

Chapter 382

(Senate Bill 1106)

AN ACT concerning

Annual Corrective Bill

FOR the purpose of correcting certain errors or omissions in certain articles of the Annotated Code; clarifying language; correcting certain obsolete references; reorganizing certain sections of the Annotated Code; providing that this Act is not intended to affect any law other than to correct technical errors; and providing for the correction of certain errors and obsolete provisions by the publishers of the Annotated Code.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 7–304(e)(3) and 17–101(c)
Annotated Code of Maryland
(2015 Replacement Volume and 2023 Supplement)

BY repealing
Article – Business Regulation
Section 17–101(b)
Annotated Code of Maryland
(2015 Replacement Volume and 2023 Supplement)

BY adding to
Article – Business Regulation
Section 17–101(c)
Annotated Code of Maryland
(2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–12B–01(d)
Annotated Code of Maryland
(2013 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 4–305(d)(2) and 9–609.1(a)(2)
Annotated Code of Maryland
(2017 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings

Section 1–204, 1–702(a), 1–708(a), (b)(3), (c), and (d)(1), 2–329(f)(7)(xix)1.,
3–801(q)(3), 3–8A–01(s) and (u), 3–8A–17.3(b)(2)(i) and (ii), and 3–8A–19(i)
and (j)(3)

Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY adding to

Article – Courts and Judicial Proceedings
Section 3–8A–01(s)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing

Article – Courts and Judicial Proceedings
Section 3–8A–01(t)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 4–111(b)(9)(ii)1. and 13–1401(d)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing

Article – Criminal Law
Section 13–1401(c)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY adding to

Article – Criminal Law
Section 13–1401(d)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
Section 3–101(g)(3), 3–105(c)(2)(i) and (d)(3), 3–106(b), (c)(1), (e)(2), and (g)(1), (2),
and (4), 3–108(a)(1)(ii)2. and (2), 3–109(a), 3–112(d) and (g)(2), 3–114(b) and
(c), and 6–220(e)(1)(iii)2.

Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)

BY repealing

Article – Economic Development

Section 5–1101 and the subtitle “Subtitle 11. Rural Broadband Assistance Fund”
Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–1004(d)(1)
Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 4–201.1(c)(1), 5–213(d), 5–223(a)(6), 5–239(d)(2), 15–114(e), and
18–1907(a)(3)
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 5–223(a)(1) and 5–303(k)(3)(iv)
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY repealing
Article – Education
Section 5–303(k)(4)
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–101(b) and (f) and 5–201(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–204(n)(5)(i), 9–1702(g), and 9–2501(f)(1)(i)3.
Annotated Code of Maryland
(2014 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 17–111(c) and 17–202
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4–333(a)(2)(ii)

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 2–505(b)(4); the subtitle designation “Subtitle 3. Office of the Chief Medical Examiner” immediately preceding Section 5–301; and 10–902(a)(1), 16–303(a), 18–108(b)(4), 19–502(b)(1), 19–706.1(h)(1)(ii), 20–1302(b)(1)(iii), 21–101(d)(4), 21–1215(a), 24–905(b)(2), and 24–2302(a)(3)

Annotated Code of Maryland

(2023 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 5–301

Annotated Code of Maryland

(2023 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 8–101(j), 8–503(a), and 15–302(g)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 19–106

Annotated Code of Maryland

(2017 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 3–413(b) and (c) and 9–407(d)(3)

Annotated Code of Maryland

(2016 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Local Government

Section 25–204(b)(1)(ii)4.

Annotated Code of Maryland

(2013 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–1008(c)(1)(ii), 8–2A–02, 8–2A–04(e)(2)(i)1.A., 8–408(c)(2), 8–409(b)(1),
8–712.1(b)(1), 8–716(i), 8–1103(j), 10–405(a)(3)(ii), 10–607(j), and
10–906(c)(2)(ii)

Annotated Code of Maryland

(2023 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–201(f)(2)(ii), 5–310(a), and 13A–604(j)(1)(ii)

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 7–207.2(b)(2) and 7–704.1(f)(1)(iii)1.C. and (g)(1)(i)

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 3–401(b), 8A–1502(c), 10–103(a)(7), (b), and (c)(4) and (5), 11–139.3(d), and
11A–121(k)(1)

Annotated Code of Maryland

(2023 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 3–302(a)(2)(ii)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–1220(f)(2)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 20–206(g)(3)(i) and (4)(i)

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property
 Section 2–106(b)(1)(iii)
 Annotated Code of Maryland
 (2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 13–903(a)(8)(i)
 Annotated Code of Maryland
 (2020 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Business Regulation

7–304.

(e) (3) A cancellation of a bond under this [paragraph] **SUBSECTION** is not effective until 90 days after receipt of a notice of cancellation by the Board.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 7–304(e)(3) of the Business Regulation Article.

Occurred: As a result of the merging of Chs. 253 and 479, Acts of 2017.

17–101.

[(b) “Goods” means tangible personal property, items of trade, merchandise, or other types of products sold at wholesale or retail.]

[(c)] **(B)** “Executive Director” means the Executive Director of the Alcohol and Tobacco Commission.

(C) “GOODS” MEANS TANGIBLE PERSONAL PROPERTY, ITEMS OF TRADE, MERCHANDISE, OR OTHER TYPES OF PRODUCTS SOLD AT WHOLESALE OR RETAIL.

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 17–101(b) and (c) of the Business Regulation Article.

Occurred: Ch. 450, Acts of 2023.

Article – Commercial Law

14–12B–01.

(d) (1) “Health club services agreement” means an agreement under which:

(i) The buyer of a health club service purchases, or becomes obligated to purchase, health club services to be rendered over a period longer than 3 months;

(ii) The seller of a health club services agreement collects more than 3 months’ payment in advance; and

(iii) The service to be rendered under the agreement is for personal, family, or household use.

(2) “Health club services **AGREEMENT**” includes **AGREEMENTS FOR SERVICES RENDERED BY A** health spa, figure salon, weight reduction center, self defense school, or other physical culture service enterprises offering facilities for the preservation, maintenance, encouragement, or development of physical fitness or physical well-being.

(3) “Health club services **AGREEMENT**” does not include agreements for services rendered by:

(i) Any nonprofit public or private school, college, or university;

(ii) The State, or any of its political subdivisions; or

(iii) Any nonprofit religious, ethnic, community, or service organization.

DRAFTER’S NOTE:

Error: Omitted words in § 14–12B–01(d) of the Commercial Law Article.

Occurred: Ch. 482, Acts of 1982.

Article – Correctional Services

4–305.

(d) (2) Before the Board **OF REVIEW** decides whether to grant parole to an eligible person, the Board of Review shall give the victim a reasonable opportunity to comment on the parole in writing or to present oral testimony in the manner that the Board of Review establishes by regulation.

DRAFTER’S NOTE:

Error: Incorrect terminology in § 4–305(d)(2) of the Correctional Services Article.

Occurred: Ch. 54, Acts of 1999.

9–609.1.

(a) (2) The identification card issued under [subsection (a) of this section] **PARAGRAPH (1) OF THIS SUBSECTION** shall meet the requirements for secondary identification for the purpose of an identification card issued by the Motor Vehicle Administration under § 12–301 of the Transportation Article.

DRAFTER’S NOTE:

Error: Stylistic error in § 9–609.1(a)(2) of the Correctional Services Article.

Occurred: Ch. 514, Acts of 2020.

Article – Courts and Judicial Proceedings

1–204.

A justice of the Supreme Court of Maryland or **A JUDGE OF** the Appellate Court of Maryland, by reason of residence in Anne Arundel County during his term of office, does not abandon his legal residence in the appellate judicial circuit from which he was appointed or elected unless he registers to vote in any election in Anne Arundel County.

DRAFTER’S NOTE:

Error: Omitted words in § 1–204 of the Courts Article.

Occurred: As a result of Chs. 82 and 83, Acts of 2021, which changed the name of the Court of Appeals to be the Supreme Court of Maryland and the name of a judge of the Court of Appeals to be a justice of the Supreme Court of Maryland.

