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By: **Senator McFadden (By Request - Baltimore City Administration)**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Process Against Limited Liability Companies -**  
3 **Summons, Service, and Execution**

4 FOR the purpose of authorizing a clerk of court, if a charging document is filed  
5 against a certain limited liability company, to issue a summons to the limited  
6 liability company in the company name to appear at court to answer the  
7 charging document; establishing that, if a sheriff or other officer returns a  
8 certain summons in a certain manner, the limited liability company to whom the  
9 summons was issued shall be considered as in court and as appearing to the  
10 charging document; requiring the court to order the clerk to enter a certain  
11 appearance by a certain limited liability company under certain circumstances;  
12 establishing that, after the clerk makes a certain entry and endorsement,  
13 further proceedings may occur concerning the charging document in the same  
14 manner as if a certain limited liability company had appeared and pleaded not  
15 guilty; authorizing a court to pass a judgment concerning a certain charging  
16 document against a certain limited liability company under certain  
17 circumstances; authorizing a court to issue process of execution to a certain  
18 sheriff against the property of a certain limited liability company for a certain  
19 amount in the same manner as on a judgment in a civil action; authorizing a  
20 sheriff to sell the property of a certain limited liability company in the same  
21 manner as on execution of a civil suit; defining a certain term; and generally  
22 relating to criminal process against certain limited liability companies.

23 BY repealing and reenacting, with amendments,  
24 Article - Criminal Procedure  
25 Section 4-203  
26 Annotated Code of Maryland  
27 (2001 Volume and 2005 Supplement)

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

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**Article - Criminal Procedure**

2 4-203.

3 (a) (1) In this section[, "corporation"] THE FOLLOWING WORDS HAVE THE  
4 MEANINGS INDICATED.

5 (2) "CORPORATION" includes a joint-stock company and an association.

6 (3) "LIMITED LIABILITY COMPANY" INCLUDES A LIMITED LIABILITY  
7 PARTNERSHIP AND A LIMITED LIABILITY LIMITED PARTNERSHIP.

8 (b) If a charging document is filed against a corporation OR LIMITED  
9 LIABILITY COMPANY, the clerk of court may issue a summons to the corporation OR  
10 LIMITED LIABILITY COMPANY in its corporate OR COMPANY name to appear at the  
11 court to answer the charging document.

12 (c) A summons served under subsection (b) of this section may be served in the  
13 same manner as provided for service of process in a civil suit under the Maryland  
14 Rules.

15 (d) (1) If a sheriff or other officer returns a summons served under this  
16 section as "summoned" or "served":

17 (i) the corporation OR LIMITED LIABILITY COMPANY to whom the  
18 summons was issued shall be considered as in court and as appearing to the charging  
19 document; and

20 (ii) the court shall order the clerk to enter an appearance for the  
21 corporation OR LIMITED LIABILITY COMPANY and to endorse a plea of not guilty on  
22 the charging document.

23 (2) After the clerk makes the entry and endorsement specified in  
24 paragraph (1)(ii) of this subsection, further proceedings may occur concerning the  
25 charging document in the same manner as if the corporation OR LIMITED LIABILITY  
26 COMPANY had appeared and pleaded not guilty.

27 (e) (1) If a corporation OR LIMITED LIABILITY COMPANY is served a  
28 summons under this section and is convicted on the charging document, a court may:

29 (i) pass a judgment concerning the charging document; and

30 (ii) issue process of execution to the sheriff of the county against the  
31 property of the corporation OR LIMITED LIABILITY COMPANY for the amount of the  
32 fine and costs that may be awarded against the corporation OR LIMITED LIABILITY  
33 COMPANY in the same manner as on a judgment in a civil action.

34 (2) A sheriff shall sell the property of the corporation OR LIMITED  
35 LIABILITY COMPANY on an execution under paragraph (1) of this subsection in the  
36 same manner as on an execution issued in a civil suit.

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