

Article - Criminal Law

7-105.1.

(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IN A CRIMINAL CASE OR JUVENILE PROCEEDING INVOLVING THEFT OF A MOTOR VEHICLE UNDER § 7-104 OR § 7-105 OF THIS SUBTITLE, AN AFFIDAVIT SWORN TO IN OPEN COURT BY THE LAWFUL OWNER OF THE MOTOR VEHICLE MAY BE INTRODUCED THEREAFTER AS SUBSTANTIVE EVIDENCE THAT THE MOTOR VEHICLE WAS TAKEN FROM THE LAWFUL OWNER AND OPERATED, USED, OR POSSESSED WITHOUT THE LAWFUL OWNER'S AUTHORIZATION.

(B) THE AFFIDAVIT SHALL:

(1) BE GIVEN UNDER OATH SUBJECT TO THE PENALTY OF PERJURY;
AND

(2) BE ATTACHED TO A COPY OF THE CERTIFICATE OF TITLE OF THE MOTOR VEHICLE.

(C) (1) AT LEAST 10 DAYS BEFORE A PROCEEDING IN WHICH THE STATE INTENDS TO INTRODUCE INTO EVIDENCE AN AFFIDAVIT AS PROVIDED UNDER THIS SECTION, THE STATE SHALL PROVIDE WRITTEN NOTICE TO THE DEFENDANT THAT THE STATE INTENDS TO:

(I) RELY ON THE AFFIDAVIT; AND

(II) INTRODUCE THE AFFIDAVIT INTO EVIDENCE AT THE PROCEEDING.

(2) ON WRITTEN DEMAND OF A DEFENDANT FILED AT LEAST 5 DAYS BEFORE THE PROCEEDING DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE STATE SHALL REQUIRE THE PRESENCE OF THE AFFIANT AS A PROSECUTION WITNESS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved May 10, 2005.

CHAPTER 339

(Senate Bill 831)

AN ACT concerning

Department of Health and Mental Hygiene - Licenses and Eligibility for State Funding - Minimum Standards

FOR the purpose of requiring that the Secretary of Health and Mental Hygiene ~~establish~~ adopt regulations requiring that a governing body of certain licensees of the Department of Health and Mental Hygiene be composed of a certain