

HB0210/283926/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 210
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Conaway**” and substitute “**Delegates Conaway, Toles, Solomon, Kaufman, Shetty, J. Long, Pasteur, Schmidt, Simmons, Phillips, Stinnett, Arikan, Taylor, Grammer, Sample-Hughes, and Williams**”.

AMENDMENT NO. 2

On page 1, strike line 2 in its entirety and substitute:

“Criminal Law – Mail and Package Theft”;

strike beginning with “prohibiting” in line 4 down through “packages” in line 5 and substitute “altering the prohibition against taking and breaking open a letter; prohibiting the theft of mail under certain circumstances; prohibiting a person from possessing an arrow key under certain circumstances; providing for concurrent jurisdiction in the District Court and circuit court to try a violation of this Act; authorizing the use of facial recognition technology to investigate the commission of mail theft; and generally relating to theft of mail and packages”;

and strike in their entirety lines 6 through 10, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 4–301 and 4–302

Annotated Code of Maryland

(2020 Replacement Volume and 2024 Supplement)

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BY repealing

Article – Criminal Law
Section 3–905
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY adding to

Article – Criminal Law
Section 3–905 and 3–905.1
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
Section 2–503(a)(1)(i)
Annotated Code of Maryland
(2018 Replacement Volume and 2024 Supplement)”.

On pages 1 and 2, strike in their entirety the lines beginning with line 13 on page 1 through line 5 on page 2, inclusive, and substitute:

“Article – Courts and Judicial Proceedings

4–301.

(a) Except as provided in §§ 3–803 and 3–8A–03 of this article and 4–302 of this subtitle, the District Court has exclusive original jurisdiction in a criminal case in which a person at least 16 years old or a corporation is charged with violation of the vehicle laws, or the State Boat Act, or regulations adopted pursuant to the vehicle laws or State Boat Act.

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(b) Except as provided in § 4–302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(1) Commission of a common-law or statutory misdemeanor regardless of the amount of money or value of the property involved;

(2) Violation of § 7–104, § 7–105, § 7–107, or § 7–108 of the Criminal Law Article, whether a felony or a misdemeanor;

(3) Violation of a county, municipal, or other ordinance, if the violation is not a felony;

(4) Criminal violation of a State, county, or municipal rule or regulation, if the violation is not a felony;

(5) Doing or omitting to do any act made punishable by a fine, imprisonment, or other penalty as provided by the particular law, ordinance, rule, or regulation defining the violation if the violation is not a felony;

(6) Violation of § 8–103 of the Criminal Law Article, whether a felony or a misdemeanor;

(7) Violation of § 8–203, § 8–204, § 8–205, § 8–206, § 8–207, § 8–208, or § 8–209 of the Criminal Law Article, whether a felony or misdemeanor;

(8) Forgery or violation of Title 8, Subtitle 6 of the Criminal Law Article, whether a felony or misdemeanor;

(9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a felony or a misdemeanor;

(Over)

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- (10) Violation of § 9–1106 of the Labor and Employment Article;
- (11) Violation of § 8–301 of the Criminal Law Article, whether a felony or misdemeanor;
- (12) Violation of § 2–209 of the Criminal Law Article;
- (13) Violation of Title 2, Subtitle 5 of the Criminal Law Article;
- (14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article;
- (15) Violation of § 10–604, § 10–605, § 10–606, § 10–607, § 10–607.1, or § 10–608 of the Criminal Law Article, whether a felony or misdemeanor;
- (16) Violation of Title 7, Subtitle 3, Part III of the Criminal Law Article, whether a felony or misdemeanor;
- (17) Violation of § 20–102 of the Transportation Article, whether a felony or misdemeanor;
- (18) Violation of § 8–801 of the Criminal Law Article;
- (19) Violation of § 8–604 of the Criminal Law Article;
- (20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article;
- (21) Violation of § 16–801, § 16–802, § 16–803, or § 16–804 of the Election Law Article;
- (22) Violation of § 3–203(c) of the Criminal Law Article;

(23) Violation of § 11–208 of the Criminal Law Article as a second or subsequent offense;

(24) Violation of § 11–721 of the Criminal Procedure Article as a second or subsequent offense; [or]

(25) Violation of § 3–1102(b) or § 3–1103 of the Criminal Law Article; OR

(26) VIOLATION OF § 3–905 OR § 3–905.1 OF THE CRIMINAL LAW ARTICLE.

4–302.

(a) Except as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), [and] (25), AND **(26)** of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(b) Except as provided in § 4–303 of this subtitle, the District Court does not have criminal jurisdiction to try a case in which a juvenile court has exclusive original jurisdiction.

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

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or

(Over)

(ii) That is a felony, as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), [and] (25), AND (26) of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a circuit court does not have jurisdiction to try a case charging a violation of § 5–601 or § 5–620 of the Criminal Law Article.

(ii) A circuit court does have jurisdiction to try a case charging a violation of § 5–601 or § 5–620 of the Criminal Law Article if the defendant:

1. Properly demands a jury trial;
2. Appeals as provided by law from a final judgment entered in the District Court; or
3. Is charged with another offense arising out of the same circumstances that is within a circuit court’s jurisdiction.

