

# HOUSE BILL 1225

E1, E2

3lr2501

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By: **Delegate Kach**

Introduced and read first time: February 8, 2013

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Drive–By Shooting – Forfeiture of Motor Vehicle**

3 FOR the purpose of prohibiting a person, while in or having just exited a motor  
4 vehicle, from recklessly discharging a firearm at or toward another motor  
5 vehicle or building or at or toward another person or an occupied building or  
6 motor vehicle; requiring the forfeiture of a certain motor vehicle, subject to  
7 certain requirements; and generally relating to discharging firearms from motor  
8 vehicles.

9 BY adding to

10 Article – Criminal Law

11 Section 4–110

12 Annotated Code of Maryland

13 (2012 Replacement Volume and 2012 Supplement)

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

16 **Article – Criminal Law**

17 **4–110.**

18 **(A) A PERSON, WHILE IN OR HAVING JUST EXITED A MOTOR VEHICLE,**  
19 **MAY NOT RECKLESSLY DISCHARGE A FIREARM AT OR TOWARD ANOTHER MOTOR**  
20 **VEHICLE, A BUILDING, OR ANOTHER PERSON.**

21 **(B) (1) THIS SUBSECTION DOES NOT APPLY TO A MOTOR VEHICLE**  
22 **UNLESS THE OWNER AUTHORIZED OR ALLOWED THE VEHICLE TO BE USED OR**  
23 **EMPLOYED IN DISCHARGING A FIREARM DURING THE COURSE OF A VIOLATION**  
24 **OF SUBSECTION (A) OF THIS SECTION.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) THE COURT, ON CONVICTION OF A PERSON FOR A VIOLATION**  
2 **OF SUBSECTION (A) OF THIS SECTION, SHALL ORDER AN INVOLVED MOTOR**  
3 **VEHICLE TO BE FORFEITED TO THE STATE OR A COUNTY, WHICHEVER**  
4 **JURISDICTION INITIATED THE INVESTIGATION.**

5           **(3) IF A COURT ORDERS FORFEITURE UNDER THIS SUBSECTION,**  
6 **THE INTEREST TRANSFERRED TO THE STATE OR COUNTY IS SUBORDINATE TO**  
7 **THE INTEREST OF THE HOLDER OF A PERFECTED SECURITY INTEREST IN THE**  
8 **MOTOR VEHICLE.**

9           **(4) (I) AFTER DISCHARGING ANY PERFECTED SECURITY**  
10 **INTEREST IN A FORFEITED MOTOR VEHICLE, THE SECRETARY OF STATE**  
11 **POLICE OR THE LOCAL GOVERNING BODY OF A COUNTY MAY:**

12                           **1. USE THE FORFEITED MOTOR VEHICLE FOR**  
13 **PUBLIC PURPOSE; OR**

14                           **2. SELL, EXCHANGE, OR CONVEY THE FORFEITED**  
15 **MOTOR VEHICLE.**

16                           **(II) ANY MONEY RECEIVED FROM THE SALE, EXCHANGE, OR**  
17 **CONVEYANCE UNDER PARAGRAPH (I)2 OF THIS PARAGRAPH SHALL BE**  
18 **DEPOSITED IN THE GENERAL FUND OF THE STATE OR THE GENERAL FUND OF**  
19 **THE COUNTY.**

20           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
21 **October 1, 2013.**