

REVISOR'S NOTE: Chapter 26, Acts of 2002, which enacted the Criminal Law Article, also added this section, which is new language derived without substantive change from former Art. 27, § 480.

Throughout this section, the references to a "returnable" container are added for clarity and consistency.

In subsection (a)(2) of this section, the reference to "affirm[ing]" a marking is substituted for the former archaic reference to "averring" a marking for clarity.

In subsection (a)(3) of this section, the reference to a person using a container or textile "through" registration is substituted for the former reference to a person using a container or textile "by virtue of such" registration for clarity and brevity.

In this section, the reference to a transferee "if applicable" is substituted for the former reference to a transferee "as the case may be" for clarity and brevity.

Defined terms: "Person" § 1-101

"Returnable container" § 19-301

"Returnable textile" § 19-301

#### 19-307. POSSESSION — EVIDENCE OF VIOLATION.

##### (A) IN GENERAL.

IN A PROSECUTION UNDER § 19-304(A), (B), (C), OR (D) OF THIS SUBTITLE, POSSESSION BY A PERSON CHARGED OF ALL OR PART OF THE REGISTERED RETURNABLE CONTAINER OR RETURNABLE TEXTILE IS PRIMA FACIE EVIDENCE THAT THE PERSON IS GUILTY OF THE CHARGE.

##### (B) EXCEPTIONS.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:

(1) A GARBAGE COLLECTOR WHO COLLECTS A REGISTERED RETURNABLE CONTAINER OR RETURNABLE TEXTILE IN THE REGULAR COURSE OF BUSINESS;

(2) THE POSSESSION OF A REGISTERED RETURNABLE CONTAINER BY A PERSON WHO RECEIVED THE CONTAINER WITH ITS CONTENTS; OR

(3) THE POSSESSION OF A REGISTERED RETURNABLE TEXTILE.

REVISOR'S NOTE: Chapter 26, Acts of 2002, which enacted the Criminal Law Article, also added this section, which is new language derived without substantive change from former Art. 27, § 474, as it related to the evidentiary value of the possession of a registered returnable container or returnable textile.

In subsection (a) of this section, the reference to a "person charged" is