(e) (1) The District Court is deprived of jurisdiction if a defendant is entitled to and demands a jury trial at any time prior to trial in the District Court.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, unless the penalty for the offense with which the defendant is charged permits imprisonment for a period in excess of 90 days, a defendant is not entitled to a jury trial in a criminal case.

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, the presiding judge of the District Court may deny a defendant a jury trial if:

1. The prosecutor recommends in open court that the judge not impose a penalty of imprisonment for a period in excess of 90 days, regardless of the permissible statutory or common law maximum;

2. The judge agrees not to impose a penalty of imprisonment for a period in excess of 90 days; and

3. The judge agrees not to increase the defendant's bond if an appeal is noted.

(iii) The State may not demand a jury trial.

(f) (1) Except as provided in Title 4, Subtitle 5 of the Family Law Article, the District Court does not have jurisdiction of an offense otherwise within the District Court's jurisdiction if a person is charged:

(i) With another offense arising out of the same circumstances but not within the District Court's jurisdiction; or

(ii) In the circuit court with an offense arising out of the same circumstances and within the concurrent jurisdictions of the District Court and the circuit court described under subsection (d) of this section.

(2) In the cases described under paragraph (1) of this subsection, the circuit court for the county has exclusive original jurisdiction over all the offenses.

Article – Criminal Law

[3-905.

(Over)

(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.]

3-905.

(A) (1) IN THIS SECTION, "MAIL" MEANS AN ITEM THAT HAS BEEN OR IS INTENDED TO BE DELIVERED BY USE OF THE U.S. POSTAL SERVICE OR A COMMON CARRIER OR DELIVERY SERVICE TO A PERSON WHOSE ADDRESS APPEARS ON THE ITEM.

(2) "MAIL" INCLUDES AN ADDRESSED LETTER, POSTAL CARD, OR PACKAGE.

(B) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY OPEN MAIL ADDRESSED TO ANOTHER WITHOUT THE PERMISSION OF THE OTHER OR THE OTHER'S AUTHORIZED REPRESENTATIVE OR DESIGNEE.

(C) 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 OF \$1,000 OR BOTH.

3-905.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ARROW KEY" MEANS A KEY DESIGNED EXCLUSIVELY FOR ALLOWING AN EMPLOYEE OF THE U.S. POSTAL SERVICE OR A COMMON CARRIER OR DELIVERY SERVICE TO ACCESS A MAILBOX OR OTHER DEPOSITORY FOR STORING MAIL.

(3) "MAIL" HAS THE MEANING STATED IN § 3-905 OF THIS SUBTITLE.

(B) (1) A PERSON MAY NOT COMMIT THEFT UNDER § 7-104 OF THIS ARTICLE INVOLVING ONE OR MORE ITEMS OF MAIL.

(2) A PERSON MAY NOT COMMIT THEFT UNDER § 7-104 OF THIS ARTICLE INVOLVING ONE OR MORE ITEMS OF MAIL USING AN ARROW KEY.

(C) A PERSON MAY NOT POSSESS AN ARROW KEY WITH THE INTENT TO USE OR ALLOW THE USE OF THE ARROW KEY IN THE COMMISSION OF A VIOLATION OF SUBSECTION (B) OF THIS SECTION.

(D) (1) A PERSON WHO VIOLATES SUBSECTION (B)(1) OF 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.

(2) A PERSON WHO VIOLATES SUBSECTION (B)(2) OF 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.

(3) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

(E) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY OTHER CRIME BASED ON THE ACTS ESTABLISHING A VIOLATION OF THIS SECTION.

Article – Criminal Procedure

2–503.

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

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

1. a crime of violence as defined in § 14–101 of the Criminal Law Article;

2. a human trafficking offense under Title 3, Subtitle 11 of the Criminal Law Article;

3. first– or second–degree child abuse under § 3–601 of the Criminal Law Article;

4. a child pornography offense under § 11–207 of the Criminal Law Article;

5. a hate crime under § 10–304 of the Criminal Law Article;

6. a weapon crime under § 4–102, § 4–103, § 4–203(a)(1)(iii) or (iv), § 4–204, or § 4–303(a)(2) of the Criminal Law Article;

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7. a weapon crime under § 5-138, § 5-140, § 5-141, § 5-207(c)(16), § 5-406(a)(3), or § 5-703(a) of the Public Safety Article;

8. aggravated cruelty to animals under § 10-606 or § 10-607 of the Criminal Law Article;

9. importation of fentanyl or a fentanyl analogue under § 5-614(a)(1)(xii) of the Criminal Law Article;

10. stalking under § 3-802 of the Criminal Law Article;

11. MAIL THEFT UNDER § 3-905.1 OF THE CRIMINAL LAW ARTICLE;

[11.] 12. a criminal act involving circumstances presenting a substantial and ongoing threat to public safety or national security; or

[12.] 13. a crime under the laws of another state substantially equivalent to a crime listed in items 1 through [10] 11 of this item involving a fugitive from justice charged with a crime in that state and sought under Title 9 of this article;”.