual at least 18 years old;

(2) the child's access to a firearm was obtained as a result of an unlawful entry;

(3) the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or

(4) the child has a certificate of firearm and hunter safety issued under  $\square$  10-301.1 of the Natural Resources Article.

(c) A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.

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

Criminal Law Article 4-104

#### 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

#### Bulletproof Body Armor

(a) definitions.

(1) in this section and  $\alpha$  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  $\alpha$  14-101 of this Article.

(5) "drug trafficking crime" has the meaning stated in  $\alpha$  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  $\alpha$  4-201 of this title;

(ii) an assault pistol as defined in  $\alpha$  4-301 of this title;

(iii) a machine gun as defined in  $\alpha$  4-401 of this title; and

(iv) a regulated firearm as defined in the Public Safety Article 5-101(p).

(7) "secretary" means the secretary of the state police or the secretary's designee.

(b) A person may not wear bulletproof body armor in the commission of a crime of violence.

(c) A person may not wear or possess bulletproof body armor during and in relation to a drug trafficking crime.

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

Criminal Law Article 4-106

#### Body Armor-Permit to Use, Possess, or Purchase

(a) Except for a person holding a valid permit issued under subsection (c) of this section, a person who was previously convicted of a crime of violence or a drug trafficking crime may not use, possess, or purchase bulletproof body armor.

(b) A person with a prior conviction for a crime of violence or a drug trafficking crime may file a petition with the secretary for a permit to purchase, possess, and use bulletproof body armor.

(c) On receiving a petition under subsection (b) of this section, the secretary may issue to the petitioner a permit to purchase, possess, and use bulletproof

body armor under the terms, conditions, and limitations that the secretary sets as appropriate, based on a determination that the petitioner:

(1) is likely to use or possess bulletproof body armor in a safe and lawful manner; and

(2) has shown good cause for the use, possession, or purchase of bulletproof body armor.

Criminal Law Article 4-107

#### Handguns

(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; or

(3) a fire investigator of the Prince George's county fire department who:

(i) is certified by Prince George's county as being trained and qualified in the use of handguns; and

(ii) has met the minimum qualifications and has satisfactorily completed the training required by the Maryland Police Training Commission.

(e) "rifle" means a weapon that is:

(1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and

(2) designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(f) "short-barreled rifle" means:

(1) a rifle that has one or more barrels less than 16 inches long; or

(2) a weapon that has an overall length of less than 26 inches and that was made from a rifle, whether by alteration, modification, or otherwise.

(g) "short-barreled shotgun" means:

(1) a shotgun that has one or more barrels less than 18 inches long; or

(2) a weapon that has an overall length of less than 26 inches long and was made from a shotgun, whether by alteration, modification, or otherwise.

(h) "shotgun" means a weapon that is:

(1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and

(2) designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore one or more projectiles for each pull of the trigger.

(i) "vehicle" means a motor vehicle as defined in Title 11, subtitle 1 of the Transportation Article, a train, an aircraft, or a vessel.  
Criminal Law Article 4-201

Wearing, Carrying, or Transporting Handgun.

(a) prohibited.

(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; or

(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.

(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 on active assignment engaged in law enforcement, 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 sheriffs' 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;

or

(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.

(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 3 years or a fine of not less than \$250 and not exceeding \$2,500 or both; but

(ii) if it appears from the evidence that the handgun was worn, carried, or transported on public school property in the state, 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, the person shall be sentenced:

1. to imprisonment for not less than 1 year and not exceeding 10 years; but

2. if it appears from the evidence that the handgun was worn, carried, or transported on public school property in the state, to imprisonment for not less than 3 years and not exceeding 15 years.

(ii) the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

(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, the person shall be sentenced:

1. to imprisonment for not less than 3 years and not exceeding 10 years; but

2.a. if it appears from the evidence that the handgun was worn, carried, or transported on public school property in the state, to imprisonment for not less than 5 years and not exceeding 10 years; or

b. if it appears from the evidence that the handgun was worn, carried, or transported with the deliberate purpose of injuring or killing another person, to imprisonment for not less than 5 years and not exceeding 10 years.