1–702.

(a) Subject to the provisions of § 1–701 of this subtitle, a **JUSTICE OR** judge shall have the salary provided in the State budget.

DRAFTER’S NOTE:

Error: Omitted words in § 1–702(a) of the Courts Article.

Occurred: As a result of Chs. 82 and 83, Acts of 2021, which changed the name of the Court of Appeals to be the Supreme Court of Maryland and the name of a judge of the Court

of Appeals to be a justice of the Supreme Court of Maryland.

1–708.

(a) The salaries and pensions of the justices of the Supreme Court of Maryland[,] **AND THE JUDGES OF** the Appellate Court of Maryland, the circuit courts of the counties, and the District Court shall be established as provided by this section, §§ 1–701 through 1–707 of this subtitle, and Title 27 of the State Personnel and Pensions Article.

(b) (3) A member of the General Assembly, officer or employee of the State or a political subdivision of the State, or **JUSTICE OR** judge or former **JUSTICE OR** judge is not eligible for appointment to the Commission.

(c) On or after September 1, 2011, September 1, 2013, and every 4 years thereafter, the Commission shall review the salaries and pensions of the **JUSTICES AND** judges of the courts listed in subsection (a) of this section and make written recommendations to the Governor and General Assembly on or before the next ensuing regular session of the General Assembly. The Governor shall include in the budget for the next ensuing fiscal year the funding necessary to implement those recommendations, contingent on action by the General Assembly under subsections (d) and (e) of this section.

(d) (1) The salary recommendations made by the Commission shall be introduced as a joint resolution in each House of the General Assembly not later than the fifteenth day of the session. The General Assembly may amend the joint resolution to decrease any of the Commission salary recommendations, but no reduction may diminish the salary of a **JUSTICE OR** judge during his continuance in office. The General Assembly may not amend the joint resolution to increase the recommended salaries. If the General Assembly fails to adopt or amend the joint resolution within 50 days after its introduction, the salaries recommended by the Commission shall apply. If the joint resolution is adopted or amended in accordance with this section within 50 days after its introduction, the salaries so provided shall apply. If the General Assembly rejects any or all of the Commission's salary recommendations, the salaries of the **JUSTICES AND** judges affected remain unchanged, unless modified under other provisions of law.

DRAFTER'S NOTE:

Error: Omitted words in § 1–708(a), (b)(3), (c), and (d)(1) of the Courts Article.

Occurred: As a result of Chs. 82 and 83, Acts of 2021, which changed the name of the Court of Appeals to be the Supreme Court of Maryland and the name of a judge of the Court of Appeals to be a justice of the Supreme Court of Maryland.

2–329.

(f) (7) Except as provided in the county merit system law and personnel regulations, the provisions of this subsection and any agreement made under it may not

impair the right and responsibility of the Sheriff to:

(xix) Suspend, discharge, or otherwise discipline:

1. Sworn employees for cause under [the Maryland Law Enforcement Officers' Bill of Rights] **TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE**; and

DRAFTER'S NOTE:

Error: Obsolete terminology in § 2–329(f)(7)(xix)1 of the Courts Article.

Occurred: As a result of Ch. 59, Acts of 2021, which repealed the Law Enforcement Officers' Bill of Rights and established provisions that relate to a statewide accountability and discipline process for police officers.

3–801.

(q) (3) “Mental disorder” does not include [mental retardation] **AN INTELLECTUAL DISABILITY**.

DRAFTER'S NOTE:

Error: Obsolete terminology in § 3–801(q)(3) of the Courts Article.

Occurred: As a result of Ch. 119, Acts of 2009, which replaced references to “mental retardation” with references to “intellectual disability”.

3–8A–01.

(S) “INTELLECTUAL DISABILITY” MEANS A DEVELOPMENTAL DISABILITY THAT IS EVIDENCED BY INTELLECTUAL FUNCTIONING THAT IS SIGNIFICANTLY BELOW AVERAGE AND IMPAIRMENT IN THE ADAPTIVE BEHAVIOR OF A CHILD.

[(s)] (T) (1) “Mental disorder” means a behavioral or emotional illness that results from a psychiatric or neurological disorder.

(2) “Mental disorder” includes a mental illness that so substantially impairs the mental or emotional functioning of a child as to make care or treatment necessary or advisable for the welfare of the child or for the safety of the child or property of another.

(3) “Mental disorder” does not include [mental retardation] **AN INTELLECTUAL DISABILITY**.

[(t) “Mental retardation” means a developmental disability that is evidenced by intellectual functioning that is significantly below average and impairment in the adaptive behavior of a child.]

(u) “Mentally handicapped child” means a child who [is] **HAS** or may [be mentally retarded or mentally ill] **HAVE AN INTELLECTUAL DISABILITY OR A MENTAL DISORDER.**

DRAFTER’S NOTE:

Error: Obsolete terminology in § 3–8A–01(s), (t), and (u) of the Courts Article.

Occurred: As a result of Ch. 119, Acts of 2009, which replaced references to “mental retardation” with references to “intellectual disability”.

3–8A–17.3.

(b) (2) In determining the treatment that is necessary for the child to attain competency to proceed, the qualified expert shall consider and report on the following:

(i) The mental illness, [mental retardation] **INTELLECTUAL DISABILITY**, developmental immaturity, or other developmental disability causing the child to be incompetent to proceed;

(ii) The treatment or education appropriate for the mental illness, [mental retardation] **INTELLECTUAL DISABILITY**, developmental immaturity, or other developmental disability of the child, and an explanation of each of the possible treatment or education alternatives, in order of recommendation;

DRAFTER’S NOTE:

Error: Obsolete terminology in § 3–8A–17.3(b)(2)(i) and (ii) of the Courts Article.

Occurred: As a result of Ch. 119, Acts of 2009, which replaced references to “mental retardation” with references to “intellectual disability”.

3–8A–19.

(i) The court may not commit a child to the custody of the Maryland Department of Health under this section for inpatient care and treatment in a State [mental retardation] facility **FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY** unless the court finds on the record based upon clear and convincing evidence that:

(1) The child [is mentally retarded] **HAS AN INTELLECTUAL DISABILITY;**

(2) The condition is of such a nature that for the adequate care or protection of the child or others, the child needs in–residence care or treatment; and

(3) There is no less restrictive form of care and treatment available which is consistent with the child’s welfare and safety.

(j) (3) If, at any time after the commitment of the child to a State [mental retardation] facility **FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY** under this section, the individualized plan of habilitation developed under § 7–1006 of the Health – General Article recommends that a child no longer meets the standards specified in subsection (i) of this section, then the court shall grant a hearing to review the commitment order. The court may grant a hearing at any other time for the purpose of determining if the standards specified in subsection (i) of this section continue to be met.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 3–8A–19(i) and (j)(3) of the Courts Article.

Occurred: As a result of Ch. 119, Acts of 2009, which replaced references to “mental retardation” with references to “intellectual disability”.

Article – Criminal Law

4–111.

(b) This section does not apply to:

(9) for a location that is not owned by, leased by, or otherwise under the control of the State or a political subdivision of the State:

(ii) a person who is authorized by the owner or lessee of the location to wear, carry, or transport a firearm at the location for the purpose of:

1. employment as a security guard licensed under Title 19 of the Business Occupations **AND PROFESSIONS** Article; or

DRAFTER’S NOTE:

Error: Misnomer in § 4–111(b)(9)(ii)1 of the Criminal Law Article.

Occurred: Ch. 680, § 1, Acts of 2023.

13–1401.

[(c) “Gaming event” includes a bazaar, carnival, raffle, tip jar, punchboard, and any other event at which a gaming device is operated.]

[(d)] (C) (1) “Gaming device” means:

(i) except for a billiard table, a gaming table at which a game of chance is played for money or any other thing or consideration of value; or

(ii) a game or device at which money or any other thing or consideration of value is bet, wagered, or gambled.

