
By: **Delegate Frush**

Introduced and read first time: February 2, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Owning, Operating, or Conducting Business with a "Chop Shop" -**
3 **Penalties**

4 FOR the purpose of establishing the crime of knowingly owning, operating, or
5 conducting a "chop shop" enterprise; establishing the crime of knowingly
6 transporting a motor vehicle or motor vehicle part to or from a chop shop;
7 establishing the crime of knowingly selling or transferring a motor vehicle or
8 motor vehicle part to a chop shop or knowingly purchasing or receiving a motor
9 vehicle or motor vehicle part from a chop shop; establishing certain penalties;
10 authorizing a law enforcement agency to seize certain property under certain
11 circumstances; authorizing a court to direct a certain defendant to forfeit certain
12 property; establishing a certain forfeiture proceeding; defining certain terms;
13 and generally relating to owning, operating, or conducting business with chop
14 shops.

15 BY adding to

16 Article - Criminal Law
17 Section 8-1001 through 8-1009, inclusive, to be under the new subtitle "Subtitle
18 10. Chop Shops"
19 Annotated Code of Maryland
20 (2002 Volume and 2005 Supplement)

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

23 **Article - Criminal Law**

24 **SUBTITLE 10. CHOP SHOPS.**

25 8-1001.

26 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

1 (B) "CHOP SHOP" MEANS AN AREA, BUILDING, STORAGE LOT, OR OTHER
2 PREMISES IN WHICH A PERSON ALTERS, DISMANTLES, REASSEMBLES, OR STORES A
3 MOTOR VEHICLE OR MOTOR VEHICLE PART THAT THE PERSON:

4 (1) KNOWS WAS OBTAINED BY THEFT, FRAUD, OR CONSPIRACY TO
5 DEFRAUD; AND

6 (2) INTENDS TO:

7 (I) SELL OR DISPOSE OF; OR

8 (II) ALTER, CONCEAL, OR DISGUISE FOR THE PURPOSE OF
9 MISREPRESENTING OR PREVENTING THE IDENTIFICATION OF THE MOTOR VEHICLE
10 OR MOTOR VEHICLE PART.

11 (C) "MOTOR VEHICLE" HAS THE MEANING STATED IN § 11-135 OF THE
12 TRANSPORTATION ARTICLE.

13 (D) "OBTAIN" HAS THE MEANING STATED IN § 7-101 OF THIS ARTICLE.

14 (E) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS SUBTITLE,
15 "OWNER" HAS THE MEANING STATED IN § 7-101 OF THIS ARTICLE.

16 8-1002.

17 A PERSON MAY NOT KNOWINGLY:

18 (1) OWN, OPERATE, OR CONDUCT A CHOP SHOP;

19 (2) TRANSPORT A MOTOR VEHICLE OR MOTOR VEHICLE PART TO OR
20 FROM A CHOP SHOP; OR

21 (3) SELL OR TRANSFER TO A MOTOR VEHICLE OR MOTOR VEHICLE PART
22 A CHOP SHOP OR PURCHASE OR RECEIVE A MOTOR VEHICLE OR MOTOR VEHICLE
23 PART FROM A CHOP SHOP.

24 8-1003.

25 (A) A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A FELONY AND ON
26 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE
27 NOT EXCEEDING \$25,000 OR BOTH.

28 (B) IN ADDITION TO ANY OTHER SENTENCE AUTHORIZED BY LAW, THE COURT
29 MAY REQUIRE A PERSON WHO VIOLATES THIS SUBTITLE TO MAKE RESTITUTION IN
30 ACCORDANCE WITH THE CRIMINAL PROCEDURE ARTICLE.

31 8-1004.