(ii) the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

Criminal Law Article 4-203

#### Use of Handgun or Antique Firearm in Commission of Crime

(a) A person may not use an antique firearm capable of being concealed on the person or any handgun in the commission of a crime of violence, as defined in the Public Safety Article of the code, or any felony, whether the antique firearm or handgun is operable or inoperable at the time of the crime.

(b) penalty.

(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

#### Limited Search, Seizure, and Arrest

(a) limited search.

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

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

(v) if the person does not offer an explanation that dispels the officer's reasonable beliefs described in paragraph (1) of this subsection, may conduct a search of the person limited to a patting or frisking of the person's clothing in search of a handgun.

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

(b) seizure of handgun and arrest.

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

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

(c) written report.

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

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

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

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

(e) construction of section.

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

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

Criminal Law Article 4-206

Permit Holder Carrying, Wearing, or Transporting Handgun Under the Influence

(a) A person to whom a permit has been issued or whose permit has been renewed under Title 5, Subtitle 3 of the Public Safety Article may not wear, carry, or transport a handgun while the person is under the influence of alcohol or drugs.

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

Criminal Law Article 4-207

Possession of Firearm at Public Demonstration

(a) definitions.

(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 subtitle 5-101 of the Public Safety Article.

(5) "law enforcement officer" means:

(i) a member of a police force or other unit of the United States, the state, a county, municipal corporation, or other political subdivision who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, the state, a county, municipal corporation, or other political subdivision;

(ii) a park police officer of the Maryland-National Capital Park and Planning Commission;

(iii) a member of the University of Maryland police force; and

(iv) any military or militia personnel directed by constituted authority to keep law and order.

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

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

(iii) "public place" includes:

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

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

3. a public parking lot;

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

5. a public park; and

6. other public grounds.

(b) prohibited.

(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

Short-Barreled Rifles/Short-Barreled Shotgun:

(a) A Person may not possess a short barreled rifle or short barreled shotgun unless:

(1) the person, while on official business is:

(i) A member of the law enforcement personnel of the federal government or of this State, or a political subdivision of this State;

(ii) A member of the armed forces of the United States or the National Guard while on duty or traveling to or from duty;

(iii) A member of the law enforcement personnel of another State or of a political subdivision of another State, while temporarily in this State;

(iv) A warden, or correctional officer of a correctional facility in this State;

or

(v) A sheriff or a temporary or full time deputy sheriff; or

(2) The short barreled shotgun or short barreled rifle has been registered with the federal government in accordance with federal law.

the short barreled shotgun or short barreled rifle.

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

Public Safety Article 5-203

A person may not possess a rifle or shotgun if the person is suffering from a mental disorder as defined in 4, 6 10 101(F)(2) of the Health General Article and has a history of violent behavior against another person or self, or has been confined for more than 30 consecutive days to a facility as defined in section 10 101 of the Health General Article, unless the person possesses a physician's certification that the person is capable of possessing a rifle or a shotgun without undue danger to the person or to others.

See statute for narrative.

Public Safety Article 5-205

Regulation of 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) exceptions.

(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.

(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) discharge of firearms.

(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 Pistols and Detachable Magazines

In this subtitle, "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 cobra;

(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.

Criminal Law Article 4-301

#### 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, or law enforcement personnel of the state or a local unit in the state;

(2) a firearm modified to render it permanently inoperative;

(3) purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who is:

(i) providing or servicing an assault pistol or detachable magazine for a law enforcement unit or for personnel exempted under item (1) of this section; or

(ii) acting to sell or transfer an assault pistol or detachable magazine to a licensed firearm dealer in another state;

(4) organizations that are required or authorized by federal law governing their specific business or activity to maintain assault pistols and applicable ammunition and detachable magazines;

(5) the receipt of an assault pistol or detachable magazine by inheritance if the decedent lawfully possessed the assault pistol; or

(6) the receipt of an assault pistol 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.

Criminal Law Article 4-302

#### Assault pistols-prohibited

(a) Except as provided in subsection (b) of this section, a person may not:

(1) transport an assault pistol into the state; or

(2) possess, sell, offer to sell, transfer, purchase, or receive an assault pistol.

(b) A person who lawfully possessed an assault pistol before June 1, 1994 and who registered the assault pistol with the Secretary of the State Police before August 1, 1994 may continue to possess the assault pistol.

