

HOUSE BILL 58

M1, D3, E2

(PRE-FILED)

4lr0783
CF SB 73

By: **Delegate Haddaway-Riccio**

Requested: October 31, 2013

Introduced and read first time: January 8, 2014

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2014

CHAPTER _____

1 AN ACT concerning

2 **Talbot County – Chesapeake Bay Critical Area – Prosecution or Civil Suit for**
3 **Certain Violations**

4 FOR the purpose of requiring a criminal prosecution or a suit for a civil penalty for ~~a~~
5 ~~certain offense~~ certain offenses occurring in the Chesapeake Bay Critical Area
6 in Talbot County to be brought within a certain number of years after ~~the~~
7 ~~Critical Area Commission for the Chesapeake and Atlantic Coastal Bays or~~ the
8 local authorities in fact knew or reasonably should have known of a certain
9 violation; providing for the application of a certain exception in certain
10 instances; providing for the application of this Act; and generally relating to
11 prosecutions and civil suits for certain offenses occurring in Talbot County.

12 BY repealing and reenacting, ~~without~~ with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 5-106(a) and 5-107
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2013 Supplement)

17 BY adding to
18 Article – Courts and Judicial Proceedings
19 Section 5-106(dd)
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Courts and Judicial Proceedings**

4 5–106.

5 (a) Except as provided by this section ~~and~~, § 1–303 of the Environment
6 Article, **AND § 8–1815 OF THE NATURAL RESOURCES ARTICLE**, a prosecution for a
7 misdemeanor shall be instituted within 1 year after the offense was committed.

8 **(DD) (1) THIS SUBSECTION APPLIES IN TALBOT COUNTY TO AN**
9 **OFFENSE THAT:**

10 **(I) OCCURS IN THE CHESAPEAKE BAY CRITICAL AREA, AS**
11 **DEFINED IN § 8–1807 OF THE NATURAL RESOURCES ARTICLE; AND**

12 **(II) IS A VIOLATION OF A LOCAL LAW THAT RELATES TO**
13 **ENVIRONMENTAL PROTECTION OR NATURAL RESOURCE CONSERVATION,**
14 **INCLUDING A LOCAL LAW REGULATING:**

- 15 1. GRADING;
- 16 2. SEDIMENT CONTROL;
- 17 3. STORMWATER MANAGEMENT;
- 18 4. ZONING;
- 19 5. CONSTRUCTION; OR
- 20 6. HEALTH AND PUBLIC SAFETY.

21 **(2) A CRIMINAL PROSECUTION OR A SUIT FOR A CIVIL PENALTY**
22 **FOR AN OFFENSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL**
23 **BE INSTITUTED WITHIN 3 YEARS AFTER ~~THE CRITICAL AREA COMMISSION FOR~~**
24 **~~THE CHESAPEAKE AND ATLANTIC COASTAL BAYS OR~~ THE LOCAL AUTHORITIES**
25 **IN FACT KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.**

26 5–107.

27 Except as provided in § 5–106 of this subtitle, [and] § 1–303 of the Environment
28 Article, AND § 8–1815 OF THE NATURAL RESOURCES ARTICLE, a prosecution or
29 suit for a fine, penalty, or forfeiture shall be instituted within one year after the
30 offense was committed.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed to apply only prospectively and may not be applied or interpreted to have
3 any effect on or application to any offense occurring before the effective date of this
4 Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.