(2) “Gaming device” includes a paddle wheel, wheel of fortune, and chance book.

(D) “GAMING EVENT” INCLUDES A BAZAAR, CARNIVAL, RAFFLE, TIP JAR, PUNCHBOARD, AND ANY OTHER EVENT AT WHICH A GAMING DEVICE IS OPERATED.

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 13–1401(c) and (d) of the Criminal Law Article.

Occurred: Ch. 234, Acts of 2005.

Article – Criminal Procedure

3–101.

(g) (3) “Mental disorder” does not include [mental retardation] **AN INTELLECTUAL DISABILITY.**

DRAFTER’S NOTE:

Error: Obsolete terminology in § 3–101(g)(3) of the Criminal Procedure Article.

Occurred: As a result of Ch. 119, Acts of 2009, which replaced references to “mental retardation” with references to “intellectual disability”.

3–105.

(c) (2) (i) If the court finds that, because of the apparent severity of the mental disorder or [mental retardation] **INTELLECTUAL DISABILITY**, a defendant in custody would be endangered by confinement in a correctional facility, the court may order that the Health Department, in the Health Department’s discretion:

1. confine the defendant, pending examination, in a medical facility that the Health Department designates as appropriate; or

2. immediately conduct a competency examination of the defendant by a community forensic screening program or other agency that the Health Department finds appropriate.

(d) (3) If the Health Department reports that, in its opinion, the defendant is incompetent to stand trial, the report shall state, in a complete supplementary opinion, whether, because of [mental retardation or] **A mental disorder OR AN INTELLECTUAL DISABILITY**, the defendant would be a danger to self or the person or property of another, if released.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 3–105(c)(2)(i) and (d)(3) of the Criminal Procedure Article.

Occurred: As a result of Ch. 119, Acts of 2009, which replaced references to “mental retardation” with references to “intellectual disability”.

3–106.

(b) If, after a hearing, the court finds that the defendant is incompetent to stand trial but is not dangerous, as a result of a mental disorder or [mental retardation] **AN INTELLECTUAL DISABILITY**, to self or the person or property of others, the court may set bail for the defendant or authorize release of the defendant on recognizance.

(c) (1) (i) If, after a hearing, the court finds that the defendant is incompetent to stand trial and, because of [mental retardation or] a mental disorder **OR AN INTELLECTUAL DISABILITY**, is a danger to self or the person or property of another, the court shall order the defendant committed to the facility that the Health Department designates until the court finds that:

1. the defendant no longer is incompetent to stand trial;
2. the defendant no longer is, because of [mental retardation or] a mental disorder **OR AN INTELLECTUAL DISABILITY**, a danger to self or the person or property of others; or
3. there is not a substantial likelihood that the defendant will become competent to stand trial in the foreseeable future.

(ii) If a court commits the defendant because of [mental retardation] **AN INTELLECTUAL DISABILITY**, the Health Department shall require the Developmental Disabilities Administration to provide the care or treatment that the defendant needs.

(e) At a competency hearing under subsection (d) of this section, if the court finds

that the defendant is incompetent and is not likely to become competent in the foreseeable future, the court shall:

(2) order the confinement of the defendant for 21 days as a resident in a Developmental Disabilities Administration facility for the initiation of admission proceedings under § 7–503 of the Health – General Article provided the court finds that the defendant, because of [mental retardation] **AN INTELLECTUAL DISABILITY**, is a danger to self or others.

(g) (1) For a defendant who has been found incompetent to stand trial but not dangerous, as a result of a mental disorder or [mental retardation] **AN INTELLECTUAL DISABILITY**, to self or the person or property of others, and released on bail or on recognizance, the court:

(i) shall hold a hearing annually from the date of release;

(ii) may hold a hearing, at any time, on its own initiative; or

(iii) shall hold a hearing, at any time, upon motion of the State’s Attorney or the counsel for the defendant.

(2) At a hearing under paragraph (1) of this subsection, the court shall reconsider whether the defendant remains incompetent to stand trial or a danger to self or the person or property of another because of [mental retardation or] a mental disorder **OR AN INTELLECTUAL DISABILITY**.

(4) If the court finds, at a hearing under paragraph (1) of this subsection, that the defendant is incompetent and is not likely to become competent in the foreseeable future and is a danger to self or the person or property of another because of [mental retardation or] a mental disorder **OR AN INTELLECTUAL DISABILITY**, the court shall revoke the pretrial release of the defendant and:

(i) civilly commit the defendant in accordance with subsection (e)(1) of this section; or

(ii) order confinement of the defendant in accordance with subsection (e)(2) of this section.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 3–106(b), (c)(1), (e)(2), and (g)(1), (2), and (4) of the Criminal Procedure Article.

Occurred: As a result of Ch. 119, Acts of 2009, which replaced references to “mental retardation” with references to “intellectual disability”.

3–108.

(a) (1) In addition to any other report required under this title, the Health Department shall report to the court that has ordered commitment of a defendant under § 3–106 of this title:

(ii) whenever the Health Department determines that:

2. the defendant no longer is, because of [mental retardation or] a mental disorder **OR AN INTELLECTUAL DISABILITY**, a danger to self or the person or property of others; or

(2) The Department shall include a supplemental report that provides a plan for services to facilitate the defendant remaining competent to stand trial or not dangerous, as a result of [mental retardation or] a mental disorder **OR AN INTELLECTUAL DISABILITY**, to self or the person or property of others, if:

(i) a report required under this title states an opinion that the defendant is competent to stand trial or is not dangerous, as a result of [mental retardation or] a mental disorder **OR AN INTELLECTUAL DISABILITY**, to self or the person or property of others; and

(ii) services are necessary to maintain the defendant safely in the community, to maintain competency, or to restore competency.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 3–108(a)(1)(ii)2 and (2) of the Criminal Procedure Article.

Occurred: As a result of Ch. 119, Acts of 2009, which replaced references to “mental retardation” with references to “intellectual disability”.

3–109.

(a) A defendant is not criminally responsible for criminal conduct if, at the time of that conduct, the defendant, because of a mental disorder or [mental retardation] **AN INTELLECTUAL DISABILITY**, lacks substantial capacity to:

(1) appreciate the criminality of that conduct; or

(2) conform that conduct to the requirements of law.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 3–109(a) of the Criminal Procedure Article.

Occurred: As a result of Ch. 119, Acts of 2009, which replaced references to “mental retardation” with references to “intellectual disability”.

3–112.

(d) If the court commits a defendant who was found not criminally responsible primarily because of [mental retardation] **AN INTELLECTUAL DISABILITY**, the Health Department shall designate a facility for [mentally retarded persons] **INDIVIDUALS WITH AN INTELLECTUAL DISABILITY** for care and treatment of the committed person.

(g) After a verdict of not criminally responsible, a court may order that a person be released, with or without conditions, instead of committed to the Health Department, but only if:

(2) the report indicates that the person would not be a danger, as a result of [mental retardation] **AN INTELLECTUAL DISABILITY** or **A** mental disorder, to self or to the person or property of others if released, with or without conditions; and

DRAFTER’S NOTE:

Error: Obsolete terminology in § 3–112(d) and (g)(2) of the Criminal Procedure Article.

Occurred: As a result of Ch. 119, Acts of 2009, which replaced references to “mental retardation” with references to “intellectual disability”.

3–114.

(b) A committed person is eligible for discharge from commitment only if that person would not be a danger, as a result of **A** mental disorder or [mental retardation] **AN INTELLECTUAL DISABILITY**, to self or to the person or property of others if discharged.

(c) A committed person is eligible for conditional release from commitment only if that person would not be a danger, as a result of **A** mental disorder or [mental retardation] **AN INTELLECTUAL DISABILITY**, to self or to the person or property of others if released from confinement with conditions imposed by the court.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 3–114(b) and (c) of the Criminal Procedure Article.

Occurred: As a result of Ch. 119, Acts of 2009, which replaced references to “mental retardation” with references to “intellectual disability”.

6–220.

