

SENATE BILL 387

E1
HB 671/05 – JUD

8lr2102
CF HB 282

By: **Senators Stone, Astle, DeGrange, Dyson, Exum, Glassman, Haines, King, and Klausmeier**

Introduced and read first time: January 30, 2008

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2008

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:

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;

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.



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

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

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

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

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

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

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

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

18 (ii) the defendant stole or participated in the stealing of the
19 property; [or]

20 **(III) THE PROPERTY WAS OBTAINED BY MEANS OTHER THAN**
21 **~~THE COMMISSION OF THEFT~~ PROVIDED BY LAW ENFORCEMENT AS PART OF AN**
22 **INVESTIGATION, IF THE PROPERTY WAS EXPLICITLY DESCRIBED TO THE**
23 **DEFENDANT AS BEING OBTAINED THROUGH THE COMMISSION OF THEFT; OR**

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

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

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