



CITY COUNCIL AGENDA
Municipal Building

COUNCIL MEETING WILL BE ONLINE ONLY

Due to the COVID-19 precautions, the Council Meeting will be held online and is planned to be cablecast on Verizon 21, Comcast 71 and 996 and streamed to www.greenbeltmd.gov/municipaltv.

Resident participation:

**[https://us02web.zoom.us/j/81812063940?](https://us02web.zoom.us/j/81812063940?pwd=Q0UyQkFuS3R4OWVoWG42MTRLb3Z6QT09)
pwd=Q0UyQkFuS3R4OWVoWG42MTRLb3Z6QT09
Passcode: 736144**

OR

Join By phone: (301) 715-8592
Meeting ID: 818 1206 3940
Passcode: 736144

In advance, the hearing impaired is advised to use Video Relay Services (VRS) at 711 to submit your questions/comments or contact the City Clerk at (301) 474-8000 or email banderson@greenbeltmd.gov.

Monday, February 8, 2021
8:00 PM

I. ORGANIZATION

1. Call to Order
2. Roll Call

3. Meditation and Pledge of Allegiance to the Flag
4. Consent Agenda - Approval of Staff Recommendations (Items on the Consent Agenda [marked by *] will be approved as recommended by staff, subject to removal from the Consent Agenda by Council.)
5. Approval of Agenda and Additions

II. COMMUNICATIONS

6. Presentations
- 6a. Random Acts of Kindness Day Proclamation
Suggested Action:

This year the City of Greenbelt will issue a proclamation to recognize a day of Random Acts of Kindness, to be celebrated by the City on Wednesday, February 17, 2021. Robert Goldberg Strasser of Random Unselfish Acts of Kindness (RUAK), will accept the proclamation and give an overview of this year's plans.

[Random Acts of Kindness proc.pdf](#)

7. Petitions and Requests
Suggested Action:

- *8. * Minutes of Council Meetings
Suggested Action:

9. Administrative Reports

- *10. * Committee Reports

III. LEGISLATION

IV. OTHER BUSINESS

11. State Legislation
Suggested Action:

Reference:

HB 510

HB 510 Fiscal Note

HB 475

HB 443

HB 443 Fiscal Note

SB 154

SB 154 Fiscal Note

SB 387

SB 387 Fiscal Note

Email, Konrad Herling, 1/25/21

HB 4 (2020 Session)

HB 4 Fiscal Note

Letter, Governor Hogan, 5/7/20

HB 638/SB 624

-

House Bill 510 - This bill would establish the Office of Private Sector Transportation Projects Ombudsman within the Department of Transportation; and require the Secretary of Transportation to designate an Ombudsman to respond to concerns, complaints, and inquiries from residents, local government officials, and other entities regarding private sector transportation projects being developed or tested within the State. The City supported similar legislation last year.

Staff recommends Council support HB 510.

House Bill 475 – This bill would require that a speed monitoring system in a school zone may operate only during the regular school year. The MML Legislative Committee voted to oppose this bill.

Staff recommends Council oppose HB 475.

House Bill 443/Senate Bill 577 – This legislation would establish the Makerspace Initiative Pilot Program in the Maryland Technology Development Corporation to encourage the establishment and expansion of makerspaces throughout the State. It would also authorize the Corporation to award certain financial assistance to local governments. The MML Legislative Committee voted to support legislation.

Council direction is sought.

Senate Bill 154/House Bill 18 – This legislation would establish that certain individuals have a right to legal representation in eviction proceedings and establish the Right to Counsel in Evictions Coordinator to organize and direct services and resources to provide covered individuals with legal representation for a judicial or administrative proceeding.

Staff recommends Council support SB 154/HB 18.

Senate Bill 387 – This bill would require the State Highway Administration to install and maintain a crosswalk and curb ramps at intersections of State and local highways under certain circumstances. The MML Legislative Committee voted to support this bill.

Staff recommends Council support SB 387.

Veto Override of House Bill 4/Senate Bill 208: At the Regular Meeting on January 25, , former Council Member Konrad Herling requested that the City support a veto override of this legislation which passed during the 2020 Session and was vetoed by Governor Hogan.

This legislation provided that a person who is not a certain licensee may not complete the sale, rental, or transfer of a certain rifle or shotgun as a purchaser, lessee, or transferee, except under certain circumstances; requires, before a certain sale, rental, or transfer is conducted, the seller, lessor, or transferor and purchaser, lessee, or transferee to request that a certain licensee facilitate the sale, rental, or transfer; authorizing a seller, lessor, or transferor to deliver a rifle or shotgun in a certain manner; etc.

Council direction is sought.

House Bill 638/SB 624 -. At the last Regular Meeting, former Council Member Konrad Herling requested that Council support this legislation referring to this bill as the “ghost gun” legislation.

This legislation would alter a certain definition of regulated firearm to include a certain unfinished frame or receiver; authorizing a person to continue to possess a certain firearm or unfinished frame or receiver on or after January 1, 2022, if the firearm or unfinished frame or receiver is marked with a unique serial number and the person maintains a certain record log; prohibiting a person from possessing a certain firearm or unfinished frame or receiver on or after January 1, 2022; providing certain penalties; etc.

Council direction is sought.

[HB 510.pdf](#)

[HB 510 Fiscal Note.pdf](#)

[HB 475.pdf](#)

[HB 443.pdf](#)

[HB 443 Fiscal Note.pdf](#)

[SB 154.pdf](#)

[SB 154 Fiscal Note.pdf](#)

[SB 387.pdf](#)

[SB 387 Fiscal Note.pdf](#)

[Email from Konrad Herling.pdf](#)

[HB 4 \(2020 Session\).pdf](#)

[HB 4 Fiscal Note.pdf](#)

[Governor Hogan Veto Letter.pdf](#)

[HB 638.pdf](#)

12. Lawsuit against State of Maryland regarding unemployment insurance benefits issue
Suggested Action:

Mayor Byrd requested this item added to the agenda.

The motion would be to have the City file a lawsuit against the State of Maryland on behalf of Greenbelt residents whom the State has not paid unemployment benefits to in a timely manner.

13. Letter to US Department of Transportation opposing Maglev
Suggested Action:

Mayor Byrd requested this item to be added to the agenda. Staff has prepared a draft letter.

The motion would be to send a letter to Secretary Buttigieg letting him know of Greenbelt's opposition to the Maglev.

[Maglev Letter to Secretary Buttigieg.pdf](#)

14. Maglev legal cost sharing
Suggested Action:

Mayor Pro Tem Jordan requested this item added to the agenda.

The motion to direct staff to prepare a letter to sister municipalities and Prince George's County formally requesting them to partner with us by sharing legal costs related to the Maglev DEIS review and addition future actions.

15. Deferred Expenditures in FY 21 Adopted Budget
Suggested Action:

Reference:

Memo - B. Gaymon - Feb. 5, 2021

Detailed Listing of Deferred Expenditures in FY2021 Adopted Budget

At the Pre-budget work session on February 3, 2021, Councilmember Davis requested this item to be added to the agenda.

Council direction is sought.

[Cover Memo - Detailed Listing of Deferred Expenditures in FY2021.pdf](#)

[Detailed Listing of Deferred Expenditures in FY2021.pdf](#)

16. Council Activities

17. Council Reports

*18. * Letter - SCMaglev DEIS

Suggested Action:

Councilmember Davis requested this item be added to the agenda.

Council directs staff to send a follow-up letter requesting that the time to respond to the SCMaglev DEIS be further extended to 180 days in order to allow adequate time for all affected parties to analyze the document and to accept public comment.

*19. * FY 2020 Fund Transfers

Suggested Action:

At the February 3, 2021, Pre-budget work session Council discussed this matter which is detailed in the attached Memorandum from the Assistant City Manager. Councilmember Davis requested this item be added to the consent agenda.

FY 2020 fund transfers were made according to the amount in the FY 2020 Adopted Budget. However, additional transfers, part of a strategy to increase fund balances if funding allowed at fiscal year end, were not made

Approval of this item on the Consent agenda, will indicate Council's approval to make these additional fund transfers in FY 2021.

[FY 2020 Fund Transfer Memo Revised.pdf](#)

*20. * Resignation from Advisory Group

Suggested Action:

Reference:

Email, D. West, July 26, 2020

David West has submitted his resignation from the Senior Citizen Advisory Committee.

Approval of this item on the consent agenda will indicate Council's intent to accept his resignation with regret.

V. MEETINGS

Meetings

Suggested Action:

[meetings.pdf](#)

Stakeholders

[Stakeholder Schedule.pdf](#)

City Council Agenda Item Report

Meeting Date: February 8, 2021

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: Presentations

Agenda Section: COMMUNICATIONS

Subject:

Presentations

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: February 8, 2021

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: Proclamation

Agenda Section: COMMUNICATIONS

Subject:

Random Acts of Kindness Day Proclamation

Suggested Action:

This year the City of Greenbelt will issue a proclamation to recognize a day of Random Acts of Kindness, to be celebrated by the City on Wednesday, February 17, 2021. Robert Goldberg Strasser of Random Unselfish Acts of Kindness (RUAK), will accept the proclamation and give an overview of this year's plans.

Attachments:

[Random Acts of Kindness proc.pdf](#)

PROCLAMATION

WHEREAS, the City of Greenbelt recognizes the value of simple acts of kindness performed without prompting or reason and how these acts can positively impact the performer, the recipient and onlooker of the good deed; and

WHEREAS, people of any age can participate in “Random Acts of Kindness” any time, any place and for the unselfish purpose of spreading goodwill; and

WHEREAS, by providing “Random Acts of Kindness” and reaching out to one another, regardless of social or economic status, education, gender, origin, religious belief, age, lifestyle or abilities, we extend an opportunity for grace, dignity and acceptance that might not otherwise be offered; and

NOW THEREFORE, BE IT RESOLVED I, Colin A. Byrd, by the authority vested in me by the citizens and City Council of Greenbelt do hereby proclaim February 17, 2021, as

RANDOM ACTS OF KINDNESS DAY

in the City of Greenbelt and ask our residents of our community to join with me to recognize and perform random acts of kindness.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Greenbelt, Maryland, to be affixed this 8th day of February 2021.

Colin A. Byrd
Mayor

ATTEST:

Bonita Anderson, City Clerk



City Council Agenda Item Report

Meeting Date: February 8, 2021

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

State Legislation

Suggested Action:

Reference:

HB 510

HB 510 Fiscal Note

HB 475

HB 443

HB 443 Fiscal Note

SB 154

SB 154 Fiscal Note

SB 387

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HB 638/SB 624

-

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Ombudsman within the Department of Transportation; and require the Secretary of Transportation to designate an Ombudsman to respond to concerns, complaints, and inquiries from residents, local government officials, and other entities regarding private sector transportation projects being developed or tested within the State. The City supported similar legislation last year.

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This legislation provided that a person who is not a certain licensee may not complete the sale, rental, or transfer of a certain rifle or shotgun as a purchaser, lessee, or transferee, except under certain circumstances; requires, before a certain sale, rental, or transfer is conducted, the seller, lessor, or transferor and purchaser, lessee, or transferee to request that a certain licensee facilitate the sale, rental, or transfer; authorizing a seller, lessor, or transferor to deliver a rifle or shotgun in a certain manner; etc.

Council direction is sought.

House Bill 638/SB 624 -. At the last Regular Meeting, former Council Member Konrad Herling requested that Council support this legislation referring to this bill as the “ghost gun” legislation.

This legislation would alter a certain definition of regulated firearm to include a certain unfinished frame or receiver; authorizing a person to continue to possess a certain firearm or unfinished frame or receiver on or after January 1, 2022, if the firearm or unfinished frame or receiver is marked with a unique serial number and the person maintains a certain record log; prohibiting a person from possessing a certain firearm or unfinished frame or receiver on or after January 1, 2022; providing certain penalties; etc.

Council direction is sought.

Attachments:

[HB 510.pdf](#)

[HB 510 Fiscal Note.pdf](#)

[HB 475.pdf](#)

[HB 443.pdf](#)
[HB 443 Fiscal Note.pdf](#)
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[SB 387.pdf](#)
[SB 387 Fiscal Note.pdf](#)
[Email from Konrad Herling.pdf](#)
[HB 4 \(2020 Session\).pdf](#)
[HB 4 Fiscal Note.pdf](#)
[Governor Hogan Veto Letter.pdf](#)
[HB 638.pdf](#)

HOUSE BILL 510

R2
HB 733/20 – ENT

1lr1867
CF 1lr1829

By: **Delegate Valentino-Smith**

Introduced and read first time: January 15, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Private Sector Transportation Projects Ombudsman –**
3 **Establishment**

4 FOR the purpose of establishing the office of Private Sector Transportation Projects
5 Ombudsman within the Department of Transportation; requiring the Secretary of
6 Transportation to designate an individual to serve as Ombudsman; requiring the
7 Ombudsman to respond to concerns, complaints, and other inquiries from certain
8 entities regarding certain private sector transportation projects; providing that the
9 Ombudsman is an employee of the Department; requiring the Department to provide
10 the Ombudsman with sufficient resources to respond to all inquiries in an accurate
11 and timely manner; requiring the Department to include the name and contact
12 information of the Ombudsman on the Department's website and in a certain
13 document; defining a certain term; and generally relating to the designation of a
14 Private Sector Transportation Projects Ombudsman.

15 BY adding to
16 Article – Transportation
17 Section 2–113
18 Annotated Code of Maryland
19 (2020 Replacement Volume)

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

22 **Article – Transportation**

23 **2–113.**

24 **(A) IN THIS SECTION, “OMBUDSMAN” MEANS THE PRIVATE SECTOR**
25 **TRANSPORTATION PROJECTS OMBUDSMAN.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) THERE IS A PRIVATE SECTOR TRANSPORTATION PROJECTS**
2 **OMBUDSMAN.**

3 **(C) (1) THE SECRETARY SHALL DESIGNATE AN INDIVIDUAL TO SERVE AS**
4 **THE OMBUDSMAN.**

5 **(2) THE OMBUDSMAN SHALL RESPOND TO CONCERNS, COMPLAINTS,**
6 **AND OTHER INQUIRIES FROM STATE RESIDENTS, LOCAL GOVERNMENT OFFICIALS,**
7 **AND OTHER ENTITIES REGARDING PRIVATE SECTOR TRANSPORTATION PROJECTS**
8 **THAT ARE BEING DEVELOPED OR TESTED WITHIN THE STATE.**

9 **(D) (1) THE OMBUDSMAN IS AN EMPLOYEE OF THE DEPARTMENT.**

10 **(2) THE DEPARTMENT SHALL PROVIDE THE OMBUDSMAN WITH**
11 **SUFFICIENT RESOURCES TO RESPOND TO ALL INQUIRIES IN AN ACCURATE AND**
12 **TIMELY MANNER.**

13 **(E) THE DEPARTMENT SHALL INCLUDE THE NAME AND CONTACT**
14 **INFORMATION OF THE OMBUDSMAN:**

15 **(1) ON THE DEPARTMENT'S WEBSITE; AND**

16 **(2) IN THE CONSOLIDATED TRANSPORTATION PROGRAM.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2021.

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 510 (Delegate Valentino-Smith)
Environment and Transportation

**Transportation - Private Sector Transportation Projects Ombudsman -
Establishment**

This bill requires the Secretary of Transportation to designate an individual to serve as the Private Sector Transportation Projects Ombudsman. The ombudsman must respond to concerns, complaints, and other inquiries regarding private sector transportation projects that are being developed or tested within the State. The ombudsman is an employee of the Maryland Department of Transportation (MDOT), and MDOT must provide the ombudsman with sufficient resources to respond to all inquiries in an accurate and timely manner. MDOT must include the name of and contact information for the ombudsman on its website and in the *Consolidated Transportation Program*.

Fiscal Summary

State Effect: None. MDOT has already designated an individual to serve as a private sector transportation project ombudsman and can disseminate the ombudsman's name and contact information in the manner required by the bill using existing resources.

Local Effect: None. The bill does not affect local governmental operations or finances.

Small Business Effect: None.

Analysis

Current Law: MDOT is charged with managing the State's transportation systems, including any transportation undertaken by private sector entities. While MDOT is organized into various organizations based on mode of transportation (such as the State

Highway Administration and the Maryland Port Administration), the Secretary's Office within MDOT oversees and advises each administration.

Additional Information

Prior Introductions: HB 733 of 2020 received a hearing in the House Environment and Transportation Committee, but no further action was taken. Its cross file, SB 526, received a hearing in the Senate Finance Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Maryland Department of Transportation; Baltimore, Garrett, and Howard counties; City of Laurel; Department of Legislative Services

Fiscal Note History: First Reader - January 28, 2021
rh/lgc

Analysis by: Richard L. Duncan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

HOUSE BILL 475

R5

1lr0665

By: **Delegate Attar**

Introduced and read first time: January 15, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Speed Monitoring Systems in School Zones – Operation Times – Limitation**

3 FOR the purpose of establishing that a speed monitoring system in a school zone may
4 operate only during the regular school year; and generally relating to speed
5 monitoring systems in school zones.

6 BY repealing and reenacting, without amendments,
7 Article – Transportation
8 Section 21–809(a)(1), (7), and (8)
9 Annotated Code of Maryland
10 (2020 Replacement Volume)

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 21–809(b)(1)(ix)
14 Annotated Code of Maryland
15 (2020 Replacement Volume)

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

18 **Article – Transportation**

19 21–809.

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

21 (7) “School zone” means a designated roadway segment within up to a
22 half-mile radius of a school for any of grades kindergarten through grade 12 where
23 school-related activity occurs, including:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Travel by students to or from school on foot or by bicycle; or

2 (ii) The dropping off or picking up of students by school buses or
3 other vehicles.

4 (8) "Speed monitoring system" means a device with one or more motor
5 vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12
6 miles per hour above the posted speed limit.

7 (b) (1) (ix) A speed monitoring system in a school zone may operate only
8 Monday through Friday between 6:00 a.m. and 8:00 p.m. **DURING THE REGULAR SCHOOL**
9 **YEAR.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
11 1, 2021.

