

HOUSE BILL 941

E1, P4

~~EMERGENCY BILL~~

3lr1578
CF SB 770

By: **Delegates Arora and DeBoy**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2013

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Fraudulent Liens – Prohibition**

3 FOR the purpose of prohibiting a person from filing certain liens or encumbrances
4 against ~~certain individuals~~ another under certain circumstances; providing for
5 penalties for a violation of this Act; ~~defining certain terms; making this Act an~~
6 ~~emergency measure~~; and generally relating to fraudulent liens.

7 BY adding to

8 Article – Criminal Law

9 Section 3–807

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2012 Supplement)

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

14 **Article – Criminal Law**

15 **3–807.**

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

18 ~~(2) “PUBLIC EMPLOYEE” MEANS A PERSON EMPLOYED BY:~~

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.



1 ~~(I) THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH~~
2 ~~OF STATE GOVERNMENT;~~

3 ~~(II) A DEPARTMENT, A BOARD, A BUREAU, AN AGENCY, OR A~~
4 ~~COMMISSION OF THE STATE; OR~~

5 ~~(III) A COUNTY, MUNICIPALITY, OR LOCAL BOARD OF~~
6 ~~EDUCATION IN THE STATE;~~

7 ~~(IV) A BI-COUNTY AGENCY; OR~~

8 ~~(V) A STATE LAW ENFORCEMENT AGENCY.~~

9 ~~(3) "PUBLIC OFFICER" INCLUDES:~~

10 ~~(I) A CONSTITUTIONAL OFFICER;~~

11 ~~(II) AN ELECTED STATE OFFICIAL;~~

12 ~~(III) AN EXECUTIVE HEAD OF A STATE DEPARTMENT OR~~
13 ~~AGENCY;~~

14 ~~(IV) AN ELECTED MEMBER OF THE GENERAL ASSEMBLY;~~

15 ~~(V) THE EXECUTIVE DIRECTOR OF A STATE BOARD,~~
16 ~~COMMISSION, OR AUTHORITY;~~

17 ~~(VI) A MEMBER OF A STATE BOARD, COMMISSION, OR~~
18 ~~AUTHORITY;~~

19 ~~(VII) AN ELECTED COUNTY OFFICIAL;~~

20 ~~(VIII) AN ELECTED MEMBER OF A LOCAL BOARD OF~~
21 ~~EDUCATION; AND~~

22 ~~(IX) AN ELECTED MUNICIPAL OFFICIAL.~~

23 ~~(B) A PERSON MAY NOT FILE A LIEN OR ENCUMBRANCE IN A PUBLIC OR~~
24 ~~PRIVATE RECORD AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC~~
25 ~~OFFICER, PUBLIC EMPLOYEE, OR OTHER INDIVIDUAL IF:~~

26 ~~(1) (I) THE LIEN WAS FILED IN RESPONSE TO THE~~
27 ~~PERFORMANCE OF THE PUBLIC OFFICER'S OR PUBLIC EMPLOYEE'S OFFICIAL~~
28 ~~DUTIES; OR~~

1 ~~(H) THE LIEN WAS FILED IN RESPONSE TO AN INDIVIDUAL~~
2 ~~FILING A COMPLAINT WITH OR REQUESTING OFFICIAL ACTION BY A PUBLIC~~
3 ~~OFFICER OR A PUBLIC EMPLOYEE; AND~~

4 ~~(2) THE PERSON KNOWS OR HAS REASON TO KNOW THAT THE~~
5 ~~LIEN OR ENCUMBRANCE IS:~~

6 ~~(I) FALSE; OR~~

7 ~~(H) CONTAINS OR IS BASED ON A MATERIALLY FALSE,~~
8 ~~FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION.~~

9 (A) A PERSON MAY NOT FILE A LIEN OR AN ENCUMBRANCE IN A PUBLIC
10 OR PRIVATE RECORD AGAINST THE REAL OR PERSONAL PROPERTY OF ANOTHER
11 IF THE PERSON KNOWS THAT THE LIEN OR ENCUMBRANCE IS:

12 (1) FALSE; OR

13 (2) CONTAINS OR IS BASED ON A MATERIALLY FALSE, FICTITIOUS,
14 OR FRAUDULENT STATEMENT OR REPRESENTATION.

15 ~~(e)~~ (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
16 FELONY MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

17 (1) FOR A FIRST VIOLATION, IMPRISONMENT ~~NOT LESS THAN 1~~
18 ~~YEAR BUT~~ NOT EXCEEDING ~~10 YEARS~~ 1 YEAR OR A FINE NOT EXCEEDING
19 \$10,000 OR BOTH; AND

20 (2) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT
21 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency~~
23 ~~measure, is necessary for the immediate preservation of the public health or safety,~~
24 ~~has been passed by a yea and nay vote supported by three fifths of all the members~~
25 ~~elected to each of the two Houses of the General Assembly, and shall take effect from~~
26 ~~the date it is enacted~~ shall take effect June 1, 2013.