

SENATE BILL 436

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2002 Regular Session
2lr1114
CF 2lr1093

By: **Senators Jimeno and Baker**
Introduced and read first time: January 31, 2002
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 14, 2002

CHAPTER 161

1 AN ACT concerning

2 **Criminal Law - Theft - ~~Third or Subsequent Conviction~~ Subsequent**
3 **Offenders - Penalties**

4 FOR the purpose of establishing certain penalties for ~~a third or subsequent conviction~~
5 ~~of theft of property or services with a certain value~~ persons with a certain
6 number or more of prior convictions for certain theft offenses; prohibiting a
7 court from imposing certain penalties unless a State's Attorney provides a
8 certain notice to the defendant; and generally relating to penalties for theft.

9 BY repealing and reenacting, with amendments,
10 Article - Criminal Law
11 Section 7-104(g)
12 Annotated Code of Maryland
13 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
14 2002)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Criminal Law**

18 7-104.

19 (g) (1) A person convicted of theft of property or services with a value of
20 \$500 or more is guilty of a felony and:

21 (i) is subject to imprisonment not exceeding 15 years or a fine not
22 exceeding \$1,000 or both; and

1 (ii) shall restore the property taken to the owner or pay the owner
2 the value of the property or services.

3 (2) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
4 A person convicted of theft of property or services with a value of less than \$500, is
5 guilty of a misdemeanor and:

6 (i) is subject to imprisonment not exceeding 18 months or a fine
7 not exceeding \$500 or both; and

8 (ii) shall restore the property taken to the owner or pay the owner
9 the value of the property or services.

10 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PERSON WHO
11 HAS TWO OR MORE PRIOR CONVICTIONS UNDER THIS SUBTITLE AND WHO IS
12 CONVICTED OF A THIRD OR SUBSEQUENT CRIME OF THEFT OF PROPERTY OR
13 SERVICES WITH A VALUE OF LESS THAN \$500 IS GUILTY OF A MISDEMEANOR AND:

14 (I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
15 FINE NOT EXCEEDING \$5,000 OR BOTH; AND

16 (II) SHALL RESTORE THE PROPERTY TAKEN TO THE OWNER OR PAY
17 THE OWNER THE VALUE OF THE PROPERTY OR SERVICES.

18 (4) THE COURT MAY NOT IMPOSE THE PENALTIES UNDER PARAGRAPH
19 (3) OF THIS SUBSECTION UNLESS THE STATE'S ATTORNEY SERVES NOTICE ON THE
20 DEFENDANT OR THE DEFENDANT'S COUNSEL BEFORE THE ACCEPTANCE OF A PLEA
21 OF GUILTY OR NOLO CONTENDERE OR AT LEAST 15 DAYS BEFORE TRIAL THAT:

22 (I) ~~STATES THAT~~ THE STATE WILL SEEK THE PENALTIES UNDER
23 PARAGRAPH (3) OF THIS SUBSECTION; AND

24 (II) LISTS THE ALLEGED PRIOR CONVICTIONS ~~OF THE DEFENDANT.~~

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 2002.