HOUSE BILL 443

C8
HB 1455/20 – W&M

1lr1769
CF 1lr1792

By: **Delegate McKay**

Introduced and read first time: January 15, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Economic Development – Makerspace Initiative Pilot Program**

3 FOR the purpose of establishing the Makerspace Initiative Pilot Program in the Maryland
4 Technology Development Corporation; establishing the purposes of the Program;
5 requiring the Corporation to partner with a certain entity to provide technical
6 assistance to certain nonprofit entities; authorizing the Corporation to award certain
7 financial assistance to local governments, certain designees of local governments,
8 and certain nonprofit entities for the establishment of makerspaces in the State;
9 requiring the Corporation, after consulting with the Secretary of Commerce, to adopt
10 certain standards; authorizing the Corporation to award financial assistance subject
11 to certain limitations; requiring a recipient of financial assistance to provide certain
12 matching funds or in-kind contributions; prohibiting the Corporation from awarding
13 financial assistance within a single county exceeding a certain amount except under
14 certain circumstances; establishing the Makerspace Initiative Fund as a special,
15 nonlapsing fund; specifying the purpose of the Fund; requiring the Executive
16 Director of the Maryland Technology Development Corporation or the Executive
17 Director's designee to administer the Fund; requiring the State Treasurer to hold the
18 Fund and the Comptroller to account for the Fund; specifying the contents of the
19 Fund; requiring the Governor, for certain fiscal years, to include a certain
20 appropriation in the annual budget bill for the Fund; providing for the investment of
21 money in and expenditures from the Fund; requiring interest earnings of the Fund
22 to be credited to the Fund; providing that certain appropriations and expenditures
23 are subject to audit by the Office of Legislative Audits; exempting the Fund from a
24 certain provision of law requiring interest earnings on State money to accrue to the
25 General Fund of the State; defining certain terms; providing for the termination of
26 this Act; and generally relating to the Makerspace Initiative Pilot Program.

27 BY repealing and reenacting, without amendments,
28 Article – Economic Development
29 Section 9–101(a) and (e) and 10–401(a) through (c)
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2018 Replacement Volume and 2020 Supplement)

BY adding to

Article – Economic Development

Section 10–473 through 10–477 to be under the new part “Part VIII. Makerspace Initiative Pilot Program”

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii) 122. and 123.

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii) 124.

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Economic Development

9–101.

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

(e) “Secretary” means the Secretary of Commerce.

10–401.

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

(b) “Board” means the Board of Directors of the Corporation.

(c) “Corporation” means the Maryland Technology Development Corporation.

PART VIII. MAKERSPACE INITIATIVE PILOT PROGRAM.

1 10-473.

2 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "FINANCIAL ASSISTANCE" MEANS A GRANT, A LOAN, OR SIMILAR
5 ASSISTANCE.

6 (C) "FUND" MEANS THE MAKERSPACE INITIATIVE FUND.

7 (D) "PROGRAM" MEANS THE MAKERSPACE INITIATIVE PILOT PROGRAM.

8 10-474.

9 (A) THERE IS A MAKERSPACE INITIATIVE PILOT PROGRAM IN THE
10 CORPORATION.

11 (B) THE PURPOSE OF THE PROGRAM IS TO ENCOURAGE THE
12 ESTABLISHMENT AND EXPANSION OF MAKERSPACES THROUGHOUT THE STATE.

13 (C) (1) THE CORPORATION SHALL ADMINISTER THE PROGRAM.

14 (2) THE CORPORATION SHALL PARTNER WITH THE OPEN WORKS
15 CENTER FOR ADVANCED FABRICATION TECHNOLOGIES IN BALTIMORE CITY TO
16 PROVIDE TECHNICAL ASSISTANCE TO NONPROFIT ENTITIES SEEKING TO ESTABLISH
17 MAKERSPACES IN THE STATE.

18 10-475.

19 (A) TO CARRY OUT THE PURPOSES OF THE PROGRAM, THE CORPORATION
20 SHALL AWARD FINANCIAL ASSISTANCE UNDER THIS PART TO ELIGIBLE APPLICANTS
21 FOR THE ESTABLISHMENT OR EXPANSION OF MAKERSPACES IN THE STATE.

22 (B) THE CORPORATION SHALL AWARD FINANCIAL ASSISTANCE FROM THE
23 FUNDS AVAILABLE UNDER THE MAKERSPACE INITIATIVE FUND ESTABLISHED
24 UNDER § 10-477 OF THIS SUBTITLE.

25 10-476.

26 (A) AFTER CONSULTING WITH THE SECRETARY, THE CORPORATION SHALL
27 ADOPT STANDARDS TO AWARD FINANCIAL ASSISTANCE.

(B) THE CORPORATION MAY AWARD FINANCIAL ASSISTANCE TO:

(1) A LOCAL GOVERNMENT;

(2) AN AGENCY, AN INSTRUMENTALITY, OR A NONPROFIT CORPORATION THAT THE LOCAL GOVERNMENT DESIGNATES; OR

(3) A NONPROFIT ENTITY OPERATING OR SEEKING TO OPERATE A MAKERSPACE IN THE STATE.

(C) IN EACH OF FISCAL YEARS 2023, 2024, AND 2025, THE CORPORATION MAY AWARD FINANCIAL ASSISTANCE AS FOLLOWS:

(1) \$50,000 TO ESTABLISH MAKERSPACE PROGRAMS WITH WESTERN MARYLAND WORKS; AND

(2) \$250,000 TO ESTABLISH OR EXPAND MAKERSPACES IN UP TO FOUR COUNTIES NOT SERVED BY WESTERN MARYLAND WORKS.

(D) A RECIPIENT OF FINANCIAL ASSISTANCE UNDER THIS SECTION SHALL PROVIDE MATCHING FUNDS OR IN-KIND CONTRIBUTIONS FOR THE PROJECT AT LEAST EQUAL TO THE AMOUNT OF FINANCIAL ASSISTANCE AWARDED.

(E) UNLESS TWO-THIRDS OF THE MEMBERSHIP OF THE BOARD APPROVES, THE CORPORATION MAY NOT AWARD FINANCIAL ASSISTANCE WITHIN A SINGLE COUNTY UNDER THIS SECTION THAT EXCEEDS A TOTAL OF \$150,000 IN A SINGLE FISCAL YEAR.

10-477.

(A) THERE IS A MAKERSPACE INITIATIVE FUND IN THE CORPORATION.

(B) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(C) THE FUND CONSISTS OF:

(1) APPROPRIATIONS AS PROVIDED IN THE STATE BUDGET;

1 **(2) REPAYMENTS OF LOANS MADE THROUGH THE PROGRAM;**

2 **(3) ANY INTEREST EARNINGS OF THE FUND; AND**

3 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
4 **THE BENEFIT OF THE FUND.**

5 **(D) THE EXECUTIVE DIRECTOR OF THE CORPORATION, OR THE EXECUTIVE**
6 **DIRECTOR'S DESIGNEE, SHALL ADMINISTER THE FUND IN ACCORDANCE WITH THIS**
7 **PART AND ANY OTHER APPLICABLE LAW.**

8 **(E) THE FUND SHALL BE USED TO COVER THE FOLLOWING COSTS OF THE**
9 **PROGRAM:**

10 **(1) ADMINISTRATIVE COSTS NOT EXCEEDING \$50,000 IN EACH FISCAL**
11 **YEAR;**

12 **(2) REIMBURSEMENT, NOT EXCEEDING \$100,000 IN EACH FISCAL**
13 **YEAR, FOR TECHNICAL ASSISTANCE PROVIDED BY THE OPEN WORKS CENTER FOR**
14 **ADVANCED FABRICATION TECHNOLOGIES IN BALTIMORE CITY; AND**

15 **(3) ANY FINANCIAL ASSISTANCE THAT IS AWARDED TO ELIGIBLE**
16 **RECIPIENTS IN ACCORDANCE WITH § 10-476 OF THIS SUBTITLE.**

17 **(F) FOR FISCAL YEARS 2023, 2024, AND 2025, THE GOVERNOR SHALL**
18 **INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$450,000**
19 **TO THE FUND.**

20 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
21 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

22 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED**
23 **TO THE FUND.**

24 **(H) THE OFFICE OF LEGISLATIVE AUDITS SHALL AUDIT THE ACCOUNTS**
25 **AND TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE**
26 **GOVERNMENT ARTICLE.**

27 **Article – State Finance and Procurement**

28 6–226.

29 (a) (2) (i) Notwithstanding any other provision of law, and unless
30 inconsistent with a federal law, grant agreement, or other federal requirement or with the

terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the followings funds:

122. the Racing and Community Development Financing Fund;

[and]

123. the Racing and Community Development Facilities Fund;

AND

124. THE MAKERSPACE INITIATIVE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021. It shall remain effective for a period of 4 years and, at the end of September 30, 2025, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 443
Ways and Means

(Delegate McKay)

Economic Development - Makerspace Initiative Pilot Program

This bill establishes the Makerspace Initiative Pilot Program in the Maryland Technology Development Corporation (TEDCO), subject to specified requirements, including that TEDCO partner with the Open Works Center for Advanced Fabrication Technologies in Baltimore City. The Makerspace Initiative Fund (MIF) is established in TEDCO for the administration of the program. The Governor must include an appropriation of at least \$450,000 annually in the budget bill to MIF from fiscal 2023 through 2025. Each year, TEDCO must (1) provide \$300,000 in financial assistance to eligible applicants for the establishment or expansion of makerspaces in the State; (2) use up to \$50,000 for its administrative expenses; and (3) reimburse up to \$100,000 for technical assistance provided by the Open Works Center for Advanced Fabrication Technologies in Baltimore City. **The bill terminates September 30, 2025.**

Fiscal Summary

State Effect: General fund expenditures increase by at least \$450,000 annually from FY 2023 through 2025, as discussed below. Special fund revenues and expenditures for TEDCO increase correspondingly, and may further increase from loan repayments. Additional operational effects are discussed below. **The bill establishes a mandated appropriation from FY 2023 through 2025.**

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
SF Revenue	\$0	\$450,000	\$450,000	\$450,000	\$0
GF Expenditure	\$0	\$450,000	\$450,000	\$450,000	\$0
SF Expenditure	\$0	\$450,000	\$450,000	\$450,000	\$0
Net Effect	\$0	(\$450,000)	(\$450,000)	(\$450,000)	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local revenues and expenditures may increase from FY 2023 through 2025 as program funding is received, subject to a matching requirement, and expended.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: TEDCO is required to award financial assistance under the program, and may do so to (1) a local government; (2) an agency, an instrumentality, or a nonprofit corporation that a local government designates; or (3) a nonprofit entity operating or seeking to operate a makerspace in the State. Each year from fiscal 2023 through 2025, TEDCO may award financial assistance as follows: (1) \$50,000 to establish makerspace programs with Western Maryland Works; and (2) \$250,000 to establish or expand makerspaces in up to four counties not served by Western Maryland Works.

A recipient of financial assistance (grants, loans, or similar assistance) under the program must provide matching funds or in-kind contributions for the project at least equal to the amount of financial assistance awarded. Generally, TEDCO is prohibited from awarding more than \$150,000 in financial assistance within a single county in a single fiscal year.

The Makerspace Initiative Fund

MIF is established in TEDCO as a special, nonlapsing fund, consisting of money appropriated in the State budget, interest earnings, loan repayments, and any other money from any other source. MIF must be used to cover the following costs of the program:

- TEDCO administrative costs, up to \$50,000 in each fiscal year;
- reimbursement, up to \$100,000 in each fiscal year, for technical assistance provided by the Open Works Center for Advanced Fabrication Technologies in Baltimore City; and
- any financial assistance that is awarded to eligible recipients under the program.

The Office of Legislative Audits (OLA) must audit the accounts and transactions of MIF in accordance with current law.

Current Law: TEDCO is an independent entity established by the Maryland General Assembly in 1998 to facilitate the creation of technology companies and encourage collaboration between these emerging businesses and federal and State research laboratories. TEDCO also aims to promote new research activity and investments that lead to business development in Maryland.

To achieve its goals, TEDCO provides nonequity investments to early-stage technology businesses, and it funds development and patenting of new technologies at research universities. TEDCO also develops linkages with federal research facilities in the State and

helps companies pursue research funds from federal and other sources. The corporation's role was expanded in fiscal 2016 with the enactment of Chapter 141 of 2015 to transfer the operation of the Maryland Venture Fund (MVF) and the biotechnology grant program from the Department of Commerce. Except for MVF, which is a special fund, State support for TEDCO's programs is typically in the form of general funds.

State Fiscal Effect: This estimate assumes that the Governor provides the minimum amount required by the bill's mandated appropriation. Accordingly, general fund expenditures increase by \$450,000 annually from fiscal 2023 through 2025. Special fund revenues and expenditures for TEDCO increase correspondingly as funds are received and then used for authorized purposes.

TEDCO advises that it requires one *half-time* staff to administer the program, and that total administrative costs are approximately \$50,000 annually, consistent with funding for this purpose as authorized by the bill. TEDCO employees are not State employees. The remaining \$400,000 each year is sufficient to both (1) provide \$300,000 in financial assistance and (2) make the required reimbursement of up to \$100,000 to the Open Works Center in Baltimore City.

As the bill authorizes TEDCO to make loans, special fund revenues may further increase from fiscal 2023 through 2025 as funds are repaid, followed by additional special fund expenditures as those funds are redistributed under the program. It is unclear what happens to any outstanding loan obligations or remaining funds upon termination of the program.

OLA advises that it has no available resources to audit MIF as required under the bill, which lessens the audit coverage of potentially more significant and material TEDCO funds and operations during OLA's routine audits of the corporation. This may have a detrimental effect on the effectiveness and efficiency of such audits. Fiscal/compliance audits are conducted on a three- or four-year cycle.

The bill does not otherwise materially affect State finances or operations.

Small Business Effect: Eligible recipients of program funding are local governments and nonprofits, which are not considered small businesses; however, incentivizing the creation of makerspaces may benefit small businesses by providing greater access to production facilities.

Additional Information

Prior Introductions: HB 1455 of 2020, a nearly identical bill as amended, passed the House and was referred to the Senate Finance and Senate Budget and Taxation committees. No further action was taken. Its cross file, SB 826, received a hearing from the Senate Finance and Senate Budget and Taxation committees, but no further action was taken.

Designated Cross File: None.

Information Source(s): Maryland Technology Development Corporation; Department of Commerce; Department of Budget and Management; Baltimore City; Garrett, Montgomery, and Prince George's counties; Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2021
rh/vlg

Analysis by: Stephen M. Ross

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SENATE BILL 154

N1, P1

(PRE-FILED)

1lr1423
CF HB 18

By: **Senators Hettleman, Carter, Lee, Sydnor, and Waldstreicher**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Eviction Action – Right to Counsel**

3 FOR the purpose of establishing that certain individuals have a right to legal
4 representation in eviction proceedings; establishing the position of Right to Counsel
5 in Evictions Coordinator in the Office of the Attorney General; providing for the
6 purpose, appointment, duties, and expenses of the Coordinator; requiring the legal
7 representation of certain individuals in certain civil proceedings and matters by
8 certain organizations; authorizing the Coordinator to contract with certain
9 organizations to manage all or part of certain services provided to certain
10 individuals; requiring the Coordinator to develop a certain pamphlet and for a sheriff
11 or constable to provide certain individuals with the pamphlet when serving process
12 for certain civil proceedings; requiring the Coordinator to designate certain
13 community groups for a certain purpose; requiring the Coordinator to report to the
14 Governor and the General Assembly on or before a certain date, to publish the report
15 on the Attorney General's website, and to hold a public hearing on the report;
16 establishing the Right to Counsel in Evictions Task Force; providing for the
17 composition and chair of the Task Force; prohibiting a member of the Task Force
18 from receiving certain compensation, but authorizing the reimbursement of certain
19 expenses; requiring the Task Force to study and make recommendations regarding
20 certain matters; authorizing the Task Force to apply for certain grants for a certain
21 purpose; establishing the Right to Counsel in Evictions Fund as a special, nonlapsing
22 fund; specifying the purpose of the Fund; requiring the Right to Counsel in Evictions
23 Coordinator to administer the Fund; requiring the State Treasurer to hold the Fund
24 and the Comptroller to account for the Fund; specifying the contents of the Fund;
25 specifying the purpose for which the Fund may be used; providing for the investment
26 of money in and expenditures from the Fund; requiring that the provisions of this
27 Act be fully implemented within a certain period of time; providing that priority of
28 funding under this Act be given to tenants in certain local jurisdictions; authorizing
29 a local jurisdiction to adopt certain local law; requiring the Coordinator to provide
30 funds to certain local jurisdictions under certain circumstances; requiring the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Coordinator to adopt certain regulations; making the provisions of this Act severable; defining certain terms; and generally relating to the right to counsel in housing proceedings.

BY adding to

Article – Real Property

Section 8–901 through 8–912 to be under the new subtitle “Subtitle 9. Right to Legal Representation in Eviction Cases”
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

Preamble

WHEREAS, Over 655,000 eviction cases are filed each year in the State with only 805,000 renter households; and

WHEREAS, Evictions exacerbate the public health crisis posed by COVID–19; and

WHEREAS, Evictions create significant costs for state and local government related to shelter funding, education funding, health care provided in hospitals instead of community–based providers, transportation costs for homeless youth, and foster care; and

WHEREAS, A study of eviction actions in one local jurisdiction found that while only 1% of tenants are represented in eviction proceedings, approximately 96% of landlords are represented by an attorney or specialized agent in eviction proceedings; and

WHEREAS, Evictions have a disparate impact on black and brown households in the State; and

WHEREAS, The General Assembly seeks to end the disparate impact of evictions based on race and gender; and

WHEREAS, Providing a right to counsel to tenants in eviction cases is a proven means of preventing the disruptive displacement of families and the resulting social, economic, and public health costs of such displacement; and

WHEREAS, Tenants must be able to invoke and enforce the right to legal representation in any eviction–related proceeding to provide for equal access to justice and the courts; and

WHEREAS, It is the policy of the State that tenants facing an eviction from their home shall have a right to legal representation in eviction proceedings, and the State shall provide such representation to tenants to assist in the fair administration of justice; now, therefore,

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

1 **Article – Real Property**

2 **SUBTITLE 9. RIGHT TO LEGAL REPRESENTATION IN EVICTION CASES.**

3 **8–901.**

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) “COMMUNITY GROUP” MEANS A NONPROFIT ENTITY WITH THE
7 CAPACITY TO CONDUCT TENANT OUTREACH AND PROVIDE ENGAGEMENT,
8 EDUCATION, AND INFORMATION.

9 (C) “COORDINATOR” MEANS THE RIGHT TO COUNSEL IN EVICTIONS
10 COORDINATOR.

11 (D) “COVERED INDIVIDUAL” MEANS AN INDIVIDUAL WHO:

12 (1) OCCUPIES A RESIDENTIAL PROPERTY UNDER A CLAIM OF LEGAL
13 RIGHT OTHER THAN OWNER, INCLUDING A TENANT IN A BUILDING OWNED,
14 OPERATED, OR MANAGED BY A PUBLIC HOUSING AUTHORITY; AND

15 (2) IS A MEMBER OF A HOUSEHOLD WITH AN INCOME THAT IS NOT
16 GREATER THAN 50% OF THE MEDIAN INCOME IN THE STATE AS DETERMINED BY THE
17 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES OR ITS
18 SUCCESSOR.

