

# SENATE BILL 881

E1, D3

8lr3386  
CF 8lr3597

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By: Senator Lee

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

### 2 **Criminal Law – Human Trafficking and Prostitution Offenses**

3 FOR the purpose of establishing a certain period within which a person is required to  
4 commence a certain civil action relating to a violation of certain provisions of this  
5 Act; altering the elements of the prohibitions against human trafficking and  
6 renaming them sex trafficking; prohibiting a person from knowingly obtaining or  
7 procuring for any person the labor or services of another by certain means;  
8 prohibiting a person from knowingly causing another to engage in a debt bondage;  
9 prohibiting a person from knowingly engaging in certain conduct with the intent to  
10 compel another to marry any person under certain circumstances; prohibiting a  
11 person from destroying, concealing, removing, confiscating, or possessing certain  
12 documents while violating certain provisions of this Act; prohibiting a person from  
13 knowingly receiving a certain benefit or thing of value in relation to a violation of  
14 certain provisions of this Act; prohibiting a person from aiding, abetting, or  
15 conspiring with another to violate certain provisions of this Act; establishing certain  
16 penalties for violations of this Act; reorganizing certain provisions of law relating to  
17 prostitution; defining certain terms; altering certain definitions; making conforming  
18 changes; and generally relating to human trafficking and prostitution offenses.

19 BY renumbering

20 Article – Criminal Law

21 Section 11–303 and 11–306, respectively

22 to be Section 3–1102 and 11–303, respectively

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2017 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Business Regulation

27 Section 15–207(b)(1)

28 Annotated Code of Maryland

29 (2015 Replacement Volume and 2017 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 Article – Courts and Judicial Proceedings  
3 Section 3–8A–19(d)(3)(i)6., 4–301(b)(25), 10–402(c)(2)(ii)1.O., and 10–406(a)(15)  
4 Annotated Code of Maryland  
5 (2013 Replacement Volume and 2017 Supplement)

6 BY adding to  
7 Article – Courts and Judicial Proceedings  
8 Section 5–121  
9 Annotated Code of Maryland  
10 (2013 Replacement Volume and 2017 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Law  
13 Section 3–324(b), 9–801(g)(2), and 14–101(a)(24) and (25)  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2017 Supplement)

16 BY adding to  
17 Article – Criminal Law  
18 Section 3–1101, 3–1103, and 3–1104 to be under the new subtitle “Subtitle 11.  
19 Human Trafficking”; 11–306, 11–307, and 14–101(a)(26)  
20 Annotated Code of Maryland  
21 (2012 Replacement Volume and 2017 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Criminal Law  
24 Section 3–1102 and 11–303  
25 Annotated Code of Maryland  
26 (2012 Replacement Volume and 2017 Supplement)  
27 (As enacted by Section 1 of this Act)

28 BY repealing and reenacting, without amendments,  
29 Article – Criminal Law  
30 Section 11–301  
31 Annotated Code of Maryland  
32 (2012 Replacement Volume and 2017 Supplement)

33 BY repealing and reenacting, with amendments,  
34 Article – Criminal Procedure  
35 Section 8–302(a), 10–110(a)(14), 10–301(f)(12), 11–701(p)(2), 13–501(g), 13–502,  
36 13–503, 13–507, 13–508(a), 13–514, 13–518(a)(7), 13–522, 13–524,  
37 13–525(a)(1), and 13–528(c)(1)  
38 Annotated Code of Maryland  
39 (2008 Replacement Volume and 2017 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article – Public Safety  
3 Section 2–412(c)(11)  
4 Annotated Code of Maryland  
5 (2011 Replacement Volume and 2017 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
7 That Section(s) 11–303 and 11–306, respectively, of Article – Criminal Law of the  
8 Annotated Code of Maryland be renumbered to be Section(s) 3–1102 and 11–303,  
9 respectively.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
11 as follows:

12 **Article – Business Regulation**

13 15–207.

