

HOUSE BILL 282

E1
HB 671/05 – JUD

8lr2099
CF 8lr2102

By: **Delegates Simmons and Kramer**
Introduced and read first time: January 23, 2008
Assigned to: Judiciary

A BILL ENTITLED

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 under certain circumstances; and generally relating to theft by possessing
6 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:

14 **Article – Criminal Law**

15 7–104.

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

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

19 (ii) willfully or knowingly uses, conceals, or abandons the
20 property in a manner that deprives the owner of the property; or

21 (iii) uses, conceals, or abandons the property knowing that the
22 use, concealment, or abandonment probably will deprive the owner of the property.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) In the case of a person in the business of buying or selling goods,
2 the knowledge required under this subsection may be inferred if:

3 (i) the person possesses or exerts control over property stolen
4 from more than one person on separate occasions;

5 (ii) during the year preceding the criminal possession charged,
6 the person has acquired stolen property in a separate transaction; or

7 (iii) being in the business of buying or selling property of the sort
8 possessed, the person acquired it for a consideration that the person knew was far
9 below a reasonable value.

10 (3) In a prosecution for theft by possession of stolen property under
11 this subsection, it is not a defense that:

12 (i) the person who stole the property has not been convicted,
13 apprehended, or identified;

14 (ii) the defendant stole or participated in the stealing of the
15 property; [or]

16 **(III) THE PROPERTY WAS OBTAINED BY MEANS OTHER THAN**
17 **THE COMMISSION OF THEFT, IF THE PROPERTY WAS EXPLICITLY DESCRIBED TO**
18 **THE DEFENDANT AS BEING OBTAINED THROUGH THE COMMISSION OF THEFT;**
19 **OR**

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

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

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