
By: **Senators Middleton and Klausmeier**
Introduced and read first time: February 19, 2004
Assigned to: Rules

A BILL ENTITLED

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
17 Annotated Code of Maryland
18 (2002 Volume and 2003 Supplement)

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

21 **Article - Criminal Law**

22 8-601.

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

25 (1) bond;

26 (2) CHECK;

27 [(2)] (3) deed;

- 1 [(3)] (4) draft;
- 2 [(4)] (5) endorsement or assignment of a bond, draft, CHECK, or
3 promissory note;
- 4 [(5)] (6) entry in an account book or ledger;
- 5 (7) LETTER OF CREDIT;
- 6 (8) NEGOTIABLE INSTRUMENT;
- 7 [(6)] (9) power of attorney;
- 8 [(7)] (10) promissory note;
- 9 [(8)] (11) release or discharge for money or property;
- 10 [(9)] (12) title to a motor vehicle;
- 11 [(10)] (13) waiver or release of mechanics' lien; or
- 12 [(11)] (14) will or codicil.

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

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

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

22 (D) (1) A STATE'S ATTORNEY OR THE ATTORNEY GENERAL MAY
23 INVESTIGATE AND PROSECUTE AN ALLEGED VIOLATION OF THIS SECTION OR AN
24 ALLEGED CRIME BASED ON AN ACT THAT ESTABLISHES A VIOLATION OF THIS
25 SECTION.

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

30 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROSECUTION
31 OF AN ALLEGED VIOLATION OF THIS SECTION OR FOR AN ALLEGED VIOLATION OF A
32 CRIME BASED ON AN ACT THAT ESTABLISHES A VIOLATION OF THIS SECTION MAY BE
33 COMMENCED IN ANY COUNTY IN WHICH:

34 (1) AN ELEMENT OF THE CRIME OCCURRED;

1 (2) THE VICTIM RESIDES; OR

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

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