

Department of Legislative Services  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

Senate Bill 828 (Senator Green)  
Judicial Proceedings

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**Criminal Law – Theft or Unauthorized Use of a Motor Vehicle – Admissibility of Owner 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 is not expected to have a significant impact on judicial operations or finances.

**Local Effect:** None – see above.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** An affidavit by the owner of a motor vehicle that is the subject of a criminal prosecution for alleged theft, taking, or unauthorized use may be introduced into evidence to show that:

- the vehicle was taken unlawfully from the owner without the owner's authorization; and
- the defendant did not have permission of the owner to operate, use, or possess the motor vehicle.

At least 15 days before a trial 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 10 days before the trial, the State must require the affiant to be present 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.

**Background:** In fiscal 2003, the District Court received 5,362 cases with a charge of motor vehicle theft. The circuit courts received 194 such cases and an additional 150 juvenile cases.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 18, 2004  
mam/jr

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