19 (E) “DESIGNATED ORGANIZATION” MEANS A NONPROFIT ENTITY
20 DESIGNATED BY THE COORDINATOR WITH THE ABILITY TO PROVIDE LEGAL
21 REPRESENTATION TO COVERED INDIVIDUALS.

22 (F) “FUND” MEANS THE RIGHT TO COUNSEL IN EVICTIONS FUND.

23 (G) “LEGAL REPRESENTATION” INCLUDES ALL REPRESENTATION BY AN
24 ATTORNEY BEYOND BRIEF LEGAL ADVICE AND IS NOT LIMITED TO THE FORMAL
25 ENTRY OF APPEARANCE IN COURT.

26 (H) “TASK FORCE” MEANS THE RIGHT TO COUNSEL IN EVICTIONS TASK
27 FORCE.

28 **8–902.**

29 A COVERED INDIVIDUAL HAS A RIGHT TO LEGAL REPRESENTATION AS

1 PROVIDED UNDER THIS SUBTITLE.

2 8-903.

3 (A) THERE IS A RIGHT TO COUNSEL IN EVICTIONS COORDINATOR IN THE
4 OFFICE OF THE ATTORNEY GENERAL.

5 (B) THE PURPOSE OF THE COORDINATOR IS TO ORGANIZE AND DIRECT
6 SERVICES AND RESOURCES IN ORDER TO PROVIDE ALL COVERED INDIVIDUALS IN
7 THE STATE WITH ACCESS TO LEGAL REPRESENTATION AS REQUIRED UNDER THIS
8 SUBTITLE.

9 (C) (1) THE ATTORNEY GENERAL SHALL APPOINT THE COORDINATOR.

10 (2) THE COORDINATOR SERVES AT THE PLEASURE OF THE
11 ATTORNEY GENERAL.

12 (D) SALARIES OF THE COORDINATOR AND STAFF FOR THE COORDINATOR
13 AND EXPENSES RELATED TO THIS SUBTITLE SHALL BE AS PROVIDED IN THE STATE
14 BUDGET.

15 8-904.

16 (A) THE COORDINATOR SHALL PROVIDE FOR ACCESS TO LEGAL
17 REPRESENTATION BY A COVERED INDIVIDUAL FOR A JUDICIAL OR ADMINISTRATIVE
18 PROCEEDING, INCLUDING THE FIRST APPEAL OF A DECISION IN THE PROCEEDING
19 IF THE DESIGNATED ORGANIZATION DETERMINES THAT THERE ARE SUFFICIENT
20 LEGAL GROUNDS FOR THE APPEAL:

21 (1) TO EVICT OR TERMINATE THE TENANCY OR HOUSING SUBSIDY OF
22 A COVERED INDIVIDUAL; AND

23 (2) FOR A VIOLATION OF ANY OF THE FOLLOWING SECTIONS OF THIS
24 SUBTITLE:

25 (I) RETALIATORY ACTION BY A LANDLORD UNDER § 8-208.1;

26 (II) RETALIATORY ACTION FOR INFORMING A LANDLORD OF
27 LEAD POISONING HAZARDS UNDER § 8-208.2;

28 (III) RENT ESCROW AWAITING REPAIR OF DANGEROUS DEFECTS
29 UNDER § 8-211;

(IV) FAILURE OF A LESSOR TO REMOVE LEAD-BASED PAINT UNDER § 8-211.1;

(V) NONJUDICIAL EVICTION BY THE WILLFUL DIMINUTION OF SERVICES UNDER § 8-216; AND

(VI) THE LOCAL EQUIVALENT OF ANY PROVISION IN ITEMS (I) THROUGH (V) OF THIS PARAGRAPH.

(B) (1) THE COORDINATOR SHALL ENSURE THAT A COVERED INDIVIDUAL RECEIVES ACCESS TO LEGAL REPRESENTATION BY AN ATTORNEY IN A PROCEEDING AS REQUIRED UNDER THIS SUBTITLE AS SOON AS POSSIBLE AFTER:

(I) A LANDLORD PROVIDES NOTICE TO TERMINATE OR NOT RENEW A TENANCY;

(II) THE INITIATION OF AN EVICTION PROCEEDING; OR

(III) THE DETERMINATION BY A DESIGNATED ORGANIZATION THAT A PROCEEDING ON BEHALF OF A COVERED INDIVIDUAL SHOULD BE INITIATED.

(2) IF FEASIBLE, LEGAL REPRESENTATION REQUIRED UNDER THIS SUBSECTION SHOULD BEGIN NO LATER THAN THE TIME OF THE COVERED INDIVIDUAL'S FIRST APPEARANCE IN A PROCEEDING.

(C) A DESIGNATED ORGANIZATION SHALL PROVIDE A COVERED INDIVIDUAL WITH LEGAL REPRESENTATION UNLESS:

(1) CIRCUMSTANCES SPECIFIC TO THE INDIVIDUAL OR CASE PROHIBIT LEGAL REPRESENTATION BY THE DESIGNATED ORGANIZATION UNDER THE MARYLAND RULES OF PROFESSIONAL CONDUCT; OR

(2) THE DESIGNATED ORGANIZATION LACKS THE CAPACITY AT THE TIME TO LEGALLY REPRESENT THE COVERED INDIVIDUAL.

(D) THE COORDINATOR MAY CONTRACT WITH A DESIGNATED ORGANIZATION TO PROVIDE ALL OR PART OF THE SERVICES REQUIRED UNDER THIS SECTION.

8-905.

(A) THE COORDINATOR SHALL DEVELOP AN INFORMATIONAL PAMPHLET IN BOTH ENGLISH AND SPANISH:

(1) DESCRIBING THE LEGAL RIGHTS OF TENANTS, INCLUDING THE RIGHT TO COUNSEL ESTABLISHED UNDER THIS SUBTITLE; AND

(2) PROVIDING INFORMATION ON RESOURCES AVAILABLE TO TENANTS.

(B) A SHERIFF OR CONSTABLE SHALL PROVIDE A COPY OF THE PAMPHLET DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION IN ADDITION TO THE PROCESS SERVED ON A TENANT, AN ASSIGNEE, OR A SUBTENANT IN ACCORDANCE WITH THE FOLLOWING PROVISIONS OF THIS ARTICLE:

(1) AN EVICTION PROCEEDING FOR A FAILURE TO PAY RENT UNDER § 8-401;

(2) AN EVICTION PROCEEDING FOR A TENANT HOLDING OVER UNDER § 8-402; AND

(3) AN EVICTION PROCEEDING FOR A BREACH OF LEASE UNDER § 8-402.1.

8-906.

THE COORDINATOR SHALL DESIGNATE AND CONTRACT WITH APPROPRIATE COMMUNITY GROUPS TO CONDUCT OUTREACH AND PROVIDE EDUCATION TO TENANTS LOCALLY AND THROUGHOUT THE STATE REGARDING TENANTS' RIGHTS, INCLUDING THE RIGHT TO LEGAL REPRESENTATION UNDER THIS SUBTITLE.

8-907.

(A) ON OR BEFORE AUGUST 31 EACH YEAR, THE OFFICE OF THE COORDINATOR SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY:

(1) THE NUMBER OF COVERED INDIVIDUALS PROVIDED LEGAL REPRESENTATION DURING THE PREVIOUS CALENDAR YEAR;

(2) INFORMATION ON AND METRICS EVALUATING CASE OUTCOMES; AND

(3) A SUMMARY OF THE ENGAGEMENT AND EDUCATION OF TENANTS.

(B) THE COORDINATOR SHALL PUBLISH THE REPORT ON THE ATTORNEY

1 GENERAL'S WEBSITE.

2 (C) THE COORDINATOR SHALL HOLD A PUBLIC HEARING ON THE REPORT.

3 8-908.

4 (A) THERE IS A RIGHT TO COUNSEL IN EVICTIONS TASK FORCE.

5 (B) (1) THE TASK FORCE CONSISTS OF UP TO 15 MEMBERS APPOINTED
6 BY THE ATTORNEY GENERAL AND MAY INCLUDE:

7 (I) REPRESENTATIVES OF THE MARYLAND STATE BAR
8 ASSOCIATION;

9 (II) REPRESENTATIVES OF TENANT ADVOCACY GROUPS;

10 (III) REPRESENTATIVES OF THE JUDICIARY;

11 (IV) REPRESENTATIVES OF COMMUNITY GROUPS; AND

12 (V) TENANTS AND OTHER INTERESTED CITIZENS.

13 (2) AT LEAST THREE MEMBERS OF THE TASK FORCE MUST BE
14 TENANTS WHOSE INCOME DOES NOT EXCEED 50% OF THE STATE MEDIAN INCOME
15 ADJUSTED FOR HOUSEHOLD SIZE.

16 (C) THE ATTORNEY GENERAL SHALL DESIGNATE THE CHAIR OF THE TASK
17 FORCE.

18 (D) A MEMBER OF THE TASK FORCE:

19 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE TASK
20 FORCE; BUT

21 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
22 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

23 (E) THE TASK FORCE SHALL:

24 (1) EVALUATE THE PROVISION OF SERVICES UNDER THIS SUBTITLE,
25 INCLUDING THE PERFORMANCE OF DESIGNATED ORGANIZATIONS AND DESIGNATED
26 COMMUNITY GROUPS;

1 **(2) STUDY POTENTIAL FUNDING SOURCES; AND**

2 **(3) MAKE RECOMMENDATIONS TO IMPROVE THE IMPLEMENTATION**
3 **OF THIS SUBTITLE, INCLUDING NECESSARY POLICY AND STATUTORY CHANGES.**

4 **(F) THE TASK FORCE MAY APPLY FOR GRANTS FROM PUBLIC AND PRIVATE**
5 **ENTITIES TO CARRY OUT THE DUTIES OF THE TASK FORCE.**

6 **8-909.**

7 **(A) THERE IS A RIGHT TO COUNSEL IN EVICTIONS FUND.**

8 **(B) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO FULLY**
9 **IMPLEMENT A CIVIL RIGHT TO LEGAL REPRESENTATION IN EVICTIONS AND OTHER**
10 **RELATED PROCEEDINGS IN THE STATE.**

11 **(C) THE COORDINATOR SHALL ADMINISTER THE FUND.**

12 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
13 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

14 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
15 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

16 **(E) THE FUND CONSISTS OF:**

17 **(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**
18 **AND**

19 **(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
20 **THE BENEFIT OF THE FUND.**

21 **(F) THE FUND MAY BE USED ONLY FOR:**

22 **(1) SERVICES PROVIDED BY A DESIGNATED ORGANIZATION OR**
23 **ACTIVITY BY A COMMUNITY GROUP TO IMPLEMENT THE RIGHT TO COUNSEL IN**
24 **EVICION PROCEEDINGS AS PROVIDED IN THIS SUBTITLE, INCLUDING ALL COSTS**
25 **ASSOCIATED WITH REQUIRED LEGAL REPRESENTATION IN ANY PROCEEDING AND**
26 **ANY OUTREACH AND EDUCATION ACTIVITIES;**

27 **(2) IF A LOCAL JURISDICTION ENACTS A PROGRAM AUTHORIZED**
28 **UNDER THIS SUBTITLE, SERVICES PROVIDED BY THE LOCAL JURISDICTION TO**
29 **IMPLEMENT THE RIGHT TO COUNSEL IN EVICION PROCEEDINGS AS PROVIDED FOR**

1 IN THIS SUBTITLE, INCLUDING ALL COSTS ASSOCIATED WITH REQUIRED LEGAL
2 REPRESENTATION IN ANY PROCEEDING AND ANY OUTREACH AND EDUCATION
3 ACTIVITIES;

4 (3) ADMINISTRATIVE EXPENSES OF THE OFFICE OF THE
5 COORDINATOR; AND

6 (4) EXPENSES RELATED TO THE STUDY AND EVALUATION OF:

7 (I) SERVICES AND ACTIVITIES PROVIDED UNDER THIS
8 SUBTITLE; AND

9 (II) FUNDING AMOUNTS AND SOURCES NECESSARY TO FULLY
10 EFFECTUATE A RIGHT TO COUNSEL IN EVICTION PROCEEDINGS.

11 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
12 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

13 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
14 THE GENERAL FUND OF THE STATE.

15 (H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
16 WITH THE STATE BUDGET.

17 (I) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT
18 INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE
19 APPROPRIATED FOR CIVIL LEGAL SERVICES FROM ANY OTHER SOURCE.

20 8-910.

21 (A) LEGAL REPRESENTATION AS REQUIRED UNDER THIS SUBTITLE SHALL
22 BE PHASED IN OVER TIME IN A MANNER THAT THE COORDINATOR DETERMINES
23 APPROPRIATE AFTER CONSULTATION WITH THE TASK FORCE AND SHALL BE FULLY
24 IMPLEMENTED BEFORE OCTOBER 1, 2025.

25 (B) PRIORITY IN FUNDING DURING THE PHASE-IN PERIOD WILL BE GIVEN
26 TO TENANTS IN A LOCAL JURISDICTION THAT PROVIDES OR AGREES TO PROVIDE
27 SIGNIFICANT ADDITIONAL LOCAL FUNDING TO EFFECTUATE A RIGHT TO COUNSEL
28 IN EVICTION PROCEEDINGS IN THE LOCAL JURISDICTION.

29 8-911.

30 (A) A LOCAL JURISDICTION MAY ENACT A LOCAL LAW PROVIDING FOR

1 LEGAL REPRESENTATION IN EVICTION PROCEEDINGS FILED IN THE LOCAL
2 JURISDICTION.

3 (B) IF A LOCAL JURISDICTION ENACTS A LOCAL LAW UNDER SUBSECTION
4 (A) OF THIS SECTION PROVIDING FOR LEGAL REPRESENTATION IN EVICTION
5 PROCEEDINGS SUBSTANTIALLY SIMILAR TO THAT DESCRIBED IN THIS SUBTITLE,
6 THE COORDINATOR SHALL DIRECT FUNDING THAT WOULD HAVE BEEN ALLOCATED
7 UNDER THIS SUBTITLE FOR THE BENEFIT OF THAT LOCAL JURISDICTION'S TENANTS
8 TO THE LOCAL PROGRAM.

9 ~~8-912.~~

10 THE COORDINATOR SHALL ADOPT REGULATIONS TO CARRY OUT THE
11 PROVISIONS OF THIS SUBTITLE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
13 the application thereof to any person or circumstance is held invalid for any reason in a
14 court of competent jurisdiction, the invalidity does not affect other provisions or any other
15 application of this Act that can be given effect without the invalid provision or application,
16 and for this purpose the provisions of this Act are declared severable.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2021.

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 154 (Senator Hettleman, *et al.*)
Judicial Proceedings and Budget and Taxation

Landlord and Tenant - Eviction Action - Right to Counsel

This bill establishes a right to legal representation for individuals meeting specified qualifications (“covered individuals”) in specified landlord-tenant proceedings. To facilitate this right, the bill establishes a coordinator within the Office of the Attorney General (OAG) whose purpose is to organize and direct services and resources to designated organizations in order to provide all covered individuals with access to legal representation. The bill also establishes (1) a Right to Counsel in Evictions Task Force and (2) a Right to Counsel in Evictions Fund, which is a special fund to be administered by the coordinator for the purpose of providing funding to fully implement a civil right to legal representation in evictions and other related proceedings in the State. The right to legal representation established by the bill must be phased in over time as determined appropriate by the coordinator, in consultation with the task force, and be fully implemented before October 1, 2025.

Fiscal Summary

State Effect: General fund expenditures increase *significantly* beginning in FY 2022 to capitalize the fund and implement the right to legal representation in specified proceedings. Special fund revenues and expenditures increase correspondingly. Indeterminate impact on general fund revenues and special fund revenues associated with filing fees, as discussed below. **This bill establishes an entitlement program beginning in FY 2022.**

Local Effect: Local jurisdictions that enact substantially similar programs receive State funding for the benefit of those jurisdictions’ covered individuals.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Selected Definitions

“Community group” means a nonprofit entity with the capacity to conduct tenant outreach and provide engagement, education, and information.

“Covered individual” means an individual who (1) occupies a residential property under a claim of legal right other than the owner, including a tenant in a building owned, operated, or managed by a public housing authority and (2) is a member of a household with an income that is not greater than 50% of the State median income, as specified.

“Designated organization” means a nonprofit entity designated by the coordinator with the ability to provide legal representation to covered individuals.

“Legal representation” includes all representation by an attorney beyond brief legal advice and is not limited to the formal entry of appearance in court.

The Right to Counsel in Evictions Proceedings

The bill establishes a Right to Counsel in Evictions Coordinator in OAG to organize and direct services and resources in order to provide all covered individuals in the State with access to legal representation. The Attorney General must appoint the coordinator, who serves at the pleasure of the Attorney General. Salaries of the coordinator, staff, and associated expenses are as provided in the State budget. The coordinator must adopt regulations to carry out the bill.

The coordinator must provide a covered individual with access to legal representation for a judicial or administrative proceeding in (1) actions to evict or terminate the tenancy (lease) or housing subsidy of a covered individual and (2) violations of other specified landlord-tenant matters (retaliatory actions by a landlord, rent escrow, failure of a lessor to remove lead paint, nonjudicial evictions by willfully interrupting specified services for the purpose of forcing the tenant to abandon the property, and local equivalents of these actions). Legal representation may extend to the first appeal in proceedings if the designated organization determines there are sufficient legal grounds for appeals on specified causes of action.

The coordinator must ensure that a covered individual receives access to legal representation in a covered proceeding as soon as possible after (1) a landlord provides notice to terminate or not renew a lease; (2) the initiation of an eviction proceeding; or

(3) the determination by a designated organization that a proceeding on behalf of a covered individual should be initiated. If feasible, legal representation should begin no later than the individual's first scheduled appearance in the proceeding.

The coordinator is authorized to contract with a designated organization to provide all or part of the services required. A designated organization must provide a covered individual with legal representation unless (1) circumstances specific to the individual or case prohibit legal representation by the designated organization under the Maryland Rules of Professional Conduct or (2) the designated organization lacks the capacity at the time to legally represent the covered individual.

The program of legal representation must be phased in – as determined appropriate by the coordinator after consultation with the task force – but must be fully implemented by October 1, 2025. Priority in funding during the phase-in period will be given to tenants in a local jurisdiction that provides or agrees to provide significant additional local funding to effectuate a right to counsel in the local jurisdiction.

