

# HOUSE BILL 1419

E1, E4

4lr3321

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By: **Delegate Amprey**

Introduced and read first time: February 9, 2024

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Deed Fraud – Prohibition and Deed Fraud Prevention Grant**  
3 **Fund**

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; requiring the Department of State Police to disaggregate certain  
9 data collected for the Uniform Crime Report; establishing the Deed Fraud  
10 Prevention Grant Fund; and generally relating to deed fraud.

11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Law  
13 Section 8–601  
14 Annotated Code of Maryland  
15 (2021 Replacement Volume and 2023 Supplement)

16 BY adding to  
17 Article – Criminal Law  
18 Section 8–906  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Public Safety  
23 Section 2–307  
24 Annotated Code of Maryland  
25 (2022 Replacement Volume and 2023 Supplement)

26 BY adding to  
27 Article – Public Safety

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 2–901 and 2–902 to be under the new subtitle “Subtitle 9. Deed Fraud  
 2 Prevention Grant Fund”  
 3 Annotated Code of Maryland  
 4 (2022 Replacement Volume and 2023 Supplement)

5 BY repealing and reenacting, without amendments,  
 6 Article – State Finance and Procurement  
 7 Section 6–226(a)(2)(i)  
 8 Annotated Code of Maryland  
 9 (2021 Replacement Volume and 2023 Supplement)

10 BY repealing and reenacting, with amendments,  
 11 Article – State Finance and Procurement  
 12 Section 6–226(a)(2)(ii)189. and 190.  
 13 Annotated Code of Maryland  
 14 (2021 Replacement Volume and 2023 Supplement)

15 BY adding to  
 16 Article – State Finance and Procurement  
 17 Section 6–226(a)(2)(ii)191.  
 18 Annotated Code of Maryland  
 19 (2021 Replacement Volume and 2023 Supplement)

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

22 **Article – Criminal Law**

23 8–601.

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

26 (1) bond;

27 (2) check;

28 (3) [deed;

29 (4)] draft;

30 [(5)] (4) endorsement or assignment of a bond, draft, check, or promissory  
 31 note;

32 [(6)] (5) entry in an account book or ledger;

33 [(7)] (6) letter of credit;

- 1            [(8)] (7)        negotiable instrument;
- 2            [(9)] (8)        power of attorney;
- 3            [(10)] (9)        promissory note;
- 4            [(11)] (10)       release or discharge for money or property;
- 5            [(12)] (11)       title to a motor vehicle;
- 6            [(13)] (12)       waiver or release of mechanics' lien; or
- 7            [(14)] (13)       will or codicil.

8            (b)    A person may not knowingly, willfully, and with fraudulent intent possess a  
9 counterfeit of any of the items listed in subsection (a) of this section.

10           (c)    (1)    A person who violates subsection (a) of this section is guilty of a felony  
11 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding  
12 \$1,000 or both.

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

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

19                    (1)    an element of the crime occurred;

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

23                    (3)    the victim resides; or

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

25    **8-906.**

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

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

1           **(2) CLAIM TO SELL OR CONVEY OR ATTEMPT TO SELL OR CONVEY**  
2 **REAL PROPERTY WHICH THE GRANTOR LACKS SUFFICIENT AUTHORITY TO**  
3 **TRANSFER;**

4           **(3) CLAIM TO LEASE OR ATTEMPT TO LEASE REAL PROPERTY THAT**  
5 **BELONGS TO ANOTHER;**

6           **(4) OBTAIN OR ATTEMPT TO OBTAIN, OR SELL OR CONVEY, OR**  
7 **ATTEMPT TO SELL OR CONVEY THE REAL PROPERTY OF ANOTHER THROUGH THE**  
8 **EXECUTION OF A DEED BY THE RIGHTFUL OWNER OF THE PROPERTY BY DECEPTION,**  
9 **INTIMIDATION, THREAT, OR UNDUE INFLUENCE;**

10           **(5) COUNTERFEIT A DEED OR CAUSE A DEED TO BE COUNTERFEITED;**  
11 **OR**

12           **(6) RECORD A DEED OR CAUSE A DEED TO BE RECORDED IN**  
13 **FURTHERANCE OF A VIOLATION OF THIS SECTION.**

14           **(B) A PERSON MAY NOT AID OR ASSIST ANOTHER IN A VIOLATION OF**  
15 **SUBSECTION (A) OF THIS SECTION.**

16           **(C) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT**  
17 **INTENT POSSESS A COUNTERFEIT DEED.**

18           **(D) (1) A PERSON WHO VIOLATES SUBSECTION (A) OR (B) OF THIS**  
19 **SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO**  
20 **IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$7,500 OR**  
21 **BOTH.**

22           **(2) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS**  
23 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**  
24 **NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$7,500 OR BOTH.**

25           **(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROSECUTION**  
26 **OF AN ALLEGED VIOLATION OF THIS SECTION OR FOR AN ALLEGED VIOLATION OF A**  
27 **CRIME BASED ON AN ACT THAT ESTABLISHES A VIOLATION OF THIS SECTION MAY BE**  
28 **COMMENCED IN ANY COUNTY IN WHICH:**