(e) (1) When the crime for which the judgment is being stayed is for a violation of § 21–902 of the Transportation Article or § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of the Criminal Law Article, the court:

(iii) shall impose a period of probation and, as a condition of the probation:

2. may prohibit the defendant from operating a motor vehicle unless the motor vehicle is equipped with an ignition interlock system under [§ 27–107] § **21–902.2** of the Transportation Article.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 6–220(e)(1)(iii)2 of the Criminal Procedure Article.

Occurred: As a result of Ch. 55, Acts of 2017, which transferred the provisions of former § 27–107 of the Transportation Article to the new § 21–902.2 of the Transportation Article.

Article – Economic Development

[Subtitle 11. Rural Broadband Assistance Fund.]

[5–1101.

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

(b) “Board” means the Maryland Rural Broadband Coordination Board established under Title 13, Subtitle 5 of this article.

(c) “Fund” means the Rural Broadband Assistance Fund established under § 5–1102 of this subtitle.]

DRAFTER’S NOTE:

Error: Obsolete subtitle designation immediately preceding § 5–1101 of the Economic Development Article and obsolete language in § 5–1101 of the Economic Development Article.

Occurred: As a result of Ch. 74, Acts of 2021, which redesignated § 5–1102 of the Economic Development Article as § 6.5–107 of the Housing and Community Development Article.

10–1004.

(d) A member of the Authority:

(1) may not receive compensation as a member of the Authority; **[and] BUT**

DRAFTER’S NOTE:

Error: Erroneous conjunction in § 10–1004(d)(1) of the Economic Development Article.

Occurred: Ch. 111, Acts of 2023.

Article – Education

4–201.1.

(c) (1) The County Executive shall select a County Superintendent from a list of three nominees recommended by a search committee that is **[comprised] COMPOSED** of:

(i) One member of the State Board, appointed by the State Superintendent; and

(ii) Two residents of Prince George’s County, appointed by the Governor.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 4–201.1(c)(1) of the Education Article.

Occurred: Ch. 147, Acts of 2013.

5–213.

(d) (1) In this **[section the following words have the meanings indicated.**

(2) **“Collaborative] SUBSECTION, “COLLABORATIVE** time per pupil amount” means:

(i) For fiscal year 2026, \$163;

(ii) For fiscal year 2027, \$334;

(iii) For fiscal year 2028, \$512;

(iv) For fiscal year 2029, \$698;

- (v) For fiscal year 2030, \$891;
- (vi) For fiscal year 2031, \$1,093;
- (vii) For fiscal year 2032, \$1,306;
- (viii) For fiscal year 2033, \$1,527; and

(ix) For each fiscal year thereafter, the collaborative time per pupil amount in the prior fiscal year increased by the inflation adjustment.

[(3)] (2) The collaborative time per pupil amount multiplied by the enrollment count in each county shall be distributed to and expended by schools in each county in accordance with Title 6, Subtitle 10 of this article and the county's collaborative time implementation plan approved by the Accountability and Implementation Board.

DRAFTER'S NOTE:

Error: Stylistic and tabulation errors in § 5–213(d) of the Education Article.

Occurred: Ch. 36, Acts of 2021.

5–223.

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

(6) “Locally funded county” means a county board that receives a compensatory education State share under **[\\$ 5–221(c)(2)] § 5–221(C)(1)(II)** of this subtitle.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 5–223(a)(6) of the Education Article.

Occurred: As a result of correction by the publisher of the Annotated Code in the 2022 Replacement Volume of the Education Article made pursuant to Ch. 135, § 5, Acts of 2022.

5–239.

(d) Subject to the limitation in subsection (a) of this section, the local share of major education aid shall be reduced by:

(2) The amount by which the sum of the State share and local share of the at–promise programs as defined in **[\\$ 5–221(c)(2)] § 5–221** of this subtitle exceeds the total

program amount as defined in [§ 5–221(e)] **§ 5–221** of this subtitle for each program.

DRAFTER'S NOTE:

Error: Stylistic errors in § 5–239(d)(2) of the Education Article.

Occurred: Ch. 55, Acts of 2021.

5–303.

(k) (3) A county shall receive:

(iv) A 5 percentage point increase in the State share of a school construction project if the proposed project is to build a net-zero school.

[(4) A county shall receive a 5 percentage point increase in the State share of a school construction project if the proposed project is to build a net-zero school.]

DRAFTER'S NOTE:

Error: Duplicative provisions in § 5–303(k)(3)(iv) and (4) of the Education Article.

Occurred: As a result of the enactment of identical language in separate provisions in Ch. 38, Acts of 2022, and Ch. 32, Acts of 2022.

15–114.

(e) A degree plan filed under this section shall:

(1) [(i)] Be developed in consultation [with an] **WITH:**

(I) AN academic advisor in the student's degree program; or

(ii) If an academic advisor is not available in the student's degree program, any academic advisor at the institution; and

(2) Follow a pathway to a degree as required under § 15–115 of this subtitle.

DRAFTER'S NOTE:

Error: Stylistic errors in § 15–114(e)(1) of the Education Article.

Occurred: Ch. 533, Acts of 2013.

18–1907.

(a) In this section, “fiduciary” means:

(3) An individual to whom the **STATE** Treasurer has delegated fiduciary duties in accordance with § 18–1905 of this subtitle.

DRAFTER’S NOTE:

Error: Incorrect terminology in § 18–1907(a)(3) of the Education Article.

Occurred: Ch. 113, Acts of 2023.

Article – Environment

5–101.

(b) “Administration” means the Water **[Management] AND SCIENCE** Administration.

(f) “Director” means the Director of the Water **[Management] AND SCIENCE** Administration.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 5–101(b) and (f) of the Environment Article.

Occurred: As a result of the integration of the Science Services Administration and the Water Management Administration made administratively by the Department of the Environment and effective July 2017.

5–201.

(a) There is a Water **[Management] AND SCIENCE** Administration in the Department.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 5–201(a) of the Environment Article.

Occurred: As a result of the integration of the Science Services Administration and the Water Management Administration made administratively by the Department of the Environment and effective July 2017.

9–204.

(n) (5) On or before December 31 each year, the Department shall submit, in

accordance with § 2–1257 of the State Government Article, a report of the activities undertaken and the progress made in accordance with this section to:

(i) The House [Environmental Matters] **ENVIRONMENT AND TRANSPORTATION** Committee; and

DRAFTER’S NOTE:

Error: Obsolete terminology in § 9–204(n)(5)(i) of the Environment Article.

Occurred: As a result of the adoption by the House of Delegates of an amendment to House Rule 18 at the start of the 2015 Session renaming the Environmental Matters Committee to be the Environment and Transportation Committee.

9–1702.

(g) In studying feasible methods for the management and recycling of used tires under subsection [(e)(9)] **(E)(8)** of this section, the Office of Recycling shall consult with the appropriate industry, including representatives of:

- (1) Tire manufacturers;
- (2) Tire dealers; and
- (3) Tire recyclers.

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 9–1702(g) of the Environment Article.

Occurred: As a result of Chs. 289 and 290, Acts of 2021, which repealed § 9–1702(e)(2) of the Environment Article and renumbered items (e)(3) through (9) to be items (e)(2) through (8), respectively.

9–2501.

(f) (1) “Producer” means a person that:

(i) With respect to packaging materials used to directly protect or contain a product sold, offered for sale, or distributed in the State:

3. Is the person that imports the product into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the item in the State, if there is no person described in [subsubparagraphs] **ITEMS 1 and 2** of this [subparagraph] **ITEM**; and

DRAFTER'S NOTE:

Error: Stylistic error in § 9–2501(f)(1)(i)3 of the Environment Article.

Occurred: Ch. 465, Acts of 2023.

Article – Estates and Trusts

17–111.