Public Outreach and Reporting Requirements

The coordinator must develop an informational pamphlet in English and Spanish describing the legal rights of tenants, including the right to counsel established under the bill, and provide information on resources available to tenants. A sheriff or constable must provide a copy of the pamphlet when serving process in accordance with specified eviction-related proceedings.

The coordinator must designate and contract with appropriate community groups to conduct relevant public outreach and education, to tenants locally and throughout the State, regarding tenants' rights, including the right to legal representation provided in the bill.

Annually by August 31, the Office of the Coordinator must report to the Governor and the General Assembly on (1) the number of covered individuals provided legal representation during the previous calendar year; (2) information on and metrics evaluating case outcomes; and (3) a summary of the engagement and education of tenants. The coordinator must publish the report on the Attorney General's website and hold a public hearing on the report.

Right to Counsel in Evictions Task Force

The bill establishes a Right to Counsel in Evictions Task Force. The task force consists of 15 members appointed by the Attorney General. The Attorney General must designate the chair of the task force. The task force must (1) evaluate the provision of services provided under the bill, including the performance of designated organizations and designated

community groups; (2) study potential funding sources; and (3) make recommendations to improve implementation of the provisions in the bill, including necessary policy and statutory changes. A member of the task force may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget. The task force may apply for grants from public and private entities to carry out its duties.

Right to Counsel in Evictions Fund

The Right to Counsel in Evictions Fund established by the bill is a special, nonlapsing fund that is only to be used for (1) services provided by a designated organization or activity by a community group to implement the right to counsel, as specified in the bill; (2) services provided by local jurisdictions that elect to enact a local program to implement the right to counsel in eviction proceedings; (3) administrative costs of the Office of the Coordinator; and (4) expenses related to the study and evaluation of services, activities, funding amounts, and sources necessary to fully implement the program as provided under the bill.

Local Jurisdictions

Local jurisdictions may enact local laws providing for legal representation in eviction proceedings. If a local jurisdiction enacts a substantially similar program, the coordinator must direct funding that would have been allocated under the bill's provisions for the benefit of that jurisdiction's tenants to the local program.

Miscellaneous Provisions

The bill also contains a severability provision.

Current Law: Tenants are not entitled to legal representation in landlord-tenant proceedings. In general, a landlord seeking to evict a tenant initiates the process by filing the appropriate action (*e.g.*, failure to pay rent, breach of lease, *etc.*) in the District Court. If awarded a judgment by the court, the landlord files a warrant of restitution, which, once reviewed and signed by the court, authorizes an eviction. The warrants of restitution are forwarded to the local sheriff's office, who is then authorized to carry out the evictions. Statute sets forth numerous specific requirements for such actions, including those related to written notice prior to filing certain actions, and, in failure to pay rent cases, a four-day waiting period between receiving a judgment of possession and filing a writ of restitution.

State Fiscal Effect: General fund expenditures increase *significantly* to capitalize the fund and implement the legal representation guaranteed by the bill. Special fund revenues to and expenditures from the fund increase correspondingly.

To ensure that the right to legal representation in specified proceedings is met, OAG must provide funding for nonprofit organizations to represent covered individuals in these proceedings. Because the right to counsel is to be phased in over four years, it is not possible to reliably predict expenditures for specific fiscal years, as the impact will depend on decisions made by the coordinator in consultation with the task force. Furthermore, the Department of Legislative Services (DLS) notes that the fund created by the bill is also specifically authorized to be used for expenses related to the *study of funding amounts and sources necessary* to fully effectuate a right to counsel in eviction proceedings. Further, DLS advises that costs associated with the full implementation of this right are significant, particularly considering the large volume of landlord-tenant matters filed annually (more than 650,000 cases).

Representation Costs

Although OAG did not include any preliminary information regarding potential implementation costs in its estimate, information provided by local jurisdictions is helpful to illuminate the magnitude of expenditures related to such a right to counsel. For example, Anne Arundel County advises that it has used a portion of funding received from the Coronavirus Aid, Relief, and Economic Security Act, to assist individuals with legal representation for eviction proceedings. Anne Arundel County has provided legal assistance to 200 clients over the past six months and anticipates annual expenditures of up to \$175,000 if a similar number of clients is served during the next six months. Frederick County advises that *total* costs associated with implementing a local program to serve approximately 5,500 individuals annually would exceed \$1.8 million annually (accounting for State and local funding). An independent report analyzing the potential costs associated with fully implementing a similar program in Baltimore City estimated expenditures of \$5.7 million annually, based on an *additional* 6,900 tenants receiving free representation each year (the analysis also assumed that existing funding sources already providing assistance to some individuals would continue).

Administrative and Other Costs

In addition to the significant funding referenced above, the bill requires a coordinator position in OAG. As the bill explicitly states that the special fund established by the bill may be used for administrative costs, this analysis assumes that all administrative and related expenditures for OAG are covered by the new special fund. However, as noted above, and until an alternate source is identified, general funds are required to capitalize the fund. Accordingly, special fund expenditures increase by *at least* \$200,028 in fiscal 2022 to hire the coordinator (and support staff) necessary to begin implementation of the right to counsel in eviction proceedings provisions in the bill. (General fund expenditures and special fund revenues increase correspondingly.) This estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	2.0
Salaries and Fringe Benefits	\$185,875
Operating Expenses	14,153
Minimum FY 2022 Special Fund Administrative Expenditures	\$200,028

Future year administrative expenditures, which increase from \$241,877 in fiscal 2023 to \$266,799 by fiscal 2026, reflect full salaries with annual increases and employee turnover and ongoing operating expenses. When fully implemented, additional administrative support may be needed.

The estimate does not incorporate costs to develop and print the pamphlets, which must be made available for distribution. Nor does it include any costs that may be incurred by the task force in order to complete the required study of funding sources and evaluations of the performance of designated organizations and designated community groups in providing services. Accordingly, special fund expenditures increase further (along with general fund expenditures and special fund revenues).

Earnings of the Fund

General fund revenues increase minimally from investment earnings of the new fund.

Related Impacts on the Judiciary

The Judiciary advises that, given the large number of cases affected by the bill, the bill has an operational and potential fiscal impact. Generally, the District Court plans dockets with the assumption that a large number of cases will result in default judgment or dismissal. If more tenants (accompanied by counsel) instead appear, more clerical time and judicial attention is required. However, the bill may also lead to fewer filings as landlords may alter filing habits (*e.g.*, postpone filing until more rent is due) if they are aware that the opposing party will have representation. Any impact on the number of cases filed has a corresponding impact on general fund filing fee revenues collected by the Judiciary (as well as to special fund revenues from surcharges imposed on filing fees).

Additional Information

Prior Introductions: None.

Designated Cross File: HB 18 (Delegate W. Fisher, *et al.*) - Judiciary.

Information Source(s): Anne Arundel, Charles, Frederick, and Montgomery counties; Maryland Association of Counties; Maryland Municipal League; Office of the Attorney

General; Judiciary (Administrative Office of the Courts); Department of Housing and Community Development; Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2021
rh/jkb

Analysis by: Donavan A. Ham

Direct Inquiries to:
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SENATE BILL 387

R1

1lr0512

By: **Senator Cassilly**

Introduced and read first time: January 15, 2021

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Intersection of State and Local Highways – Crosswalks and Curb Ramps**

3 FOR the purpose of requiring the State Highway Administration to install and maintain a
4 crosswalk and curb ramps at intersections of State and local highways under certain
5 circumstances; and generally relating to crosswalks and curb ramps at intersections
6 of State and local highways.

7 BY adding to
8 Article – Transportation
9 Section 8–631
10 Annotated Code of Maryland
11 (2020 Replacement Volume)

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

14 **Article – Transportation**

15 **8–631.**

16 **THE ADMINISTRATION SHALL INSTALL AND MAINTAIN A CROSSWALK AND**
17 **CURB RAMPS AT THE INTERSECTION OF A STATE HIGHWAY AND A LOCAL HIGHWAY**
18 **IF:**

19 **(1) SITING OF THE CROSSWALK AND CURB RAMPS HAS BEEN**
20 **REQUESTED BY THE LOCAL GOVERNING BODY RESPONSIBLE FOR THE LOCAL**
21 **HIGHWAY;**

22 **(2) THE CROSSWALK AND CURB RAMPS WILL CONNECT AT LEAST 1**
23 **MILE OF SIDEWALK ON EACH SIDE OF THE STATE HIGHWAY;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) THE INTERSECTION OF THE STATE HIGHWAY AND THE LOCAL**
2 **HIGHWAY IS CONTROLLED BY A TRAFFIC CONTROL SIGNAL; AND**

3 **(4) SITING OF THE CROSSWALK AND CURB RAMPS CONFORMS TO THE**
4 **MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2021.

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 387
Finance

(Senator Cassilly)

Intersection of State and Local Highways – Crosswalks and Curb Ramps

This bill requires the State Highway Administration (SHA) to install and maintain a crosswalk and curb ramps at the intersection of a State highway and a local highway if (1) doing so has been requested by the local governing body responsible for the local highway; (2) the crosswalk and curb ramps will connect at least one mile of sidewalk on each side of the State highway; (3) the affected intersection is controlled by a traffic control signal; and (4) doing so conforms to the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase significantly, beginning as early as FY 2022, to the extent that SHA is required to install and maintain crosswalks and curb ramps under the bill. Revenues are not affected.

Local Effect: The bill does not directly affect local governmental operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law: SHA is responsible for more than 5,200 miles or approximately 16,800 lane miles of road, 2,500 bridges, 3,500 small stream crossing structures, and 80 miles of sound/noise barriers in the State. It also has responsibility for planning, designing, constructing, and maintaining these roads and bridges to safety and performance standards while considering sociological, ecological, and economic concerns.

The Federal Highway Administration's (FHWA) MUTCD specifies the national standards by which traffic signs, road surface markings, and signals are designed, installed, and used and approved by FHWA. The [Maryland MUTCD](#) is the combined document of the national set of traffic control device standards and guidance promulgated by FHWA and Maryland's supplemental guidance and requirements. It includes extensive information about, among other things, crosswalk placement, markings, and signage.

State Expenditures: TTF expenditures increase significantly to the extent that SHA is required to install and maintain crosswalks and curb ramps under the bill. The precise impact of the bill depends on how many crosswalks and curb ramps SHA is required to install under the bill, which is unknown at this time. *For illustrative purposes*, SHA pays between \$1.0 million and \$3.0 million for every mile of sidewalk it installs.

Small Business Effect: Small businesses that contract with SHA to install sidewalks may experience increased business under the bill.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Transportation; Washington and Worcester counties; City of Salisbury; towns of Bel Air and Leonardtown; Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2021
rh/lgc

Analysis by: Richard L. Duncan

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David Moran

From: Konrad Herling <kongeneherl@gmail.com>
Sent: Monday, January 25, 2021 4:45 PM
To: Colin A. Byrd; Emmett Jordan; Judith Davis; Silke Pope; Leta Mach; Rodney Roberts; Edward Putens; Nicole Ard; David Moran; Bonita Anderson
Cc: Konrad Herling
Subject: Advocacy for State Legislation

There are two pieces of legislation that I would advocate Council also support.

The first is legislation From what I understand regarding long guns or files and shotguns which would require that such weapons purchased at gun shows or via private sales require a background check. are rifles and shotguns. Currently they can be purchased at gun shows or through private sales and the purchaser doesn't have to undergo a background check.

The second deals with ghost guns, parts of guns that are purchased online and can be put together by the consumer. However, the ghost gun owner does not have to do not go through a background check.

Both pieces of legislation are supported by MOMS Demand Action. I am proud to be a member of this organization. They advocate common sense legislation regarding weapons. A good percentage of the members, have guns and are involved in teaching folks how to use guns intelligently. Also, many have had family members who have been killed by guns and rifles. The organization advocates common sense legislation.

I will send the bill numbers as soon as I receive that info.

Konrad Herling

HOUSE BILL 4

E4

(0lr0608)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegate Atterbeary**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Rifles and Shotguns – ~~Secondary Transactions~~ Sales, Rentals,**
3 **and Transfers**

4 FOR the purpose of providing that a person who is not a certain licensee may not complete
5 the sale, rental, or transfer of a certain rifle or shotgun in a certain role, except under
6 certain circumstances; requiring, before a certain sale, rental, or transfer is
7 conducted, the seller, lessor, or transferor and purchaser, lessee, or transferee to ~~meet~~
8 ~~jointly with a certain licensee and~~ request that ~~the~~ a certain licensee facilitate the
9 sale, rental, or transfer; requiring a certain licensee to take certain actions when
10 facilitating a certain sale, rental, or transfer; authorizing a seller, lessor, or transferor
11 to deliver a rifle or shotgun to a licensee in a certain manner; prohibiting a certain
12 licensee and transferor from completing a certain transfer if a certain background
13 check has a certain result; authorizing a certain transferor to remove a certain rifle
14 or shotgun from certain premises if a certain background check has a certain result;
15 authorizing a certain licensee to charge a reasonable fee, ~~not exceeding a certain~~

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.

Italics indicate opposite chamber/conference committee amendments.



~~amount,~~ for facilitating a certain sale, rental, or transfer; establishing certain penalties for violating this Act and for providing false information while conducting a sale, rental, or transfer under this Act; providing for certain civil immunity for a licensee under certain circumstances; providing that a certain licensee or other person may not sell, rent, transfer, or loan a rifle or shotgun to a certain person under certain circumstances; establishing a certain penalty; excluding certain transfers from the scope of this Act; establishing that a certain provision of law supersedes certain local provisions; establishing the intent of the General Assembly that a certain term be construed in a certain manner; defining certain terms; and generally relating to rifles and shotguns.

BY repealing and reenacting, with amendments,
 Article – Public Safety
 Section 5–201
 Annotated Code of Maryland
 (2018 Replacement Volume and 2019 Supplement)

BY adding to
 Article – Public Safety
 Section 5–204.1 and 5–207
 Annotated Code of Maryland
 (2018 Replacement Volume and 2019 Supplement)

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

Article – Public Safety

5–201.

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

(B) “DEALER’S LICENSE” MEANS A FEDERAL FIREARMS LICENSE.

(C) “IMMEDIATE FAMILY MEMBER” MEANS A SPOUSE, A PARENT, A STEPPARENT, A GRANDPARENT, A STEPGRANDPARENT, AN AUNT, AN UNCLE, A SIBLING, A STEPSIBLING, A CHILD, A STEPCHILD, A GRANDCHILD, A STEPGRANDCHILD, A NIECE, OR A NEPHEW, AS RELATED BY BLOOD OR MARRIAGE.

(D) “LICENSEE” MEANS A PERSON WHO HOLDS A DEALER’S LICENSE.

(E) “NICS INDEX” HAS THE MEANING STATED IN § 5–133.2 OF THIS TITLE.

[(b)] (F) “Rifle” has the meaning stated in § 4–201 of the Criminal Law Article.

1 [(c)] (G) "Short-barreled rifle" has the meaning stated in § 4-201 of the
2 Criminal Law Article.

3 [(d)] (H) "Short-barreled shotgun" has the meaning stated in § 4-201 of the
4 Criminal Law Article.

5 [(e)] (I) "Shotgun" has the meaning stated in § 4-201 of the Criminal Law
6 Article.

7 ~~(J) "SPORT SHOOTING RANGE" HAS THE MEANING STATED IN § 5-403.1 OF~~
8 ~~THE COURTS ARTICLE.~~

9 ~~(K) "TRANSFER" MEANS A SALE, A RENTAL, A FURNISHING, A GIFT, A LOAN,~~
10 ~~OR ANY OTHER DELIVERY, WITH OR WITHOUT CONSIDERATION.~~

11 ~~(L) "TRANSFeree" MEANS A PERSON WHO RECEIVES OR INTENDS TO~~
12 ~~RECEIVE A FIREARM IN A TRANSFER.~~

13 ~~(M) "TRANSFEROR" MEANS A PERSON WHO DELIVERS OR INTENDS TO~~
14 ~~DELIVER A FIREARM IN A TRANSFER.~~

15 5-204.1.

16 (A) THIS SECTION DOES NOT APPLY TO ~~A TRANSFER~~:

17 (1) A SALE, RENTAL, OR TRANSFER:

18 ~~(1)~~ (I) INVOLVING A LICENSEE OR A FEDERALLY LICENSED GUN
19 MANUFACTURER, DEALER, OR IMPORTER;

20 ~~(2)~~ (II) BETWEEN IMMEDIATE FAMILY MEMBERS;

21 ~~(3)~~ (III) INVOLVING LAW ENFORCEMENT PERSONNEL OF ANY UNIT
22 OF THE FEDERAL GOVERNMENT, A MEMBER OF THE ARMED FORCES OF THE UNITED
23 STATES, A MEMBER OF THE NATIONAL GUARD, OR LAW ENFORCEMENT PERSONNEL
24 OF THE STATE OR ANY LOCAL AGENCY IN THE STATE, WHILE ACTING IN THE SCOPE
25 OF OFFICIAL DUTY;

26 ~~(4)~~ (IV) OF A CURIO OR RELIC FIREARM BETWEEN COLLECTORS
27 WHO EACH HAVE IN THEIR POSSESSION A VALID COLLECTOR OF CURIOS AND RELICS
28 LICENSE, AS THE TERMS ARE DEFINED IN FEDERAL LAW OR DETERMINATIONS
29 PUBLISHED BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES;

~~(5) THAT IS TEMPORARY AND NECESSARY TO PREVENT IMMINENT DEATH OR SERIOUS BODILY HARM IF THE TRANSFER LASTS ONLY AS LONG AS NECESSARY TO PREVENT IMMINENT DEATH OR SERIOUS BODILY HARM;~~

~~(6) THAT OCCURS BY OPERATION OF LAW ON THE DEATH OF A PERSON FOR WHOM THE TRANSFEREE IS AN EXECUTOR, AN ADMINISTRATOR, A TRUSTEE, OR A PERSONAL REPRESENTATIVE OF AN ESTATE OR A TRUST CREATED IN A WILL;~~

~~(7) (V) OF AN UNSERVICEABLE RIFLE OR SHOTGUN SOLD, RENTED, OR TRANSFERRED AS A CURIO OR MUSEUM PIECE;~~

~~(8) (VI) OF A RIFLE OR SHOTGUN MODIFIED TO RENDER IT PERMANENTLY INOPERATIVE; OR~~

~~(VII) IN WHICH THE PURCHASER, LESSEE, OR TRANSFEREE:~~

~~1. HAS A DEMONSTRABLE RELIGIOUS BELIEF AGAINST TAKING A PORTRAIT PHOTOGRAPH; AND~~

~~2. DOES NOT POSSESS A LICENSE OR AN IDENTIFICATION CARD OF ANY KIND WITH PHOTOGRAPHIC IDENTIFICATION; OR~~

~~(9) THAT IS TEMPORARY, OCCURS UNDER CIRCUMSTANCES IN WHICH THE TRANSFEROR HAS NO REASON TO BELIEVE THAT THE TRANSFEREE INTENDS TO USE THE RIFLE OR SHOTGUN IN THE COMMISSION OF A CRIME OR TO ALLOW ANOTHER PERSON TO USE THE RIFLE OR SHOTGUN, AND TAKES PLACE EXCLUSIVELY:~~

~~(I) AT AN ESTABLISHED SPORT SHOOTING RANGE OR GUN CLUB OPERATED IN ACCORDANCE WITH THE LOCAL LAW OF THE JURISDICTION IN WHICH THE RANGE OR CLUB IS LOCATED;~~

~~(II) DURING A LAWFULLY ORGANIZED COMPETITION INVOLVING THE USE OF A RIFLE OR SHOTGUN;~~

~~(III) DURING A PERFORMANCE OR A PRACTICE FOR A PERFORMANCE BY AN ORGANIZED GROUP THAT USES RIFLES OR SHOTGUNS AS PART OF THE PERFORMANCE;~~

~~(IV) WHILE THE TRANSFEREE IS HUNTING OR TRAPPING IF THE HUNTING OR TRAPPING IS LEGAL IN ALL PLACES AND AT ALL TIMES WHEN THE HUNTING OR TRAPPING IS CONDUCTED AND THE TRANSFEREE HOLDS ANY LICENSE OR PERMIT REQUIRED FOR THE HUNTING OR TRAPPING; OR~~

~~(V) WHILE THE TRANSFEREE IS TRANSPORTING THE RIFLE OR SHOTGUN TO OR FROM A GUN CLUB OPERATED IN ACCORDANCE WITH THE LOCAL LAW OF THE JURISDICTION IN WHICH THE CLUB IS LOCATED WHEN PARTICIPATING IN ACTIVITIES DESCRIBED UNDER ITEMS (II) THROUGH (IV) OF THIS ITEM; OR~~

~~(V) (VI) IN THE ACTUAL PRESENCE OF THE TRANSFEROR.~~

(2) A TRANSFER THAT OCCURS BY OPERATION OF LAW ON THE DEATH OF A PERSON FOR WHOM THE TRANSFEREE IS AN EXECUTOR, AN ADMINISTRATOR, A TRUSTEE, OR A PERSONAL REPRESENTATIVE OF AN ESTATE OR A TRUST CREATED IN A WILL.

