

SENATE BILL 690

E1

(9lr1209)

ENROLLED BILL

— *Judicial Proceedings/Judiciary* —

Introduced by **Senators Lee, Elfreth, Hough, Smith, Waldstreicher, and West**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of altering the elements of the prohibitions against human trafficking and
4 renaming them sex trafficking; prohibiting a person from violating certain provisions
5 of this Act with the use of or intent to use force, threat, coercion, or fraud; prohibiting
6 a person from knowingly receiving a certain benefit in relation to a violation of
7 certain provisions of this Act; prohibiting a person from knowingly engaging in
8 certain conduct with the intent to compel another to marry any person under certain
9 circumstances; prohibiting a person from destroying, concealing, removing,
10 confiscating, or possessing certain documents while violating certain provisions of
11 this Act; prohibiting a person from aiding, abetting, or conspiring with another to
12 violate certain provisions of this Act; establishing that the lack of knowledge about
13 a victim's age is not a defense to certain offenses involving a child; establishing
14 certain penalties for violations of this Act; reorganizing certain provisions of law
15 relating to prostitution; *classifying a certain offense of human trafficking as a crime*

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 *of violence under certain provisions of law*; defining certain terms; altering certain
2 definitions; making conforming changes; *making a stylistic change*; and generally
3 relating to human trafficking and prostitution offenses.

4 BY renumbering
5 Article – Criminal Law
6 Section 11–303 and 11–306, respectively
7 to be Section 3–1102 and 11–303, respectively
8 Annotated Code of Maryland
9 (2012 Replacement Volume and 2018 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Business Regulation
12 Section 15–207(b)(1)
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Courts and Judicial Proceedings
17 Section 3–8A–19(d)(3)(i)6., 4–301(b)(25), 10–402(c)(2)(ii)1.O., and 10–406(a)(15)
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2018 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Criminal Law
22 Section 3–324(b), 9–801(g)(2), 11–305, and ~~14–101(a)(24) and (25)~~ 14–101(a)
23 Annotated Code of Maryland
24 (2012 Replacement Volume and 2018 Supplement)

25 BY adding to
26 Article – Criminal Law
27 Section 3–1101 and 3–1103 to be under the new subtitle “Subtitle 11. Human
28 Trafficking”; 11–306, *and* 11–307, ~~and 14–101(a)(26)~~
29 Annotated Code of Maryland
30 (2012 Replacement Volume and 2018 Supplement)

31 BY repealing and reenacting, with amendments,
32 Article – Criminal Law
33 Section 3–1102 and 11–303
34 Annotated Code of Maryland
35 (2012 Replacement Volume and 2018 Supplement)
36 (As enacted by Section 1 of this Act)

37 BY repealing and reenacting, without amendments,
38 Article – Criminal Law
39 Section 11–301
40 Annotated Code of Maryland

1 (2012 Replacement Volume and 2018 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article – Criminal Procedure

4 Section 8–302(a), 10–110(a)(1)(xiv), 10–301(f)(12), 11–701(p)(2), 13–501(g), 13–502,
5 13–503, 13–507, 13–508(a), 13–514, 13–518(a)(7), 13–522, 13–524,
6 13–525(a)(1), and 13–528(c)(1)

7 Annotated Code of Maryland

8 (2018 Replacement Volume)

9 BY repealing and reenacting, with amendments,

10 Article – Public Safety

11 Section 2–412(c)(11) *and* 5–101(c)

12 Annotated Code of Maryland

13 (2018 Replacement Volume)

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

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

20 **Article – Business Regulation**

21 15–207.

22 (b) (1) A State, county, or municipal law enforcement agency may issue a civil
23 citation to a lodging establishment requiring it to post prominently in each guest room for
24 1 year the sign that is identical to the notice required to be placed on the Web site of the
25 Department under subsection (a) of this section, if the lodging establishment is located on
26 property where arrests leading to convictions ~~of~~ **FOR** prostitution, solicitation of a minor,
27 or human trafficking under [Title 11, Subtitle 13] **TITLE 3, SUBTITLE 11** of the Criminal
28 Law Article have occurred.