(c) If a power of attorney becomes effective on the principal's incapacity and the principal has not authorized a person to determine whether the principal is incapacitated, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective on a determination in a writing or other record by:

(1) A physician or licensed psychologist that the principal is incapacitated [within the meaning of § 17–101(c)] **AS DEFINED IN § 17–101** of this subtitle; or

(2) An attorney at law, a judge, or an appropriate governmental official that the principal is incapacitated [within the meaning of § 17–101(c)] **AS DEFINED IN § 17–101** of this subtitle.

DRAFTER'S NOTE:

Error: Stylistic error in § 17–111(c) of the Estates and Trusts Article.

Occurred: Chs. 689 and 690, Acts of 2010.

17–202.

TERMINATION DATE

[ONLY IF] UNLESS I have specified a termination date below, this power of attorney IS **DURABLE**, meaning it shall continue in full force and effect for an indefinite period of time until my revocation of this power of attorney or my death, whichever occurs first. I reserve the right to revoke this power of attorney. This power of attorney shall not terminate upon my disability. All authority of my agent(s) shall continue even if I become disabled, incompetent, or incapacitated.

This power of attorney shall terminate on _____, 20____.
(Use a specific calendar date)

DRAFTER'S NOTE:

Error: Incorrect word usage in § 17–202 of the Estates and Trusts Article.

Occurred: Chs. 696 and 697, Acts of 2023

Article – General Provisions

4–333.

(a) Subject to subsections (b) through (d) of this section, a custodian shall deny inspection of the part of a public record that:

(2) contains the name or other identifying information of an individual related to:

(ii) a surgical abortion facility licensed under [§ 20–209 of the Health – General Article] **COMAR 10.12.01**; or

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 4–333(a)(2)(ii) of the General Provisions Article.

Occurred: Chs. 248 and 249, Acts of 2023. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 786 (Ch. 248)/H.B. 812 (Ch. 249) of 2023 (footnote 3), dated April 10, 2023.

Article – Health – General

2–505.

(b) (4) The action shall be brought within 1 year after the alleged violation of paragraph (2) of this subsection or within 1 year after the employee first became aware of the alleged violation of paragraph [(1)] **(2)** of this subsection.

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 2–505(b)(4) of the Health – General Article.

Occurred: Ch. 70, Acts of 2006.

Subtitle 3. [Postmortem Examiners Commission] **OFFICE OF THE CHIEF MEDICAL EXAMINER.**

5–301.

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

(b) “Committee” means the Postmortem Examiners Advisory Committee.

(c) “Medical examiner’s case” means a death that a medical examiner is required by law to investigate.

(d) “Office” means the Office of the Chief Medical Examiner.

DRAFTER’S NOTE:

Error: Obsolete terminology in the subtitle designation immediately preceding § 5–301 of the Health – General Article.

Occurred: As a result of Ch. 268, Acts of 2023, which established the Office of the Chief Medical Examiner in statute, altered the Postmortem Examiners Commission to be the Postmortem Examiners Advisory Committee, and transferred various duties of the Commission to the Office.

10–902.

(a) (1) In accordance with the State budget and the rules and regulations that the Secretary adopts, the Secretary may make grants from or agreements for the use of State and federal funds to help public agencies or nonprofit organizations establish and operate local mental health programs to provide the following:

- (i) Inpatient services[.];
- (ii) Outpatient services[.];
- (iii) Partial care services, including day care services and night care services[.];
- (iv) 24–hour emergency services[.];
- (v) Aftercare services[.];
- (vi) Consultation services[.];
- (vii) Education services[.];
- (viii) Other preventive or rehabilitation services or treatment[.]; **AND**
- (ix) Community residential programs for children and adolescents.

DRAFTER’S NOTE:

Error: Grammatical errors in § 10–902(a)(1) of the Health – General Article.

Occurred: Ch. 477, Acts of 1984.

16–303.

(a) This section does not apply to funds that are derived from benefits payable under laws administered by the [Veterans' Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS.**

DRAFTER'S NOTE:

Error: Misnomer in § 16–303(a) of the Health – General Article.

Occurred: As a result of the federal Department of Veterans Affairs Act of 1988, which renamed the Veterans' Administration to be the U.S. Department of Veterans Affairs.

18–108.

(b) (4) The Secretary shall institute at least one pilot program in a local subdivision or part of a subdivision utilizing a credit card system along with or in place of a food instrument system. Implementation must take place within a reasonable period of time from the date of enactment of this section, unless such a pilot program is found to be inconsistent with subsection [(e)] **(D)** of this section and a waiver is not granted.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 18–108(b)(4) of the Health – General Article.

Occurred: As a result of Ch. 40, Acts of 2017.

19–502.

(b) One center shall be located in each of the following places:

(1) The Eastern Shore[.]; **AND**

DRAFTER'S NOTE:

Error: Grammatical error in § 19–502(b)(1) of the Health – General Article.

Occurred: Ch. 248, Acts of 1992.

19–706.1.

(h) (1) A health care provider may not assert a claim of subrogation against:

(ii) [Against any] **ANY** individual, organization, or government agency which has made payments to the health maintenance organization on behalf of a member.

DRAFTER'S NOTE:

Error: Extraneous language in § 19–706.1(h)(1)(ii) of the Health – General Article.

Occurred: Ch. 441, Acts of 1986.

20–1302.

(b) The purpose of the Program is to:

(1) Provide for a voluntary program in which educational classes are offered to health care professionals to teach health care professionals:

(iii) Methods to enable health care professionals to increase the health literacy of their patients to improve the patient's ability to obtain, process, and understand basic health information and services to make appropriate health care decisions; [and]

DRAFTER'S NOTE:

Error: Extraneous conjunction in § 20–1302(b)(1)(iii) of the Health – General Article.

Occurred: As a result of Chs. 744 and 745, Acts of 2021.

21–101.

(d) “Consumer commodity” means any food, drug, device, or cosmetic that is not:

(4) A beverage that is subject to or complies with packaging or labeling requirements imposed by the federal Bureau of Alcohol, Tobacco [and], Firearms **AND EXPLOSIVES**; or

DRAFTER'S NOTE:

Error: Misnomer in § 21–101(d)(4) of the Health – General Article.

Occurred: As a result of the federal Homeland Security Act of 2002, which renamed the Bureau of Alcohol, Tobacco and Firearms to be the Bureau of Alcohol, Tobacco, Firearms and Explosives.

21–1215.

(a) This section does not apply to a violation of § 21–220(b)(4) or [§ 21–259.2] § **21–259.3** of this title.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 21–1215(a) of the Health – General Article.

Occurred: As a result of Ch. 490, Acts of 2021, and Ch. 773, Acts of 2021, both of which added § 21–259.2 of the Health – General Article.

24–905.

(b) The regulations adopted under subsection (a)(1) of this section shall establish:

(2) An appeals process for appeals authorized by [§ 29–902(b)(4)] § **24–902(B)(4)** of this subtitle, including the standard of review that the Deputy Secretary for Public Health Services must apply when reviewing a decision of the Department and a local health officer; and

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 24–905(b)(2) of the Health – General Article.

Occurred: Ch. 348, Acts of 2016.

24–2302.

(a) On or before January 15 each year, beginning in 2024, each research facility that is located in the State and is required to submit an Animal and Plant Health Inspection Service Form 7023 shall pay to the Department a contribution in the amount of:

(3) \$55,000 for more than 500 but not more than 5,000 animals; **AND**

DRAFTER’S NOTE:

Error: Missing conjunction in § 24–2302(a)(3) of the Health – General Article.

Occurred: Chs. 447 and 448, Acts of 2023.

Article – Health Occupations

8–101.

(j) “Mentor” means a certified registered nurse practitioner or a licensed physician:

(1) Who has 3 or more years of clinical practice experience; and

(2) With whom an individual applying for certification as a certified nurse practitioner will consult and collaborate with as needed in accordance with [§ 8–302(b)(5)(i)] **§ 8–302.1(D)** of this title.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 8–101(j) of the Health Occupations Article.

Occurred: Ch. 515, Acts of 2017.

8–503.

