

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 35

Bill No. 102-15

Introduced by Mr. Smith, Vice Chairman
(by request of the County Executive)

By the County Council, October 5, 2015

Introduced and first read on October 5, 2015
Public Hearing set for November 2, 2015
Bill Expires January 8, 2016

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Safety – Records – Hotels, Motels, Inns, and
2 Other Transient Lodging Facilities

3
4 FOR the purpose of allowing an establishment the ability to request an administrative
5 subpoena before permitting inspection of records by law enforcement officers;
6 removing obsolete language; adding standards for the use and provisions for review
7 of administrative subpoenas; adding additional actions allowed by law enforcement
8 officers to secure records; and generally relating to the records kept by owners and
9 operators of hotels, motels, inns or other transient lodging facilities.

10
11 BY repealing and reenacting, with amendments: § 12-6-103
12 Anne Arundel County Code (2005, as amended)

13
14 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
15 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as
16 follows:

17
18 **ARTICLE 12. PUBLIC SAFETY**

19
20 **TITLE 6. MISCELLANEOUS PROVISIONS**

21
22 **12-6-103. Hotels, motels, inns, and other transient lodging facilities – Records.**

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 (a) **Requirement to create and maintain records.** Any person who owns or
2 operates a hotel, motel, inn or other transient lodging facility shall maintain records of the
3 name and given address of the person renting sleeping facilities in the establishment; the
4 room number occupied; the date and time of registration and checkout; and, where
5 maintained by the establishment in the ordinary course of business, the license plate
6 number and state of registration of any motor vehicle parked or kept by the person on the
7 hotel premises. The records shall be retained for three years after the date the last entry is
8 recorded.

9
10 (b) **Prohibition.** A person may not knowingly give or cause to be given an incorrect
11 name, address, or license plate number to the owner, manager, or agent of any
12 establishment required to maintain records under this section.

13
14 (c) **Duty to produce to law enforcement officer.** The records required to be kept in
15 accordance with subsection (a) and records and billing information maintained by any
16 hotel, motel, inn, or other transient lodging facility of telephone calls made from the
17 establishment or from individual rooms in the establishment shall be made available for
18 inspection by any County or State law enforcement officer.

19
20 (d) **Ability to require an administrative subpoena.** Before providing inspection of
21 the records to a law enforcement officer under this section, an establishment may require
22 the officer to present [a form] AN ADMINISTRATIVE SUBPOENA that states that inspection
23 is [pursuant to a criminal investigation by a law enforcement agency; states that a subject
24 involved in the investigation is believed to be registered in the facility or has checked out
25 within the previous seven days] TO ENSURE COMPLIANCE WITH THE RECORD-KEEPING
26 REQUIREMENTS OF THIS SECTION OR TO FACILITATE A CRIMINAL INVESTIGATION BASED
27 ON A REASONABLE ARTICULABLE SUSPICION THAT THE REGISTRY MAY PROVIDE
28 EVIDENCE OF CRIMINAL CONDUCT; and is signed by the chief law enforcement officer of
29 the agency or that officer's designee.

30
31 (E) **Review of an administrative subpoena.** AN ESTABLISHMENT RECEIVING AN
32 ADMINISTRATIVE SUBPOENA UNDER THIS SECTION MAY DECLINE TO PERMIT THE
33 INSPECTION AND REQUEST A REVIEW OF THE BASIS FOR THE INSPECTION. TO REQUEST A
34 REVIEW, AN ESTABLISHMENT MUST (1) FILE A WRITTEN REQUEST WITH THE ANNE
35 ARUNDEL COUNTY BOARD OF APPEALS NO LATER THAN THE NEXT BUSINESS DAY AND
36 (2) ATTACH A COPY OF THE ADMINISTRATIVE SUBPOENA TO THE WRITTEN REQUEST. THE
37 LAW ENFORCEMENT OFFICER MAY PROVIDE THE BOARD OF APPEALS WITH ADDITIONAL
38 INFORMATION TO SUPPORT THE REASON FOR THE INSPECTION. SUCH ADDITIONAL
39 INFORMATION DOES NOT NEED TO BE DISCLOSED TO THE PERSON REQUESTING THE
40 REVIEW IF IT CONCERNS A PENDING CRIMINAL INVESTIGATION. WITHIN 48 HOURS OF
41 RECEIVING THE REQUEST FOR REVIEW, THE CHAIR OF THE BOARD OF APPEALS WILL
42 DECIDE IF THERE IS SUBSTANTIAL EVIDENCE TO REQUIRE THE INSPECTION TO ENSURE
43 COMPLIANCE WITH THE RECORD-KEEPING REQUIREMENTS OF THIS SECTION OR TO
44 FACILITATE A CRIMINAL INVESTIGATION BASED ON A REASONABLE ARTICULABLE
45 SUSPICION THAT THE REGISTRY MAY PROVIDE EVIDENCE OF CRIMINAL CONDUCT.

46
47 (F) **Ability of officer to take additional actions.** IF A LAW ENFORCEMENT OFFICER
48 REASONABLY SUSPECTS THAT A REGISTRY MAY BE ALTERED PENDING A REVIEW, THE
49 OFFICER MAY TAKE ADDITIONAL ACTION ALLOWED UNDER LAW TO SECURE THE
50 REGISTRY. THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT AN OFFICER FROM
51 OBTAINING A SEARCH WARRANT FOR THE REGISTRY IN LIEU OF OR SUBSEQUENT TO AN
52 ADMINISTRATIVE SUBPOENA BEING PROVIDED TO AN ESTABLISHMENT.

1 [(e)] (G) **Notice.** Each establishment governed by the provisions of this section shall
2 post in its guest check-in area or inside each guest room or otherwise distribute the
3 following notice to each person renting sleeping facilities:

4
5 In accordance with Anne Arundel [law] COUNTY CODE, certain guest records kept
6 by this establishment may be subject to inspection by State and local law
7 enforcement officers in the course of criminal investigations.

8
9 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
10 from the date it becomes law.