29 **Article – Courts and Judicial Proceedings**

30 3–8A–19.

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

34 6. An offense involving prostitution under [§ 11–306]
35 **§ 11–303, § 11–306, OR § 11–307** of the Criminal Law Article;

1 4–301.

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

5 (25) Violation of [§ 11–303(b)] **§ 3–1102(B) OR § 3–1103** of the Criminal
6 Law Article.

7 10–402.

8 (c) (2) (ii) It is lawful under this subtitle for an investigative or law
9 enforcement officer acting in a criminal investigation or any other person acting at the prior
10 direction and under the supervision of an investigative or law enforcement officer to
11 intercept a wire, oral, or electronic communication in order to provide evidence:

12 1. Of the commission of:

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

15 10–406.

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

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

23 **Article – Criminal Law**

24 3–324.

25 (b) A person may not, with the intent to commit a violation of § 3–304, § 3–306,
26 or § 3–307 of this subtitle or **§ 11–303**, § 11–304, § 11–305, [or] § 11–306, **OR § 11–307** of
27 this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to
28 engage in activities that would be unlawful for the person to engage in under § 3–304,
29 § 3–306, or § 3–307 of this subtitle or **§ 11–303**, § 11–304, § 11–305, [or] § 11–306, **OR §**
30 **11–307** of this article.

31 **SUBTITLE 11. HUMAN TRAFFICKING.**

1 **3-1101.**

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

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

6 (C) "PROSTITUTION" HAS THE MEANING STATED IN § 11-301 OF THIS
7 ARTICLE.

8 (D) "SEXUALLY EXPLICIT PERFORMANCE" HAS THE MEANING STATED IN §
9 11-301 OF THIS ARTICLE.

10 **3-1102.**

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

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

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

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

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

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

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

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

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

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

5 (c) (1) (i) Except as provided in paragraph (2) of this subsection, a person
6 who violates subsection (a) of this section is guilty of the misdemeanor of [human
7 trafficking] SEX TRAFFICKING and on conviction is subject to imprisonment not exceeding
8 10 years or a fine not exceeding \$5,000 or both.

9 (ii) A person who violates subsection (a) of this section is subject to §
10 5–106(b) of the Courts Article.

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

14 (d) A person who violates this section may be charged, tried, and sentenced in any
15 county in or through which the person transported or attempted to transport the other.

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

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

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

25 **3–1103.**

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

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

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

31 **(3) AID, ABET, OR CONSPIRE WITH ANOTHER TO VIOLATE THIS**
32 **SUBSECTION.**

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

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

7 9–801.

8 (g) “Underlying crime” means:

9 (2) a violation of § 3–203 (second degree assault), **§ 3–1102 (SEX**
10 **TRAFFICKING), § 3–1103 (FORCED MARRIAGE),** § 4–203 (wearing, carrying, or
11 transporting a handgun), § 9–302 (inducing false testimony or avoidance of subpoena), §
12 9–303 (retaliation for testimony), § 9–305 (intimidating or corrupting juror), [§ 11–303
13 (human trafficking),] § 11–304 (receiving earnings of prostitute), or [§ 11–306(a)(2), (3), or
14 (4)] **§ 11–307** (house of prostitution) of this article;

15 11–301.

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

17 (b) “Assignment” means the making of an appointment or engagement for
18 prostitution or any act in furtherance of the appointment or engagement.

19 (c) “Prostitution” means the performance of a sexual act, sexual contact, or
20 vaginal intercourse for hire.

21 (d) “Sexual act” has the meaning stated in § 3–301 of this article.

22 (e) “Sexual contact” has the meaning stated in § 3–301 of this article.

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

26 (g) “Solicit” means urging, advising, inducing, encouraging, requesting, or
27 commanding another.

28 (h) “Vaginal intercourse” has the meaning stated in § 3–301 of this article.

29 11–303.

30 (a) A person may not knowingly:

1 (1) engage in prostitution or assignation by any means; **OR**

2 (2) [keep, set up,] occupy[, maintain, or operate] a building, structure, or
3 conveyance for prostitution or assignation[;

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

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

8 (5) procure or solicit or offer to procure or solicit for prostitution or
9 assignation].

