Article - Criminal Law

[Previous][Next]

§7–110.

(a) (1) It is not a defense to the crime of theft that the defendant has an interest in the property that was the subject of the theft if another also has an interest in or right to possess the property that the defendant is not entitled to infringe.

(2) In determining the right of possession:

(i) a joint or common owner of the property does not have a right of possession of the property that is superior to the right of any other joint or common owner of the property; and

(ii) in the absence of a contrary agreement, a person in lawful possession of the property has a right of possession superior to the right of possession of a person who has only a security interest in the property, even if legal title to the property lies with the holder of the security interest under a conditional sale contract or other security agreement.

(b) (1) It is not a defense to the crime of theft that the property was taken, obtained, or withheld from a person who had obtained the property by illegal means.

(2) It is not a defense to the crime of theft of property or services with a value of less than $100 as provided under § 7-104(g)(3) of this subtitle that the value of the property or services at issue is $100 or more.

(c) It is a defense to the crime of theft that:

(1) the defendant acted under a good faith claim of right to the property involved;

(2) the defendant acted in the honest belief that the defendant had the right to obtain or exert control over the property as the defendant did;

(3) the property involved was that of the defendant's spouse, unless the defendant and the defendant's spouse were not living together as husband and wife and were living in separate residences at the time of the alleged theft; or

(4) in a case of theft of a trade secret, the defendant rightfully knew the trade secret, or the trade secret was available to the defendant from a source other than the owner.

(d) Any common law and evidentiary presumption applicable on July 1, 1979 to the crimes consolidated under this part also apply to the crime of theft, unless the presumption:

(1) is repealed or modified under this part; or

(2) is modified by a court decision rendered after July 1, 1979.

[Previous][Next]