Criminal Law Article 4-303

#### Assault Pistol-seizure and disposition

A law enforcement unit may seize as contraband and dispose of according to regulation an assault pistol 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 a .22 caliber rifle with a tubular magazine.

(b) A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than 20 rounds of ammunition for a firearm.

Criminal Law Article 4-305

#### Penalties

(a) 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) use in a felony or crime of violence.

(1) a person who uses an assault pistol, or a magazine that has a capacity of more than 20 rounds of ammunition, in the commission of a felony or a crime of violence as defined in subsection 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) crime of violence.

(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; house bill 11

(vii) burglary in any degree;

(viii) escape in the first degree; or

(ix) theft.

(2) "crime of violence" includes an attempt to commit a crime listed in paragraph (1) of this subsection.

(c) "machine gun" means a loaded or unloaded weapon that is capable of automatically discharging more than one shot or bullet from a magazine by a single function of the firing device.

Criminal Law Article 4-401

#### Possession of Machine Gun

(a) The presence of a machine gun in a room, boat, or vehicle is evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle.

(b) This subtitle does not prohibit or interfere with:

(1) the manufacture, sale, and transportation of a machine gun for or to a military force or peace officer of the united states, a state, or a political subdivision of a state;

(2) the possession of a machine-gun for a scientific purpose;

(3) the possession, as a curiosity, ornament, or keepsake, of a machine gun that cannot be used as a weapon; or

(4) the possession of a machine gun for a purpose that is manifestly not aggressive or offensive.

(c)(1) a court may issue a warrant to search for and seize a machine gun possessed in violation of this subtitle under the same procedure as for issuance of a warrant for stolen property.

(2) application by the state's attorney, a court may order the confiscation or destruction of a legally seized machine gun or the transfer of the machine gun to a peace officer of the state or a political subdivision of the state.

Criminal Law Article 4-402

#### Registration of Machine Gun

(a) manufacturer registration.

(1) a manufacturer of a machine gun shall keep a register of each machine gun manufactured or handled by the manufacturer.

(2) the register shall contain:

(i) the method of manufacture and serial number of the machine gun;

(ii) the date of manufacture, sale, loan, gift, delivery, and receipt of the machine gun from the manufacturer; and

(iii) the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom the machine gun was received, and the purpose for which the machine gun was acquired.

(3) a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(b) inspection of manufacturer stock.

(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) registration of possession.

(1) a person who acquires a machine gun shall register the machine gun with the secretary of the state police:

(i) within 24 hours after acquiring the machine gun; and

(ii) in each succeeding year during the month of may.

(2) the secretary of the state police shall prepare and, on request of an applicant, furnish an application form for registration under this subsection.

(3) an application for registration shall contain:

- (i) the make, model, serial number, caliber, type, barrel length, finish, and country of origin of the machine gun;
  - (ii) the name, address, race, gender, date of birth, Maryland driver's license number, and occupation of the person in possession of the machine gun; and
  - (iii) the name of the person from whom the machine gun was acquired and the purpose for acquiring the machine gun.
- (4) each application for registration filed with the secretary of the state police shall be accompanied by a nonrefundable registration fee of \$10.
- (5) registration data provided under this section is not open to public inspection.

Criminal Law Article 4-403

#### Use of Machine Gun in Crime of Violence

- (a) A person may not use or possess a machine gun in the commission or attempted commission of a crime of violence.
- (b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

Criminal Law Article 4-404

#### Use of Machine Gun for Aggressive Purpose

- (a) Possession or use of a machine gun is presumed to be for an offensive or aggressive purpose when:
  - (1) the machine gun:
    - (i) is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun is found;
    - (ii) is in the possession of, or used by, an un-naturalized foreign-born person or a person who has been convicted of a crime of violence in any state or federal court of the united states; or
    - (iii) is not registered as required under § 4-403 of this subtitle; or
  - (2) empty or loaded shells that have been used or are susceptible of being used in the machine gun are found in the immediate vicinity of the machine gun.
- (b) A person may not possess or use a machine gun for an offensive or aggressive purpose.
- (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years.

Criminal Law Article 4-405

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