(a) The Board may appoint peer advisory committees to provide the Board with expert advice related to the practice of nursing by [advance] **ADVANCED** practice nurses and the practice of midwifery by licensed certified midwives.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 8–503(a) of the Health Occupations Article.

Occurred: Chs. 199 and 200, Acts of 2016.

15–302.

(g) If the Board determines that a primary or alternate supervising physician or physician assistant is practicing in a manner inconsistent with the requirements of this title or Title 14 of this article, the Board on its own initiative or on the recommendation of the Committee may demand modification of the practice, withdraw the approval of the delegation agreement, or refer the matter to a disciplinary panel for the purpose of taking other disciplinary action under § 14–404 **OF THIS ARTICLE** or § 15–314 of this [article] **SUBTITLE**.

DRAFTER’S NOTE:

Error: Stylistic error in § 15–302(g) of the Health Occupations Article.

Occurred: Ch. 655, Acts of 1999.

Article – Insurance

19–106.

An insurer that issues or delivers a policy or contract of motor vehicle liability

insurance in the State shall offer to provide to a policyholder, who is registered as a family child care provider under [Title 5, Subtitle 5, Part V of the Family Law Article] **TITLE 9.5, SUBTITLE 3 OF THE EDUCATION ARTICLE**, coverage in at least the amount required under § 17–103 of the Transportation Article for liability that results from bodily injury:

- (1) to a family child care child while the child is a passenger in an automobile; and
- (2) that arises out of an insured’s activities as a family child care provider.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 19–106 of the Insurance Article.

Occurred: As a result of Ch. 185, § 2, Acts of 2016, which transferred provisions relating to the registration of family child care providers from the Family Law Article to the Education Article.

Article – Labor and Employment

3–413.

(b) Except as provided in subsection (d) of this section and [§§ 3–413.1 and] § 3–414 of this subtitle, each employer shall pay:

(1) to each employee who is subject to both the federal Act and this subtitle, at least the greater of:

- (i) the minimum wage for that employee under the federal Act; or
- (ii) the State minimum wage set under subsection (c) of this section;

and

(2) to each other employee who is subject to this subtitle, at least the greater of:

- (i) the highest minimum wage under the federal Act; or
- (ii) the State minimum wage set under subsection (c) of this section.

(c) (1) [Subject to § 3–413.1 of this subtitle and except] **EXCEPT** as provided in paragraph (2) of this subsection, the State minimum wage rate is:

(i) for the 12–month period beginning January 1, 2023, \$13.25 per hour; and

(ii) beginning January 1, 2024, \$15.00 per hour.

(2) [Subject to § 3–413.1 of this subtitle, the] **THE** State minimum wage rate for a small employer is:

(i) for the 12–month period beginning January 1, 2023, \$12.80 per hour; and

(ii) beginning January 1, 2024, \$15.00 per hour.

DRAFTER’S NOTE:

Error: Obsolete cross–references in § 3–413(b) and (c) of the Labor and Employment Article.

Occurred: As a result of Ch. 2, Acts of 2023, which repealed § 3–413.1 of the Labor and Employment Article.

9–407.

(d) (3) The Uninsured Employers’ Fund may bring a civil action to collect any penalty ordered under this section or any assessment ordered under Subtitle 10 of this [article] **TITLE**.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 9–407(d)(3) of the Labor and Employment Article.

Occurred: Ch. 676, Acts of 2013.

Article – Local Government

25–204.

(b) (1) At least 10 days before the hearing, the county commissioners, county council, or Mayor and City Council of Baltimore City shall:

(ii) send notice of the hearing and any later hearing to the:

4. Water [Management] **AND SCIENCE** Administration in the Department of the Environment.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 25–204(b)(1)(ii)4 of the Local Government Article.

Occurred: As a result of the integration of the Science Services Administration and the Water Management Administration made administratively by the Department of the Environment and effective July 2017.

Article – Natural Resources

4–1008.

(c) (1) The Department may not introduce a nonnative oyster into State waters or issue a permit to another person for an introduction unless:

(ii) The specific research recommendations set forth in “Identifying and Prioritizing Research Required to Evaluate Ecological Risks and Benefits of Introducing Diploid *Crassostrea Ariakensis* to Restore Oysters to the Chesapeake Bay” (STAC Publication 04–002), have been fully met; [and]

DRAFTER’S NOTE:

Error: Extraneous conjunction in § 4–1008(c)(1)(ii) of the Natural Resources Article.

Occurred: Ch. 441, § 2, Acts of 2005.

8–2A–02.

(a) There is a Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

(b) The purpose of the **TRUST** Fund is to provide financial assistance necessary to advance Maryland’s progress in meeting the goals established in the 2014 Chesapeake Bay Watershed Agreement for the restoration of the Chesapeake Bay and its tributaries, including the Patuxent River, and to restore the health of the Atlantic Coastal Bays and their tributaries, by focusing limited financial resources on nonpoint source pollution control projects in all regions of the State.

(c) The Secretary shall administer the **TRUST** Fund.

(d) (1) The **TRUST** Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the **TRUST** Fund separately, and the Comptroller shall account for the **TRUST** Fund.

(e) The **TRUST** Fund consists of:

(1) Money appropriated in the State budget for the **TRUST** Fund;

(2) Money distributed to the **TRUST** Fund under §§ 2–1104 and 2–1302.1

of the Tax – General Article; and

(3) Any other money from any other source accepted for the benefit of the **TRUST** Fund.

(f) (1) The **TRUST** Fund may be used only for the implementation of nonpoint source pollution control projects to:

(i) Support State and local watershed implementation plans by targeting limited financial resources on the most effective nonpoint source pollution control projects; and

(ii) Improve the health of the Atlantic Coastal Bays and their tributaries.

(2) It is the intent of the General Assembly that, when possible, money in the **TRUST** Fund shall be granted to local governments and other political subdivisions for agricultural, forestry, stream and wetland restoration, and urban and suburban stormwater nonpoint source pollution control projects, including up to 25% in matching funds to local governments and other political subdivisions that have enacted a stormwater remediation fee under § 4–202.1 of the Environment Article.

(3) (i) In each fiscal year from 2023 through 2031, inclusive, \$1,250,000 from the **TRUST** Fund shall be used to fund:

1. The 5 Million Tree Program Coordinator position in the Department of the Environment; and

2. Subject to subparagraph (ii) of this paragraph, 13 contractor positions in the Forest Service of the Department to provide technical assistance, planning, and coordination related to tree plantings, tree buffer management, and forest management, including invasive vine removal, on public, private, and agricultural lands and in “underserved areas” as defined in § 8–1911 of this article.

(ii) The Department shall make reasonable efforts to ensure that contractors hired under subparagraph (i)2 of this paragraph reflect the geographic and demographic diversity of the State.

(4) (i) In each fiscal year from 2024 through 2031, inclusive, the Governor shall include in the annual State budget an appropriation of \$2,500,000 to the **TRUST** Fund, to be used, subject to the requirements of subparagraph (ii) of this paragraph, for tree plantings on public and private land.

(ii) The money appropriated under this paragraph:

1. May be distributed in accordance with § 8–2A–04(c)(2) of

this subtitle;

2. May be used to cover the costs of:
 - A. Site preparation, labor, and materials for tree-planting projects;
 - B. Maintaining trees following a tree-planting project; and
 - C. Landowner incentive payments or signing bonuses of up to \$1,000 per acre of trees planted;
3. May not be used to plant trees intended for timber harvest; and
4. May be used only for tree plantings on private land if the landowner enters into a binding legal agreement to maintain the planted area in tree cover for at least 15 years.

(iii) Money appropriated under this paragraph is supplemental to and may not take the place of funding that otherwise would be appropriated for tree plantings on public and private land.

(g) (1) The Treasurer shall invest the money of the **TRUST** Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the **TRUST** Fund shall be retained to the credit of the **TRUST** Fund.

(h) Money expended from the **TRUST** Fund for the restoration of the Chesapeake and Atlantic Coastal Bays and their tributaries, including the Patuxent River, is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for bay restoration.

