

§ 3.2 Applicability.

(a) The regulations in this part apply to all areas in the enclave and to all persons on or within the enclave, except as otherwise provided.

(b) The regulations in this part do not apply to occupants, their visitors, and other authorized persons in areas used as living quarters:

(1) When specifically made inapplicable, and

(2) In the case of the following provisions: § 3.24 Parking permits; § 3.25 Servicing of vehicles; § 3.42 Hobbies and sports; and § 3.42(f) Smoking.

(c) All regulations in this part are in addition to the provisions in the United States Code, including title 18 relating to crimes and criminal procedure, and title 21 relating to food and drugs, which apply:

(1) Without regard to the place of the offense, or

(2) To areas (such as the enclave) subject to the “special maritime and territorial jurisdiction of the United States,” as defined in Title 18 United States Code section 7.

(d) In accordance with the Assimilative Crimes Act (18 U.S.C. 13), whoever is found guilty of an offense which, although not made punishable by any act of Congress, nor any provision of these regulations, would be punishable if committed within the State of Maryland, shall be guilty of a like offense and subject to a like punishment. In the event of an irreconcilable conflict between a provision of this part and a Maryland statute governing the identical subject matter, this part shall control.

(e) *Federal criminal statutes which apply.* The following Federal criminal statutes in the United States Code apply to Federal enclaves and elsewhere without regard to the place of the offense. This listing is provided solely for the information of the public and is not all-inclusive. The omission of other Federal statutes does not mean that such other statutes do not apply. In any given situation, the cited statutory provisions and any amendments in effect when the alleged offense occurred shall determine the specifics of the offense, applicability, and penalty.

Subject	U.S. Code	Provides generally	Maximum penalty
1. By force or threat of force, willful injury, intimidation or interference with, or attempts to injure, intimidate or interfere with, a person from participating in or enjoying any benefit, service, privilege, program, facility, or activity, provided by or administered by the U.S., and	18 U.S.C. 245	Prohibits	Not involving death or bodily injury: Imprisonment one year and/or \$1,000 fine.

Subject	U.S. Code	Provides generally	Maximum penalty
engaging in certain other Federal protected activities			
2. Malicious destruction or damage, by an explosive, to a building or other property owned, possessed, used, or leased by the U.S., U.S. agency, or any organization receiving Federal financial assistance	18 U.S.C. 844(f)	Prohibits	First offense not involving death or personal injury: Imprisonment 10 years and/or \$10,000 fine and seizure and forfeiture of explosive materials.
3. Possession of explosive in buildings owned, possessed, used, or leased by U.S. or U.S. agency	18 U.S.C. 844(g)	Prohibits, except with written consent of the agency	Imprisonment one year and/or \$1,000 fine and seizure and forfeiture of explosive materials.
4. Use of or carrying an explosive to commit, or during commission of, a felony prosecutable in a U.S. court	18 U.S.C. 844(h)	Prohibits	First offense: Imprisonment 10 years and seizure and forfeiture of explosive materials.
5. Use of or carrying a firearm during and in relation to any crime of violence prosecutable in a U.S. court	18 U.S.C. 924(c)	Prohibits	First offense: Imprisonment 5 years and \$5,000 fine and seizure and forfeiture of firearm and ammunition.
6. Manufacture, distribution, dispensing, or possession with intent to do these acts, of narcotics and other controlled substances and counterfeit substances	21 U.S.C. 841, 842, 843, 845	Prohibits, except as authorized by the Controlled Substances Act (generally 21 U.S.C. 801-904)	First offense: Imprisonment 20 years and/or \$250,000 fine depending on the amount and kind of substance (twice the above penalties for distribution by a person at least 18 years of age to one under age 21).
7. Simple possession of narcotics or other controlled substances	21 U.S.C. 844	Prohibits, unless substance obtained directly, or pursuant to prescription or order, from a practitioner, acting in the course of professional practice, or as otherwise authorized under the Controlled Substances Act	First offense: Imprisonment 1 year and/or \$5,000 fine.

(f) *Maryland criminal statutes that apply.* The matters described in this paragraph are governed, in whole or in part, by the current version of the cited Maryland criminal statutory provisions, which are made Federal criminal offenses under the Assimilative Crimes Act (18 U.S.C. 13). This listing sets forth areas of conduct particularly relevant to the enclave and is provided solely for the information of the public. The list is not all-inclusive and omission of other Maryland criminal statutes does not mean that such other statutes are not assimilated as Federal offenses under the Act. Generally, other Maryland criminal statutes will apply on the enclave, by force of the Act, unless superseded by Federal Law or a given provision of this part. In any given situation, the cited statutory provisions and any amendments in effect when the alleged offense occurred shall determine the specifics of the offense, applicability, and penalty.

Subject	Maryland code annotated	Provides generally	Maximum penalty
1. Pedestrian right-of-way	Transportation, Sec. 21-502	Pedestrians have the right-of-way in crosswalks and certain other areas. Subject to certain limitations	Imprisonment 2 months and/or \$500 fine.
	Sec. 21-511	Blind, partially blind, or hearing impaired pedestrians have the right-of-way at any crossing or intersection. Subject to certain limitations	\$500 fine.
2. Drivers to exercise due care	Transportation, Sec. 21-504	Drivers shall exercise due care to avoid colliding with pedestrians, children and incapacitated individuals	\$500 fine.
3. Driving while intoxicated, under the influence of alcohol and/or a drug or controlled substance	Transportation, Sec. 21-902	Prohibits	Sec. 21-902(a) (driving while intoxicated, first offense): Imprisonment 1 year and/or \$1,000 fine. Sec. 21-902 (b), (c), (d) (driving under the influence): Imprisonment 2 months and/or \$500 fine.
4. Unattended motor vehicles	Transportation, Sec. 21-1101	Prohibits leaving motor vehicles unattended unless certain precautions are taken	\$500 fine.
5. Carrying or wearing certain concealed weapons	Sec. 4-202	Prohibits, except for law enforcement personnel or as a	Imprisonment 3 years or \$1,000 fine.

Subject	Maryland code annotated	Provides generally	Maximum penalty
(other than handguns) or openly with intent to injure		reasonable precaution against apprehended danger	
6. Unlawful wearing, carrying, or transporting a handgun, whether concealed or openly	Sec. 4-202	Prohibits except by law enforcement personnel or with permit	First offense and no prior related offense: Imprisonment 3 years and/or \$2,500 fine.
7. Use of handgun or concealable antique firearm in commission of felony or crime of violence	Sec. 4-204	Prohibits	Imprisonment 20 years.
8. Disturbance of the peace	Sec. 6-409	Prohibits acting in a disorderly manner in public places	Imprisonment 30 days and/or \$500 fine.
9. Gambling	Sec. 12-102	Prohibits betting, wagering and gambling, and certain games of chance (does not apply to vending or purchasing lottery tickets authorized under State law in accordance with approved procedures)	Sec. 240: Imprisonment one year and/or \$1,000 fine. Sec. 245: Imprisonment 2 years and/or \$100 fine.

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