(B) A PERSON WHO IS NOT A LICENSEE MAY NOT COMPLETE ~~THE~~ A SALE, RENTAL, OR TRANSFER OF A RIFLE OR SHOTGUN OTHER THAN A REGULATED FIREARM, AS A PURCHASER, LESSEE, OR TRANSFEREE OR SELLER, LESSOR, OR TRANSFEROR, UNLESS THE PERSON IS IN COMPLIANCE WITH THIS SECTION.

(C) (1) BEFORE A SALE, RENTAL, OR TRANSFER IS CONDUCTED, THE SELLER, LESSOR, OR TRANSFEROR AND PURCHASER, LESSEE, OR TRANSFEREE SHALL ~~MEET JOINTLY WITH A LICENSEE AND BOTH~~ REQUEST THAT ~~THE~~ A LICENSEE FACILITATE THE SALE, RENTAL, OR TRANSFER.

(2) (I) A LICENSEE WHO AGREES TO FACILITATE A SALE, RENTAL, OR TRANSFER UNDER THIS SECTION SHALL PROCESS THE SALE, RENTAL, OR TRANSFER AS THOUGH TRANSFERRING THE RIFLE OR SHOTGUN FROM THE LICENSEE'S OWN INVENTORY TO THE PURCHASER, LESSEE, OR TRANSFEREE.

(II) THE LICENSEE SHALL CONDUCT A BACKGROUND CHECK ON THE PURCHASER, LESSEE, OR TRANSFEREE THROUGH THE NICS INDEX AND COMPLY WITH ALL FEDERAL AND STATE LAW THAT WOULD APPLY TO THE SALE, RENTAL, OR TRANSFER, INCLUDING ALL INVENTORY AND RECORD-KEEPING REQUIREMENTS.

(3) THE SELLER, LESSOR, OR TRANSFEROR MAY:

(I) DELIVER THE RIFLE OR SHOTGUN TO A LICENSEE; OR

(II) WITHOUT APPEARING IN PERSON BEFORE THE LICENSEE, ALLOW ANOTHER PERSON, TO WHOM THE TRANSFEROR IS AUTHORIZED TO TRANSFER THE RIFLE OR SHOTGUN, TO DELIVER THE RIFLE OR SHOTGUN TO THE LICENSEE.

(D) (1) THE LICENSEE OR THE SELLER, LESSOR, OR TRANSFEROR MAY NOT COMPLETE THE SALE, RENTAL, OR TRANSFER TO THE PURCHASER, LESSEE, OR

1 TRANSFEREE IF THE RESULTS OF THE BACKGROUND CHECK INDICATE THAT THE
2 PURCHASER, LESSEE, OR TRANSFEREE MAY NOT POSSESS THE RIFLE OR SHOTGUN.

3 (2) ~~IF~~ UNLESS THE SELLER, LESSOR, OR TRANSFEROR DELIVERED
4 THE RIFLE OR SHOTGUN IN ACCORDANCE WITH SUBSECTION (C)(3)(II) OF THIS
5 SECTION OR OTHERWISE LEFT THE RIFLE OR SHOTGUN IN THE EXCLUSIVE
6 POSSESSION OF THE LICENSEE, IF THE RESULTS OF THE BACKGROUND CHECK
7 INDICATE THAT THE PURCHASER, LESSEE, OR TRANSFEREE MAY NOT POSSESS THE
8 RIFLE OR SHOTGUN, THE SELLER, LESSOR, OR TRANSFEROR MAY REMOVE THE
9 RIFLE OR SHOTGUN FROM THE PREMISES OF THE LICENSEE OR A GUN SHOW.

10 (E) A LICENSEE MAY CHARGE A REASONABLE FEE ~~NOT EXCEEDING \$30~~ FOR
11 FACILITATING A SALE, RENTAL, OR TRANSFER UNDER THIS SECTION.

12 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
13 PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
14 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~5 YEARS~~ 6 MONTHS OR
15 A FINE NOT EXCEEDING \$10,000 OR BOTH.

16 (2) A PERSON WHO PROVIDES FALSE INFORMATION WHILE
17 CONDUCTING A TRANSACTION UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR
18 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A
19 FINE NOT EXCEEDING \$5,000 OR BOTH.

20 (G) A LICENSEE WHO PROCESSES A SALE, RENTAL, OR TRANSFER UNDER
21 THIS SECTION MAY NOT BE HELD CIVILLY LIABLE FOR PERSONAL INJURY OR
22 PROPERTY DAMAGE RESULTING FROM THE MALFUNCTIONING OF A RIFLE OR
23 SHOTGUN IF THE LICENSEE DID NOT MODIFY OR ALTER THE RIFLE OR SHOTGUN.

24 5-207.

25 (A) THIS SECTION SUPERSEDES ANY RESTRICTION THAT A LOCAL
26 JURISDICTION IN THE STATE IMPOSES ON THE TRANSFER BY A PRIVATE PARTY OF A
27 RIFLE OR SHOTGUN, AND THE STATE PREEMPTS THE RIGHT OF ANY LOCAL
28 JURISDICTION TO REGULATE THE TRANSFER OF A RIFLE OR SHOTGUN.

29 (B) IN THIS SECTION, "LOAN" INCLUDES A TEMPORARY GRATUITOUS
30 EXCHANGE OF A RIFLE OR SHOTGUN.

31 (C) A LICENSEE OR ANY OTHER PERSON MAY NOT SELL, RENT, TRANSFER,
32 OR LOAN A RIFLE OR SHOTGUN TO A PURCHASER, LESSEE, TRANSFEREE, OR
33 RECIPIENT WHO THE LICENSEE OR OTHER PERSON KNOWS OR HAS REASONABLE
34 CAUSE TO BELIEVE:

1 (1) HAS BEEN CONVICTED OF A DISQUALIFYING CRIME, AS DEFINED IN
2 § 5-101 OF THIS TITLE;

3 (2) HAS BEEN CONVICTED OF A VIOLATION CLASSIFIED AS A COMMON
4 LAW CRIME AND RECEIVED A TERM OF IMPRISONMENT OF MORE THAN 2 YEARS;

5 (3) IS A FUGITIVE FROM JUSTICE;

6 (4) IS A HABITUAL DRUNKARD AS DEFINED IN § 5-101 OF THIS TITLE;

7 (5) IS ADDICTED TO A CONTROLLED DANGEROUS SUBSTANCE OR IS A
8 HABITUAL USER AS DEFINED IN § 5-101 OF THIS TITLE;

9 (6) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN §
10 10-101(1)(2) OF THE HEALTH – GENERAL ARTICLE, AND HAS A HISTORY OF VIOLENT
11 BEHAVIOR AGAINST THE PURCHASER, LESSEE, TRANSFEREE, RECIPIENT, OR
12 ANOTHER, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS
13 RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH
14 RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE
15 DISQUALIFICATION;

16 (7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106
17 OF THE CRIMINAL PROCEDURE ARTICLE, UNLESS THE PURCHASER, LESSEE,
18 TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND
19 DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR
20 RECIPIENT OF THE DISQUALIFICATION;

21 (8) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110
22 OF THE CRIMINAL PROCEDURE ARTICLE, UNLESS THE PURCHASER, LESSEE,
23 TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND
24 DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR
25 RECIPIENT OF THE DISQUALIFICATION;

26 (9) HAS BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30
27 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE
28 HEALTH – GENERAL ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR
29 RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF
30 HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE
31 DISQUALIFICATION;

32 (10) HAS BEEN INVOLUNTARILY COMMITTED FOR MORE THAN 30
33 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE
34 HEALTH – GENERAL ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR
35 RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF

HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(11) IS UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE, EXCEPT FOR CASES IN WHICH THE APPOINTMENT OF A GUARDIAN IS SOLELY A RESULT OF A PHYSICAL DISABILITY, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(12) IS A RESPONDENT AGAINST WHOM:

(I) A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE; OR

(II) AN ORDER FOR PROTECTION, AS DEFINED IN § 4-508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF ANOTHER STATE OR NATIVE AMERICAN TRIBE AND IS IN EFFECT;

(13) IF UNDER THE AGE OF 30 YEARS AT THE TIME OF THE TRANSACTION, HAS BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR AN ACT THAT WOULD BE A DISQUALIFYING CRIME IF COMMITTED BY AN ADULT;

(14) IS VISIBLY UNDER THE INFLUENCE OF ALCOHOL OR DRUGS;

(15) IS A PARTICIPANT IN A STRAW PURCHASE; OR

(16) INTENDS TO USE THE RIFLE OR SHOTGUN TO:

(I) COMMIT A CRIME; OR

(II) CAUSE HARM TO THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OR ANOTHER PERSON.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That ~~this Act shall take effect October 1, 2020~~ it is the intent of the General Assembly that the term "transfer" in §§ 5-204.1 and 5-207 of the Public Safety Article, as enacted by Section 1 of this Act:

1 (1) be interpreted in a manner that is consistent with the ruling of the Court
2 of Appeals in Chow v. State, 393 Md. 388 (2006); and

3 (2) does not include the temporary gratuitous exchange of a rifle or shotgun.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 4
Judiciary

(Delegate Atterbeary)

Judicial Proceedings

Public Safety – Rifles and Shotguns – Sales, Rentals, and Transfers

This bill requires, with specified exceptions, that a licensed firearms dealer facilitate the sale, rental, or transfer of a rifle or shotgun. The bill (1) establishes several conditions that apply to such a sale, rental, or transfer and (2) authorizes a dealer to charge a reasonable fee for facilitating such a sale, rental, or transfer. The bill prohibits a licensee or any other person from selling, renting, transferring, or loaning a rifle or shotgun to a purchaser, lessee, transferee, or recipient under specified circumstances. The bill establishes criminal penalties for violations and civil liability protections for dealers under specified conditions.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill requires that, before a sale, rental, or transfer of a rifle or shotgun is conducted, the seller, lessor, or transferor and purchaser, lessee, or transferee both request that a licensed firearms dealer facilitate the sale, rental, or transfer. A dealer who agrees to facilitate a sale, rental, or transfer must (1) process the sale, rental, or transfer as though transferring the rifle or shotgun from the dealer's own inventory to the purchaser, lessee, or transferee; (2) conduct a background check on the purchaser, lessee, or transferee

through the Federal Bureau of Investigation's National Instant Criminal Background Check System (NICS Index); and (3) comply with all federal and State law that would apply to the sale, rental, or transfer, including all inventory and recordkeeping requirements. The seller, lessor, or transferor may (1) deliver the rifle or shotgun to a dealer or (2) without appearing in person before the dealer, allow another person to deliver the rifle or shotgun to the dealer.

If the results of the background check indicate that the purchaser, lessee, or transferee may not possess the rifle or shotgun, the sale, rental, or transfer may not be completed, and the seller, lessor, or transferor may remove the rifle or shotgun from the premises of the dealer or a gun show unless the seller, lessor, or transferor delivered the rifle or shotgun without appearing in person before the dealer, as specified, or otherwise left the rifle or shotgun in the exclusive possession of the dealer.

If a dealer did not modify or alter a rifle or shotgun, the dealer who processes a sale, rental, or transfer under the bill may not be held civilly liable for the personal injury or property damage resulting from the malfunctioning of the rifle or shotgun.

In general, a person who violates these provisions is guilty of a misdemeanor and on conviction subject to maximum penalties of imprisonment for six months and/or a \$10,000 fine. However, a person who provides false information while conducting a transaction under the bill is guilty of a misdemeanor and on conviction is subject to imprisonment for up to three years and/or a fine of up to \$5,000.

The above provisions do not apply to (1) a transfer that occurs by operation of law on the death of a person for whom the transferee is an executor, an administrator, a trustee, or a personal representative of an estate or a trust created in a will or (2) a sale, rental, or transfer:

- involving a licensed firearms dealer or a federally licensed gun manufacturer, dealer, or importer;
- between specified immediate family members;
- involving law enforcement personnel of any unit of the federal government, a member of the U.S. Armed Forces, a member of the National Guard, or law enforcement personnel of the State or any local agency in the State, while acting in the scope of official duty;
- of a curio or relic firearm between collectors, as specified;
- of an unserviceable rifle or shotgun sold, rented, or transferred as a curio or museum piece;
- of a rifle or shotgun modified to render it permanently inoperative; or

- in which the purchaser, lessee, or transferee has a demonstrable religious belief against taking a portrait photograph and does not possess a license or an identification card of any kind with photographic identification.

The bill also prohibits a licensee or any other person from selling, renting, transferring, or loaning a rifle or shotgun to a purchaser, lessee, transferee, or recipient who the licensee or other person knows or has reasonable cause to believe (1) is prohibited from possession of a rifle or shotgun, as specified; (2) is visibly under the influence of alcohol or drugs; (3) is a participant in a straw purchase; or (4) intends to use the rifle or shotgun to commit a crime or cause harm to the purchaser, lessee, transferee, or recipient or another person. A person who violates this prohibition is guilty of a misdemeanor and on conviction is subject to maximum penalties of five years imprisonment and/or a \$10,000 fine.

Current Law: Maryland regulates the sale, transfer, rental, and possession of regulated firearms, which consist of handguns and assault weapons. However, Maryland generally does not regulate the sale of rifles or shotguns.

A resident of Maryland who is eligible to purchase a rifle or shotgun under the laws of an adjacent state may purchase a rifle or shotgun from a federally licensed gun dealer in the adjacent state. Likewise, a resident of an adjacent state who is eligible to purchase a rifle or shotgun under the laws of Maryland may purchase a rifle or shotgun from a federally licensed gun dealer in Maryland.

Generally, a person is prohibited from possessing a rifle or a shotgun, with the exception of an antique firearm, if the person:

- has been convicted of a disqualifying crime;
- has been convicted of a violation classified as a common law crime and received an imprisonment term of more than two years;
- is a fugitive from justice;
- is a habitual drunkard;
- is addicted to a controlled dangerous substance or is a habitual user;
- suffers from a mental disorder and has a history of violent behavior against the person or another;
- has been found incompetent to stand trial or has been found not criminally responsible in a criminal case;
- has been voluntarily admitted for more than 30 consecutive days to a facility;
- has been involuntarily committed to a facility;
- is under the protection of a guardian appointed by a court under specified provisions of the Estates and Trusts Article relating to the protection of minors and disabled

persons, except for cases in which the appointment of a guardian is solely a result of a physical disability;

- is a respondent against whom (1) a current non ex parte civil protective order has been entered or (2) a protective order has been issued by a court of another state or a Native American tribe and is in effect; or
- if younger than age 30 at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

Statutory restrictions on the possession of rifles and shotguns do not apply to a person transporting a rifle or shotgun if the person is carrying a civil protective order requiring the surrender of the weapon and (1) the rifle or shotgun is unloaded; (2) the person has notified a law enforcement unit that it is being transported in accordance with the protective order; and (3) the person transports it directly to the law enforcement unit. A person who is disqualified from owning a rifle or shotgun for mental health reasons may seek relief under restoration provisions of statute.

In addition, a person may not possess a rifle or shotgun if the person was previously convicted of (1) a crime of violence under § 5-101 of the Public Safety Article; (2) a violation of specified felonies involving a controlled dangerous substance; or (3) an offense under the laws of another state or the United States that would constitute one of the crimes listed in the provisions of (1) or (2) if committed in this State.

The NICS Index, which was established under the federal Brady Handgun Violence Prevention Act of 1993, is a national system that checks available records on persons who may be disqualified from receiving firearms under federal or state law.

Small Business Effect: The bill has a potential meaningful impact on small business owners with federal firearms licenses to the extent they facilitate the sale, rental, or transfer of rifles and shotguns under the bill's provisions and charge a reasonable fee for doing so. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, as of December 2019 there were approximately 2,900 federal firearms licensees in Maryland. Approximately 500 of the federal firearms licensees in the State are dealers in firearms other than destructive devices and include gunsmiths.

Additional Comments: Although the bill establishes an exemption to the requirement that a licensed firearms dealer facilitate the sale, rental, or transfer of a rifle or shotgun for a purchaser, lessee, or transferee who has a demonstrable religious belief against taking a portrait photograph and does not possess a license or an identification card of any kind with photographic identification, the term "demonstrable religious belief" is not defined under the bill or under existing statute. Thus, it may be unclear to a seller, lessor, or transferor

who is not a licensed dealer if such a sale, rental, or transfer must meet the bill's requirements.

