

(IV) ENGAGE IN CONDUCT THAT RESULTS IN THE REMOVAL OF RESEARCH PROPERTY; AND

(2) THE ACTION WAS TAKEN WITHOUT THE PERMISSION OF THE RESEARCH FACILITY.

(C) A PERSON WHO BREAKS AND ENTERS A RESEARCH FACILITY IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

COMMITTEE NOTE:

This section is identical to the current provisions of Article 27, § 33B of the Code. The Committee believes that this section should be retained until after the current trespass laws are revised.

35.

(A) A PERSON MAY NOT POSSESS BURGLAR'S TOOLS WITH THE INTENT TO USE OR PERMIT THE USE OF THE TOOLS IN THE COMMISSION OF ANY CRIME INVOLVING THE BREAKING AND ENTERING OF A MOTOR VEHICLE.

(B) A PERSON MAY NOT BE IN OR ON THE MOTOR VEHICLE OF ANOTHER WITH THE INTENT TO COMMIT THEFT OF THE VEHICLE OR PROPERTY THAT IS WITHIN THE VEHICLE.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR, SHALL BE DEEMED A ROGUE AND VAGABOND, AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 3 YEARS.

COMMITTEE NOTE:

This section reflects the substance of the current rogue and vagabond statute, Article 27, § 490 of the Code, as it relates to motor vehicles. The provisions of the rogue and vagabond statute that relate to buildings are reflected in new § 32.

35A.

IF A BUILDING OR STRUCTURE IS DIVIDED INTO SEPARATELY OWNED OR LEASED UNITS, EACH UNIT MAY NOT BE CONSIDERED A SEPARATE DWELLING OR STOREHOUSE FOR PURPOSES OF A PROSECUTION UNDER THIS SUBHEADING UNLESS IT IS OBJECTIVELY APPARENT THAT EACH UNIT CONSTITUTES A SEPARATE DWELLING OR STOREHOUSE.

COMMITTEE NOTE:

The use of the words "a prosecution under this subheading" in this section does not imply that the Committee believes that a person may be prosecuted for numerous attempts, based solely on one breaking, if the person breaks into a structure containing multiple dwellings or storehouses. A single breaking, on its own, will not support a prosecution for numerous attempts. For example, breaking into the vestibule of a multiple unit building does not, on its own, constitute an attempt to break into all of the units in the building.