

1 H.706

2 Introduced by Representatives Clarkson of Woodstock, Webb of Shelburne,
3 Representatives Eckhardt of Chittenden, French of Shrewsbury
4 and Lenes of Shelburne

5 Referred to Committee on

6 Date:

7 Subject: Crimes; possession of stolen property; pawnbrokers

8 Statement of purpose: This bill proposes several measures to reduce the sale of
9 stolen property. The bill proposes to:

10 (1) establish a permissive inference, for purposes of a possession of stolen
11 property offense, that a person knew property was stolen if the person
12 possessed it at the same time that the person possessed other property that a
13 court or jury finds the person knew was stolen;

14 (2) prohibit a person from receiving or possessing stolen property if the
15 person knows or should know that the property is stolen;

16 (3) require pawnbrokers to obtain certain identifying information from a
17 person selling property and enter it into a statewide database; and

18 (4) require pawnbrokers to maintain records of all transactions.

19 An act relating to reducing the sale of stolen property

20 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 13 V.S.A. § 2561 is amended to read:

2 § 2561. PENALTY FOR RECEIVING STOLEN PROPERTY; VENUE

3 (a) A person who is a dealer in property who buys, receives, sells,
4 possesses unless with the intent to restore to the owner, or aids in the
5 concealment of property, knowing or believing the property to be stolen shall
6 be punished the same as for the stealing of such property.

7 (b) A person who buys, receives, sells, possesses unless with the intent to
8 restore to the owner, or aids in the concealment of stolen property, knowing the
9 same to be stolen, shall be punished the same as for the stealing of such
10 property.

11 (c) A buyer, receiver, seller, possessor, or concealer under subsection (a) or
12 (b) of this section may be prosecuted and punished in the criminal division of
13 the superior court in the unit where the person stealing the property might be
14 prosecuted, although such property is bought, received, or concealed in another
15 county or unit.

16 (d) If the court or jury finds that a defendant has possessed stolen property
17 in violation of subsection (a) or (b) of this section and the defendant was in
18 possession of other stolen property at the same time that he or she was in
19 possession of the stolen property which formed the basis of the conviction, it
20 shall be a permissive inference that the defendant had knowledge that the other
21 property was stolen.

1 (e) As used in this section, “knowing the property to be stolen” means that
2 the person knew or should have known that the property was stolen.

3 Sec. 2. 9 V.S.A. § 3865 is amended to read:

4 § 3865. PAWNBROKER’S RECORD BOOK

5 (a) A pawnbroker shall keep a book in which shall be fairly written in the
6 English language, at the time of making a loan, an account and description of
7 the goods, articles or things pawned or pledged, the amount of money loaned
8 thereon, the time of pledging the same, the rate of interest to be paid on such
9 loan, and the name and residence of the person pawning or pledging such
10 property the following records together in a book for each transaction:

11 (1) a legible statement written at the time of making the loan describing
12 the items pawned or pledged, the amount of money lent thereon, the time of
13 pledging, and the rate of interest to be paid on the loan;

14 (2) a legible statement of the name and current address of the person
15 pawning or pledging the items;

16 (3) a photograph of the items pawned or pledged; and

17 (4) a photocopy of a government issued identification card, issued to the
18 person pawning or pledging the items. If the person does not have a
19 government issued identification card, the purchaser shall take and retain a
20 photograph of the person’s face.

1 (b) The name and photograph of the person pawning or pledging the items
2 shall be entered into the stolen property database controlled by the office of
3 public safety.

4 (c) At all reasonable times, ~~such~~ the record book required under subsection
5 (a) of this section shall be open to the inspection of the town or city authorities,
6 all courts, the chief of police, or of any person who is duly authorized in
7 writing for that purpose by ~~such~~ an authority, court, or chief of police and who
8 exhibits ~~such~~ the written authority to ~~such~~ the pawnbroker.

9 Sec. 3. 13 V.S.A. § 2565 is added to read:

10 § 2565. STOLEN PROPERTY DATABASE

11 (a) The department of public safety shall establish and maintain a stolen
12 property database, which shall consist of the information required to be filed
13 under 9 V.S.A. chapter 97.

14 (b) All information contained in the database may be disclosed to the
15 public or law enforcement for any purpose permitted under the laws of this
16 state.

17 (c) The department of public safety shall adopt rules, forms, and
18 procedures under 3 V.S.A. chapter 25 to implement the provisions of this
19 section.

20 Sec. 4. EFFECTIVE DATE

21 This act shall take effect on passage.