14 (b) (1) A State, county, or municipal law enforcement agency may issue a civil  
15 citation to a lodging establishment requiring it to post prominently in each guest room for  
16 1 year the sign that is identical to the notice required to be placed on the Web site of the  
17 Department under subsection (a) of this section, if the lodging establishment is located on  
18 property where arrests leading to convictions of prostitution, solicitation of a minor, or  
19 human trafficking under [Title 11, Subtitle 13] **TITLE 3, SUBTITLE 11** of the Criminal  
20 Law Article have occurred.

21 **Article – Courts and Judicial Proceedings**

22 3–8A–19.

23 (d) (3) (i) Except as provided in subparagraph (ii) or (iii) of this paragraph,  
24 a child may not be committed to the Department of Juvenile Services for out-of-home  
25 placement if the most serious offense is:

26 6. An offense involving prostitution under [§ 11–306]  
27 § 11–303, § 11–306, or § 11–307 of the Criminal Law Article;

28 4–301.

29 (b) Except as provided in § 4–302 of this subtitle, the District Court also has  
30 exclusive original jurisdiction in a criminal case in which a person at least 18 years old or  
31 a corporation is charged with:

32 (25) Violation of [§ 11–303(b)] **§ 3–1102(B), § 3–1103, OR § 3–1104** of the  
33 Criminal Law Article.

34 **5–121.**

1       **A CIVIL ACTION FOR DAMAGES ARISING FROM A VIOLATION OF TITLE 3,**  
2       **SUBTITLE 11 OF THE CRIMINAL LAW ARTICLE SHALL BE FILED WITHIN THE LATER**  
3       **OF 10 YEARS AFTER THE DATE THAT:**

4                   **(1) THE VIOLATION OCCURRED; OR**

5                   **(2) THE VICTIM REACHES THE AGE OF MAJORITY.**

6       10–402.

7                   (c)       (ii)      It is lawful under this subtitle for an investigative or law  
8 enforcement officer acting in a criminal investigation or any other person acting at the prior  
9 direction and under the supervision of an investigative or law enforcement officer to  
10 intercept a wire, oral, or electronic communication in order to provide evidence:

11                   1.       Of the commission of:

12                   O.       A human trafficking offense under **[\\$ 11–303] TITLE 3,**  
13       **SUBTITLE 11** of the Criminal Law Article;

14       10–406.

15                   (a)      The Attorney General, State Prosecutor, or any State's Attorney may apply to  
16 a judge of competent jurisdiction, and the judge, in accordance with the provisions of  
17 § 10–408 of this subtitle, may grant an order authorizing the interception of wire, oral, or  
18 electronic communications by investigative or law enforcement officers when the  
19 interception may provide or has provided evidence of the commission of:

20                   (15)     A human trafficking offense under **[\\$ 11–303] TITLE 3, SUBTITLE 11**  
21 of the Criminal Law Article;

22                   **Article – Criminal Law**

23       3–324.

24                   (b)      A person may not, with the intent to commit a violation of § 3–304, § 3–306,  
25 or § 3–307 of this subtitle or **§ 11–303**, § 11–304, § 11–305, **[or]** § 11–306, **OR** **§ 11–307** of  
26 this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to  
27 engage in activities that would be unlawful for the person to engage in under § 3–304,  
28 § 3–306, or § 3–307 of this subtitle or **§ 11–303**, § 11–304, § 11–305, **[or]** § 11–306, **OR** **§**  
29 **11–307** of this article.

30                   **SUBTITLE 11. HUMAN TRAFFICKING.**

31       **3–1101.**

1           (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3 (B) "ASSIGNATION" HAS THE MEANING STATED IN § 11-301 OF THIS  
4 ARTICLE.

5 (C) "DEBT BONDAGE" MEANS A PROMISE BY A PERSON FOR PERSONAL  
6 SERVICES AS A SECURITY FOR THE PAYMENT OF A DEBT AND FOR WHICH THE  
7 SERVICES:

10 (2) (I) DO NOT ACTUALLY COUNT TOWARD THE PAYMENT OF DEBT;  
11 OR

13 (c) "PROSTITUTION" HAS THE MEANING STATED IN § 11-301 OF THIS  
14 ARTICLE.