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

12 (c) (1) Subject to paragraph (2) of this subsection, in a prosecution under this
13 section, it is an affirmative defense of duress if the defendant committed the act as a result
14 of being a victim of an act of another [who was charged with violating the prohibition
15 against human trafficking under § 11–303 of this subtitle or] **IN VIOLATION OF TITLE 3,**
16 **SUBTITLE 11 OF THIS ARTICLE OR THE PROHIBITION AGAINST HUMAN TRAFFICKING**
17 under federal law.

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

21 11–305.

22 (a) For the purpose of committing a crime under Title 3, Subtitle 3 of this article,
23 a person may not:

24 (1) persuade or entice or aid in the persuasion or enticement of an
25 individual under the age of 16 years from the individual's home or from the custody of the
26 individual's parent or guardian; and

27 (2) knowingly secrete or harbor or aid in the secreting or harboring of the
28 individual who has been persuaded or enticed in the manner described in item (1) of this
29 subsection.

30 (b) A person who violates this section is guilty of a felony and on conviction is
31 subject to imprisonment not exceeding 25 years or a fine not exceeding \$5,000 or both.

32 **(C) IT IS NOT A DEFENSE TO PROSECUTION UNDER THIS SECTION THAT THE**
33 **PERSON DID NOT KNOW THE AGE OF THE VICTIM.**

1 11-306.

2 (A) A PERSON MAY NOT KNOWINGLY PROCURE OR SOLICIT OR OFFER TO
3 PROCURE OR SOLICIT PROSTITUTION OR ASSIGNATION.

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

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

12 (2) A DEFENDANT MAY NOT ASSERT THE AFFIRMATIVE DEFENSE
13 PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE DEFENDANT
14 NOTIFIES THE STATE'S ATTORNEY OF THE DEFENDANT'S INTENTION TO ASSERT
15 THE DEFENSE AT LEAST 10 DAYS PRIOR TO TRIAL.

16 11-307.

17 (A) A PERSON MAY NOT KNOWINGLY:

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

20 (2) ALLOW OR AGREE TO ALLOW A PERSON INTO A BUILDING,
21 STRUCTURE, OR CONVEYANCE FOR PROSTITUTION OR ASSIGNATION; OR

22 (3) KEEP, SET UP, MAINTAIN, OR OPERATE A BUILDING, STRUCTURE,
23 OR CONVEYANCE FOR PROSTITUTION OR ASSIGNATION.

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

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

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

5 14–101.

6 (a) In this section, “crime of violence” means:

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

8 ~~(25) assault with intent to commit a sexual offense in the second degree;~~

9 ~~AND~~

10 ~~(26) FELONY SEX TRAFFICKING UNDER § 3–1102(B) OF THIS ARTICLE.~~

11 (1) abduction;

12 (2) arson in the first degree;

13 (3) kidnapping;

14 (4) manslaughter, except involuntary manslaughter;

15 (5) mayhem;

16 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
 17 386 of the Code;

18 (7) murder;

19 (8) rape;

20 (9) robbery under § 3–402 or § 3–403 of this article;

21 (10) carjacking;

22 (11) armed carjacking;

23 (12) sexual offense in the first degree;

24 (13) sexual offense in the second degree;

25 (14) use of a firearm in the commission of a felony except possession with
 26 intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or other
 27 crime of violence;

1 (15) child abuse in the first degree under § 3-601 of this article;

2 (16) sexual abuse of a minor under § 3-602 of this article if:

3 (i) the victim is under the age of 13 years and the offender is an adult
 4 at the time of the offense; and

5 (ii) the offense involved:

6 1. vaginal intercourse, as defined in § 3-301 of this article;

7 2. a sexual act, as defined in § 3-301 of this article;

8 3. an act in which a part of the offender's body penetrates,
 9 however slightly, into the victim's genital opening or anus; or

10 4. the intentional touching of the victim's or the offender's
 11 genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

12 (17) home invasion under § 6-202(b) of this article;

13 (18) A FELONY OFFENSE UNDER TITLE 3, SUBTITLE 11 OF THIS
 14 ARTICLE;

15 (19) an attempt to commit any of the crimes described in items (1) through
 16 [(17)] (18) of this subsection;

17 [(19)] (20) continuing course of conduct with a child under § 3-315 of this
 18 article;

19 [(20)] (21) assault in the first degree;

20 [(21)] (22) assault with intent to murder;

21 [(22)] (23) assault with intent to rape;

22 [(23)] (24) assault with intent to rob;

23 [(24)] (25) assault with intent to commit a sexual offense in the first degree;

24 and

25 [(25)] (26) assault with intent to commit a sexual offense in the second
 26 degree.