In addition, it is unclear if a seller, lessor, or transferor may remove a rifle or shotgun from the premises of a licensed dealer or gun show without a background check by the dealer when the seller, lessor, or transferor, without appearing in person before the licensee, allowed another person to deliver the rifle or shotgun to the dealer when the results of a background check indicate that the intended purchaser, lessee, or transferee may not possess the rifle or shotgun.

Additional Information

Prior Introductions: HB 786 of 2019, a similar bill, passed with amendments in the House, passed with amendments in the Senate, and had a conference committee appointed, but no further action was taken. Its cross file, SB 737, passed with amendments in the Senate and was referred to the House Judiciary Committee, but no further action was taken.

Designated Cross File: SB 208 (Senator Lee, *et al.*) - Judicial Proceedings.

Information Source(s): Caroline, Howard, Montgomery, and Prince George's counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Bureau of Alcohol, Tobacco, Firearms and Explosives; Department of Legislative Services

Fiscal Note History: First Reader - January 13, 2020
rh/lgc Third Reader - March 3, 2020
Revised - Amendment(s) - March 3, 2020
Enrolled - April 1, 2020
Revised - Amendment(s) - April 1, 2020

Analysis by: Shirleen M. E. Pilgrim

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LARRY HOGAN
GOVERNOR

STATE OF MARYLAND OFFICE OF THE GOVERNOR

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H-107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

Last year, 348 people were murdered in the streets of Baltimore City, making 2019 the second deadliest year on record, and the fifth consecutive year with more than 300 murders in our state's largest city. Since before the start of the legislative session, I made it very clear that my highest priority was to hold violent criminals accountable and stop the shootings and the murders in Baltimore City. "If you do not consider any other legislation, and if you accomplish nothing else in the next 61 days, pass the Violent Firearm Offenders Act of 2020 ... pass the Witness Intimidation Prevention Act ... and the Judicial Transparency Act," I said in my State of the State address.

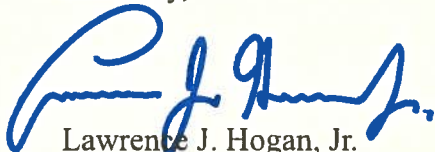
I expressed my strong willingness to consider other proposals, including some of those passed by the legislature, if they were included as part of a comprehensive crime package which included my proposals. Each of my proposals had the support of an overwhelming majority of Marylanders — and support for the proposals was strongest of all in Baltimore City, the community most directly impacted by the violence.

While the Senate approved the package by a wide margin, the House failed to act upon it, and thus failed to meaningfully address violent crime. Therefore, in accordance with Article II, Section 17 of the Maryland Constitution, for the above reasons I have vetoed:

- *Senate Bill 907 - Public Safety - Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)*
- *Senate Bill 929 - Public Safety - Baltimore City - P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together Program)*
- *House Bill 4/Senate Bill 208 - Public Safety - Rifles and Shotguns - Sales, Rentals, and Transfers*

- *Senate Bill 314 - Juveniles Charged as Adults - Confidentiality of Records*
- *House Bill 1336 - Criminal Procedure – Partial Expungement, Maryland Judiciary Case Search, and Expungement of Misdemeanor Conviction*
- *House Bill 83 - Criminal Procedure – Charge of Possession of Marijuana – Removal From Case Search*
- *Senate Bill 708 - Maryland Violence Intervention and Prevention Program Fund and Advisory Council - Alterations*

Sincerely,

A handwritten signature in blue ink, appearing to read "Lawrence J. Hogan, Jr.", with a stylized flourish at the end.

Lawrence J. Hogan, Jr.
Governor

HOUSE BILL 638

E4

1l0784
CF 1l1200

By: **Delegate Lopez**

Introduced and read first time: January 22, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Untraceable and Undetectable Firearms**

3 FOR the purpose of altering a certain definition of a regulated firearm to include a certain
4 unfinished frame or receiver; requiring the Secretary of State Police to suspend a
5 certain dealer's license if the dealer is convicted of a certain violation; requiring the
6 Secretary to revoke a certain dealer's license if the dealer is convicted of a certain
7 violation; expanding a certain provision of law to prohibit a person from obliterating,
8 removing, changing, or altering a certain mark or number or any other mark of
9 identification on a firearm or certain unfinished frame or receiver; authorizing a
10 person to continue to possess a certain firearm or unfinished frame or receiver on or
11 after a certain date under certain circumstances; prohibiting a person from
12 transferring ownership of a certain firearm or unfinished frame or receiver on or
13 after a certain date, with certain exceptions; requiring, on or after a certain date, a
14 certain firearm or unfinished frame or receiver to be marked by a certain federally
15 licensed firearms manufacturer or federally licensed firearms importer in a certain
16 manner; requiring a certain serial number and other mark of identification to be
17 engraved, cast, or stamped on a firearm frame or receiver or unfinished frame or
18 receiver in a certain manner and to conform with certain requirements; requiring,
19 on or after a certain date, a certain firearm or unfinished frame or receiver to be
20 marked in a certain manner by a federally licensed firearms manufacturer before
21 the firearm or unfinished frame or receiver is sold, offered for sale, or transferred in
22 the State; requiring, on or after a certain date, a certain firearm or unfinished frame
23 or receiver to be marked in a certain manner by a federally licensed firearms
24 importer before the firearm or unfinished frame or receiver is imported or otherwise
25 brought into the State; prohibiting a federally licensed firearms dealer from selling,
26 offering to sell, or transferring a certain firearm or unfinished frame or receiver
27 under certain circumstances on or after a certain date; requiring, on or after a certain
28 date, a federally licensed firearms manufacturer, federally licensed firearms
29 importer, and federally licensed firearms dealer to maintain a certain record log;
30 prohibiting a person who is prohibited by law from manufacturing, assembling,
31 owning, or possessing a firearm from knowingly soliciting, requesting, compelling,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



coercing, conspiring, facilitating, aiding, or abetting the manufacturing or assembling of a firearm or an unfinished frame or receiver; prohibiting a person from knowingly conspiring, facilitating, aiding, or abetting the manufacturing or assembling of a firearm or an unfinished frame or receiver for a person who is prohibited by law from manufacturing, assembling, owning, or possessing a firearm; prohibiting a person from manufacturing, assembling, possessing, selling, offering to sell, transferring, purchasing, or receiving a certain covert firearm or undetectable firearm; establishing certain penalties for violations of this Act; authorizing a court to order a certain suspension of prosecution if the court makes certain findings; prohibiting a dealer or certain other person from selling, renting, or transferring an unfinished frame or receiver unless the purchaser, lessee, or transferee presents a certain handgun qualification license; authorizing a person to purchase, rent, or receive an unfinished frame or receiver only under certain circumstances; providing for the application of certain provisions of this Act; defining certain terms; making conforming changes; providing for a delayed effective date for certain provisions of this Act; and generally relating to firearms.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–101(a) and (h) and 5–144
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–101(r), 5–114, 5–117.1, and 5–142
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY adding to
Article – Public Safety
Section 5–701 through 5–707 to be under the new subtitle “Subtitle 7. Untraceable and Undetectable Firearms”
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

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

Article – Public Safety

5–101.

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

(h) (1) “Firearm” means:

(i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or

(ii) the frame or receiver of such a weapon.

(2) "Firearm" includes a starter gun.

(r) "Regulated firearm" means:

(1) a handgun; [or]

(2) AN UNFINISHED FRAME OR RECEIVER, AS DEFINED IN § 5-701 OF THIS TITLE; OR

[(2)] (3) a firearm that is any of the following specific assault weapons or their copies, regardless of which company produced and manufactured that assault weapon:

(i) American Arms Spectre da Semiautomatic carbine;

(ii) AK-47 in all forms;

(iii) Algimec AGM-1 type semi-auto;

(iv) AR 100 type semi-auto;

(v) AR 180 type semi-auto;

(vi) Argentine L.S.R. semi-auto;

(vii) Australian Automatic Arms SAR type semi-auto;

(viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;

(ix) Barrett light.50 cal. semi-auto;

(x) Beretta AR70 type semi-auto;

(xi) Bushmaster semi-auto rifle;

(xii) Calico models M-100 and M-900;

(xiii) CIS SR 88 type semi-auto;

(xiv) Claridge HI TEC C-9 carbines;

(xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle;

- 1 (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;
- 2 (xvii) Dragunov Chinese made semi-auto;
- 3 (xviii) Famas semi-auto (.223 caliber);
- 4 (xix) Feather AT-9 semi-auto;
- 5 (xx) FN LAR and FN FAL assault rifle;
- 6 (xxi) FNC semi-auto type carbine;
- 7 (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- 8 (xxiii) Steyr-AUG-SA semi-auto;
- 9 (xxiv) Galil models AR and ARM semi-auto;
- 10 (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- 11 (xxvi) Holmes model 88 shotgun;
- 12 (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
- 13 (xxviii) Manchester Arms "Commando" MK-45, MK-9;
- 14 (xxix) Mandell TAC-1 semi-auto carbine;
- 15 (xxx) Mossberg model 500 Bullpup assault shotgun;
- 16 (xxxi) Sterling Mark 6;
- 17 (xxxii) P.A.W.S. carbine;
- 18 (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
- 19 (xxxiv) SIG 550/551 assault rifle (.223 caliber);
- 20 (xxxv) SKS with detachable magazine;
- 21 (xxxvi) AP-74 Commando type semi-auto;
- 22 (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21
- 23 sniper rifle, M1A, excluding the M1 Garand;
- 24 (xxxviii) Street sweeper assault type shotgun;

- (xxxix) Striker 12 assault shotgun in all formats;
- (xl) Unique F11 semi-auto type;
- (xli) Daewoo USAS 12 semi-auto shotgun;
- (xlii) UZI 9mm carbine or rifle;
- (xliii) Valmet M-76 and M-78 semi-auto;
- (xliv) Weaver Arms "Nighthawk" semi-auto carbine; or
- (xlv) Wilkinson Arms 9mm semi-auto "Terry".

5-114.

(a) (1) The Secretary shall suspend a dealer's license if the licensee:

(i) is under indictment for a crime of violence; [or]

(ii) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm; **OR**

(III) IS CONVICTED OF A FIRST VIOLATION UNDER SUBTITLE 7 OF THIS TITLE.

(2) (i) The Secretary may suspend a dealer's license if the licensee is not in compliance with the record keeping and reporting requirements of § 5-145 of this subtitle.

(ii) The Secretary may lift a suspension under this paragraph after the licensee provides evidence that the record keeping violation has been corrected.

(b) The Secretary shall revoke a dealer's license if:

(1) it is discovered that false information has been supplied or false statements have been made in an application required by this subtitle; or

(2) the licensee:

(i) is convicted of a disqualifying crime;

(ii) is convicted of a violation classified as a common law crime and receives a term of imprisonment of more than 2 years;

(iii) is a fugitive from justice;

(iv) is a habitual drunkard;

(v) is addicted to a controlled dangerous substance or is a habitual user;

(vi) has spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless the licensee produces a physician's certificate, issued after the last institutionalization and certifying that the licensee is capable of possessing a regulated firearm without undue danger to the licensee or to another;

(vii) has knowingly or willfully manufactured, offered to sell, or sold a handgun not on the handgun roster in violation of § 5-406 of this title; [or]

(viii) has knowingly or willfully participated in a straw purchase of a regulated firearm; **OR**

(IX) IS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION, NOT STEMMING FROM THE SAME SALE OR TRANSFER AS THE FIRST VIOLATION, UNDER SUBTITLE 7 OF THIS TITLE.

(c) If the Secretary suspends or revokes a dealer's license, the Secretary shall notify the licensee in writing of the suspension or revocation.

(d) A person whose dealer's license is suspended or revoked may not engage in the business of selling, renting, or transferring regulated firearms, unless the suspension or revocation has been subsequently withdrawn by the Secretary or overruled by a court in accordance with § 5-116 of this subtitle.

5-142.

(a) A person may not obliterate, remove, change, or alter the manufacturer's identification mark or number **OR ANY OTHER MARK OF IDENTIFICATION** on a firearm **OR AN UNFINISHED FRAME OR RECEIVER, AS DEFINED IN § 5-701 OF THIS TITLE.**

(b) If on trial for a violation of this section possession of the firearm by the defendant is established, the defendant is presumed to have obliterated, removed, changed, or altered the manufacturer's identification mark or number **OR OTHER MARK OF IDENTIFICATION** on the firearm **OR UNFINISHED FRAME OR RECEIVER.**

5-144.

(a) Except as otherwise provided in this subtitle, a dealer or other person may not:

(1) knowingly participate in the illegal sale, rental, transfer, purchase,

1 possession, or receipt of a regulated firearm in violation of this subtitle; or

2 (2) knowingly violate § 5-142 of this subtitle.

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

5 (c) Each violation of this section is a separate crime.

6 **SUBTITLE 7. UNTRACEABLE AND UNDETECTABLE FIREARMS.**

7 **5-701.**

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) "ANTIQUE FIREARM" HAS THE MEANING STATED IN § 4-201 OF THE
11 CRIMINAL LAW ARTICLE.

12 (C) "DEALER'S LICENSE" HAS THE MEANING STATED IN § 5-101 OF THIS
13 TITLE.

14 (D) "FEDERALLY LICENSED FIREARMS DEALER" MEANS A PERSON
15 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
16 EXPLOSIVES TO DEAL FIREARMS.

17 (E) "FEDERALLY LICENSED FIREARMS IMPORTER" MEANS A PERSON
18 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
19 EXPLOSIVES TO IMPORT FIREARMS.

20 (F) "FEDERALLY LICENSED FIREARMS MANUFACTURER" MEANS A PERSON
21 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
22 EXPLOSIVES TO MANUFACTURE FIREARMS.

23 (G) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

24 (H) "HANDGUN QUALIFICATION LICENSE" HAS THE MEANING STATED IN §
25 5-101 OF THIS TITLE.

26 (I) "MANUFACTURE OR ASSEMBLE" MEANS TO:

27 (1) FABRICATE OR CONSTRUCT A FIREARM OR AN UNFINISHED
28 FRAME OR RECEIVER; OR

(2) FIT TOGETHER THE COMPONENT PARTS OF A FIREARM OR AN UNFINISHED FRAME OR RECEIVER TO CONSTRUCT A FIREARM OR AN UNFINISHED FRAME OR RECEIVER.

(J) (1) "UNFINISHED FRAME OR RECEIVER" MEANS A PRODUCT THAT IS INTENDED OR DESIGNED TO SERVE AS THE FRAME OR RECEIVER, INCLUDING THE LOWER RECEIVER, OF A FIREARM, BUT IS IN AN UNFINISHED STATE OF MANUFACTURE.

(2) "UNFINISHED FRAME OR RECEIVER" INCLUDES A BLANK, CASTING, OR MACHINED BODY THAT REQUIRES MODIFICATION, SUCH AS MACHINING, DRILLING, FILING, OR MOLDING, TO BE USED AS PART OF A FUNCTIONAL FIREARM, IF IT DOES NOT INCLUDE A PIECE OF MATERIAL THAT HAS:

(I) BEEN ALTERED IN SIZE OR EXTERNAL SHAPE SOLELY TO FACILITATE TRANSPORTATION OR STORAGE; OR

(II) UNDERGONE AN ALTERATION IN CHEMICAL COMPOSITION.

5-702.

THIS SUBTITLE DOES NOT APPLY TO:

(1) A FIREARM MANUFACTURED BEFORE 1968;

(2) AN ANTIQUE FIREARM;

(3) A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT IS REQUIRED BY FEDERAL LAW AND REGULATION TO BE ENGRAVED, CAST, OR STAMPED WITH A SERIAL NUMBER AND HAS BEEN ENGRAVED, CAST, OR STAMPED WITH A SERIAL NUMBER IN ACCORDANCE WITH ALL FEDERAL LAWS AND REGULATIONS;

(4) SALES, OFFERS TO SELL, TRANSFERS, OR POSSESSION OF FIREARMS OR UNFINISHED FRAMES OR RECEIVERS BY OR BETWEEN FEDERALLY LICENSED FIREARMS DEALERS, FEDERALLY LICENSED FIREARMS MANUFACTURERS, OR FEDERALLY LICENSED FIREARMS IMPORTERS; OR

(5) THE TRANSFERRING OR SURRENDERING OF A FIREARM OR AN UNFINISHED FRAME OR RECEIVER TO A LAW ENFORCEMENT AGENCY.

5-703.

