

SENATE BILL 382

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1999 Regular Session
9r1769
CF 9r1589

By: **Senator Jimeno**
Introduced and read first time: February 5, 1999
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Unlawful Taking and Use of Motor Vehicles and Other Personal**
3 **Property**

4 FOR the purpose of repealing provisions pertaining to the unlawful taking of a motor
5 vehicle; increasing the penalties for unauthorized taking and use of a motor
6 vehicle and certain other personal property; and generally relating to the
7 unlawful taking and the unauthorized use of a motor vehicle and certain other
8 personal property.

9 BY repealing
10 Article 27 - Crimes and Punishments
11 Section 342A and 344(b)
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1998 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article 27 - Crimes and Punishments
16 Section 349
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1998 Supplement)

19 BY renumbering
20 Article 27 - Crimes and Punishments
21 Section 344(c) and (d), respectively
22 to be Section 344(b) and (c), respectively
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1998 Supplement)

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

Article 27 - Crimes and Punishments

1 [342A.

3 (a) In this section, "owner" means any person who has a lawful interest in or
4 is in lawful possession of a motor vehicle by consent or chain of consent of the actual
5 title owner.

6 (b) A person, or the person's aiders or abettors, may not knowingly and
7 willfully take a motor vehicle out of the lawful custody, control, or use of the owner
8 without the owner's consent.

9 (c) A person who violates this section shall restore the motor vehicle so taken
10 and carried away, or, if unable to do so, shall pay to the owner the full value of the
11 motor vehicle.

12 (d) A person who violates this section is guilty of the felony of taking a motor
13 vehicle and on conviction is subject to a fine of not more than \$5,000 or imprisonment
14 for not more than 5 years or both.]

15 344.

16 [(b) In any indictment, information, warrant, or other charging document for
17 taking a motor vehicle it is sufficient to use a formula substantially to the following
18 effect: "That A-B on the day of,, in the County (City) aforesaid,
19 did knowingly and willfully take out of C-D's lawful custody, control, or use a motor
20 vehicle, without the consent of C-D, in violation of Article 27, § 342A of the Annotated
21 Code of Maryland; contrary to the form of the Act of Assembly in such case made and
22 provided and against the peace, government, and dignity of the State."]

23 349.

24 Any person or persons, his or their aiders or abettors who shall enter, or being
25 upon the premises of any other person, body corporate or politic in the State, shall,
26 against the will and consent of said person or persons, body corporate or politic or
27 their agents, take and carry away any horse, mare, colt, gelding, mule, ass, sheep,
28 hog, ox or cow, or any carriage, wagon, buggy, cart, boat, craft, vessel, or any other
29 vehicle including motor vehicle as defined in the laws of this State relating to such, or
30 property whatsoever, or take and carry away out of the custody or use of any person
31 or persons, body corporate or politic, or his or their agents, any of the
32 above-enumerated property at whatsoever place the same may be found, shall upon
33 conviction thereof in any of the courts of this State having criminal jurisdiction be
34 adjudged guilty of a misdemeanor, and shall restore the property so taken and carried
35 away, or, if unable so to do, shall pay to the owner or owners the full value thereof,
36 and be fined not [less than fifty nor more than one hundred dollars,] MORE THAN
37 \$5,000 or be imprisoned [in the county or city jail, or the house of correction,] for not
38 [less than six months nor more than four] MORE THAN 5 years, or be both fined and
39 imprisoned as aforesaid, in the discretion of the court, although it may appear from
40 the evidence that such person or persons, his or their aiders and abettors, took and
41 carried away the property or any portion of the same enumerated in this section, for

1 his or their present use, and not with the intent of appropriating or converting the
2 same.

3 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 344(c) and (d),
4 respectively, of Article 27 - Crimes and Punishments of the Annotated Code of
5 Maryland be renumbered to be Section(s) 344(b) and (c), respectively.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 1999.