
By: **Senators Green, Forehand, and Giannetti**
Introduced and read first time: February 11, 2005
Assigned to: Rules

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 or juvenile proceeding
4 involving theft of a motor vehicle the introduction of an affidavit by the lawful
5 owner of the motor vehicle as substantive evidence that the motor vehicle was
6 taken from and operated, used, or possessed without the lawful owner's
7 authorization; requiring the affidavit to be given under oath and attached to the
8 certificate of title of the motor vehicle; requiring the State to provide certain
9 notice to the defendant before a proceeding in which the State intends to
10 introduce certain evidence; requiring the State to require the presence of the
11 affiant under certain circumstances; and generally relating to evidence of motor
12 vehicle theft and 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 2004 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 OR
23 JUVENILE PROCEEDING INVOLVING THEFT OF A MOTOR VEHICLE UNDER § 7-104 OR
24 § 7-105 OF THIS SUBTITLE, AN AFFIDAVIT BY THE LAWFUL OWNER OF THE MOTOR
25 VEHICLE MAY BE INTRODUCED AS SUBSTANTIVE EVIDENCE THAT THE MOTOR
26 VEHICLE WAS TAKEN FROM THE LAWFUL OWNER AND OPERATED, USED, OR
27 POSSESSED WITHOUT THE 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, 2005.