

# HOUSE BILL 347

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By: **Delegates Serafini, Bates, Beitzel, Jenkins, Miller, Myers, Niemann, Shank, Shewell, and F. Turner**

Introduced and read first time: January 27, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

AN ACT concerning

### **Criminal Law – Foreclosed Residential Property – Malicious Destruction of Property and Acts of Graffiti**

FOR the purpose of prohibiting an owner, former owner, tenant, or occupant of certain residential property that is in foreclosure proceedings or has been sold in a foreclosure sale from committing certain acts of graffiti on the residential property or willfully and maliciously destroying, injuring, or defacing the residential property or the fixtures of the residential property; establishing penalties for a violation of this Act; requiring the court to order a person who violates this Act by an act of graffiti, in addition to other penalties, to pay restitution, perform community service, or both; requiring that certain notices sent to occupants of residential property in foreclosure contain a certain paragraph informing the occupants of the provisions of this Act; defining certain terms; and generally relating to a prohibition against acts of graffiti on or the willful and malicious destruction of or injury to foreclosed residential property or its fixtures.

BY adding to

Article – Criminal Law

Section 6–301.1

Annotated Code of Maryland

(2002 Volume and 2009 Supplement)

BY adding to

Article – Real Property

Section 7–105.9(g)

Annotated Code of Maryland

(2003 Replacement Volume and 2009 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**Article – Criminal Law**

**6–301.1.**

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

(2) “ACT OF GRAFFITI” MEANS THE MAKING OF A PERMANENT DRAWING, PAINTING, MARK, OR INSCRIPTION ON THE PROPERTY OF ANOTHER THAT SIGNIFICANTLY DECREASES THE VALUE OF THE PROPERTY WITHOUT THE PERMISSION OF THE OWNER OF THE PROPERTY.

(3) “FIXTURE” INCLUDES:

(I) CABINETS AND COUNTERTOPS;

(II) BUILT-IN APPLIANCES, FURNACES, AND CENTRAL AIR CONDITIONING UNITS OR SYSTEMS;

(III) PLUMBING AND COPPER PIPES;

(IV) ELECTRICAL WIRING, LIGHT FIXTURES, AND CEILING FANS;

(V) DOORS, HARDWARE, FLOORS, CEILINGS, AND WALLS;

(VI) WINDOWS AND VENTS;

(VII) MEDICINE CABINETS, SINKS, TUBS, TOILETS, SHOWERS, SINK DRAINS, AND FAUCETS;

(VIII) BUILT-IN SHELVING AND BOOKCASES; AND

(IX) LANDSCAPING, FENCING, AND BUILT-IN POOLS OR SPAS.

(4) “RESIDENTIAL PROPERTY” MEANS REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE-FAMILY DWELLING UNITS THAT ARE DESIGNED PRINCIPALLY AND ARE INTENDED FOR HUMAN HABITATION.

**(B) AN OWNER, FORMER OWNER, TENANT, OR OCCUPANT OF RESIDENTIAL PROPERTY THAT IS SUBJECT TO A FORECLOSURE ACTION OR THAT HAS BEEN SOLD IN A FORECLOSURE SALE MAY NOT:**

**(1) COMMIT AN ACT OF GRAFFITI ON THE RESIDENTIAL PROPERTY; OR**

**(2) WILLFULLY AND MALICIOUSLY DESTROY, INJURE, OR DEFACE THE RESIDENTIAL PROPERTY OR ITS FIXTURES.**

**(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

**(D) (1) IN ADDITION TO THE PENALTIES SET FORTH IN SUBSECTION (C) OF THIS SECTION, THE COURT SHALL ORDER A PERSON CONVICTED OF VIOLATING THIS SECTION BY AN ACT OF GRAFFITI TO PAY RESTITUTION OR PERFORM COMMUNITY SERVICE OR BOTH.**

**(2) TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE APPLIES TO AN ORDER OF RESTITUTION UNDER THIS SUBSECTION.**

**Article – Real Property**

7-105.9.

**(G) A NOTICE SENT UNDER SUBSECTION (B), (C), OR (D) OF THIS SECTION SHALL INCLUDE A PARAGRAPH INFORMING THE OCCUPANTS OF THE RESIDENTIAL PROPERTY OF THE PROVISIONS OF § 6-301.1 OF THE CRIMINAL LAW ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.