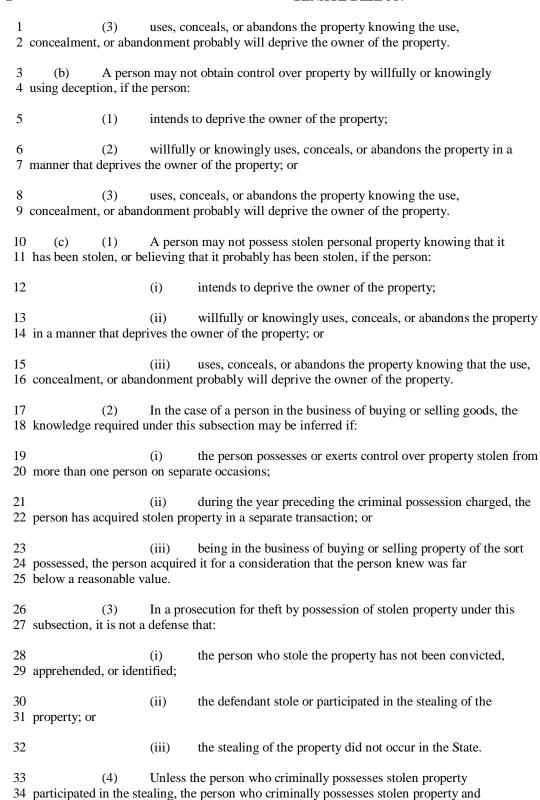
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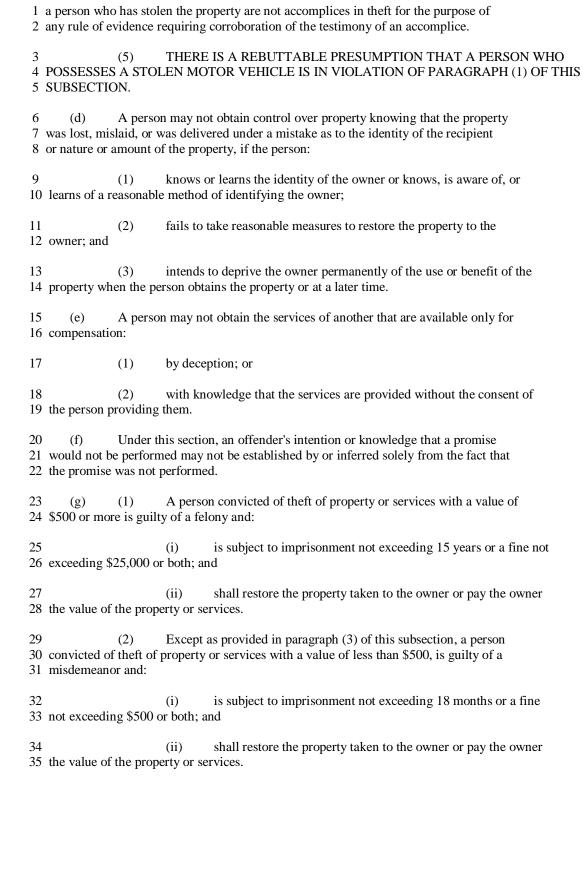
By: Senator Green

Introduced and read first time: February 6, 2004 Assigned to: Judicial Proceedings

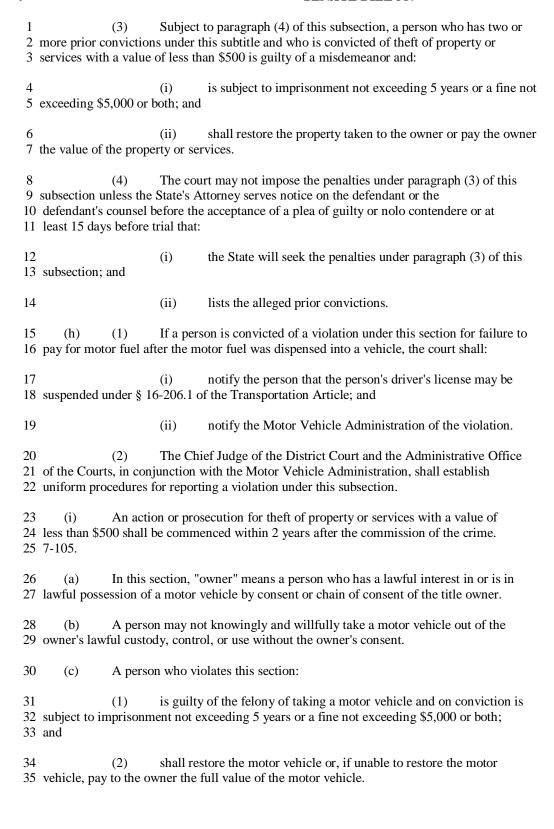
	A BILL ENTITLED			
1	AN ACT concerning			
2 3	Criminal Law - Possession of Stolen Motor Vehicle - Rebuttable Presumption of Theft			
4 5 6 7 8 9 10 11 12 13 14	FOR the purpose of creating a rebuttable presumption that a person who possesses a stolen motor vehicle is in violation of a prohibition against the possession of stolen personal property with knowledge or belief the property has been stolen under certain circumstances; creating a rebuttable presumption that a person who possesses a stolen motor vehicle is in violation of knowingly and willfully taking a motor vehicle out of a certain owner's lawful custody, control, or use without the owner's consent; creating a rebuttable presumption that a person who possesses a stolen motor vehicle is in violation of a prohibition against entering and being on the premises of another and taking or carrying away from the premises or out of the custody or use of another certain property; and generally relating to possession of a stolen motor vehicle.			
15 16 17 18 19	Section 7-104, 7-105, and 7-203 Annotated Code of Maryland			
20 21	O SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 1 MARYLAND, That the Laws of Maryland read as follows:			
22	Article - Criminal Law			
23	7-104.			
24 25	4 (a) A person may not willfully or knowingly obtain or exert unauthorized 5 control over property, if the person:			
26	(1) intends to deprive the owner of the property;			
27 28	(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or			



SENATE BILL 587



SENATE BILL 587



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(c)

30 October 1, 2004.

26 converting the property.

1 2	(d) A STOLEN		IS A REBUTTABLE PRESUMPTION THAT A PERSON WHO POSSESSES VEHICLE IS IN VIOLATION OF SUBSECTION (B) OF THIS SECTION.	
3	(E) under § 7-10	(1) 94 of this	This section does not preclude prosecution for theft of a motor vehicle part.	
			If a person is convicted under § 7-104 of this part and this section for ction, the conviction under this section shall merge for nto the conviction under § 7-104 of this part.	
8	7-203.			
11	(a) Without the permission of the owner, a person may not enter or be on the premises of another, and take and carry away from the premises or out of the custody or use of the other, or the other's agent, or a governmental unit any property, including:			
13		(1)	a vehicle;	
14		(2)	a motor vehicle;	
15		(3)	a vessel; or	
16		(4)	livestock.	
17 18	(b) conviction:	A perso	n who violates this section is guilty of a misdemeanor and on	
19 20	exceeding 4	(1) years or	is subject to imprisonment for not less than 6 months and not a fine not less than \$50 and not exceeding \$100 or both; and	
	section or, is property.	(2) f unable t	shall restore the property taken and carried away in violation of this to restore the property, shall pay to the owner the full value of the	

It is not a defense to this section that the person intends to hold or keep the

28 A STOLEN MOTOR VEHICLE IS IN VIOLATION OF SUBSECTION (A) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

THERE IS A REBUTTABLE PRESUMPTION THAT A PERSON WHO POSSESSES

25 property for the person's present use and not with the intent of appropriating or