

HOUSE BILL 928

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2004 Regular Session  
4r1768  
CF 4r2269

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By: **Delegates Petzold, Anderson, Barkley, and Jones**  
Introduced and read first time: February 11, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Evidence of Motor Vehicle Theft - Owner's Affidavit**

3 FOR the purpose of authorizing in a certain criminal case involving theft of a motor  
4 vehicle the introduction of an affidavit by the lawful owner of the motor vehicle  
5 as substantive evidence that the motor vehicle was taken from and operated,  
6 used, or possessed without the lawful owner's authorization; requiring the  
7 affidavit to be given under oath and attached to the certificate of title of the  
8 motor vehicle; requiring the State to provide certain notice to the defendant  
9 before a proceeding in which the State intends to introduce certain evidence;  
10 requiring the State to require the presence of the affiant under certain  
11 circumstances; and generally relating to evidence of motor vehicle theft and  
12 affidavits by lawful owners of motor vehicles.

13 BY adding to  
14 Article - Criminal Law  
15 Section 7-105.1  
16 Annotated Code of Maryland  
17 (2002 Volume and 2003 Supplement)

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

20 **Article - Criminal Law**

21 7-105.1.

22 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IN A CRIMINAL CASE  
23 INVOLVING THEFT OF A MOTOR VEHICLE UNDER § 7-104 OR § 7-105 OF THIS  
24 SUBTITLE, AN AFFIDAVIT BY THE LAWFUL OWNER OF THE MOTOR VEHICLE MAY BE  
25 INTRODUCED AS SUBSTANTIVE EVIDENCE THAT THE MOTOR VEHICLE WAS TAKEN  
26 FROM THE LAWFUL OWNER AND OPERATED, USED, OR POSSESSED WITHOUT THE  
27 LAWFUL OWNER'S AUTHORIZATION.

28 (B) THE AFFIDAVIT SHALL:

1 (1) BE GIVEN UNDER OATH SUBJECT TO THE PENALTY OF PERJURY;

2 AND

3 (2) BE ATTACHED TO A COPY OF THE CERTIFICATE OF TITLE OF THE  
4 MOTOR VEHICLE.

5 (C) (1) AT LEAST 10 DAYS BEFORE A PROCEEDING IN WHICH THE STATE  
6 INTENDS TO INTRODUCE INTO EVIDENCE AN AFFIDAVIT AS PROVIDED UNDER THIS  
7 SECTION, THE STATE SHALL PROVIDE WRITTEN NOTICE TO THE DEFENDANT THAT  
8 THE STATE INTENDS TO:

9 (I) RELY ON THE AFFIDAVIT; AND

10 (II) INTRODUCE THE AFFIDAVIT INTO EVIDENCE AT THE  
11 PROCEEDING.

12 (2) ON WRITTEN DEMAND OF A DEFENDANT FILED AT LEAST 5 DAYS  
13 BEFORE THE PROCEEDING DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE  
14 STATE SHALL REQUIRE THE PRESENCE OF THE AFFIANT AS A PROSECUTION  
15 WITNESS.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2004.