
By: **Senators Green, Forehand, and Giannetti**
Introduced and read first time: February 11, 2005
Assigned to: Rules
Re-referred to: Judicial Proceedings, February 21, 2005

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 30, 2005

CHAPTER _____

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 under certain circumstances; requiring the affidavit to be given
8 under oath and attached to the certificate of title of the motor vehicle; requiring
9 the State to provide certain notice to the defendant before a proceeding in which
10 the State intends to introduce certain evidence; requiring the State to require
11 the presence of the affiant under certain circumstances; and generally relating
12 to evidence of motor vehicle theft and affidavits by lawful owners of motor
13 vehicles.

14 BY adding to
15 Article - Criminal Law
16 Section 7-105.1
17 Annotated Code of Maryland
18 (2002 Volume and 2004 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Criminal Law

2 7-105.1.

3 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IN A CRIMINAL CASE OR
4 JUVENILE PROCEEDING INVOLVING THEFT OF A MOTOR VEHICLE UNDER § 7-104 OR
5 § 7-105 OF THIS SUBTITLE, AN AFFIDAVIT SWORN TO IN OPEN COURT BY THE LAWFUL
6 OWNER OF THE MOTOR VEHICLE MAY BE INTRODUCED THEREAFTER AS
7 SUBSTANTIVE EVIDENCE THAT THE MOTOR VEHICLE WAS TAKEN FROM THE
8 LAWFUL OWNER AND OPERATED, USED, OR POSSESSED WITHOUT THE LAWFUL
9 OWNER'S AUTHORIZATION.

10 (B) THE AFFIDAVIT SHALL:

11 (1) BE GIVEN UNDER OATH SUBJECT TO THE PENALTY OF PERJURY;
12 AND

13 (2) BE ATTACHED TO A COPY OF THE CERTIFICATE OF TITLE OF THE
14 MOTOR VEHICLE.

15 (C) (1) AT LEAST 10 DAYS BEFORE A PROCEEDING IN WHICH THE STATE
16 INTENDS TO INTRODUCE INTO EVIDENCE AN AFFIDAVIT AS PROVIDED UNDER THIS
17 SECTION, THE STATE SHALL PROVIDE WRITTEN NOTICE TO THE DEFENDANT THAT
18 THE STATE INTENDS TO:

19 (I) RELY ON THE AFFIDAVIT; AND

20 (II) INTRODUCE THE AFFIDAVIT INTO EVIDENCE AT THE
21 PROCEEDING.

22 (2) ON WRITTEN DEMAND OF A DEFENDANT FILED AT LEAST 5 DAYS
23 BEFORE THE PROCEEDING DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE
24 STATE SHALL REQUIRE THE PRESENCE OF THE AFFIANT AS A PROSECUTION
25 WITNESS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2005.