

HOUSE BILL 1311

E1, J1

3lr2354

By: **Delegate Carter**

Introduced and read first time: February 8, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Trafficking of Human Organs – Penalties**

3 FOR the purpose of prohibiting a person from recruiting, transporting, transferring,
4 harboring, or receiving an individual, either living or deceased, for the purpose
5 of removing one or more of the individual's organs by certain means; prohibiting
6 a person from transporting or transplanting an organ obtained in a certain
7 manner to one or more other persons under certain circumstances; providing
8 penalties for a violation of this Act; defining a certain term; and generally
9 relating to organ trafficking.

10 BY adding to

11 Article – Criminal Law

12 Section 3–608

13 Annotated Code of Maryland

14 (2012 Replacement Volume and 2012 Supplement)

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

17 **Article – Criminal Law**

18 **3–608.**

19 **(A) (1) IN THIS SECTION, “ORGAN” INCLUDES A HUMAN KIDNEY,**
20 **LIVER, HEART, LUNG, PANCREAS, CORNEA, EYE, OR BONE, AND HUMAN SKIN OR**
21 **BONE MARROW OR A SUBPART OF THE ORGAN.**

22 **(2) “ORGAN” INCLUDES A FETAL ORGAN.**

23 **(B) A PERSON MAY NOT:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) RECRUIT, TRANSPORT, TRANSFER, HARBOR, OR RECEIVE AN**
2 **INDIVIDUAL, EITHER LIVING OR DECEASED, FOR THE PURPOSE OF REMOVING**
3 **ONE OR MORE OF THE INDIVIDUAL'S ORGANS, BY MEANS OF:**

4 **(I) COERCION;**

5 **(II) ABDUCTION;**

6 **(III) DECEPTION;**

7 **(IV) ABUSE OF POWER OR A POSITION OF VULNERABILITY;**

8 **OR**

9 **(V) TRANSFER OF PAYMENTS OR BENEFITS TO ACHIEVE THE**
10 **CONSENT OF A PERSON HAVING CONTROL OVER THE INDIVIDUAL; OR**

11 **(2) TRANSPORT OR TRANSPLANT AN ORGAN OBTAINED IN**
12 **VIOLATION OF ITEM (1) OF THIS SUBSECTION TO ONE OR MORE OTHER PERSONS**
13 **FOR PROFIT OR FOR ANY OTHER PURPOSE.**

14 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
15 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
16 **EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2013.