
By: **Delegates Lee, Anderson, Barkley, Bobo, Bronrott, Cryor, DeBoy, Doory, Dumais, Feldman, Frush, Gilleland, Glassman, Goldwater, James, Kaiser, King, Madaleno, Mayer, McComas, McDonough, Menes, Montgomery, Murray, Niemann, Parrott, Pendergrass, Petzold, Quinter, Rosenberg, Rudolph, Shank, Shewell, Sossi, Stern, and Weir**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2006

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - Credit Card Crimes - Use of Affidavit by Credit Cardholder**
3 **in Criminal Case or Juvenile Proceeding**

4 FOR the purpose of authorizing in a criminal case or juvenile proceeding involving a
5 violation of certain credit card crimes the introduction of the affidavit of a lawful
6 credit cardholder as substantive evidence that the credit card or credit card
7 number was taken, used, or possessed without the authorization of the credit
8 cardholder; requiring the State to provide a certain notice to the defendant
9 within a certain time period before a proceeding in which the State intends to
10 introduce certain evidence; requiring the State to require the presence at the
11 proceeding of a certain affiant as a prosecution witness under certain
12 circumstances; and generally relating to the use of affidavits in criminal cases
13 and juvenile proceedings involving credit card crimes.

14 BY adding to
15 Article - Criminal Law
16 Section 8-214.1
17 Annotated Code of Maryland
18 (2002 Volume and 2005 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 8-214.1.

3 (A) IN A CRIMINAL CASE OR JUVENILE PROCEEDING INVOLVING A VIOLATION
4 OF § 8-204, § 8-205, § 8-206, § 8-207, § 8-208, § 8-209, § 8-210, OR § 8-214 OF THIS
5 SUBTITLE, AN AFFIDAVIT SWORN TO BY A LAWFUL CREDIT CARDHOLDER MAY BE
6 INTRODUCED AS SUBSTANTIVE EVIDENCE THAT THE CREDIT CARD OR CREDIT CARD
7 NUMBER WAS TAKEN, USED, OR POSSESSED WITHOUT THE AUTHORIZATION OF THE
8 CREDIT CARDHOLDER.

9 (B) (1) AT LEAST 10 DAYS BEFORE A PROCEEDING IN WHICH THE STATE
10 INTENDS TO INTRODUCE INTO EVIDENCE AN AFFIDAVIT AS PROVIDED UNDER THIS
11 SECTION, THE STATE SHALL PROVIDE WRITTEN NOTICE TO THE DEFENDANT THAT
12 THE STATE INTENDS TO:

13 (I) RELY ON THE AFFIDAVIT; AND

14 (II) INTRODUCE THE AFFIDAVIT INTO EVIDENCE AT THE
15 PROCEEDING.

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2006.