

HOUSE BILL 202

E1, N1

5lr1230

(PRE-FILED)

By: **Delegate Nawrocki**

Requested: October 16, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Fraud – Conveyance, Lease, or Possession of Residential Real**
3 **Property**

4 FOR the purpose of prohibiting the intentional fraudulent sale, conveyance, or lease or
5 attempted sale, conveyance, or lease of real property by a person who does not own
6 the real property; prohibiting the acquisition, sale, or conveyance or the attempted
7 acquisition, sale, or conveyance of real property by deception, intimidation, threat,
8 or undue influence; prohibiting a person from possessing or claiming a right to
9 possess residential real property the person does not lawfully possess or own, with
10 the intent to defraud another; authorizing the owner of certain residential real
11 property to file a certain sworn affidavit and requiring a sheriff to remove a certain
12 person from residential real property under certain circumstances; providing this
13 Act does not prohibit the owner of residential real property from filing a wrongful
14 detainer action; and generally relating to the fraudulent conveyance, lease, or
15 possession of residential real property.

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Law
18 Section 8–601
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2024 Supplement)

21 BY adding to
22 Article – Criminal Law
23 Section 8–906 and 8–907
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2024 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Criminal Law**

2 8–601.

3 (a) A person, with intent to defraud another, may not counterfeit, cause to be
4 counterfeited, or willingly aid or assist in counterfeiting any:

5 (1) bond;

6 (2) check;

7 (3) [deed;

8 (4)] draft;

9 [(5) (4) endorsement or assignment of a bond, draft, check, or promissory
10 note;

11 [(6) (5) entry in an account book or ledger;

12 [(7) (6) letter of credit;

13 [(8) (7) negotiable instrument;

14 [(9) (8) power of attorney;

15 [(10) (9) promissory note;

16 [(11) (10) release or discharge for money or property;

17 [(12) (11) title to a motor vehicle;

18 [(13) (12) waiver or release of mechanics' lien; or

19 [(14) (13) will or codicil.

20 (b) A person may not knowingly, willfully, and with fraudulent intent possess a
21 counterfeit of any of the items listed in subsection (a) of this section.22 (c) (1) A person who violates subsection (a) of this section is guilty of a felony
23 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
24 \$1,000 or both.

1 (2) A person who violates subsection (b) of this section is guilty of a
2 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine
3 not exceeding \$1,000 or both.

4 (d) Notwithstanding any other provision of law, the prosecution of an alleged
5 violation of this section or for an alleged violation of a crime based on an act that establishes
6 a violation of this section may be commenced in any county in which:

7 (1) an element of the crime occurred;

8 (2) the [deed or other] alleged counterfeit instrument is recorded in the
9 county land records, filed with the clerk of the circuit court, or filed with the register of
10 wills;

11 (3) the victim resides; or

12 (4) if the victim is not an individual, the victim conducts business.

13 **8-906.**

14 (A) **A PERSON, WITH INTENT TO DEFRAUD ANOTHER, MAY NOT:**

15 (1) **CLAIM TO SELL OR CONVEY OR ATTEMPT TO SELL OR CONVEY**
16 **REAL PROPERTY THAT THE GRANTOR DOES NOT OWN;**

17 (2) **CLAIM TO SELL OR CONVEY OR ATTEMPT TO SELL OR CONVEY**
18 **REAL PROPERTY THAT THE GRANTOR LACKS SUFFICIENT AUTHORITY TO TRANSFER;**

19 (3) **CLAIM TO LEASE OR ATTEMPT TO LEASE REAL PROPERTY THAT**
20 **BELONGS TO ANOTHER;**

21 (4) **OBTAIN OR ATTEMPT TO OBTAIN, OR SELL OR CONVEY, OR**
22 **ATTEMPT TO SELL OR CONVEY THE REAL PROPERTY OF ANOTHER THROUGH THE**
23 **EXECUTION OF A DEED BY THE RIGHTFUL OWNER OF THE PROPERTY BY DECEPTION,**
24 **INTIMIDATION, THREAT, OR UNDUE INFLUENCE;**

25 (5) **COUNTERFEIT A DEED OR CAUSE A DEED TO BE COUNTERFEITED;**
26 **OR**

27 (6) **COUNTERFEIT A LEASE OR CAUSE A LEASE TO BE**
28 **COUNTERFEITED.**

29 (B) **A PERSON MAY NOT KNOWINGLY AID OR ASSIST ANOTHER IN A**
30 **VIOLATION OF SUBSECTION (A) OF THIS SECTION.**

1 (C) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT
2 INTENT POSSESS A COUNTERFEIT DEED OR LEASE.