15 (D) (1) "SERIOUS HARM" MEANS ANY HARM THAT IS SUFFICIENTLY  
16 SERIOUS TO COMPEL A REASONABLE PERSON, WHEN CONSIDERING THE  
17 CIRCUMSTANCES AND THE PERSON'S BACKGROUND, TO PERFORM LABOR OR  
18 SERVICES TO AVOID THE HARM.

19 (2) "SERIOUS HARM" INCLUDES:

20 (I) PHYSICAL HARM;

21 (II) EMOTIONAL HARM;

22 (III) REPUTATIONAL HARM; AND

#### 23 (IV) ECONOMIC HARM.

24 (E) "SEXUALLY EXPLICIT PERFORMANCE" HAS THE MEANING STATED IN §  
25 11-301 OF THIS ARTICLE.

26 3-1102.

27 (a) (1) A person may not knowingly:

1 (i) take or cause another to be taken to any place for prostitution;

2 (ii) place, cause to be placed, or harbor another in any place for  
3 prostitution;

4 (iii) persuade, induce, entice, or encourage another to be taken to or  
5 placed in any place for prostitution;

6 (iv) receive consideration to procure for or place in a house of  
7 prostitution or elsewhere another with the intent of causing the other to engage in  
8 prostitution or assignation;

9 (v) engage in a device, scheme, or continuing course of conduct  
10 intended to cause another to believe that if the other did not take part in a sexually explicit  
11 performance, the other or a third person would suffer physical restraint or serious physical  
12 harm; or

13 (vi) destroy, conceal, remove, confiscate, or possess an actual or  
14 purported passport, immigration document, or government identification document of  
15 another while otherwise violating or attempting to violate this subsection.

16 (2) A parent, guardian, or person who has permanent or temporary care or  
17 custody or responsibility for supervision of another may not consent to the taking or  
18 detention of the other for prostitution.

19 (b) (1) A person may not violate subsection (a) of this section involving a victim  
20 who is a minor.

21 (2) A person may not [knowingly take or detain another] **VIOLATE**  
22 **SUBSECTION (A) OF THIS SECTION** with the **USE OF OR** intent to use force, threat,  
23 coercion, or fraud [to compel the other to marry the person or a third person or perform a  
24 sexual act, sexual contact, or vaginal intercourse].

25 (c) (1) (i) Except as provided in paragraph (2) of this subsection, a person  
26 who violates subsection (a) of this section is guilty of the misdemeanor of [human  
27 trafficking] **SEX TRAFFICKING** and on conviction is subject to imprisonment not exceeding  
28 10 years or a fine not exceeding \$5,000 or both.

29 (ii) A person who violates subsection (a) of this section is subject to §  
30 5-106(b) of the Courts Article.

31 (2) A person who violates subsection (b) of this section is guilty of the felony  
32 of [human trafficking] **SEX TRAFFICKING** and on conviction is subject to imprisonment not  
33 exceeding 25 years or a fine not exceeding \$15,000 or both.

34 (d) A person who violates this section may be charged, tried, and sentenced in any

1 county in or through which the person transported or attempted to transport the other.

2 (e) (1) A person who knowingly benefits financially or by receiving anything of  
3 value from participation in a venture that includes an act described in subsection (a) or (b)  
4 of this section is subject to the same penalties that would apply if the person had violated  
5 that subsection.

6 (2) A person who knowingly aids, abets, or conspires with one or more other  
7 persons to violate any subsection of this section is subject to the same penalties that apply  
8 for a violation of that subsection.

9 (f) It is not a defense to a prosecution under subsection (b)(1) of this section that  
10 the person did not know the age of the victim.