1 **(A) ON OR AFTER JANUARY 1, 2022, A PERSON MAY CONTINUE TO POSSESS**
2 **A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT THE PERSON**
3 **MANUFACTURED OR ASSEMBLED AND LAWFULLY POSSESSED BEFORE JANUARY 1,**
4 **2022, IF:**

5 **(1) THE FIREARM OR UNFINISHED FRAME OR RECEIVER IS MARKED**
6 **WITH A UNIQUE SERIAL NUMBER THAT:**

7 **(I) INDICATES:**

8 **1. THE MODEL OF THE FIREARM OR UNFINISHED FRAME**
9 **OR RECEIVER, IF SUCH DESIGNATION HAS BEEN MADE;**

10 **2. THE CALIBER OR GAUGE; AND**

11 **3. THE FULL LEGAL NAME AND CITY OF THE PERSON**
12 **POSSESSING THE FIREARM OR UNFINISHED FRAME OR RECEIVER.**

13 **(II) IS CONSPICUOUSLY AND PERMANENTLY ENGRAVED, CAST,**
14 **OR STAMPED ON THE FIREARM FRAME OR RECEIVER OR UNFINISHED FRAME OR**
15 **RECEIVER; AND**

16 **(III) CONFORMS WITH THE REQUIREMENTS IMPOSED ON**
17 **FEDERALLY LICENSED FIREARM MANUFACTURERS AND FEDERALLY LICENSED**
18 **FIREARM IMPORTERS UNDER 18 U.S.C. § 923(I); AND**

19 **(2) THE PERSON MAINTAINS A RECORD LOG THAT INCLUDES:**

20 **(I) ALL UNIQUE SERIAL NUMBERS ENGRAVED, CAST, OR**
21 **STAMPED ON THE FIREARM FRAME OR RECEIVER OR UNFINISHED FRAME OR**
22 **RECEIVER; AND**

23 **(II) THE DATE THE FIREARM FRAME OR RECEIVER OR**
24 **UNFINISHED FRAME OR RECEIVER WAS CONSPICUOUSLY AND PERMANENTLY**
25 **ENGRAVED, CAST, OR STAMPED.**

26 **(B) ON OR AFTER JANUARY 1, 2022, A PERSON MAY NOT TRANSFER THE**
27 **OWNERSHIP OF A FIREARM OR UNFINISHED FRAME OR RECEIVER THAT THE PERSON**
28 **MANUFACTURED OR ASSEMBLED AND LAWFULLY POSSESSED BEFORE JANUARY 1,**
29 **2022, THAT IS MARKED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION,**
30 **UNLESS THE TRANSFER OF OWNERSHIP IS MADE TO:**

31 **(1) ANOTHER FAMILY MEMBER WHO POSSESSES A VALID HANDGUN**

1 **QUALIFICATION LICENSE ISSUED UNDER § 5-117.1 OF THIS TITLE; OR**

2 **(2) A LAW ENFORCEMENT AGENCY.**

3 **5-704.**

4 **(A) EXCEPT AS PROVIDED IN § 5-703 OF THIS SUBTITLE, ON OR AFTER**
5 **JANUARY 1, 2022, A FIREARM OR AN UNFINISHED FRAME OR RECEIVER SHALL BE**
6 **MARKED BY A FEDERALLY LICENSED FIREARMS MANUFACTURER OR FEDERALLY**
7 **LICENSED FIREARMS IMPORTER:**

8 **(1) WITH A UNIQUE SERIAL NUMBER; AND**

9 **(2) TO INDICATE:**

10 **(I) THE MODEL OF THE FIREARM OR UNFINISHED FRAME OR**
11 **RECEIVER, IF SUCH DESIGNATION HAS BEEN MADE;**

12 **(II) THE CALIBER OR GAUGE;**

13 **(III) IF THE PRODUCT WAS MANUFACTURED OR ASSEMBLED IN**
14 **THE STATE, THE FULL LEGAL NAME AND CITY OF THE MANUFACTURER; AND**

15 **(IV) IF THE PRODUCT WAS MANUFACTURED OR ASSEMBLED**
16 **OUTSIDE THE STATE AND SUBSEQUENTLY IMPORTED OR OTHERWISE BROUGHT**
17 **INTO THE STATE, THE FULL LEGAL NAME AND CITY OF THE ENTITY THAT IMPORTED**
18 **OR BROUGHT THE PRODUCT INTO THE STATE AND THE STATE OR COUNTRY OF**
19 **ORIGIN.**

20 **(B) EACH SERIAL NUMBER AND OTHER MARK OF IDENTIFICATION**
21 **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

22 **(1) BE CONSPICUOUSLY AND PERMANENTLY ENGRAVED, CAST, OR**
23 **STAMPED ON THE FIREARM FRAME OR RECEIVER OR UNFINISHED FRAME OR**
24 **RECEIVER; AND**

25 **(2) CONFORM WITH THE REQUIREMENTS IMPOSED ON FEDERALLY**
26 **LICENSED FIREARM MANUFACTURERS AND FEDERALLY LICENSED FIREARM**
27 **IMPORTERS UNDER 18 U.S.C. § 923(I).**

28 **(C) ON OR AFTER JANUARY 1, 2022, EXCEPT AS PROVIDED IN § 5-703 OF**
29 **THIS SUBTITLE:**

1 (1) A FIREARM OR AN UNFINISHED FRAME OR RECEIVER SHALL BE
2 MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION BY A
3 FEDERALLY LICENSED FIREARMS MANUFACTURER BEFORE THE FIREARM OR
4 UNFINISHED FRAME OR RECEIVER IS SOLD, OFFERED FOR SALE, OR TRANSFERRED
5 IN THE STATE;

6 (2) A FIREARM OR UNFINISHED FRAME OR RECEIVER SHALL BE
7 MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION BY A
8 FEDERALLY LICENSED FIREARMS IMPORTER BEFORE THE FIREARM OR UNFINISHED
9 FRAME OR RECEIVER IS IMPORTED OR OTHERWISE BROUGHT INTO THE STATE;

10 (3) A FEDERALLY LICENSED FIREARMS DEALER MAY NOT SELL,
11 OFFER TO SELL, OR TRANSFER A FIREARM OR AN UNFINISHED FRAME OR RECEIVER
12 THAT HAS NOT BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF
13 THIS SECTION;

14 (4) A FEDERALLY LICENSED FIREARMS DEALER, FEDERALLY
15 LICENSED FIREARMS MANUFACTURER, AND FEDERALLY LICENSED FIREARMS
16 IMPORTER SHALL MAINTAIN A RECORD LOG OF ANY SALE OR TRANSFER OF A
17 FIREARM OR AN UNFINISHED FRAME OR RECEIVER AS REQUIRED BY FEDERAL LAW
18 AND REGULATION; AND

19 (5) A PERSON MAY NOT POSSESS A FIREARM OR AN UNFINISHED
20 FRAME OR RECEIVER THAT HAS NOT BEEN MARKED IN ACCORDANCE WITH
21 SUBSECTIONS (A) AND (B) OF THIS SECTION.

22 **5-705.**

23 (A) A PERSON WHO IS PROHIBITED BY LAW FROM MANUFACTURING,
24 ASSEMBLING, OWNING, OR POSSESSING A FIREARM MAY NOT KNOWINGLY SOLICIT,
25 REQUEST, COMPEL, COERCE, CONSPIRE, FACILITATE, AID, OR ABET THE
26 MANUFACTURING OR ASSEMBLING OF A FIREARM OR AN UNFINISHED FRAME OR
27 RECEIVER.

28 (B) A PERSON MAY NOT KNOWINGLY CONSPIRE, FACILITATE, AID, OR ABET
29 THE MANUFACTURING OR ASSEMBLING OF A FIREARM OR AN UNFINISHED FRAME
30 OR RECEIVER FOR A PERSON WHO IS PROHIBITED BY LAW FROM MANUFACTURING,
31 ASSEMBLING, OWNING, OR POSSESSING A FIREARM.

32 (C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
33 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
34 EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000, OR BOTH.

(2) EACH VIOLATION OF THIS SECTION IS A SEPARATE CRIME.

5-706.

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

(2) "COVERT FIREARM" MEANS A FIREARM THAT IS CONSTRUCTED IN A SHAPE OR CONFIGURATION THAT A REASONABLE PERSON WOULD NOT IMMEDIATELY RECOGNIZE TO BE A FIREARM.

(3) "SECURITY EXEMPLAR" HAS THE MEANING STATED IN 18 U.S.C. 10 § 922(P).

(4) "UNDETECTABLE FIREARM" MEANS A FIREARM:

(I) THAT, AFTER REMOVAL OF GRIPS, STOCKS, AND MAGAZINES, IS NOT DETECTABLE BY A METAL DETECTOR CALIBRATED AND OPERATED TO DETECT A SECURITY EXEMPLAR; OR

(II) OF WHICH THE SLIDE, CYLINDER, FRAME, RECEIVER, OR BARREL, WHEN SUBJECTED TO INSPECTION BY AN X-RAY MACHINE THAT IS OF A TYPE COMMONLY USED AT AIRPORTS, DOES NOT GENERATE AN IMAGE THAT ACCURATELY DEPICTS THE SHAPE OF THE SLIDE, CYLINDER, FRAME, RECEIVER, OR BARREL.

(B) A PERSON MAY NOT:

(1) MANUFACTURE OR ASSEMBLE A COVERT FIREARM OR AN UNDETECTABLE FIREARM; OR

(2) POSSESS, SELL, OFFER TO SELL, TRANSFER, PURCHASE, OR RECEIVE A COVERT FIREARM OR AN UNDETECTABLE FIREARM.

5-707.

(A) EXCEPT AS PROVIDED IN § 5-705 OF THIS SUBTITLE AND SUBSECTION (B) OF THIS SECTION, A PERSON WHO VIOLATES THIS SUBTITLE:

(1) FOR A FIRST VIOLATION, IS GUILTY OF A CIVIL OFFENSE AND ON CONVICTION SHALL BE FINED NOT LESS THAN \$1,000 BUT NOT EXCEEDING \$2,500; AND

(2) FOR A SUBSEQUENT VIOLATION, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000, OR BOTH.

(B) A COURT MAY ORDER A SUSPENSION OF PROSECUTION IF THE COURT FINDS THAT:

(1) A VIOLATION UNDER THIS SECTION IS NOT OF A SERIOUS NATURE;
AND

(2) THE PERSON CHARGED WITH THE VIOLATION:

(I) IS NOT LIKELY TO OFFEND IN THE FUTURE;

(II) HAS NOT PREVIOUSLY BEEN CONVICTED OF A VIOLATION UNDER THIS SECTION; AND

(III) HAS NOT PREVIOUSLY HAD A PROSECUTION FOR A VIOLATION UNDER THIS SECTION SUSPENDED.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Public Safety

5–117.1.

(A) IN THIS SECTION, “UNFINISHED FRAME OR RECEIVER” HAS THE MEANING STATED IN § 5–701 OF THIS TITLE.

[(a)] (B) This section does not apply to:

(1) a licensed firearms manufacturer;

(2) a law enforcement officer or person who is retired in good standing from service with a law enforcement agency of the United States, the State, or a local law enforcement agency of the State;

(3) a member or retired member of the armed forces of the United States or the National Guard; or

(4) a person purchasing, renting, or receiving an antique, curio, or relic firearm, as defined in federal law or in determinations published by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

1 **[(b)] (C)** A dealer or any other person may not sell, rent, or transfer a handgun
2 **OR AN UNFINISHED FRAME OR RECEIVER** to a purchaser, lessee, or transferee unless the
3 purchaser, lessee, or transferee presents to the dealer or other person a valid handgun
4 qualification license issued to the purchaser, lessee, or transferee by the Secretary under
5 this section.

6 **[(c)] (D)** A person may purchase, rent, or receive a handgun **OR AN**
7 **UNFINISHED FRAME OR RECEIVER** only if the person:

8 (1) (i) possesses a valid handgun qualification license issued to the
9 person by the Secretary in accordance with this section;

10 (ii) possesses valid credentials from a law enforcement agency or
11 retirement credentials from a law enforcement agency;

12 (iii) is an active or retired member of the armed forces of the United
13 States or the National Guard and possesses a valid military identification card; or

14 (iv) is purchasing, renting, or receiving an antique, curio, or relic
15 firearm, as defined in federal law or in determinations published by the Bureau of Alcohol,
16 Tobacco, Firearms and Explosives; and

17 (2) is not otherwise prohibited from purchasing or possessing a handgun
18 under State or federal law.

19 **[(d)] (E)** Subject to subsections **[(f)] (G)** and **[(g)] (H)** of this section, the
20 Secretary shall issue a handgun qualification license to a person who the Secretary finds:

21 (1) is at least 21 years old;

22 (2) is a resident of the State;

23 (3) except as provided in subsection **[(e)] (F)** of this section, has
24 demonstrated satisfactory completion, within 3 years prior to the submission of the
25 application, of a firearms safety training course approved by the Secretary that includes:

26 (i) a minimum of 4 hours of instruction by a qualified handgun
27 instructor;

28 (ii) classroom instruction on:

29 1. State firearm law;

30 2. home firearm safety; and

31 3. handgun mechanisms and operation; and

(iii) a firearms orientation component that demonstrates the person's safe operation and handling of a firearm; and

(4) based on an investigation, is not prohibited by federal or State law from purchasing or possessing a handgun.

[(e)] (F) An applicant for a handgun qualification license is not required to complete a firearms safety training course under subsection **[(d)] (E)** of this section if the applicant:

(1) has completed a certified firearms training course approved by the Secretary;

(2) has completed a course of instruction in competency and safety in the handling of firearms prescribed by the Department of Natural Resources under § 10–301.1 of the Natural Resources Article;

(3) is a qualified handgun instructor;

(4) is an honorably discharged member of the armed forces of the United States or the National Guard;

(5) is an employee of an armored car company and has a permit issued under Title 5, Subtitle 3 of this article; or

(6) lawfully owns a regulated firearm.

[(f)] (G) (1) In this subsection, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2) The Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a handgun qualification license.

(3) As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

(i) a complete set of the applicant's legible fingerprints taken in a format approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) the mandatory processing fee required by the Federal Bureau of

1 Investigation for a national criminal history records check.

2 (4) The Central Repository shall provide a receipt to the applicant for the
3 fees paid in accordance with paragraph (3)(ii) and (iii) of this subsection.

4 (5) In accordance with §§ 10–201 through 10–234 of the Criminal
5 Procedure Article, the Central Repository shall forward to the applicant and the Secretary
6 a printed statement of the applicant’s criminal history information.

7 (6) Information obtained from the Central Repository under this section:

8 (i) is confidential and may not be disseminated; and

9 (ii) shall be used only for the licensing purpose authorized by this
10 section.

11 (7) If criminal history record information is reported to the Central
12 Repository after the date of the initial criminal history records check, the Central
13 Repository shall provide to the Department of State Police Licensing Division a revised
14 printed statement of the applicant’s or licensee’s State criminal history record.

15 **[(g)] (H)** An applicant for a handgun qualification license shall submit to the
16 Secretary:

17 (1) an application in the manner and format designated by the Secretary;

18 (2) a nonrefundable application fee to cover the costs to administer the
19 program of up to \$50;

20 (3) (i) proof of satisfactory completion of:

21 1. a firearms safety training course approved by the
22 Secretary; or

23 2. a course of instruction in competency and safety in the
24 handling of firearms prescribed by the Department of Natural Resources under § 10–301.1
25 of the Natural Resources Article; or

26 (ii) a valid firearms instructor certification;

27 (4) any other identifying information or documentation required by the
28 Secretary; and

29 (5) a statement made by the applicant under the penalty of perjury that
30 the applicant is not prohibited under federal or State law from possessing a handgun.

31 **[(h)] (I)** (1) Within 30 days after receiving a properly completed application,

1 the Secretary shall issue to the applicant:

2 (i) a handgun qualification license if the applicant is approved; or

3 (ii) a written denial of the application that contains:

4 1. the reason the application was denied; and

5 2. a statement of the applicant's appeal rights under
6 subsection **[(l)] (M)** of this section.

7 (2) (i) An individual whose fingerprints have been submitted to the
8 Central Repository, and whose application has been denied, may request that the record of
9 the fingerprints be expunged by obliteration.

10 (ii) Proceedings to expunge a record under this paragraph shall be
11 conducted in accordance with § 10–105 of the Criminal Procedure Article.

12 (iii) On receipt of an order to expunge a fingerprint record, the
13 Central Repository shall expunge by obliteration the fingerprints submitted as part of the
14 application process.

15 (iv) An individual may not be charged a fee for the expungement of a
16 fingerprint record in accordance with this paragraph.

17 **[(i)] (J)** A handgun qualification license issued under this section expires 10
18 years from the date of issuance.

19 **[(j)] (K)** (1) The handgun qualification license may be renewed for successive
20 periods of 10 years each if, at the time of an application for renewal, the applicant:

21 (i) possesses the qualifications for the issuance of the handgun
22 qualification license; and

23 (ii) submits a nonrefundable application fee to cover the costs to
24 administer the program up to \$20.

25 (2) An applicant renewing a handgun qualification license under this
26 subsection is not required to:

27 (i) complete the firearms safety training course required in
28 subsection **[(d)(3)] (E)(3)** of this section; or

29 (ii) submit to a State and national criminal history records check as
30 required in subsection **[(f)] (G)** of this section.

1 ~~[(k)]~~ **(L)** (1) The Secretary may revoke a handgun qualification license issued
2 or renewed under this section on a finding that the licensee no longer satisfies the
3 qualifications set forth in subsection ~~[(d)]~~ **(E)** of this section.

4 (2) A person holding a handgun qualification license that has been revoked
5 by the Secretary shall return the license to the Secretary within 5 days after receipt of the
6 notice of revocation.

7 ~~[(l)]~~ **(M)** (1) A person whose original or renewal application for a handgun
8 qualification license is denied or whose handgun qualification license is revoked, may
9 submit a written request to the Secretary for a hearing within 30 days after the date the
10 written notice of the denial or revocation was sent to the aggrieved person.

11 (2) A hearing under this section shall be granted by the Secretary within
12 15 days after the request.

13 (3) A hearing and any subsequent proceedings of judicial review under this
14 section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government
15 Article.

16 (4) A hearing under this section shall be held in the county of the legal
17 residence of the aggrieved person.

18 ~~[(m)]~~ **(N)** (1) If an original or renewal handgun qualification license is lost or
19 stolen, a person may submit a written request to the Secretary for a replacement license.

20 (2) Unless the applicant is otherwise disqualified, the Secretary shall issue
21 a replacement handgun qualification license on receipt of a written request and a
22 nonrefundable fee to cover the cost of replacement up to \$20.

23 ~~[(n)]~~ **(O)** The Secretary may adopt regulations to carry out the provisions of this
24 section.

25 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
26 effect January 1, 2022.

27 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
28 3 of this Act, this Act shall take effect October 1, 2021.

City Council Agenda Item Report

Meeting Date: February 8, 2021

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

Lawsuit against State of Maryland regarding unemployment insurance benefits issue

Suggested Action:

Mayor Byrd requested this item added to the agenda.

The motion would be to have the City file a lawsuit against the State of Maryland on behalf of Greenbelt residents whom the State has not paid unemployment benefits to in a timely manner.

Attachments:

City Council Agenda Item Report

Meeting Date: February 8, 2021

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

Letter to US Department of Transportation opposing Maglev

Suggested Action:

Mayor Byrd requested this item to be added to the agenda. Staff has prepared a draft letter.

The motion would be to send a letter to Secretary Buttigieg letting him know of Greenbelt's opposition to the Maglev.

Attachments:

[Maglev Letter to Secretary Buttigieg.pdf](#)

February 5, 2021

The Honorable Pete Buttigieg
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Secretary Buttigieg:

Congratulations on your appointment to this impactful position. As fellow municipal leaders, we are writing to **strongly oppose** the proposed Baltimore-Washington Superconducting Maglev Project. The proposed route would destroy the City of Greenbelt's Forest Preserve. Even though some of the route through Greenbelt is underground, there will be construction impacts, accessory structures for tunnel access, ventilation and power substations which will negatively impact our historic community.

Greenbelt is a National Historic Landmark and planned community with parks, open spaces and recreational amenities. In addition to the Greenbelt Forest Preserve, this proposed project will have a very destructive impact on valuable, environmentally sensitive resources along the proposed route including: the Baltimore-Washington Parkway, the Beltsville Agricultural Research Center (BARC), the Patuxent Research Refuge and other important open spaces adjacent to our City. This project is not consistent with President Biden's recent executive actions and statements regarding climate change.

This project will not benefit Greenbelt residents or any of the communities and neighborhoods along the proposed route. Our City is already split and blighted by highways and a Maglev train would further divide the community. It is not clear that this project will reduce traffic congestion and residents have expressed concerns about noise, loss of trees and wildlife habitat, harmful health impacts, property damage and reduction in property values. The City is also concerned about the impact on our business community and scientific activities at BARC and the NASA Goddard Space Flight Center.