32 A STATE OR LOCAL LAW ENFORCEMENT AGENCY, ON PROCESS ISSUED BY A
33 COURT OF COMPETENT JURISDICTION, MAY SEIZE:

1 (1) A MOTOR VEHICLE OR MOTOR VEHICLE PART FOUND AT THE SITE OF
2 A CHOP SHOP WHEN THERE IS PROBABLE CAUSE TO BELIEVE IT WAS OBTAINED BY
3 THEFT, FRAUD, OR CONSPIRACY TO DEFRAUD;

4 (2) AN ENGINE, TOOL, DEVICE, OR CHEMICAL WHEN THERE IS
5 PROBABLE CAUSE TO BELIEVE IT WAS USED OR DESIGNED TO ALTER, DISMANTLE,
6 REASSEMBLE, CONCEAL, OR DISGUISE A MOTOR VEHICLE OR MOTOR VEHICLE PART
7 IN VIOLATION OF THIS SUBTITLE; AND

8 (3) A WRECKER, CAR HAULER, OR MOTOR VEHICLE THAT WAS
9 KNOWINGLY USED TO CONVEY OR TRANSPORT A MOTOR VEHICLE OR MOTOR
10 VEHICLE PART TO OR FROM A CHOP SHOP.

11 8-1005.

12 A MEMBER OF A STATE OR LOCAL LAW ENFORCEMENT AGENCY MAY SEIZE
13 PROPERTY DESCRIBED IN THIS SUBTITLE WITHOUT PROCESS IF THE SEIZURE IS:

14 (1) IN ACCORDANCE WITH AN APPLICABLE LAW OR REGULATION;

15 (2) INCIDENT TO INSPECTION UNDER AN ADMINISTRATIVE INSPECTION
16 WARRANT;

17 (3) INCIDENT TO A SEARCH MADE UNDER A SEARCH WARRANT;

18 (4) INCIDENT TO A LAWFUL ARREST; OR

19 (5) MADE IN ACCORDANCE WITH A VALID CONSENT TO SEARCH.

20 8-1006.

21 ON CONVICTION, THE COURT MAY DIRECT THE DEFENDANT TO FORFEIT THE
22 PROPERTY SEIZED IN ACCORDANCE WITH § 8-1004 OF THIS SUBTITLE.

23 8-1007.

24 (A) WITHIN 14 DAYS AFTER THE SEIZURE, THE SEIZING UNIT SHALL RETURN
25 PROPERTY TO A PERSON FROM WHOM THE PROPERTY WAS SEIZED UNLESS A
26 HEARING HAS BEEN SCHEDULED TO DETERMINE WHETHER:

27 (1) THE SEIZURE OF THE PROPERTY WAS PROPER; AND

28 (2) REASONABLE NOTICE HAS BEEN GIVEN.

29 (B) THE OWNER OF PROPERTY TO BE FORFEITED SHALL BE SERVED NOTICE
30 AT LEAST 10 DAYS BEFORE THE FORFEITURE HEARING.

31 (C) IF THE OWNER OF PROPERTY TO BE FORFEITED IS NOT REASONABLY
32 DISCOVERABLE, THE SEIZING UNIT MAY SERVE NOTICE BY PUBLISHING A NOTICE OF
33 THE FORFEITURE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE

1 COUNTY IN WHICH THE HEARING IS TO BE HELD AT LEAST 10 DAYS BEFORE THE DAY
2 OF THE HEARING.

3 (D) THE NOTICE SHALL CONTAIN A GENERAL DESCRIPTION OF THE
4 PROPERTY, INCLUDING AVAILABLE SERIAL OR REGISTRATION NUMBERS.

5 (E) THE SEIZING UNIT SHALL RETURN THE PROPERTY TO THE OWNER ON A
6 SHOWING THAT THE OWNER DID NOT KNOW OF OR CONSENT TO A VIOLATION OF
7 THIS SUBTITLE.

8 8-1008.

9 A FORFEITURE OF PROPERTY ENCUMBERED BY A BONA FIDE SECURITY
10 INTEREST IS SUBJECT TO THE INTEREST OF A SECURED PARTY WHO DID NOT KNOW
11 OF OR CONSENT TO THE ACT OR OMISSION CONSTITUTING A VIOLATION OF THIS
12 SUBTITLE.

13 8-1009.

14 (A) PROPERTY FORFEITED UNDER THIS SUBTITLE MAY BE SOLD BY ORDER OF
15 THE COURT.

16 (B) THE COURT SHALL ORDER THAT THE PROCEEDS OF THE SALE OF
17 FORFEITED PROPERTY BE DISTRIBUTED TO THE UNIT HAVING BUDGETARY
18 AUTHORITY OVER THE SEIZING LAW ENFORCEMENT AGENCY AFTER DEDUCTION OF
19 ANY REASONABLE AND NECESSARY TOWING AND STORAGE CHARGES.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2006.