

HOUSE BILL 282

E1

(8lr2099)

ENROLLED BILL

—*Judiciary/Judicial Proceedings*—

Introduced by **Delegates Simmons and Kramer**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - Possessing Stolen Property**

3 FOR the purpose of providing that in a prosecution for theft by possessing stolen
4 property, it is not a defense that the property was ~~obtained by certain means~~
5 provided by law enforcement as part of an investigation under certain
6 circumstances; and generally relating to theft by possessing stolen property.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 7–104(c)
10 Annotated Code of Maryland
11 (2002 Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 **Article – Criminal Law**

2 7–104.

3 (c) (1) A person may not possess stolen personal property knowing that it
4 has been stolen, or believing that it probably has been stolen, if the person:

5 (i) intends to deprive the owner of the property;

6 (ii) willfully or knowingly uses, conceals, or abandons the
7 property in a manner that deprives the owner of the property; or8 (iii) uses, conceals, or abandons the property knowing that the
9 use, concealment, or abandonment probably will deprive the owner of the property.10 (2) In the case of a person in the business of buying or selling goods,
11 the knowledge required under this subsection may be inferred if:12 (i) the person possesses or exerts control over property stolen
13 from more than one person on separate occasions;14 (ii) during the year preceding the criminal possession charged,
15 the person has acquired stolen property in a separate transaction; or16 (iii) being in the business of buying or selling property of the sort
17 possessed, the person acquired it for a consideration that the person knew was far
18 below a reasonable value.19 (3) In a prosecution for theft by possession of stolen property under
20 this subsection, it is not a defense that:21 (i) the person who stole the property has not been convicted,
22 apprehended, or identified;23 (ii) the defendant stole or participated in the stealing of the
24 property; [or]25 **(III) THE PROPERTY WAS ~~OBTAINED BY MEANS OTHER THAN~~**
26 **~~THE COMMISSION OF THEFT~~ PROVIDED BY LAW ENFORCEMENT AS PART OF AN**
27 **INVESTIGATION, IF THE PROPERTY WAS ~~EXPLICITLY~~ DESCRIBED TO THE**
28 **DEFENDANT AS BEING OBTAINED THROUGH THE COMMISSION OF THEFT; OR**

29 [(iii)](IV) the stealing of the property did not occur in the State.

1 (4) Unless the person who criminally possesses stolen property
2 participated in the stealing, the person who criminally possesses stolen property and a
3 person who has stolen the property are not accomplices in theft for the purpose of any
4 rule of evidence requiring corroboration of the testimony of an accomplice.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.