City staff and consultants are reviewing the DEIS for this project and expect to spend almost \$400,000 on initial legal and technical costs related to the DEIS review. While the City views this expenditure as vital to the opposition of a project that would harm our community, these funds could otherwise be spent on continuing essential City services like police and road repair, or delivering much needed COVID-19 housing, food, and business relief.

We are also requesting an extension of the 90-day public comment period for the DEIS. The DEIS and attendant appendices are technical in nature and total approximately 4,100 pages. Additional time must be provided to ensure the public has the opportunity to give meaningful input on the project.

The City of Greenbelt **vehemently opposes** this project. This proposed Maglev project reduces the quality of life in our City and will destroy the environment. These Federal or State resources allocated to the proposed Maglev would be better spent on improving existing rail and local transit services. For example, high speed rail and Amtrak, WMATA and MARC train service at the Greenbelt Metro Station, transit and alternatives like bicycle and pedestrian connections. For decades, the Greenbelt City Council has tirelessly advocated for regional, State and National transportation improvements and funding.

We urge you to stop this ill-conceived project now.

Sincerely,

Colin A. Byrd, Mayor

Emmett V. Jordan, Mayor Pro-Tem

Judith F. Davis, City Council

Leta M. Mach, City Council

Silke I. Pope, City Council

Edward V.J. Putens, City Council

Rodney M. Roberts, City Council

cc: City Council
Senator Ben Cardin
Senator Chris Van Hollen
Majority Leader Steny Hoyer
Nicole Ard, City Manager
Terri Hruby, Director of Planning & Community Development

City Council Agenda Item Report

Meeting Date: February 8, 2021

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

Maglev legal cost sharing

Suggested Action:

Mayor Pro Tem Jordan requested this item added to the agenda.

The motion to direct staff to prepare a letter to sister municipalities and Prince George's County formally requesting them to partner with us by sharing legal costs related to the Maglev DEIS review and addition future actions.

Attachments:

City Council Agenda Item Report

Meeting Date: February 8, 2021

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

Deferred Expenditures in FY 21 Adopted Budget

Suggested Action:

Reference:

Memo - B. Gaymon - Feb. 5, 2021

Detailed Listing of Deferred Expenditures in FY2021 Adopted Budget

At the Pre-budget work session on February 3, 2021, Councilmember Davis requested this item to be added to the agenda.

Council direction is sought.

Attachments:

[Cover Memo - Detailed Listing of Deferred Expenditures in FY2021.pdf](#)

[Detailed Listing of Deferred Expenditures in FY2021.pdf](#)



CITY OF GREENBELT

MEMORANDUM

DATE: February 5, 2021

TO: Nicole Ard
City Manager

FROM: Bertha A. Gaymon
City Treasurer

RE: Detailed Accounting for Deferred Expenditures in FY2021

In preparation for the upcoming Council scheduled for Monday, February 8th, I suggest sending Council the attached detailed listing of the deferred expenditures to use as a tool to aid in the discussion. As you can see, there are itemized line items under each deferred expense category. I believe this will give Council a better understanding of the specific items and the associated cost. I offer this suggestion as I continue to work on updates for the FY2021 budget and project cost for the FY2022 budget. From the last Council meeting, I believe there may be consensus on the expenditures listed below. If so, the estimated costs for current year and next year are as follows:

FY2021 Deferred Expenditure - Possible Council Consensus	FY2021 Estimated Amount	FY2021 Explanations/Comments	Projected FY2022 Amount	Explanations/Comments
Restore Employee Salary Increase (2% COLA)	\$275,000		\$280,500	2% Increase

Restore Compensation Study funding	\$75,000		\$0	One Time Cost for Study/Funds may be needed for any recommended changes.
Add in Legal & Consultant Fees (Maglev)	\$300,000	Latest estimate from Planning Director	\$0	Second Year Cost-to be determined/May share cost with neighboring municipalities.
Restore PCD Assistant Director Position Funding- (Code Enforcement)	\$37,750	Assumes will be filled from May through June (\$151,000 @ 25%). Currently, there is a cadet filling the role.	\$151,000	Amount for Full-time employee for full year.
Restore Animal Control Officer Position funding	<u>\$16,000</u>	Assumes will be filled from May through June (\$64,000 @ 25%)	<u>\$64,000</u>	Amount for Full-time employee for full year.
Estimated Total	\$713,750		\$495,500	

I look forward to further discussing the deferred expenditures with you and Council.

City of Greenbelt

Detailed Listing of Deferred Expenditures in FY2021 Adopted Budget

Enter "Y" for Yes Approved
Enter "No" for Not Approved

PCD Assistant Director	\$151,000		
CARES Volunteer Coordinator	35,000		
GAIL Mobility Coordinator	32,000		
Police Deputy Chief	216,600		
Animal Control Officer	64,000		
Police Records Clerk	60,000		
1/2 Time Parking Enforcement Officer	23,000		
1/2 Time Animal Control Officer	32,000		
2 Police Officers for 6 months	<u>80,000</u>		
Subtotal	\$693,600		
2 Salary Increases			
Performance Merit Increase	275,936		
Cost of Living (COLA) Salary Increase	274,064		
Subtotal	\$550,000		
3 Building Capital Reserve Fund Transfer			
Police Station Air Handling Unit	189,900		
AFC Indoor Pool Deck Tile	14,200		
AFC Locker Room Surfacing	4,500		
Youth Center Roof (Foam)	192,000		
Youth Ctr. Storefront & Office Windows	52,800		
GAFC Sheetmetal Overhangs	11,900		
Community Center Ext. Paint & Point	153,000		
Funding for CARES Relocation	100,000		
Museum Education & Visitor Center	25,000		
Youth Center Bathroom Partitions	8,300		
Youth Center HVAC Replacement Gym	<u>57,800</u>		
Subtotal	\$809,400		
City Fund Transfer	\$700,000		
Use of BCR Fund Balance	\$109,400		
4 Capital Project Fund			
Parkway	\$207,100		
Ridge: Southway-Westway	159,600		
Ridge: Westway-Lakeside-Crescent	149,200		
Lakeside: Lakecrest-Maplewood	227,000		
Northway: Hillside-Ridge	55,600		
Misc. Concrete	70,000		
Playground Improvements GB Station Fitne	37,500		
Playground Surfacing WG	65,700		
Dog Park	30,000		

Update Attick Park Master Plan	45,000		
Ped/Bike Master Plan	20,000		
Bus Shelters/Accessibility	20,000		
Greenbrook Trails	16,000		
Street Light Pilot	<u>49,700</u>		
Subtotal	\$1,152,400		
City Fund Transfer	1,000,000		
Use of CPF Fund Balance	\$152,400		
5 Replacement Fund Transfers			
Aerial Lift Bucket Truck (147)	\$205,000		
New Dump Truck Body (126)	\$16,000		
Police ETIX Printers	\$18,000		
Police Automated External Defibrillators	\$13,000		
Animal Control Small Hybrid SUV (704)	\$26,300		
4X4 Pickup Truck (113)	\$39,500		
4X4 Pickup Truck (408)	\$37,500		
Parks Tractor & Equipment	\$55,000		
Community Development Electric Sedan (7	<u>\$38,000</u>		
Subtotal	\$448,300		
6 Non-Essential Travel and Training	\$116,200		
7 Architectural/Office Space Study	\$30,000		
8 Compensation Study	\$75,000		
Grand Total	\$3,613,100		

City Council Agenda Item Report

Meeting Date: February 8, 2021

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

* Letter - SCMaglev DEIS

Suggested Action:

Councilmember Davis requested this item be added to the agenda.

Council directs staff to send a follow-up letter requesting that the time to respond to the SCMaglev DEIS be further extended to 180 days in order to allow adequate time for all affected parties to analyze the document and to accept public comment.

Attachments:

City Council Agenda Item Report

Meeting Date: February 8, 2021

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

* FY 2020 Fund Transfers

Suggested Action:

At the February 3, 2021, Pre-budget work session Council discussed this matter which is detailed in the attached Memorandum from the Assistant City Manager. Councilmember Davis requested this item be added to the consent agenda.

FY 2020 fund transfers were made according to the amount in the FY 2020 Adopted Budget. However, additional transfers, part of a strategy to increase fund balances if funding allowed at fiscal year end, were not made

Approval of this item on the Consent agenda, will indicate Council's approval to make these additional fund transfers in FY 2021.

Attachments:

[FY 2020 Fund Transfer Memo Revised.pdf](#)

CITY OF GREENBELT, MARYLAND
MEMORANDUM

TO: City Council

VIA: Nicole C. Ard
City Manager

FROM: David E. Moran *DEM*
Assistant City Manager

DATE: February 5, 2021

SUBJ: FY 2020 Fund Transfers - Revised

The FY 2021 Adopted Budget showed additional FY 2020 estimated fund transfers to the Building Capital Reserve, Capital Projects, Replacement and Special Projects Funds as indicated below. The additional fund transfers were part of a strategy/plan to increase the available fund balances in these important reserve funds when end of fiscal year resources allowed.

The \$1,302,000 not transferred are reflected in the City's General Fund balance, since these additional transfers were not made in FY 2020. The General Fund balance is now higher and these Reserve Fund balances are significantly lower than the estimates in the FY 2021 Budget. It is important to stress that funds in both the City's General Fund balance and the Funds listed below are for one-time purchases and not ongoing operating expenses.

The FY 2020 Adopted fund transfers shown in the FY 2020 Actual column below did occur. This is shown in the City's financial system and was confirmed by the recent FY 2020 Audit.

Fund Name	FY 20 Adopted	FY 20 Estimated	FY 2020 Actual	Difference
Building Capital Reserve Fund	\$475,000	\$850,000	\$475,000	\$375,000
Capital Projects Fund	\$820,000	\$1,200,000	\$820,000	\$380,000
Replacement Fund	\$360,000	\$800,000	\$360,000	\$440,000
Special Projects – Economic Dev.	\$25,000	\$77,000	\$25,000	\$52,000
Special Projects – Police	0	\$50,000	0	\$50,000
Special Projects – Public Art	0	5,000	0	5,000
TOTAL	\$1,680,000	\$2,982,000	\$1,680,000	\$1,302,000

As Council considers FY 2022 and the remainder of FY 2021, Council direction is sought regarding this matter. There are three options:

1. These funds can be transferred now in FY 2021 and that is what staff would strongly recommend.
2. These funds could be transferred as part of the FY 2022 Budget process.
3. These funds can stay in the City's General Fund balance.

Interfund Transfer – Replacement Fund

Funds budgeted here are to support the replacement of the city's vehicles and other equipment. Since General Fund revenues are expected to exceed expenditures, it is recommended an additional \$440,000 be transferred in FY 2020. In FY 2021, \$450,000 is proposed to be transferred.

Interfund Transfer – Special Projects

This transfer provides funding for certain activities within the Special Projects Fund.

An Economic Development Revolving Loan allocation was established in FY 2019. An additional \$52,000 is proposed in FY 2020 and \$25,000 is budgeted for 2021.

The Public Art allocation was initially budgeted in the Arts section (Account No. 685) of the Recreation Department, but was subsequently moved to the Special Projects Fund. A \$5,000 transfer is proposed in FY 2020 and FY 2021.

FUND TRANSFERS Acct. No. 999	FY 2018 Actual Trans.	FY 2019 Actual Trans.	FY 2020 Adopted Budget	FY 2020 Estimated Trans.	FY 2021 Proposed Budget	FY 2021 Adopted Budget
Operating Transfers to:						
Building Capital Reserve Fund	\$335,000	\$1,000,000	\$475,000	\$850,000	\$700,000	\$0
Capital Projects Fund	700,000	1,215,000	820,000	1,200,000	1,000,000	0
Debt Service Fund	705,000	805,000	817,000	817,000	1,030,000	1,010,000
Replacement Fund	320,000	350,000	360,000	800,000	450,000	1,700
Special Projects:						
Economic Development	0	52,000	25,000	77,000	25,000	25,000
Police Department	0	0	0	50,000	0	0
Recreation Dept. - Public Art	0	5,000	0	5,000	5,000	5,000
2001 Bond Fund *	1,028,670	n/a	n/a	n/a	n/a	n/a
TOTAL FUND TRANSFERS	\$3,088,670	\$3,427,000	\$2,497,000	\$3,799,000	\$3,210,000	\$1,041,700

* The FY 2018 transfer eliminated the deficit in the 2001 Bond Fund. As a result, the fund was closed at the end of the fiscal year.

City Council Agenda Item Report

Meeting Date: February 8, 2021

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

* Resignation from Advisory Group

Suggested Action:

Reference:

Email, D. West, July 26, 2020

David West has submitted his resignation from the Senior Citizen Advisory Committee.

Approval of this item on the consent agenda will indicate Council's intent to accept his resignation with regret.

Attachments:

CITY OF GREENBELT, MARYLAND
25 Crescent Road, Greenbelt, MD 20770-1891

2/5/2021 10:05 AM



City Council Meetings & Work Sessions
February – March

Regular Meeting, (Virtual)	Mon.	02/08	8:00 pm
Advisory Board Interview	Wed.	02/10	7:40 pm
Work Session – SCMaglev Task Force, (Virtual)	Wed.	02/10	8:00 pm
No Meeting – President's Day	Mon.	02/15	
Advisory Board Interview	Wed.	02/17	7:40 pm
Work Session – Public Session on the Collective Bargaining Agreement, (Virtual)	Wed.	02/17	8:00 pm
Regular Meeting, (Virtual)	Mon.	02/22	8:00 pm
Winter Business Coffee, (Virtual)	Tues.	02/23	9:00am – 10:30am
Work Session – Board of Elections, (Virtual)	Wed.	02/24	8:00 pm
Work Session - Forest Preserve/Community Gardens, (Virtual)	Mon.	03/01	8:00 pm
Work Session – Comcast (stakeholder), (Virtual)	Wed.	03/03	8:00 pm
NLC Congressional City Conference, (Virtual)	Sun. – Wed.	03/07 – 03/10	
Regular Meeting, (Virtual)	Mon.	03/08	8:00 pm
Regular Meeting, (Virtual)	Mon.	03/22	8:00 pm

- Councilmembers will present reports on conferences, meetings and events as the last item of business at Monday Work Sessions.

This schedule is subject to change. For confirmation, call 301-474-8000. Regular and Special meetings and Work Sessions are open to the public. If special accommodations are required for any disabled person, please call 301-474-8000 or 301-474-3870 no later than 10 a.m. on the meeting day. Deaf individuals are advised to use Video Relay Services (VRS) at 711 or e-mail banderson@greenbeltmd.gov to reach the City Clerk.

Due to the COVID-19 precautions, the Council Meetings will be held online and is planned to be cablecast on Verizon 21, Comcast 71, and 996 and streamed to www.greenbeltmd.gov/municipalTV. Unless otherwise noted, Council meetings will be virtually by zoom. Zoom meeting information for public participation is posted on the City's website at www.greenbeltmd.gov on the meetings calendar.

Bonita Anderson, City Clerk

A NATIONAL HISTORIC LANDMARK

(301) 474-8000

fax (301) 441-8248
www.greenbeltmd.gov

MD RELAY 711

CITY OF GREENBELT, MARYLAND

25 Crescent Road, Greenbelt, MD 20770-1891

2/5/2021 10:05 AM

Ready to be scheduled:

BARC/BEP Meeting (*include: Beltsville & Vansville Associations, FAR-B, Congressman Hoyer, etc.*)

MARC Train Service/ MDOT

NCOZ/Arts & Entertainment District

Potential Bond Referendum/Capital Financing

Cemetery Plans

Forest Preserve/Community Gardens (*March 1st*)

WSSC

Pepco

Bernard Penney (*Memorial Donation in honor of Leonie Penney*)

Greenbelt Fair and Just Policing Act of 2020

Juneteenth

Parke Crescent Apartment Complex

Comcast (*March 3*)

Executive Session (*CBA*)

7010 Greenbelt Road

Capital Projects

Pre-Budget FY22

For later scheduling:

Zoning Enforcement

Parkway Apartment Owners/GHI (*parking*)

Northway Fields Master Plan

City Manager Updates (Jan, Pre-budget; July & Sept/Oct)

Meeting with County on Transportation Plan
Hotels

Department of Permitting, Inspections & Enforcement (DPIE)

Museum Plan

Apartments

Annual														
Advisory Group Chairs	3/16	2/17	7/18	7/19	6/20									
Franklin Park at Greenbelt Station Mgmt.	8/16	11/17	12/18	12/19	12/20									
Greenbelt East Advisory Coalition	3/16	7/17	3/19	6/20										
Greenbelt Homes, Inc.	6/16	7/17	7/18	7/19	10/20									
Greenbelt Station	8/19	12/19	8/20											
County Executive/ County Council	12/13	9/16	1/19	8/20	11/20									
Biennial														
Roosevelt Center Merchants	11/16	1/18	1/20											
Beltsville Ag. Research Center/ NPS Greenbelt Park	03/14	7/16	8/18											
	7/15	1/18	1/20											
Beltway Plaza	9/14	3/17	9/20											
Greenway Center	7/14	12/16	2/19	12/20										
Civic Associations	8/14	2/18	8/20											
NASA/GSFC	3/15	3/17	9/19	12/20										
PG Co. Economic Development Corp.	8/14	4/17	7/19											
School Board	2/16	5/17	10/18	3/19	9/20									
State Highway Administration	6/15	10/17	11/20											
Every Three Years														
Apartments	2/18													
Religious/Spiritual Organizations	3/13	6/15	6/19											
Greenbelt Watershed Groups	8/14	10/16	10/19											
Hotels														
University of Maryland	3/13	4/15												
Every Three Years or Major Issue														
Comcast	9/13	11/17												
Verizon	2/20													
PEPCO	9/14	1/17												
WSSC	12/12	9/16												
WGL	12/17													
Capital Office Park	12/12	1/16	9/19											
Other Business Parks:														
Maryland Trade Center														
Golden Triangle														
Hanover Parkway														
Belle Point														
Edmonston Road														
WMATA/PGDPW&T (Semi-Annual)	11/16	9/17	11/18	1/20										

Other/As Needed														
M-NCPPC/Planning Board (Major Issue)	6/06	7/14	10/19											
Business Coffee (Every Four Months)	10/17	2/18	8/18	11/18	2/19	5/19	8/19	12/19	3/20	8/20	11/20			
State's Attorney (4 years)	2/11	4/15	9/19											
Roosevelt Center Owner	9/15	8/20												

(Rev. December 29, 2020)