11 **3-1103.**

12 **(A) A PERSON MAY NOT KNOWINGLY:**

13 (1) OBTAIN OR PROCURE FOR ANY PERSON THE LABOR OR SERVICES  
14 OF ANOTHER BY MEANS OF:

15 (I) FORCE, THREAT OF FORCE, PHYSICAL RESTRAINT, OR  
16 THREATS OF PHYSICAL RESTRAINT OF ANY PERSON;

17 (II) SERIOUS HARM OR THREATS OF SERIOUS HARM TO ANY  
18 PERSON;

19 (III) THE USE OR THREATENED USE OF ANY LEGAL PROCESS OR  
20 PROCEEDING; OR

21 (IV) A SCHEME, PLAN, OR PATTERN OF CONDUCT DESIGNED TO  
22 CAUSE THE OTHER TO BELIEVE THAT THE OTHER WILL SUFFER SERIOUS HARM OR  
23 PHYSICAL RESTRAINT IF THE OTHER DOES NOT PERFORM LABOR OR SERVICES;

24 (2) CAUSE ANOTHER TO ENGAGE IN A DEBT BONDAGE;

25 (3) DESTROY, CONCEAL, REMOVE, CONFISCATE, OR POSSESS THE  
26 ACTUAL OR PURPORTED PASSPORT, IMMIGRATION DOCUMENT, OR GOVERNMENT  
27 IDENTIFICATION DOCUMENT OF ANOTHER WHILE VIOLATING OR ATTEMPTING TO  
28 VIOLATE THIS SUBSECTION;

29 (4) RECEIVE A FINANCIAL BENEFIT OR THING OF VALUE IN RELATION  
30 TO A VIOLATION OF THIS SUBSECTION; OR

1 (5) AID, ABET, OR CONSPIRE WITH ANOTHER TO VIOLATE THIS  
2 SUBSECTION.

6 (C) A PERSON WHO VIOLATES THIS SECTION MAY BE CHARGED, TRIED, AND  
7 SENTENCED IN ANY COUNTY IN OR THROUGH WHICH THE PERSON TRANSPORTED OR  
8 ATTEMPTED TO TRANSPORT THE VICTIM.

9 3-1104.

10 (A) A PERSON MAY NOT KNOWINGLY:

11 (1) TAKE OR DETAIN ANOTHER WITH THE INTENT TO USE FORCE,  
12 THREAT, COERCION, OR FRAUD TO COMPEL THE OTHER TO MARRY ANY PERSON;

15 (3) AID, ABET, OR CONSPIRE WITH ANOTHER TO VIOLATE THIS  
16 SUBSECTION.

17 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF  
18 FORCED MARRIAGE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
19 EXCEEDING 25 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

20 (C) A PERSON WHO VIOLATES THIS SECTION MAY BE CHARGED, TRIED, AND  
21 SENTENCED IN ANY COUNTY IN OR THROUGH WHICH THE PERSON TRANSPORTED OR  
22 ATTEMPTED TO TRANSPORT THE VICTIM.

23 9-801.

24 (g) "Underlying crime" means:

25 (2) a violation of § 3-203 (second degree assault), **§ 3-1102 (SEX**  
26 **TRAFFICKING), § 3-1103 (LABOR TRAFFICKING), § 3-1104 (FORCED MARRIAGE), §**  
27 4-203 (wearing, carrying, or transporting a handgun), § 9-302 (inducing false testimony or  
28 avoidance of subpoena), § 9-303 (retaliation for testimony), § 9-305 (intimidating or  
29 corrupting juror), [§ 11-303 (human trafficking),] § 11-304 (receiving earnings of  
30 prostitute), or [§ 11-306(a)(2), (3), or (4)] **§ 11-307** (house of prostitution) of this article;

31 11-301.

1       (a) In this subtitle the following words have the meanings indicated.

2       (b) "Assignment" means the making of an appointment or engagement for  
3 prostitution or any act in furtherance of the appointment or engagement.

4       (c) "Prostitution" means the performance of a sexual act, sexual contact, or  
5 vaginal intercourse for hire.

6       (d) "Sexual act" has the meaning stated in § 3–301 of this article.

7       (e) "Sexual contact" has the meaning stated in § 3–301 of this article.

