
By: **Delegates Impallaria, McDonough, Bromwell, and Dwyer**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Prohibition Against Allowing a Person Not Lawfully**
3 **Present in the United States to Drive**

4 FOR the purpose of prohibiting a person from knowingly allowing a motor vehicle
5 owned by the person to be driven on a highway by an individual that the person
6 knows is not lawfully admitted into or otherwise lawfully present in the United
7 States; establishing penalties for a violation of this Act, including forfeiture of
8 the motor vehicle used in the violation under certain circumstances; requiring
9 the Motor Vehicle Administration to suspend the driver's license of a person
10 convicted under this Act for a certain period; directing proceeds from the sale or
11 conveyance of a motor vehicle forfeited under this Act to be deposited in the
12 Criminal Injuries Compensation Fund; adding a violation of this Act to the
13 definition of a crime for which certain victims may apply for compensation from
14 the Criminal Injuries Compensation Fund; and generally relating to the
15 prohibition against allowing a person not lawfully present in the United States
16 to drive a motor vehicle.

17 BY repealing and reenacting, with amendments,
18 Article - Criminal Procedure
19 Section 11-801
20 Annotated Code of Maryland
21 (2001 Volume and 2004 Supplement)

22 BY adding to
23 Article - Transportation
24 Section 16-205.3, 16-306, and 27-101(x)
25 Annotated Code of Maryland
26 (2002 Replacement Volume and 2004 Supplement)

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

1

Article - Criminal Procedure

2 11-801.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) "Board" means the Criminal Injuries Compensation Board.

5 (c) "Claimant" means the person filing a claim under this subtitle.

6 (d) (1) "Crime" means:

7 (i) except as provided in paragraph (2) of this subsection, a
8 criminal offense under state, federal, or common law that is committed in:

9 1. this State; or

10 2. another state against a resident of this State; or

11 (ii) an act of international terrorism as defined in Title 18, § 2331 of
12 the United States Code that is committed outside of the United States against a
13 resident of this State.14 (2) "Crime" does not include an act involving the operation of a vessel or
15 motor vehicle unless the act is:16 (i) a violation of [§ 20-102, § 20-104, § 21-902, or § 21-904] §
17 16-306, § 20-102, § 20-104, § 21-902, OR § 21-904 of the Transportation Article; or18 (ii) operating a motor vehicle or vessel that results in an intentional
19 injury.

20 (e) "Dependent" means:

21 (1) a surviving spouse or child of a person; or

22 (2) a person who is dependent on another person for principal support.

23 (f) "Victim" means a person:

24 (1) who suffers physical injury or death as a result of a crime or
25 delinquent act;

26 (2) who suffers psychological injury as a direct result of:

27 (i) a fourth degree sexual offense or a delinquent act that would be
28 a fourth degree sexual offense if committed by an adult;29 (ii) a felony or a delinquent act that would be a felony if committed
30 by an adult; or

1 (iii) physical injury or death directly resulting from a crime or
2 delinquent act; or

3 (3) who suffers physical injury or death as a direct result of:

4 (i) trying to prevent a crime or delinquent act or an attempted
5 crime or delinquent act from occurring in the person's presence;

6 (ii) trying to apprehend an offender who had committed a crime or
7 delinquent act in the person's presence or had committed a felony or a delinquent act
8 that would be a felony if committed by an adult; or

9 (iii) helping a law enforcement officer in the performance of the
10 officer's duties or helping a member of a fire department who is being obstructed from
11 performing the member's duties.

12 **Article - Transportation**

13 16-205.3.

14 (A) THE ADMINISTRATION SHALL SUSPEND FOR 1 YEAR THE LICENSE OF ANY
15 PERSON WHO HAS BEEN CONVICTED UNDER § 16-306 OF THIS TITLE OF KNOWINGLY
16 ALLOWING A MOTOR VEHICLE OWNED BY THE PERSON TO BE DRIVEN ON A HIGHWAY
17 BY AN INDIVIDUAL THAT THE PERSON KNOWS IS NOT LAWFULLY ADMITTED INTO OR
18 OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES.

19 (B) WHEN A SUSPENSION IMPOSED UNDER SUBSECTION (A) OF THIS SECTION
20 EXPIRES, THE ADMINISTRATION IMMEDIATELY SHALL RETURN THE LICENSE OR
21 REINSTATE THE PRIVILEGE OF THE DRIVER, UNLESS THE LICENSE OR PRIVILEGE
22 HAS BEEN REFUSED, REVOKED, SUSPENDED, OR CANCELLED UNDER ANY OTHER
23 PROVISIONS OF THE MARYLAND VEHICLE LAW.

24 16-306.

25 A PERSON MAY NOT KNOWINGLY ALLOW A MOTOR VEHICLE OWNED BY THE
26 PERSON TO BE DRIVEN ON A HIGHWAY BY AN INDIVIDUAL THAT THE PERSON KNOWS
27 IS NOT LAWFULLY ADMITTED INTO OR OTHERWISE LAWFULLY PRESENT IN THE
28 UNITED STATES.

29 27-101.

30 (X) (1) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-306 OF
31 THIS ARTICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$500.

32 (2) (I) IN ADDITION TO THE FINE ASSESSED UNDER PARAGRAPH (1) OF
33 THIS SUBSECTION, ON CONVICTION OF A VIOLATION OF § 16-306 OF THIS ARTICLE,
34 THE COURT SHALL ORDER THAT THE MOTOR VEHICLE USED IN THE VIOLATION BE
35 FORFEITED TO THE STATE.

1 (II) IF A COURT ORDERS FORFEITURE UNDER SUBPARAGRAPH (I)
2 OF THIS PARAGRAPH, THE INTEREST TRANSFERRED TO THE STATE IS SUBORDINATE
3 TO THE HOLDER OF A PERFECTED SECURITY INTEREST IN THE MOTOR VEHICLE.

4 (III) AFTER DISCHARGING ANY PERFECTED SECURITY INTEREST IN
5 A MOTOR VEHICLE FORFEITED UNDER THIS PARAGRAPH, THE SECRETARY OF STATE
6 POLICE SHALL SELL OR CONVEY THE FORFEITED MOTOR VEHICLE.

7 (IV) AFTER PAYING ALL PROPER EXPENSES OF THE PROCEEDINGS
8 FOR FORFEITURE AND SALE, INCLUDING EXPENSES OF SEIZURE, MAINTENANCE OF
9 CUSTODY, ADVERTISING, AND COURT COSTS, ANY MONEY RECEIVED FROM THE SALE
10 OR CONVEYANCE OF THE FORFEITED MOTOR VEHICLE SHALL BE DEPOSITED IN THE
11 CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED IN § 11-819 OF THE
12 CRIMINAL PROCEDURE ARTICLE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect October 1, 2005.