

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1391
Judiciary

(Delegate Menes, *et al.*)

Judicial Proceedings

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

This bill provides that the State may introduce an affidavit that was sworn to in open court 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.

Fiscal Summary

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

Local Effect: None – see above.

Small Business Effect: None.

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.

Additional Information

Prior Introductions: This bill is a reintroduction of SB 580/HB 928 of 2004. SB 580 was given an unfavorable report by the Judicial Proceedings Committee and HB 928 was given an unfavorable report by the Judiciary Committee.

Cross File: SB 827 (Senator Green, *et al.*) – Judicial Proceedings.

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

Fiscal Note History: First Reader - March 18, 2005
mll/jr Revised - House Third Reader - April 11, 2005

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