

DELIVERED THE GOOD OR THING OF VALUE AT THE TIME OR IN THE MANNER DESCRIBED IN THE WRITTEN CONTRACT OR WRITTEN LEASE IS PRIMA FACIE EVIDENCE OF INTENT TO FRAUDULENTLY CONVERT THE GOOD OR THING OF VALUE.

(D) LIMITATION ON PROSECUTION.

(1) A PERSON MAY NOT BE PROSECUTED UNDER THIS SECTION IF THE PERSON:

(I) IS A BONA FIDE RESIDENT OF THE STATE; AND

(II) WITHIN 10 DAYS AFTER A WRITTEN DEMAND FOR THE RETURN OF THE GOOD OR THING OF VALUE IS MAILED BY CERTIFIED UNITED STATES MAIL, RETURN RECEIPT REQUESTED, TO THE PERSON WHO RECEIVED THE GOOD OR THING OF VALUE AT THE LAST ADDRESS KNOWN TO THE PERSON WHO DELIVERED THE GOOD OR THING OF VALUE, RETURNS THE GOOD OR THING OF VALUE TO THE POSSESSION OF, OR ACCOUNTS FOR THE GOOD OR THING OF VALUE WITH, THE PERSON WHO DELIVERED THE GOOD OR THING OF VALUE.

(2) A PROSECUTION OF A BONA FIDE RESIDENT OF THE STATE MAY NOT BE STARTED UNTIL 10 DAYS AFTER A WRITTEN DEMAND DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS MAILED.

(E) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(F) RESTITUTION.

A PERSON WHO VIOLATES THIS SECTION SHALL RESTORE THE GOOD OR THING OF VALUE CONVERTED TO THE PERSON'S OWN USE OR PAY THE FULL VALUE TO THE OWNER OR THE PERSON WHO DELIVERED THE GOOD OR THING OF VALUE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 207.

Throughout this section, the references to a "good" or a "thing" of value are substituted for the former references to "goods" or "things" of value in light of Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (c) of this section, the language "[s]ubject to subsection (d) of this section," is added to explicitly reference the defense to prosecution contained in subsection (d) of this section.

In subsection (d)(1) of this section, the reference to the person "who received the good or thing of value" is substituted for the former reference to the person "who was so entrusted" for consistency with subsection (a) of this section.

Also in subsection (d)(1) of this section, the former reference to "registered"