HOUSE BILL 401

E1 9lr1637 HB 283/08 - JUD

By: Delegates Simmons, Kramer, Smigiel, Frank, and Jennings

Introduced and read first time: February 2, 2009

Assigned to: Judiciary

AN ACT concerning

A BILL ENTITLED

2 Criminal Law - Proceeds from Drug Crimes - Misdemeanor

3 FOR the purpose of establishing that a person is guilty of a misdemeanor if the person 4 violates the law prohibiting a person, with the intent to promote a drug crime or 5 with the intent to conceal or disguise the nature, location, source, ownership, or 6 control of proceeds of a drug crime, from taking certain actions with respect to 7 the proceeds derived from a drug crime in circumstances in which the proceeds 8 that are derived from the drug crime are less than a certain amount; providing 9 penalties for a violation of this Act; and generally relating to proceeds from drug 10 crimes.

- 11 BY repealing and reenacting, with amendments,
- 12 Article Criminal Law
- 13 Section 5–623
- 14 Annotated Code of Maryland
- 15 (2002 Volume and 2008 Supplement)

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

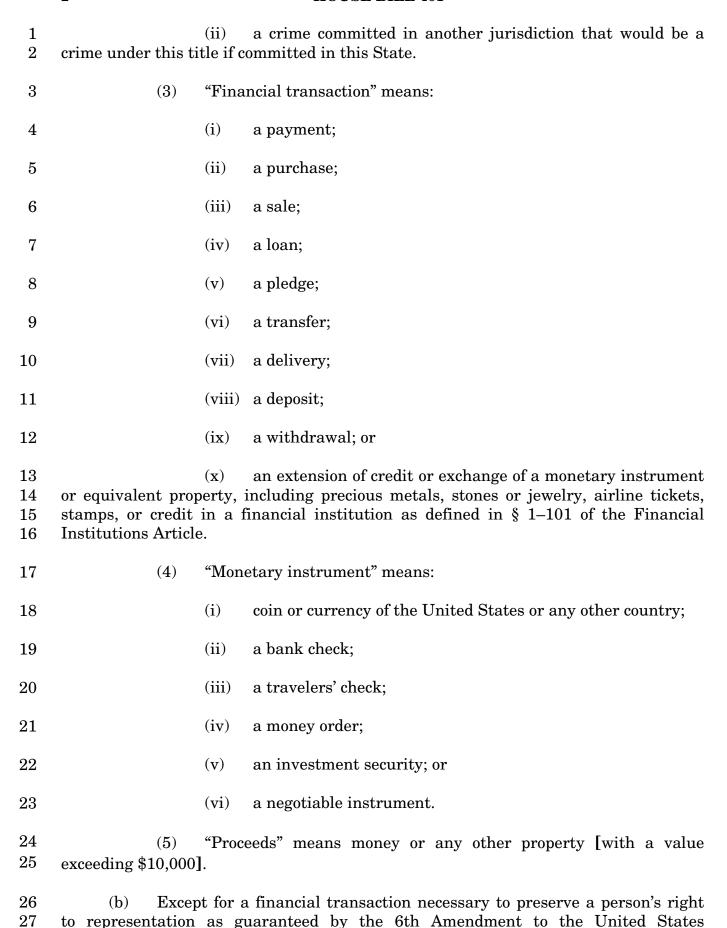
17 MARTIDAND, That the Laws of Maryland feat as follows.

18 Article - Criminal Law

19 5–623.

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- 20 (a) (1) In this section the following words have the meanings indicated.
- 21 (2) "Drug crime" means:
- (i) a crime under this title; or



1 Constitution and Article 21 of the Maryland Declaration of Rights, a person may not, $\mathbf{2}$ with the intent to promote a drug crime or with the intent to conceal or disguise the 3 nature, location, source, ownership, or control of proceeds of a drug crime: 4 (1)receive or acquire proceeds knowing that the proceeds are derived 5 from a drug crime; 6 engage in a financial transaction involving proceeds knowing that 7 the proceeds are derived from a drug crime; 8 give, sell, transfer, trade, invest, conceal, transport, or maintain an 9 interest in proceeds knowing that the proceeds are derived from a drug crime: 10 direct, promote, plan, organize, initiate, finance, manage, (4)supervise, or facilitate the transportation or transfer of proceeds knowing that the 11 proceeds are derived from a drug crime; or 12 13 (5)conduct a financial transaction involving proceeds knowing that the proceeds are derived from a drug crime. 14 15 **(C)** A PERSON WHO VIOLATES THIS SECTION IN CIRCUMSTANCES IN WHICH THE PROCEEDS THAT ARE DERIVED FROM THE DRUG CRIME ARE LESS 16 17 THAN \$10,000 IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT 18 TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING 19 \$20.000 OR BOTH. 20 [(c)] (D) A person who violates this section IN CIRCUMSTANCES IN WHICH 21THE PROCEEDS THAT ARE DERIVED FROM THE DRUG CRIME ARE EQUAL TO OR 22 **MORE THAN \$10,000** is guilty of a felony and on conviction is subject to: 23 for a first violation: (1) 24(i) imprisonment not exceeding 5 years; 25 (ii) a fine not exceeding the greater of \$250,000 or twice the value of the proceeds involved in the financial transaction; or 26 27 (iii) both; or 28 (2)for each subsequent violation: 29 (i) imprisonment not exceeding 10 years; 30 (ii) a fine not exceeding the greater of \$500,000 or 5 times the value of the proceeds involved in the financial transaction; or 31

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(iii)

both.

- 1 [(d)] **(E)** Notwithstanding any other provision of law, for purposes of this section each financial transaction is a separate violation.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 4 October 1, 2009.