8       (f) "Sexually explicit performance" means a public or private, live, photographed,  
9 recorded, or videotaped act or show in which the performer is wholly or partially nude, and  
10 which is intended to sexually arouse or appeal to the prurient interest of patrons or viewers.

11       (g) "Solicit" means urging, advising, inducing, encouraging, requesting, or  
12 commanding another.

13       (h) "Vaginal intercourse" has the meaning stated in § 3–301 of this article.

14 11–303.

15       (a) A person may not knowingly[:

16           (1) engage in prostitution or assignation by any means[;

17           (2) keep, set up, occupy, maintain, or operate a building, structure, or  
18 conveyance for prostitution or assignation;

19           (3) allow a building, structure, or conveyance owned or under the person's  
20 control to be used for prostitution or assignation;

21           (4) allow or agree to allow a person into a building, structure, or conveyance  
22 for prostitution or assignation; or

23           (5) procure or solicit or offer to procure or solicit for prostitution or  
24 assignation].

25       (b) A person who violates this section is guilty of a misdemeanor and on conviction  
26 is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

27       (c) (1) Subject to paragraph (2) of this subsection, in a prosecution under this  
28 section, it is an affirmative defense of duress if the defendant committed the act as a result  
29 of being a victim of an act of another [who was charged with violating the prohibition  
30 against human trafficking under § 11–303 of this subtitle or] IN VIOLATION OF TITLE 3,

1   **SUBTITLE 11 OF THIS ARTICLE OR THE PROHIBITION AGAINST HUMAN TRAFFICKING**  
2   under federal law.

3                   (2)   A defendant may not assert the affirmative defense provided in  
4   paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the  
5   defendant's intention to assert the defense at least 10 days prior to trial.

6   **11-306.**

7                   **(A)   A PERSON MAY NOT KNOWINGLY PROCURE OR SOLICIT OR OFFER TO**  
8   **PROCURE OR SOLICIT PROSTITUTION OR ASSIGNATION.**

9                   **(B)   A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**  
10   **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A**  
11   **FINE NOT EXCEEDING \$500 OR BOTH.**

12                  **(C)   (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN A**  
13   **PROSECUTION UNDER THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE OF DURESS IF**  
14   **THE DEFENDANT COMMITTED THE ACT AS A RESULT OF BEING A VICTIM OF AN ACT**  
15   **OF ANOTHER IN VIOLATION OF TITLE 3, SUBTITLE 11 OF THIS ARTICLE OR THE**  
16   **PROHIBITION AGAINST HUMAN TRAFFICKING UNDER FEDERAL LAW.**

17                  **(2)   A DEFENDANT MAY NOT ASSERT THE AFFIRMATIVE DEFENSE**  
18   **PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE DEFENDANT**  
19   **NOTIFIES THE STATE'S ATTORNEY OF THE DEFENDANT'S INTENTION TO ASSERT**  
20   **THE DEFENSE AT LEAST 10 DAYS PRIOR TO TRIAL.**

21   **11-307.**

22                  **(A)   A PERSON MAY NOT KNOWINGLY:**

23                   **(1)   ALLOW A BUILDING, STRUCTURE, OR CONVEYANCE OWNED OR**  
24   **UNDER THE PERSON'S CONTROL TO BE USED FOR PROSTITUTION OR ASSIGNATION;**

25                   **(2)   ALLOW OR AGREE TO ALLOW A PERSON INTO A BUILDING,**  
26   **STRUCTURE, OR CONVEYANCE FOR PROSTITUTION OR ASSIGNATION; OR**

27                   **(3)   KEEP, SET UP, OCCUPY, MAINTAIN, OR OPERATE A BUILDING,**  
28   **STRUCTURE, OR CONVEYANCE FOR PROSTITUTION OR ASSIGNATION.**

29                  **(B)   A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**  
30   **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A**  
31   **FINE NOT EXCEEDING \$500 OR BOTH.**

10 14-101.

