

CHAPTER 393

(Senate Bill 387)

AN ACT concerning

Criminal Law – Possessing Stolen Property

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

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

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

Article – Criminal Law

7–104.

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

- (i) intends to deprive the owner of the property;
- (ii) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or
- (iii) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

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

- (i) the person possesses or exerts control over property stolen from more than one person on separate occasions;
- (ii) during the year preceding the criminal possession charged, the person has acquired stolen property in a separate transaction; or

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

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

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

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

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

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

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

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

Approved by the Governor, May 13, 2008.