
By: **Delegates Kohl, Boteler, Cluster, DeBoy, Frank, Glassman, Kelly, Kullen,
Mandel, McComas, McMillan, Menes, Parrott, Shank, Shewell, Smigiel,
and Stocksdale**

Introduced and read first time: February 24, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Entering or Being Transported by Motor Vehicle Without Owner**
3 **Consent - Penalties**

4 FOR the purpose of prohibiting a person from willfully being transported by or
5 entering into a motor vehicle that the person knows or has reason to know is out
6 of the vehicle owner's lawful custody, control, or use without the owner's
7 consent; establishing penalties for a violation of this Act; establishing that this
8 Act does not preclude a prosecution of a violation of certain other laws relating
9 to motor vehicle theft; requiring that, if a person is convicted of a violation of a
10 certain other law relating to motor vehicle theft, a conviction under this Act
11 merges for sentencing purposes into the conviction of a violation of the other
12 law; defining a certain term; and generally relating to the transportation by and
13 entering into a motor vehicle without the consent of the vehicle's owner.

14 BY adding to

15 Article - Criminal Law

16 Section 7-105.2

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:

21 **Article - Criminal Law**

22 7-105.2.

23 (A) IN THIS SECTION, "OWNER" MEANS A PERSON WHO HAS A LAWFUL
24 INTEREST IN OR IS IN LAWFUL POSSESSION OF A MOTOR VEHICLE BY CONSENT OR
25 CHAIN OF CONSENT OF THE TITLE OWNER.

26 (B) A PERSON MAY NOT WILLFULLY BE TRANSPORTED BY OR ENTER INTO A
27 MOTOR VEHICLE THAT THE PERSON KNOWS OR HAS REASON TO KNOW IS OUT OF

1 THE OWNER'S LAWFUL CUSTODY, CONTROL, OR USE WITHOUT THE OWNER'S
2 CONSENT.

3 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
4 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A
5 FINE NOT EXCEEDING \$2,500 OR BOTH.

6 (D) (1) THIS SECTION DOES NOT PRECLUDE PROSECUTION FOR THEFT OF A
7 MOTOR VEHICLE UNDER § 7-104 OR § 7-105 OF THIS SUBTITLE.

8 (2) IF A PERSON IS CONVICTED UNDER § 7-104 OR § 7-105 OF THIS
9 SUBTITLE AND THIS SECTION FOR THE SAME ACT OR TRANSACTION, THE
10 CONVICTION UNDER THIS SECTION SHALL MERGE FOR SENTENCING PURPOSES
11 INTO THE CONVICTION UNDER § 7-104 OR § 7-105 OF THIS SUBTITLE.

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