1 8–302.

2 (a) A person convicted of prostitution under [§ 11–306] **§ 11–303** of the Criminal
3 Law Article may file a motion to vacate the judgment if, when the person committed the
4 act or acts of prostitution, the person was acting under duress caused by an act of another
5 committed in violation of [the prohibition against human trafficking under
6 § 11–303] **TITLE 3, SUBTITLE 11** of the Criminal Law Article or **THE PROHIBITION**
7 **AGAINST HUMAN TRAFFICKING** under federal law.

8 10–110.

9 (a) A person may file a petition listing relevant facts for expungement of a police
10 record, court record, or other record maintained by the State or a political subdivision of
11 the State if the person is convicted of:

12 (1) a misdemeanor that is a violation of:

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

15 10–301.

16 (f) “Shieldable conviction” means a conviction of one of the following crimes:

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

19 11–701.

20 (p) “Tier II sex offender” means a person who has been convicted of:

21 (2) conspiring to commit, attempting to commit, or committing a violation
22 of **§ 3–1102, § 3–1103, § 11–303, § 11–305, [or] § 11–306, OR § 11–307** of the Criminal
23 Law Article, if the intended prostitute or victim is a minor;

24 13–501.

25 (g) “Human trafficking law” means § 3–324, **§ 3–1102, § 3–1103, § 11–207, [§**
26 **11–303,] § 11–304, and § 11–305** of the Criminal Law Article.

27 13–502.

28 The following are subject to forfeiture:

1 (1) except as provided in § 13–503 of this subtitle, a motor vehicle used in
2 connection with a violation of and conviction under [§ 11–303] § 3–1102 OR § 3–1103 of
3 the Criminal Law Article;

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

7 (3) except as provided in § 13–503 of this subtitle, real property used in
8 connection with a violation of and conviction under [§ 11–303] § 3–1102 OR § 3–1103 of
9 the Criminal Law Article.

10 13–503.

11 (a) Property or an interest in property described in § 13–502(1) or (3) of this
12 subtitle may not be forfeited if the owner establishes by a preponderance of the evidence
13 that the violation of the human trafficking law was committed without the owner’s actual
14 knowledge.

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

19 (2) A motor vehicle may not be forfeited under this subtitle for an act or
20 omission that the owner shows was committed or omitted by a person other than the owner
21 while the person other than the owner possessed the motor vehicle in criminal violation of
22 federal law or the law of any state.

23 (c) Subject to subsection (d) of this section, real property used as the principal
24 family residence may not be forfeited under this subtitle unless one of the owners of the
25 real property was convicted of a violation of [§ 11–303] § 3–1102 OR § 3–1103 of the
26 Criminal Law Article or of an attempt or conspiracy to violate [§ 11–303] § 3–1102 OR §
27 3–1103 of the Criminal Law Article.

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

30 (1) the property was used in connection with a violation of [§ 11–303]
31 § 3–1102 OR § 3–1103 of the Criminal Law Article or with an attempt or a conspiracy to
32 violate [§ 11–303] § 3–1102 OR § 3–1103 of the Criminal Law Article; and

33 (2) both the husband and wife are convicted of a violation of [§ 11–303] §
34 3–1102 OR § 3–1103 of the Criminal Law Article or of an attempt or conspiracy to violate
35 [§ 11–303] § 3–1102 OR § 3–1103 of the Criminal Law Article.

1 13-507.

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

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

8 (1) evidence that the motor vehicle was acquired by use of proceeds from a
9 transaction involving a violation of [§ 11-303] **§ 3-1102 OR § 3-1103** of the Criminal Law
10 Article;

11 (2) the circumstances of the arrest; and

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

13 13-508.