11 (a) In this section, "crime of violence" means:

12 (24) assault with intent to commit a sexual offense in the first degree; [and]

13 (25) assault with intent to commit a sexual offense in the second degree;  
14 AND

15 (26) FELONY SEX TRAFFICKING UNDER § 3-1102(B) OF THIS ARTICLE.

## Article – Criminal Procedure

17 8-302.

18 (a) A person convicted of prostitution under [§ 11–306] **§ 11–303** of the Criminal  
19 Law Article may file a motion to vacate the judgment if, when the person committed the  
20 act or acts of prostitution, the person was acting under duress caused by an act of another  
21 committed in violation of [the prohibition against human trafficking under  
22 § 11–303] **TITLE 3, SUBTITLE 11** of the Criminal Law Article or **THE PROHIBITION**  
23 **AGAINST HUMAN TRAFFICKING** under federal law.

24 10-110.

25 (a) A person may file a petition listing relevant facts for expungement of a police  
26 record, court record, or other record maintained by the State or a political subdivision of  
27 the State if the person is convicted of a misdemeanor that is a violation of:

(14) [§ 11-306(a)] **§ 11-303, § 11-306, OR § 11-307** of the Criminal Law Article;

30 10-301.

31 (f) "Shieldable conviction" means a conviction of one of the following crimes:

(12) a prostitution offense under [§ 11-306(a)(1)] **§ 11-303** of the Criminal Law Article if the conviction is for prostitution and not assignation.

3 11-701.

4 (p) "Tier II sex offender" means a person who has been convicted of:

8 13-501.

(g) "Human trafficking law" means § 3-324, **§ 3-1102, § 3-1103, § 3-1104, § 11-207, [§ 11-303,] § 11-304, and § 11-305** of the Criminal Law Article.

11 13-502.

12 The following are subject to forfeiture:

16 (2) money used in connection with a violation of and conviction under the  
17 human trafficking law, found in close proximity to or at the scene of the arrest for a violation  
18 of the human trafficking law; and

22 13=503

23 (a) Property or an interest in property described in § 13-502(1) or (3) of this  
24 subtitle may not be forfeited if the owner establishes by a preponderance of the evidence  
25 that the violation of the human trafficking law was committed without the owner's actual  
26 knowledge

27           (b)    (1)    A motor vehicle for hire in the transaction of business as a common  
28 carrier or a motor vehicle for hire may not be seized or forfeited under this subtitle unless  
29 it appears that the owner or other person in charge of the motor vehicle was a consenting  
30 party or privy to a violation of the human trafficking law.

31 (2) A motor vehicle may not be forfeited under this subtitle for an act or

1 omission that the owner shows was committed or omitted by a person other than the owner  
2 while the person other than the owner possessed the motor vehicle in criminal violation of  
3 federal law or the law of any state.

4 (c) Subject to subsection (d) of this section, real property used as the principal  
5 family residence may not be forfeited under this subtitle unless one of the owners of the  
6 real property was convicted of a violation of **[\$ 11-303] § 3-1102, § 3-1103, OR § 3-1104**  
7 of the Criminal Law Article or of an attempt or conspiracy to violate **[\$ 11-303] § 3-1102,**  
8 **§ 3-1103, OR § 3-1104** of the Criminal Law Article.

9 (d) Real property used as the principal family residence by a husband and wife  
10 and held by the husband and wife as tenants by the entirety may not be forfeited unless:

11 (1) the property was used in connection with a violation of **[\$ 11-303]**  
12 **§ 3-1102, § 3-1103, OR § 3-1104** of the Criminal Law Article or with an attempt or a  
13 conspiracy to violate **[\$ 11-303] § 3-1102, § 3-1103, OR § 3-1104** of the Criminal Law  
14 Article; and

15 (2) both the husband and wife are convicted of a violation of **[\$ 11-303] §**  
16 **3-1102, § 3-1103, OR § 3-1104** of the Criminal Law Article or of an attempt or conspiracy  
17 to violate **[\$ 11-303] § 3-1102, § 3-1103, OR § 3-1104** of the Criminal Law Article.

18 13-507.