DRAFTER'S NOTE:

Error: Omitted words in § 8-2A-02 of the Natural Resources Article.

Occurred: Ch. 6, § 5, Acts of the Special Session of 2007; Chs. 120, § 2 and 121, § 2, Acts of 2008; and Ch. 645, § 3, Acts of 2021.

8-2A-04.

(e) (2) The report required under paragraph (1) of this subsection shall include:

- (i) For agencies receiving money from the Trust Fund:
 - 1. A description of how the funds were allocated, including:
 - A. The number and amounts of [grants] **GRANT** awards; and

DRAFTER'S NOTE:

Error: Misspelling in § 8–2A–04(e)(2)(i)1A of the Natural Resources Article.

Occurred: Chs. 120, § 2 and 121, § 2, Acts of 2008.

8–408.

(c) (2) The Youghiogheny [local] Scenic and Wild River **LOCAL** Advisory Board shall verify the field investigation that the Secretary uses to define the extent of the scenic corridor.

DRAFTER'S NOTE:

Error: Misnomer in § 8–408(c)(2) of the Natural Resources Article.

Occurred: Ch. 734, Acts of 1984.

8–409.

(b) (1) In addition to other regulatory authorities that are provided by this subtitle, the Secretary, in coordination with the Youghiogheny **SCENIC AND WILD** River [local] **LOCAL** Advisory Board and the Board of Garrett County Commissioners, shall prepare regulations that are necessary to:

(i) Implement the approved management plan for the Youghiogheny River; and

(ii) Regulate use and development in the scenic corridor where the use and development would affect the primitive qualities and characteristics of the wild river segment of the Youghiogheny River.

DRAFTER'S NOTE:

Error: Misnomer in § 8–409(b)(1) of the Natural Resources Article.

Occurred: Ch. 734, Acts of 1984.

8–712.1.

(b) The owner of the vessel shall:

(1) Submit an application to the Department on the form that the Department requires and [be] **THAT IS** signed by every owner of the vessel; and

DRAFTER'S NOTE:

Error: Grammatical error in § 8–712.1(b)(1) of the Natural Resources Article.

Occurred: Ch. 359, Acts of 1981.

8–716.

(i) (1) For purposes of subsection [(a)(4)] **(A)(6)** of this section, a vessel is deemed to be held for maintenance, repair, or commissioning if:

(i) The maintenance, repair, or commissioning work is provided in exchange for compensation;

(ii) The maintenance, repair, or commissioning work is performed pursuant to a schedule preestablished with one or more marine contractors; and

(iii) The total cost of the maintenance, repair, or commissioning work is at least two times the reasonable current market cost of docking or storing the vessel.

(2) Time spent conducting sea trials shall be included when calculating the period of time a vessel is held for maintenance, repair, or commissioning under subsection [(a)(4)] **(A)(6)** of this section.

DRAFTER'S NOTE:

Error: Erroneous internal references in § 8–716(i) of the Natural Resources Article.

Occurred: As a result of Ch. 66, § 6, Acts of 2012, which required the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publisher subsequently redesignated the defined terms under § 8–716(a) of the Natural Resources Article to place them in alphabetical order consistent with the preferred style of the Department of Legislative Services, but failed to correct the corresponding internal references in § 8–716(i) of the Natural Resources Article.

8–1103.

(j) In the event the county or municipality fails to raise or to pay to the State all

or any portion of its percentage of the costs of a project as established by a financing plan within 6 months of the certification of costs by the State Comptroller, the State Comptroller shall cause to be withheld from State–collected, locally shared taxes, and, to the extent necessary, from the State aid for police protection provided [by Article 41, Title 4, Subtitle 4 of the Code] **UNDER TITLE 4, SUBTITLE 5 OF THE PUBLIC SAFETY ARTICLE** to which the county or municipality would otherwise be entitled, for the following fiscal year, a sum sufficient to reimburse the State for any sum remaining unpaid, together with interest on the unpaid amount at the rate of 10% per annum from the date of the certification by the State Comptroller.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 8–1103(j) of the Natural Resources Article.

Occurred: As a result of Ch. 106, § 2, Acts of 2014.

10–405.

- (a) (3) (ii) A person may participate in the junior deer hunt if the person:
1. Is [16 years of age or younger] **UNDER THE AGE OF 17 YEARS;**
 2. Possesses a valid hunting license or is exempt from hunting license requirements; and
 3. Is accompanied by a person who:
 - A. Is at least 21 years [of age] **OLD;**
 - B. Possesses a valid hunting license or is exempt from hunting license requirements; and
 - C. Is not in possession of a firearm, a bow, or any other hunting device.

DRAFTER’S NOTE:

Error: Stylistic errors in § 10–405(a)(3)(ii) of the Natural Resources Article.

Occurred: Ch. 120, Acts of 2011.

10–607.

- (j) Before June [1st] **1** of the year the license expires, the licensee may renew the license for an additional 1–year or 3–year term, if the licensee:

- (1) Is otherwise entitled to be licensed;
- (2) Pays to the Department a renewal fee of:
 - (i) \$20 for a 1–year license; or
 - (ii) \$60 for a 3–year license; and
- (3) Submits to the Department a renewal application on the form that the Department requires.

DRAFTER’S NOTE:

Error: Stylistic error in § 10–607(j) of the Natural Resources Article.

Occurred: Ch. 85, Acts of 2004.

10–906.

(c) (2) The Department shall require each person holding a regulated shooting ground permit to file a report with the Department, on forms provided by the Department, by April 30 of each year for the most recently concluded hunting season. The report shall include:

(ii) The number and species of all wild waterfowl that have been killed on the regulated shooting ground excluding any of the captive raised birds listed in [subparagraph] **ITEM** (i) of this paragraph;

DRAFTER’S NOTE:

Error: Stylistic error in § 10–906(c)(2)(ii) of the Natural Resources Article.

Occurred: Ch. 500, Acts of 1994.

Article – Public Safety

3–201.

- (f) (2) “Police officer” includes:
 - (ii) a member of the Field Enforcement Division of the Alcohol [and], Tobacco, **AND CANNABIS** Commission;

DRAFTER’S NOTE:

Error: Obsolete terminology in § 3–201(f)(2)(ii) of the Public Safety Article.

Occurred: As a result of Chs. 254 and 255, Acts of 2023, which renamed the Alcohol and Tobacco Commission to be the Alcohol, Tobacco, and Cannabis Commission.

5–310.

(a) [(1)] The Secretary shall:

[(i)] (1) revoke a permit on a finding that the holder does not meet the qualifications described in § 5–306 of this subtitle; and

[(ii)] (2) regularly review information regarding active permit holders using the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services to determine whether all permit holders continue to meet the qualifications described in § 5–306 of this subtitle.

DRAFTER'S NOTE:

Error: Tabulation error in § 5–310(a) of the Public Safety Article.

Occurred: Ch. 651, Acts of 2023.

13A–604.

(j) (1) (ii) The accused has the right to be represented at the preliminary hearing as provided in § 13A–703 of this [subtitle] **TITLE** and in regulations prescribed under that section.

DRAFTER'S NOTE:

Error: Stylistic error in § 13A–604(j)(1)(ii) of the Public Safety Article.

Occurred: Ch. 592, Acts of 2020.

Article – Public Utilities

7–207.2.

(b) This section applies to a person who constructs a generating station that:

(2) is exempted under [§ 7–207.1] **§ 7–207(B)(1)(II)** of this subtitle from the requirement to obtain a certificate of public convenience and necessity.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 7-207.2(b)(2) of the Public Utilities Article.

Occurred: Ch. 572, Acts of 2013.

7-704.1.

(f) (1) (iii) The Commission may not approve an applicant's proposed offshore wind project unless:

1. for a Round 1 offshore wind project application:

C. the price specified in the proposed OREC [price] **PRICING** schedule does not exceed \$190 per megawatt-hour in 2012 dollars; and

(g) (1) An order the Commission issues approving a proposed offshore wind project shall:

(i) specify the OREC [price] **PRICING** schedule, which may not authorize an OREC price greater than, for a Round 1 offshore wind project, \$190 per megawatt-hour in 2012 dollars;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 7-704.1(f)(1)(iii)1C and (g)(1)(i) of the Public Utilities Article.

