

HOUSE BILL 568

E1

1lr1454

By: **Delegates Wilson, Afzali, Bobo, Bohanan, Carr, Clippinger, Cluster, Dwyer, Eckardt, Fisher, Hogan, Ivey, Krebs, McMillan, Mitchell, Niemann, O'Donnell, Pena-Melnyk, B. Robinson, S. Robinson, Tarrant, Walker, and Washington**

Introduced and read first time: February 9, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Use of Proceeds of Drug Crime – Repeal of Exception for**
3 **Person's Right to Representation**

4 FOR the purpose of repealing, from the prohibition on engaging in certain financial
5 transactions involving the proceeds of a drug crime, the exception for a financial
6 transaction necessary to preserve a person's right to legal counsel; and
7 generally relating to the use of the proceeds of a drug crime.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 5–623(b)
11 Annotated Code of Maryland
12 (2002 Volume and 2010 Supplement)

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

15 **Article – Criminal Law**

16 5–623.

17 (b) [Except for a financial transaction necessary to preserve a person's right
18 to representation as guaranteed by the 6th Amendment to the United States
19 Constitution and Article 21 of the Maryland Declaration of Rights, a] A person may
20 not, with the intent to promote a drug crime or with the intent to conceal or disguise
21 the nature, location, source, ownership, or control of proceeds of a drug crime:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) receive or acquire proceeds knowing that the proceeds are derived
2 from a drug crime;

3 (2) engage in a financial transaction involving proceeds knowing that
4 the proceeds are derived from a drug crime;

5 (3) give, sell, transfer, trade, invest, conceal, transport, or maintain an
6 interest in proceeds knowing that the proceeds are derived from a drug crime;

7 (4) direct, promote, plan, organize, initiate, finance, manage,
8 supervise, or facilitate the transportation or transfer of proceeds knowing that the
9 proceeds are derived from a drug crime; or

10 (5) conduct a financial transaction involving proceeds knowing that
11 the proceeds are derived from a drug crime.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2011.