

HOUSE BILL 347

E1, N1

0lr1144

By: **Delegates Serafini, Bates, Beitzel, Jenkins, Miller, Myers, Niemann, Shank, Shewell, and F. Turner**

Introduced and read first time: January 27, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Foreclosed Residential Property – Malicious Destruction of**
3 **Property and Acts of Graffiti**

4 FOR the purpose of prohibiting an owner, former owner, tenant, or occupant of certain
5 residential property that is in foreclosure proceedings or has been sold in a
6 foreclosure sale from committing certain acts of graffiti on the residential
7 property or willfully and maliciously destroying, injuring, or defacing the
8 residential property or the fixtures of the residential property; establishing
9 penalties for a violation of this Act; requiring the court to order a person who
10 violates this Act by an act of graffiti, in addition to other penalties, to pay
11 restitution, perform community service, or both; requiring that certain notices
12 sent to occupants of residential property in foreclosure contain a certain
13 paragraph informing the occupants of the provisions of this Act; defining certain
14 terms; and generally relating to a prohibition against acts of graffiti on or the
15 willful and malicious destruction of or injury to foreclosed residential property
16 or its fixtures.

17 BY adding to
18 Article – Criminal Law
19 Section 6–301.1
20 Annotated Code of Maryland
21 (2002 Volume and 2009 Supplement)

22 BY adding to
23 Article – Real Property
24 Section 7–105.9(g)
25 Annotated Code of Maryland
26 (2003 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 Article – Criminal Law

4 **6–301.1.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) “ACT OF GRAFFITI” MEANS THE MAKING OF A PERMANENT
8 DRAWING, PAINTING, MARK, OR INSCRIPTION ON THE PROPERTY OF ANOTHER
9 THAT SIGNIFICANTLY DECREASES THE VALUE OF THE PROPERTY WITHOUT THE
10 PERMISSION OF THE OWNER OF THE PROPERTY.

11 (3) “FIXTURE” INCLUDES:

12 (I) CABINETS AND COUNTERTOPS;

13 (II) BUILT-IN APPLIANCES, FURNACES, AND CENTRAL AIR
14 CONDITIONING UNITS OR SYSTEMS;

15 (III) PLUMBING AND COPPER PIPES;

16 (IV) ELECTRICAL WIRING, LIGHT FIXTURES, AND CEILING
17 FANS;

18 (V) DOORS, HARDWARE, FLOORS, CEILINGS, AND WALLS;

19 (VI) WINDOWS AND VENTS;

20 (VII) MEDICINE CABINETS, SINKS, TUBS, TOILETS, SHOWERS,
21 SINK DRAINS, AND FAUCETS;

22 (VIII) BUILT-IN SHELVING AND BOOKCASES; AND

23 (IX) LANDSCAPING, FENCING, AND BUILT-IN POOLS OR
24 SPAS.

25 (4) “RESIDENTIAL PROPERTY” MEANS REAL PROPERTY
26 IMPROVED BY FOUR OR FEWER SINGLE-FAMILY DWELLING UNITS THAT ARE
27 DESIGNED PRINCIPALLY AND ARE INTENDED FOR HUMAN HABITATION.

1 **(B) AN OWNER, FORMER OWNER, TENANT, OR OCCUPANT OF**
2 **RESIDENTIAL PROPERTY THAT IS SUBJECT TO A FORECLOSURE ACTION OR**
3 **THAT HAS BEEN SOLD IN A FORECLOSURE SALE MAY NOT:**

4 **(1) COMMIT AN ACT OF GRAFFITI ON THE RESIDENTIAL**
5 **PROPERTY; OR**

6 **(2) WILLFULLY AND MALICIOUSLY DESTROY, INJURE, OR DEFACE**
7 **THE RESIDENTIAL PROPERTY OR ITS FIXTURES.**

8 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
9 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
10 **EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

11 **(D) (1) IN ADDITION TO THE PENALTIES SET FORTH IN SUBSECTION**
12 **(C) OF THIS SECTION, THE COURT SHALL ORDER A PERSON CONVICTED OF**
13 **VIOLATING THIS SECTION BY AN ACT OF GRAFFITI TO PAY RESTITUTION OR**
14 **PERFORM COMMUNITY SERVICE OR BOTH.**

15 **(2) TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE**
16 **ARTICLE APPLIES TO AN ORDER OF RESTITUTION UNDER THIS SUBSECTION.**

17 **Article – Real Property**

18 7–105.9.

19 **(G) A NOTICE SENT UNDER SUBSECTION (B), (C), OR (D) OF THIS**
20 **SECTION SHALL INCLUDE A PARAGRAPH INFORMING THE OCCUPANTS OF THE**
21 **RESIDENTIAL PROPERTY OF THE PROVISIONS OF § 6–301.1 OF THE CRIMINAL**
22 **LAW ARTICLE.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2010.