

# Chapter 656

(House Bill 941)

AN ACT concerning

## Criminal Law – Fraudulent Liens – Prohibition

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

BY adding to

Article – Criminal Law

Section 3–807

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

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

### Article – Criminal Law

3–807.

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

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

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

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

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

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

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

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

- ~~(I) A CONSTITUTIONAL OFFICER;~~
- ~~(II) AN ELECTED STATE OFFICIAL;~~
- ~~(III) AN EXECUTIVE HEAD OF A STATE DEPARTMENT OR AGENCY;~~
- ~~(IV) AN ELECTED MEMBER OF THE GENERAL ASSEMBLY;~~
- ~~(V) THE EXECUTIVE DIRECTOR OF A STATE BOARD, COMMISSION, OR AUTHORITY;~~
- ~~(VI) A MEMBER OF A STATE BOARD, COMMISSION, OR AUTHORITY;~~
- ~~(VII) AN ELECTED COUNTY OFFICIAL;~~
- ~~(VIII) AN ELECTED MEMBER OF A LOCAL BOARD OF EDUCATION; AND~~
- ~~(IX) AN ELECTED MUNICIPAL OFFICIAL.~~

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

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

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

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

- ~~(I) FALSE; OR~~
- ~~(II) CONTAINS OR IS BASED ON A MATERIALLY FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION.~~

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

**(1) FALSE; OR**

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

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

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

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

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

Approved by the Governor, May 16, 2013.