

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

Senate Bill 580 (Senator Forehand)  
Judicial Proceedings

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

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This bill provides that, under certain circumstances, the State may introduce an affidavit by the lawful owner of a motor vehicle involved in a motor vehicle theft case as substantive evidence that the vehicle was taken from the lawful owner and used without the owner's authorization.

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**Fiscal Summary**

**State Effect:** The bill would not materially affect judicial operations or finances.

**Local Effect:** None – see above.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The affidavit must be given under oath subject to penalty of perjury and attached to a copy of vehicle's title.

At least 10 days before a proceeding in which the State plans to introduce an affidavit, the State must provide written evidence to the defendant that it intends to: (1) rely on the affidavit; and (2) introduce the affidavit into evidence at the proceeding.

If the defendant files a written demand at least five days before the proceeding, the State must require the presence of the affiant as a prosecution witness at the proceeding.

**Current Law:** The Sixth Amendment to the U.S. Constitution and Article 21 of the Maryland Declaration of Rights grant criminal defendants the right to be confronted with the witnesses against them.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 928 (Delegate Petzold, *et al.*) – Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts), State's Attorneys' Association, Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2004  
ncs/jr

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Analysis by: Rita A. Reimer

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510