

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

**FISCAL AND POLICY NOTE**

Senate Bill 587 (Senator Green)  
Judicial Proceedings

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**Criminal Law - Possession of Stolen Motor Vehicle - Rebuttable Presumption of Theft**

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This bill creates a rebuttable presumption that a person who possesses a stolen motor vehicle has violated the State's general theft, theft of a motor vehicle, and unauthorized removal of property prohibitions.

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**Fiscal Summary**

**State Effect:** The bill should have no impact on District Court operations or finances.

**Local Effect:** The bill should have no impact on circuit court operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under the State's prohibition against motor vehicle theft, a person may not knowingly and willingly take a motor vehicle out of the owner's lawful custody, control, or use without the owner's consent. A violator is guilty of the felony of taking a motor vehicle and subject to maximum penalties of imprisonment for five years and/or a fine of \$5,000. The convicted person must restore the motor vehicle or, if unable to, pay the owner its full value. These provisions do not preclude prosecution for general theft. If a person is convicted of motor vehicle theft and general theft for the same act or transaction, the motor vehicle theft conviction must merge for sentencing purposes with the conviction for theft.

Under the general theft provisions, a person convicted of theft of property with a value of \$500 or more is guilty of a felony and subject to maximum penalties of imprisonment for 15 years and/or a fine of \$25,000. A person convicted of theft of property with a value of less than \$500 is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 18 months and/or a fine of \$500. Regardless of value, the convicted person must restore the owner's property or pay the owner for the value of the property.

Under the prohibition against the unauthorized removal of property without the permission of the owner, a person may not enter the premises of another, and take away from the premises or out of the custody or use of the other, any property, including a motor vehicle. A violator is guilty of a misdemeanor and subject to penalties of imprisonment for at least six months and not more than four years and/or a fine of at least \$50 and not more than \$100. The convicted person must restore the property taken away or, if unable to, must pay the owner its full value. It is not a defense that the person intends to hold or keep the property for the person's present use and not with the intent of appropriating or converting the property.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2004  
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