29           **(1) AN ELEMENT OF THE CRIME OCCURRED;**

30           **(2) THE DEED IS RECORDED IN THE COUNTY LAND RECORDS;**

1           **(3) THE VICTIM RESIDES; OR**

2           **(4) IF THE VICTIM IS NOT AN INDIVIDUAL, THE VICTIM CONDUCTS**  
3 **BUSINESS.**

4           **(F) FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE**  
5 **DEED FRAUD PREVENTION GRANT PROGRAM UNDER § 2-902 OF THE PUBLIC**  
6 **SAFETY ARTICLE.**

7                                   **Article - Public Safety**

8 2-307.

9           (a) (1) The Department shall collect, analyze, and disseminate:

10                                   (i) information about the incidence of crime in the State,  
11 **INCLUDING DISAGGREGATED INFORMATION ON INCIDENTS OF FRAUD WITH**  
12 **SPECIFIC INFORMATION ON VIOLATIONS OF § 8-906 OF THE CRIMINAL LAW**  
13 **ARTICLE; and**

14                                   (ii) information, including race and sex, on the total number of law  
15 enforcement employees, de-identified and disaggregated by:

- 16    1. position for civilian employees; and
- 17    2. rank for sworn employees.

18           (2) Each law enforcement agency shall provide the Department with the  
19 information described in paragraph (1) of this subsection in the format that the Secretary  
20 requires.

21           (b) (1) The Department shall collect and analyze information about incidents  
22 apparently directed against an individual or group because of race, color, religious beliefs,  
23 sexual orientation, gender, disability, national origin, or homelessness.

24                                   (2) Each local law enforcement agency and the State Fire Marshal shall  
25 provide the Department with the information described in paragraph (1) of this subsection.

26                                   (3) The Department shall adopt procedures for the collection and analysis  
27 of the information described in paragraph (1) of this subsection.

28                                   (4) The Department shall make quarterly reports to the Commission on  
29 Civil Rights about the information described in paragraph (1) of this subsection.

30                                   **SUBTITLE 9. DEED FRAUD PREVENTION GRANT FUND.**

1 **2-901.**

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

4 (B) "DEED FRAUD" MEANS A VIOLATION OF § 8-906 OF THE CRIMINAL LAW  
5 ARTICLE.

6 (C) "FUND" MEANS THE DEED FRAUD PREVENTION GRANT FUND.

7 **2-902.**

8 (A) THERE IS A DEED FRAUD PREVENTION GRANT FUND.

9 (B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO:

10 (1) AID STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN  
11 IDENTIFYING AND PREVENTING DEED FRAUD; AND

12 (2) IN COORDINATION WITH THE MARYLAND LEGAL SERVICES  
13 CORPORATION, SUPPORT LEGAL SERVICES FOR VICTIMS OF DEED FRAUD.

14 (C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

15 (D) THE DEPARTMENT, IN COORDINATION WITH THE MARYLAND LEGAL  
16 SERVICES CORPORATION, MAY ESTABLISH STANDARDS TO DETERMINE ELIGIBILITY  
17 FOR GRANTS UNDER THE FUND.

18 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
19 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

20 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,  
21 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

22 (F) THE FUND CONSISTS OF:

23 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

24 (2) FINES COLLECTED UNDER § 8-906 OF THE CRIMINAL LAW  
25 ARTICLE;

26 (3) INTEREST EARNINGS; AND

1           **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
2 **THE BENEFIT OF THE FUND.**

3           **(G) THE FUND MAY BE USED ONLY TO:**

4           **(1) CARRY OUT THE PURPOSES OF THIS SUBTITLE; AND**

5           **(2) PAY FOR THE ADMINISTRATIVE EXPENSES OF OPERATING THE**  
6 **FUND.**

7           **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**  
8 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

9           **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**  
10 **THE FUND.**

11           **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**  
12 **WITH THE STATE BUDGET.**

13           **(J) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT**  
14 **INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE**  
15 **APPROPRIATED FOR DEED FRAUD PREVENTION.**

16           **(K) IN FISCAL YEAR 2026, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL**  
17 **BUDGET BILL AN APPROPRIATION OF \$200,000 TO THE FUND.**

18                           **Article – State Finance and Procurement**

19 6–226.

20           (a) (2) (i) Notwithstanding any other provision of law, and unless  
21 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
22 terms of a gift or settlement agreement, net interest on all State money allocated by the  
23 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
24 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
25 Fund of the State.

26                           (ii) The provisions of subparagraph (i) of this paragraph do not apply  
27 to the following funds:

28                           189. the Teacher Retention and Development Fund; [and]

29                           190. the Protecting Against Hate Crimes Grant Fund; AND

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**191. THE DEED FRAUD PREVENTION GRANT FUND.**

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SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

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October 1, 2024.