

HB0693/953229/1

BY: Senator Ready

AMENDMENTS TO HOUSE BILL 693
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 2, after “circumstances;” insert “authorizing the owner of residential property or an agent of the owner to request that a sheriff return possession of residential property to the owner under certain circumstances; requiring a sheriff to serve notice to immediately vacate a property to an unlawful occupant and return possession of the property to the owner under certain circumstances and subject to certain requirements; authorizing a sheriff to arrest certain individuals; establishing that an individual harmed by wrongful removal from a residential property may recover certain damages; establishing that an owner is not liable to an unlawful occupant of residential property for damage to or the destruction or loss of certain personal property; providing that a sheriff is not liable to any party for damages to property resulting from the removal of an unlawful occupant from a residential property;”; and in line 35, strike “and 8–120” and substitute “, 8–120, and 14–132.1”.

AMENDMENT NO. 2

On page 25, after line 14, insert:

“14–132.1.

(A) PRIOR TO THE FILING OF A COMPLAINT WITH THE COURT UNDER § 14–132 OF THIS SUBTITLE, A PERSON CLAIMING THAT ANOTHER IS IN WRONGFUL POSSESSION OF RESIDENTIAL PROPERTY MAY REQUEST THE SHERIFF ENTITLED TO SERVE PROCESS IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED TO IMMEDIATELY REMOVE THE PERSON IN POSSESSION IF:

(1) THE PERSON CLAIMING POSSESSION IS THE PROPERTY OWNER OR AUTHORIZED AGENT OF THE PROPERTY OWNER;

(2) THE PERSON IN POSSESSION OF THE PROPERTY IS UNAUTHORIZED OR UNLAWFULLY ENTERED AND REMAINED ON OR OCCUPIED THE PROPERTY;

(3) THE PROPERTY WAS NOT OPEN TO MEMBERS OF THE PUBLIC AT THE TIME THE UNAUTHORIZED OCCUPATION OF THE PROPERTY BEGAN;

(4) THE PERSON CLAIMING POSSESSION DIRECTED THE PERSON TO VACATE THE PROPERTY;

(5) THE PERSON IN POSSESSION IS NOT A CURRENT OR FORMER TENANT OF THE PROPERTY UNDER A LEASE AGREEMENT WITH THE PERSON CLAIMING POSSESSION; AND

(6) THERE IS NO PENDING LITIGATION RELATING TO THE PROPERTY BETWEEN THE PERSON CLAIMING POSSESSION AND THE PERSON IN POSSESSION.

(B) A REQUEST MADE UNDER THIS SECTION SHALL:

(1) INCLUDE:

(i) A COPY OF THE REQUESTOR'S GOVERNMENT ISSUED IDENTIFICATION;

(ii) EVIDENCE OF THE OWNERSHIP OF THE PROPERTY; AND

(III) IF THE PERSON MAKING THE REQUEST IS ACTING AS AN AGENT OF THE OWNER, EVIDENCE OF AGENCY; AND

(2) BE SIGNED BY THE REQUESTOR UNDER PENALTY OF PERJURY.

(C) ON RECEIPT OF A REQUEST UNDER SUBSECTION (A) OF THIS SECTION, THE SHERIFF SHALL VERIFY THAT THE PERSON SUBMITTING THE REQUEST IS THE OWNER OF THE PROPERTY OR AN AUTHORIZED AGENT OF THE OWNER.

(D) IF THE SHERIFF VERIFIES A REQUEST UNDER SUBSECTION (C) OF THIS SECTION, THE SHERIFF SHALL, WITHOUT DELAY, SERVE NOTICE TO IMMEDIATELY VACATE THE PROPERTY TO THE OCCUPANT OF THE PROPERTY AND DELIVER POSSESSION OF THE PROPERTY TO THE REQUESTOR.

(E) SERVICE OF NOTICE TO IMMEDIATELY VACATE UNDER SUBSECTION (D) OF THIS SECTION MAY BE BY HAND DELIVERY OR BY PROMINENTLY POSTING THE NOTICE ON THE FRONT DOOR OR OTHER ENTRY TO THE PROPERTY.

(F) THE SHERIFF SHALL ATTEMPT TO VERIFY THE IDENTITIES OF ANY PERSON OCCUPYING THE PROPERTY AT THE TIME OF SERVICE OF NOTICE TO IMMEDIATELY VACATE THE PREMISES AND MAY, IF APPROPRIATE, ARREST ANY PERSON FOUND OCCUPYING THE PROPERTY FOR TRESPASS, OUTSTANDING WARRANTS, OR ANY OTHER LEGAL CAUSE.

(G) AFTER NOTICE TO IMMEDIATELY VACATE HAS BEEN DELIVERED, THE REQUESTOR MAY REQUEST THAT THE SHERIFF STAND BY TO KEEP THE PEACE

WHILE THE REQUESTOR CHANGES THE LOCKS AND REMOVES ANY PERSONAL PROPERTY OF THE OCCUPANT FROM THE PREMISES.

(H) (1) A PERSON MAY BRING A SUIT FOR WRONGFUL REMOVAL UNDER THIS SECTION.

(2) A PERSON HARMED BY WRONGFUL REMOVAL MAY BE RESTORED TO POSSESSION OF THE PROPERTY AND MAY RECOVER:

(I) ACTUAL DAMAGES;

(II) THREE TIMES THE AMOUNT OF THE FAIR MARKET VALUE OF RENT OF THE PROPERTY; AND

(III) REASONABLE ATTORNEY'S FEES AND COURT COSTS.

(I) (1) A SHERIFF IS NOT LIABLE TO ANY PARTY FOR DAMAGE TO OR THE LOSS OR DESTRUCTION OF PROPERTY INCURRED IN PERFORMING THE SHERIFF'S DUTIES UNDER THIS SECTION.

(2) AN OWNER OR AUTHORIZED AGENT OF AN OWNER IS NOT LIABLE TO AN OCCUPANT OR ANY OTHER PARTY FOR DAMAGE TO OR THE LOSS OR DESTRUCTION OF PERSONAL PROPERTY REMOVED UNDER THIS SECTION UNLESS THE REMOVAL WAS UNLAWFUL."