

# HOUSE BILL 941

E1, P4

EMERGENCY BILL

3lr1578  
CF SB 770

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By: **Delegates Arora and DeBoy**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Fraudulent Liens – Prohibition**

3 FOR the purpose of prohibiting a person from filing certain liens or encumbrances  
4 against certain individuals under certain circumstances; providing for penalties  
5 for a violation of this Act; defining certain terms; making this Act an emergency  
6 measure; and generally relating to fraudulent liens.

7 BY adding to

8 Article – Criminal Law

9 Section 3–807

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2012 Supplement)

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

14 **Article – Criminal Law**

15 **3–807.**

16 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
17 **MEANINGS INDICATED.**

18 **(2) “PUBLIC EMPLOYEE” MEANS A PERSON EMPLOYED BY:**

19 **(I) THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH**  
20 **OF STATE GOVERNMENT;**

21 **(II) A DEPARTMENT, A BOARD, A BUREAU, AN AGENCY, OR A**  
22 **COMMISSION OF THE STATE; OR**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (III) A COUNTY, MUNICIPALITY, OR LOCAL BOARD OF  
2 EDUCATION IN THE STATE;

3 (IV) A BI-COUNTY AGENCY; OR

4 (V) A STATE LAW ENFORCEMENT AGENCY.

5 (3) "PUBLIC OFFICER" INCLUDES:

6 (I) A CONSTITUTIONAL OFFICER;

7 (II) AN ELECTED STATE OFFICIAL;

8 (III) AN EXECUTIVE HEAD OF A STATE DEPARTMENT OR  
9 AGENCY;

10 (IV) AN ELECTED MEMBER OF THE GENERAL ASSEMBLY;

11 (V) THE EXECUTIVE DIRECTOR OF A STATE BOARD,  
12 COMMISSION, OR AUTHORITY;

13 (VI) A MEMBER OF A STATE BOARD, COMMISSION, OR  
14 AUTHORITY;

15 (VII) AN ELECTED COUNTY OFFICIAL;

16 (VIII) AN ELECTED MEMBER OF A LOCAL BOARD OF  
17 EDUCATION; AND

18 (IX) AN ELECTED MUNICIPAL OFFICIAL.

19 (B) A PERSON MAY NOT FILE A LIEN OR ENCUMBRANCE IN A PUBLIC OR  
20 PRIVATE RECORD AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC  
21 OFFICER, PUBLIC EMPLOYEE, OR OTHER INDIVIDUAL IF:

22 (1) (I) THE LIEN WAS FILED IN RESPONSE TO THE  
23 PERFORMANCE OF THE PUBLIC OFFICER'S OR PUBLIC EMPLOYEE'S OFFICIAL  
24 DUTIES; OR

25 (II) THE LIEN WAS FILED IN RESPONSE TO AN INDIVIDUAL  
26 FILING A COMPLAINT WITH OR REQUESTING OFFICIAL ACTION BY A PUBLIC  
27 OFFICER OR A PUBLIC EMPLOYEE; AND

1                   **(2) THE PERSON KNOWS OR HAS REASON TO KNOW THAT THE**  
2 **LIEN OR ENCUMBRANCE IS:**

3                   **(I) FALSE; OR**

4                   **(II) CONTAINS OR IS BASED ON A MATERIALLY FALSE,**  
5 **FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION.**

6                   **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY**  
7 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT LESS THAN 1 YEAR**  
8 **BUT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

9                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
10 measure, is necessary for the immediate preservation of the public health or safety,  
11 has been passed by a ye and nay vote supported by three-fifths of all the members  
12 elected to each of the two Houses of the General Assembly, and shall take effect from  
13 the date it is enacted.