3 (D) (1) A PERSON WHO VIOLATES SUBSECTION (A) OR (B) OF THIS
4 SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO
5 IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$5,000 OR
6 BOTH.

7 (2) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS
8 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
9 NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

10 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROSECUTION
11 OF AN ALLEGED VIOLATION OF THIS SECTION OR FOR AN ALLEGED VIOLATION OF A
12 CRIME BASED ON AN ACT THAT ESTABLISHES A VIOLATION OF THIS SECTION MAY BE
13 COMMENCED IN ANY COUNTY IN WHICH:

14 (1) AN ELEMENT OF THE CRIME OCCURRED;

15 (2) THE VICTIM RESIDES; OR

16 (3) IF THE VICTIM IS NOT AN INDIVIDUAL, THE VICTIM CONDUCTS
17 BUSINESS.

18 (F) THIS SECTION DOES NOT PROHIBIT THE OWNER OF RESIDENTIAL REAL
19 PROPERTY FROM FILING A SUIT UNDER § 14-132 OF THE REAL PROPERTY ARTICLE.
20 8-907.

21 (A) A PERSON MAY NOT, WITH INTENT TO DEFRAUD ANOTHER, POSSESS OR
22 CLAIM A RIGHT TO POSSESS RESIDENTIAL REAL PROPERTY THE PERSON DOES NOT
23 LAWFULLY POSSESS OR OWN.

24 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
25 AND ON CONVICTION IS SUBJECT TO:

26 (1) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 90
27 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH;

28 (2) FOR A SECOND VIOLATION OCCURRING WITHIN 2 YEARS AFTER
29 THE FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT
30 EXCEEDING \$1,000 OR BOTH; AND

1 **(3) FOR EACH SUBSEQUENT VIOLATION OCCURRING WITHIN 2 YEARS**
2 **AFTER THE PRECEDING VIOLATION, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A**
3 **FINE NOT EXCEEDING \$2,500 OR BOTH.**

4 **(C) (1) THIS SUBSECTION DOES NOT APPLY IF:**

5 **(I) THE PERSON IN ACTUAL POSSESSION OF THE RESIDENTIAL**
6 **REAL PROPERTY HAS BEEN GRANTED POSSESSION UNDER A COURT ORDER; OR**

7 **(II) A REMEDY IS AVAILABLE UNDER TITLE 8 OF THE REAL**
8 **PROPERTY ARTICLE.**

9 **(2) THE OWNER OF RESIDENTIAL REAL PROPERTY IN THE**
10 **POSSESSION OF ANOTHER ALLEGEDLY IN VIOLATION OF SUBSECTION (A) OF THIS**
11 **SECTION MAY SUBMIT A SWORN AFFIDAVIT TO THE SHERIFF FOR A COUNTY IN**
12 **WHICH THE PROPERTY IS LOCATED STATING THAT THE PERSON IS FRAUDULENTLY**
13 **IN POSSESSION OF THE PROPERTY.**

14 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**
15 **SHERIFF SHALL REMOVE A PERSON IN POSSESSION OF RESIDENTIAL REAL**
16 **PROPERTY AFTER RECEIVING AN AFFIDAVIT SUBMITTED UNDER PARAGRAPH (2) OF**
17 **THIS SUBSECTION AND RETURN POSSESSION OF THE PROPERTY TO THE OWNER.**

18 **(II) A SHERIFF MAY NOT REMOVE A PERSON IN POSSESSION OF**
19 **RESIDENTIAL REAL PROPERTY FOLLOWING THE FILING OF AN AFFIDAVIT UNDER**
20 **SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE PERSON IN POSSESSION PRODUCES**
21 **EVIDENCE OF LAWFUL POSSESSION OF THE PROPERTY TO THE SHERIFF.**

22 **(D) THIS SECTION DOES NOT PROHIBIT THE OWNER OF RESIDENTIAL REAL**
23 **PROPERTY FROM FILING A SUIT UNDER § 14–132 OF THE REAL PROPERTY ARTICLE.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2025.