

Article - Business Regulation

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§12-401.

(a) This section applies to all dealers and all pawnbrokers wherever located in the State.

(b) A dealer or pawnbroker shall release to the primary law enforcement unit an item of personal property, other than a security or printed evidence of indebtedness, located at the place of business of the dealer or pawnbroker if:

- (1) the item is established to have been stolen;
- (2) the owner of the item or victim of the theft has positively identified the item;
- (3) the owner of the item or the agent or designee of the owner has provided an affidavit of ownership;
- (4) the stolen property report describes the item by:
 - (i) a date;
 - (ii) initials;
 - (iii) an insurance record;
 - (iv) a photograph;
 - (v) a sales receipt;
 - (vi) a serial number;
 - (vii) specific damage;
 - (viii) a statement of the facts that show that the item is one of a kind;or
 - (ix) a unique engraving; and

(5) the primary law enforcement unit provides to the dealer or pawnbroker a receipt that describes the item and that notifies the dealer or pawnbroker of the dealer's or pawnbroker's right to file an application for a statement of charges against the individual who sold the item to the dealer or pawnbroker, or other alleged thief for theft under § 7-104 of the Criminal Law Article.

(c) (1) Subject to paragraph (2) of this subsection, a dealer shall retain in the dealer's place of business, for an additional period of 12 days, any item of

personal property or other valuable thing, other than securities or printed evidence of indebtedness, if:

(i) the primary law enforcement unit requests that the dealer retain the item;

(ii) the primary law enforcement unit has reasonable cause to believe the item has been stolen; and

(iii) the item has not been identified under subsection (b)(2) of this section.

(2) A dealer shall retain in the dealer's place of business, for an additional 45 days following the holding period required under paragraph (1) of this subsection, an item of personal property or other valuable thing, other than securities or printed evidence of indebtedness, if the primary law enforcement unit:

(i) requests that the dealer retain the item in the dealer's place of business;

(ii) has a continuous active investigation of an item initially held under paragraph (1) of this subsection based on a reasonable cause to believe the item was stolen; and

(iii) has documentation of progress in the investigation as long as the investigation has not been closed.

(3) A primary law enforcement unit may renew a request to hold an item under paragraph (2) of this subsection as many times as necessary.

(d) When a primary law enforcement unit no longer needs an item for evidence, the primary law enforcement unit shall give the item to its owner.

(e) A dealer or pawnbroker who is required to release an item under this section is not entitled to reimbursement for any pledge or purchase price paid for the item from:

(1) the primary law enforcement unit to which the dealer released the item;

(2) the owner of the item; or

(3) the victim of the theft.

(f) If the owner of the item or the victim of the theft chooses to participate in the prosecution of the alleged identified thief, then the charges of theft from the owner or the victim of the theft and the charges of theft from the dealer or pawnbroker may be heard in a joint trial.

(g) The Secretary shall distribute to licensed dealers or post on the Department's Web site the name of the primary law enforcement unit responsible for enforcing this title in each jurisdiction, including municipalities.

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