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By: ~~Senator Garagiola~~ **Senators Garagiola, Forehand, and Jacobs**

Introduced and read first time: February 2, 2006

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2006

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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:

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**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.