14 (a) The chief law enforcement officer of the seizing authority that seizes a motor
15 vehicle used in violation of [§ 11-303] **§ 3-1102 OR § 3-1103** of the Criminal Law Article
16 may recommend to the appropriate forfeiting authority in writing that the motor vehicle be
17 forfeited only if the officer:

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

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

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

23 13-514.

24 Except as provided in § 13-517(c) of this subtitle, if property is seized under
25 § 13-504(2)(iv) of this subtitle because there is probable cause to believe that the property
26 is directly or indirectly dangerous to health or safety and that the property was or will be
27 used to violate [§ 11-303] **§ 3-1102 OR § 3-1103** of the Criminal Law Article, forfeiture
28 proceedings under this subtitle shall be filed promptly.

29 13-518.

30 (a) A complaint seeking forfeiture shall contain:

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

5 13-522.

6 Except as provided in §§ 13-503 and 13-524 of this subtitle, an owner's interest in
7 real property may be forfeited if the owner of the real property is convicted of violating [§
8 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article or attempting or conspiring to
9 violate [§ 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article.

10 13-524.

11 If an owner of real property used as the principal family residence is convicted under
12 [§ 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article or is convicted of an attempt
13 or conspiracy to violate [§ 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article and
14 the owner files an appeal of the conviction, the court shall stay forfeiture proceedings under
15 § 13-503 of this subtitle against the real property during the pendency of the appeal.

16 13-525.

17 (a) (1) Except as provided in subsection (b) of this section, there is a rebuttable
18 presumption that property or part of a property in which a person has an ownership interest
19 is subject to forfeiture as proceeds, if the State establishes by clear and convincing evidence
20 that:

21 (i) the person was convicted of violating [§ 11-303] § 3-1102 OR §
22 3-1103 of the Criminal Law Article or attempting or conspiring to violate [§ 11-303] §
23 3-1102 OR § 3-1103 of the Criminal Law Article;

24 (ii) the property was acquired by the person during the violation or
25 within a reasonable time after the violation; and

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

27 13-528.

28 (c) (1) If the court determines that the forfeited property is subject to a valid
29 lien created without actual knowledge of the lienholder that the property was being or was
30 to be used in violation of [§ 11-303] § 3-1102 OR § 3-1103 of the Criminal Law Article,
31 the court shall order that the property be released within 5 days to the first priority
32 lienholder.

1 2-412.

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

4 (11) when conducting investigations relating to or otherwise enforcing
5 §§ 3-324, 3-804, 3-805, 3-902, **3-1102, 3-1103**, 7-302, 11-207, 11-208,
6 11-303, 11-304, 11-305, [and] 11-306, **AND 11-307** of the Criminal Law Article;

7 5-101.

8 (c) “Crime of violence” means:

9 (1) abduction;

10 (2) arson in the first degree;

11 (3) assault in the first or second degree;

12 (4) burglary in the first, second, or third degree;

13 (5) carjacking and armed carjacking;

14 (6) escape in the first degree;

15 (7) kidnapping;

16 (8) voluntary manslaughter;

17 (9) maiming as previously proscribed under former Article 27, § 386 of the
18 Code;

19 (10) mayhem as previously proscribed under former Article 27, § 384 of the
20 Code;

21 (11) murder in the first or second degree;

22 (12) rape in the first or second degree;

23 (13) robbery;

24 (14) robbery with a dangerous weapon;

25 (15) sexual offense in the first, second, or third degree;

26 (16) home invasion under § 6-202(b) of the Criminal Law Article;

1 (17) A FELONY OFFENSE UNDER TITLE 3, SUBTITLE 11 OF THE
2 CRIMINAL LAW ARTICLE;

3 (18) an attempt to commit any of the crimes listed in items (1) through [(16)]
4 (17) of this subsection; or

5 [(18)] (19) assault with intent to commit any of the crimes listed in items (1)
6 through [(16)] (17) of this subsection or a crime punishable by imprisonment for more than
7 1 year.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.