

SENATE BILL 837

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E1

2004 Regular Session
(4lr2832)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Middleton and Klausmeier**

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.

President.

CHAPTER 484

1 AN ACT concerning

2 **Crimes - Counterfeiting and Possession of Counterfeit Check, Letter of**
3 **Credit, or Negotiable Instrument**

4 FOR the purpose of establishing the crimes of counterfeiting a check, letter of credit,
5 endorsement or assignment of a check or negotiable instrument, or possessing a
6 counterfeit check, letter of credit, endorsement or assignment of a check or
7 negotiable instrument under certain circumstances; establishing penalties for
8 violation of this Act; ~~authorizing the Attorney General to investigate and~~
9 ~~prosecute certain alleged offenses; giving the Attorney General certain powers~~
10 ~~and duties when exercising authority under this Act~~; authorizing
11 commencement of a prosecution under this Act in certain jurisdictions; and
12 generally relating to counterfeiting and possession of counterfeit financial
13 instruments.

14 BY repealing and reenacting, with amendments,
15 Article - Criminal Law
16 Section 8-601

1 Annotated Code of Maryland
2 (2002 Volume and 2003 Supplement)

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

5 **Article - Criminal Law**

6 8-601.

7 (a) A person, with intent to defraud another, may not counterfeit, cause to be
8 counterfeited, or willingly aid or assist in counterfeiting any:

9 (1) bond;

10 (2) CHECK;

11 [(2)] (3) deed;

12 [(3)] (4) draft;

13 [(4)] (5) endorsement or assignment of a bond, draft, CHECK, or
14 promissory note;

15 [(5)] (6) entry in an account book or ledger;

16 (7) LETTER OF CREDIT;

17 (8) NEGOTIABLE INSTRUMENT;

18 [(6)] (9) power of attorney;

19 [(7)] (10) promissory note;

20 [(8)] (11) release or discharge for money or property;

21 [(9)] (12) title to a motor vehicle;

22 [(10)] (13) waiver or release of mechanics' lien; or

23 [(11)] (14) will or codicil.

24 (b) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT
25 INTENT POSSESS A COUNTERFEIT OF ANY OF THE ITEMS LISTED IN SUBSECTION (A)
26 OF THIS SECTION.

27 (C) (1) A person who violates SUBSECTION (A) OF this section is guilty of a
28 felony and on conviction is subject to imprisonment not exceeding 10 years or a fine
29 not exceeding \$1,000 or both.

1 (2) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS
2 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
3 NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

4 (D) ~~(1) A STATE'S ATTORNEY OR THE ATTORNEY GENERAL MAY
5 INVESTIGATE AND PROSECUTE AN ALLEGED VIOLATION OF THIS SECTION OR AN
6 ALLEGED CRIME BASED ON AN ACT THAT ESTABLISHES A VIOLATION OF THIS
7 SECTION.~~

8 ~~(2) WHEN EXERCISING AUTHORITY UNDER PARAGRAPH (1) OF THIS
9 SUBSECTION, THE ATTORNEY GENERAL HAS ALL THE POWERS AND DUTIES OF A
10 STATE'S ATTORNEY, INCLUDING THE USE OF A GRAND JURY IN ANY COUNTY, TO
11 INVESTIGATE AND PROSECUTE AN ALLEGED VIOLATION.~~

12 ~~(E)~~ NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROSECUTION
13 OF AN ALLEGED VIOLATION OF THIS SECTION OR FOR AN ALLEGED VIOLATION OF A
14 CRIME BASED ON AN ACT THAT ESTABLISHES A VIOLATION OF THIS SECTION MAY BE
15 COMMENCED IN ANY COUNTY IN WHICH:

16 (1) AN ELEMENT OF THE CRIME OCCURRED;

17 (2) THE VICTIM RESIDES; OR

18 (3) IF THE VICTIM IS NOT AN INDIVIDUAL, THE VICTIM CONDUCTS
19 BUSINESS.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2004.