Occurred: Ch. 3, Acts of 2013.

Article – Real Property

3-401.

(b) Notices of liens on tangible or intangible personal property for obligations payable to the United States and certificates and notices affecting the liens shall be filed as follows:

(1) If the person against whose interest the lien applies is a corporation or a partnership whose principal executive office is in the State, as these entities are defined in the Internal Revenue Code, in the office of the clerk of the circuit court for the county where the principal executive office is located; **OR**

(2) In all other [cases] **CASES**, in the office of the clerk of the circuit court of the county where the person resides at the time of filing of the notice of lien.

DRAFTER'S NOTE:

Error: Omitted conjunction and omitted comma in § 3–401(b) of the Real Property Article.

Occurred: Ch. 12, Acts of 1974.

8A–1502.

(c) In determining if a provision of a rental agreement or of a park rule is [unconscionable] **UNCONSCIONABLE**, the court may consider if the provision:

- (1) Promotes the convenience, safety, or welfare of residents;
- (2) Preserves from abusive use property of the park owner;
- (3) Promotes a fair distribution of services or facilities held out to residents generally;
- (4) Relates reasonably to its purpose;
- (5) Applies to all residents in a fair manner;
- (6) [Are] **IS** sufficiently explicit for a resident to comply; and
- (7) Is for the purpose of evading an obligation of the park owner.

DRAFTER’S NOTE:

Error: Omitted comma and grammatical error in § 8A–1502(c)(6) of the Real Property Article.

Occurred: Ch. 843, Acts of 1980.

10–103.

(a) Every land installment contract shall contain all the following information:

(7) The following notice in 12–point bold type or larger, typewritten or handwritten legibly directly above the space reserved in the contract for the signature of the purchaser:

Notice to Purchaser

You are entitled to a copy of this contract at the time you sign it; **AND**

(b) The contract also shall [recite] **RECITE**, in simple tabular form, the following separate items in the following order:

- (1) The cash price of the property sold;
 - (2) Any charge or fee for any service which is included in the contract separate from the cash price;
 - (3) The cost to the purchaser of any insurance coverage from the date of the contract, for the payment of which credit is to be extended to the purchaser, the amount or extent and expiration date of the coverage, a concise description of the type of coverage, and every party to whom the insurance is payable;
 - (4) The sum of items (1), (2), and (3) of this subsection;
 - (5) The amount of any down payment on behalf of the purchaser;
 - (6) The principal balance owed, which is the sum of item (4) less item (5) of this subsection;
 - (7) The amount and time of each installment payment and the total number of periodic installments;
 - (8) The interest on the unpaid balance not exceeding the percentage per annum allowed by § 12–404(b) of the Commercial Law Article, provided that points may not be charged; **AND**
 - (9) Any ground rent, taxes, and other public charges.
- (c) The installment payments first shall be applied by the vendor to the payment of:
- (4) Interest on unpaid balance owed by the purchaser at a rate not exceeding the percentage per annum allowed by § 12–404(b) of the Commercial Law Article; **AND**
 - (5) **[Principal] THE PRINCIPAL** balance owed by **THE** purchaser.

DRAFTER'S NOTE:

Error: Omitted conjunctions in § 10–103(a)(7), (b)(8), and (c)(4), omitted comma in § 10–103(b), and omitted articles in § 10–103(c)(5) of the Real Property Article.

Occurred: Ch. 12, Acts of 1974.

11–139.3.

- (d) Notwithstanding language contained in the governing documents of the

council of unit owners, nominations from the floor at the meeting are not required if **AT** least one candidate has been nominated to fill each open board position.

DRAFTER'S NOTE:

Error: Omitted word in § 11–139.3(d) of the Real Property Article.

Occurred: Chs. 523 and 524, Acts of 2021.

11A–121.

(k) (1) The Commission, after notice and hearing, may levy a civil penalty against a developer of not more than \$1,000 for any violation by the developer of **THIS SECTION OR** § 11A–112, § 11A–113, § 11A–114, § 11A–116, § 11A–118, § 11A–119, § 11A–120, [§ 11A–121,] or § 11A–124 of this title.

DRAFTER'S NOTE:

Error: Stylistic error in § 11A–121(k)(1) of the Real Property Article.

Occurred: Ch. 721, Acts of 1985.

Article – State Finance and Procurement

3–302.

(a) (2) (ii) A public institution of higher education may not refer a delinquent student account or debt to the Central Collection Unit unless, in accordance with [§ 15–119] **§ 15–120** of the Education Article:

1. the delinquent account or debt has not been settled by the end of the late registration period of the semester after the student account became delinquent; or

2. the student has not entered into or made timely payments to satisfy an installment payment plan.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 3–302(a)(2)(ii) of the State Finance and Procurement Article.

Occurred: As a result of Chs. 229, 689, and 690, Acts of 2016, each of which added a new § 15–119 to the Education Article. The provisions in Chs. 689 and 690 were codified as § 15–120 of the Education Article.

Article – State Government

2–1220.

(f) (2) At any time on request of the President and the Speaker, the Office shall conduct a performance audit of the local licensing board, as defined in § 1–101 of the Alcoholic Beverages **AND CANNABIS** Article, for a county or for the City of Annapolis to evaluate the effectiveness and efficiency of the management practices of the board and of the economy with which the board uses resources.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 2–1220(f)(2) of the State Government Article.

Occurred: As a result of Chs. 254 and 255, Acts of 2023, which renamed the Alcoholic Beverages Article to be the Alcoholic Beverages and Cannabis Article.

Article – State Personnel and Pensions

20–206.

(g) (3) (i) This paragraph applies to an individual described under [item] **PARAGRAPH (1)(iii)1** or 2 of this subsection.

(4) (i) This paragraph applies to an individual described under [item] **PARAGRAPH (1)(iii)3** of this subsection.

DRAFTER’S NOTE:

Error: Stylistic error in § 20–206(g)(3)(i) and (4)(i) of the State Personnel and Pensions Article.

Occurred: Ch. 347, Acts of 2019.

Article – Tax – Property

2–106.

(b) (1) Except as provided in paragraph (2) of this subsection, each county and Baltimore City shall be responsible for reimbursing the State for the costs of administering the Department as follows:

(iii) 50% of the costs of the Office of Information Technology within the Department, including any funding for departmental projects in the Major Information Technology Development Project Fund established under [§ 3A–309] **§ 3.5–309** of the State Finance and Procurement Article.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 2–106(b)(1)(iii) of the Tax – Property Article.

Occurred: As a result of Chs. 241 and 242, Acts of 2022, which renumbered § 3A–309 of the State Finance and Procurement Article to be § 3.5–309 of that article.

Article – Transportation

13–903.

(a) The following vehicles are exempt from the registration fees specified in this subtitle:

(8) A vehicle owned by, or leased to, and personally used by a veteran who:

(i) As designated or classified by the [Veterans' Administration] **U.S. DEPARTMENT OF VETERANS AFFAIRS**, has lost the use of a hand, arm, or leg, or is totally disabled; or

DRAFTER'S NOTE:

Error: Misnomer in § 13–903(a)(8)(i) of the Transportation Article.

Occurred: As a result of the federal Department of Veterans Affairs Act of 1988, which renamed the Veterans' Administration to be the U.S. Department of Veterans Affairs.

SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, subject to the approval of the Department of Legislative Services, shall make any changes in the text of the Annotated Code necessary to effectuate any termination provision that was enacted by the General Assembly and has taken effect or will take effect prior to October 1, 2024. Any enactment of the 2024 Session of the General Assembly that negates or extends the effect of a previously enacted termination provision shall prevail over the provisions of this section.

SECTION 5. AND BE IT FURTHER ENACTED, That the publishers of the

Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 25, 2024.