19 (a) A seizing authority may seize a motor vehicle used in violation of **[\$ 11-303]**  
20 **§ 3-1102, § 3-1103, OR § 3-1104** of the Criminal Law Article and recommend forfeiture  
21 to the forfeiting authority if the total circumstances of the case as listed in subsection (b) of  
22 this section dictate that seizure and forfeiture are justified.

23 (b) Circumstances to be considered in deciding whether seizure and forfeiture are  
24 justified include:

25 (1) evidence that the motor vehicle was acquired by use of proceeds from a  
26 transaction involving a violation of **[\$ 11-303] § 3-1102, § 3-1103, OR § 3-1104** of the  
27 Criminal Law Article;

28 (2) the circumstances of the arrest; and

29 (3) the way in which the motor vehicle was used.

30 13-508.

31 (a) The chief law enforcement officer of the seizing authority that seizes a motor  
32 vehicle used in violation of **[\$ 11-303] § 3-1102, § 3-1103, OR § 3-1104** of the Criminal  
33 Law Article may recommend to the appropriate forfeiting authority in writing that the  
34 motor vehicle be forfeited only if the officer:

(1) determines from the records of the Motor Vehicle Administration the names and addresses of all registered owners and secured parties as defined in the Code;

3 (2) personally reviews the facts and circumstances of the seizure; and

(3) personally determines, according to the standards listed in § 13–507 of this subtitle, and represents in writing that forfeiture is warranted.

6 13-514.

7            Except as provided in § 13-517(c) of this subtitle, if property is seized under  
8 § 13-504(2)(iv) of this subtitle because there is probable cause to believe that the property  
9 is directly or indirectly dangerous to health or safety and that the property was or will be  
10 used to violate [§ 11-303] **§ 3-1102, § 3-1103, OR § 3-1104** of the Criminal Law Article,  
11 forfeiture proceedings under this subtitle shall be filed promptly.

12 13-518.

13 (a) A complaint seeking forfeiture shall contain:

(7) if the forfeiting authority seeks to forfeit a lienholder's interest in property, an allegation that the lien was created with actual knowledge that the property was being or was to be used in violation of [§ 11-303] **§ 3-1102, § 3-1103, OR § 3-1104** of the Criminal Law Article;

18 13-522.

19        Except as provided in §§ 13-503 and 13-524 of this subtitle, an owner's interest in  
20 real property may be forfeited if the owner of the real property is convicted of violating [§  
21 11-303] **§ 3-1102, § 3-1103, OR § 3-1104** of the Criminal Law Article or attempting or  
22 conspiring to violate [§ 11-303] **§ 3-1102, § 3-1103, OR § 3-1104** of the Criminal Law  
23 Article.

24 13-524

25 If an owner of real property used as the principal family residence is convicted under  
26 [§ 11–303] **§ 3–1102, § 3–1103, OR § 3–1104** of the Criminal Law Article or is convicted  
27 of an attempt or conspiracy to violate [§ 11–303] **§ 3–1102, § 3–1103, OR § 3–1104** of the  
28 Criminal Law Article and the owner files an appeal of the conviction, the court shall stay  
29 forfeiture proceedings under § 13–503 of this subtitle against the real property during the  
30 pendency of the appeal.

31 13-525.

32 (a) (1) Except as provided in subsection (b) of this section, there is a rebuttable

1 presumption that property or part of a property in which a person has an ownership interest  
2 is subject to forfeiture as proceeds, if the State establishes by clear and convincing evidence  
3 that:

9 (iii) there was no other likely source for the property.

10 13-528.

## Article – Public Safety

17 2-412.

18 (c) Police employees may not act within the limits of a municipal corporation that  
19 maintains a police force except:

20 (11) when conducting investigations relating to or otherwise enforcing  
21 §§ 3-324, 3-804, 3-805, 3-902, **3-1102**, **3-1103**, **3-1104**, 7-302, 11-207, 11-208,  
22 [11-303,] 11-304, 11-305, and 11-306 of the Criminal Law Article;

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2018.