1   S.167

2   Introduced by Senator Illuzzi

3   Referred to Committee on

4   Date:

5   Subject: Crimes; possessing stolen property; permissive inference

6   Statement of purpose: This bill proposes to establish a permissive inference,

7   for purposes of a possession of stolen property offense, that a person knew

8   property was stolen if the person possessed it at the same time that the person

9   possessed other property that a court or jury finds the person knew was stolen.

10   An act relating to possessing stolen property

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

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

13   § 2561. PENALTY FOR RECEIVING STOLEN PROPERTY; VENUE

14   (a) A person who is a dealer in property who buys, receives, sells,

15   possesses unless with the intent to restore to the owner, or aids in the

16   concealment of property, knowing or believing the property to be stolen shall

17   be punished the same as for the stealing of such property.

18   (b) A person who buys, receives, sells, possesses unless with the intent to

19   restore to the owner, or aids in the concealment of stolen property, knowing the

1   same to be stolen, shall be punished the same as for the stealing of such

2   property.

3   (c) A buyer, receiver, seller, possessor, or concealer under subsection (a) or

4   (b) of this section may be prosecuted and punished in the criminal division of

5   the superior court in the unit where the person stealing the property might be

6   prosecuted, although such property is bought, received, or concealed in another

7   county or unit.

8   (d) If the court or jury finds that a defendant has possessed stolen property

9   in violation of subsection (a) or (b) of this section and the defendant was in

10   possession of other stolen property at the same time that he or she was in

11   possession of the stolen property which formed the basis of the conviction, it

12   shall be a permissive inference that the defendant had knowledge that the other

13   property was stolen.

14   Sec. 2. EFFECTIVE DATE

15   This act shall take effect on passage.