

SENATE BILL 460

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2002 Regular Session
2r1879
CF 2r1880

By: **Senators Stone and Hughes (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: January 31, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Conversion of Leased or Rented Goods**

3 FOR the purpose of repealing a limitation on granting immunity against prosecution
4 for the conversion of a certain good or thing of value only to a bona fide resident
5 of the State who returns the good or thing of value within a certain period of
6 time; altering a certain penalty; and generally relating to immunity from
7 prosecution for the conversion of a certain good or thing of value under certain
8 circumstances.

9 BY repealing and reenacting, with amendments,
10 Article - Criminal Law
11 Section 8-407
12 Annotated Code of Maryland
13 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
14 2002)

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

17 **Article - Criminal Law**

18 8-407.

19 (a) This section applies to a written lease notwithstanding that the lease
20 contains an option to purchase the good or thing of value if the lease:

21 (1) does not exceed a period of 6 months; and

22 (2) is not for nominal consideration.

23 (b) A person may not fraudulently convert to the person's own use a good or
24 thing of value received under a written contract or written lease entered into for the
25 purpose of renting or leasing things for valuable consideration.

1 (c) The failure to return the good or thing of value to the possession of, or
2 account for the good or thing of value with, the person who delivered the good or thing
3 of value at the time or in the manner described in the written contract or written
4 lease is prima facie evidence of intent to fraudulently convert the good or thing of
5 value.

6 (d) (1) A person may not be prosecuted under this section if [the person:

7 (i) is a bona fide resident of the State; and

8 (ii)] within 10 days after a written demand for the return of the good
9 or thing of value is mailed by certified United States mail, return receipt requested, to
10 the person who received the good or thing of value at the last address known to the
11 person who delivered the good or thing of value, THE PERSON returns the good or
12 thing of value to the possession of, or accounts for the good or thing of value with, the
13 person who delivered the good or thing of value.

14 (2) A prosecution [of a bona fide resident of the State] may not be
15 started until 10 days after a written demand described in paragraph (1) of this
16 subsection is mailed.

17 (e) A person who violates this section is guilty of a misdemeanor and on
18 conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding
19 [\$1,000] \$500 or both.

20 (f) A person who violates this section shall restore the good or thing of value
21 converted to the person's own use or pay the full value to the owner or the person who
22 delivered the good or thing of value.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2002.