

HOUSE BILL 323

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8lr1224

By: **Delegates Stukes, Conaway, DeBoy, Haynes, Kirk, McHale, Oaks, and Tarrant**

Introduced and read first time: January 24, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Malicious Destruction of Property – Transit Vehicles**

3 FOR the purpose of imposing a certain mandatory minimum term of imprisonment on
4 a person who is convicted of malicious destruction of property for damage done
5 to a certain transit vehicle; providing that the mandatory minimum term of
6 imprisonment may not be suspended; requiring that a person who is convicted
7 of malicious destruction of property for damage done to a certain transit vehicle
8 be ordered to pay restitution; defining a certain term; and generally relating to
9 malicious destruction of property and transit vehicles.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 6–301
13 Annotated Code of Maryland
14 (2002 Volume and 2007 Supplement)

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 6–301.

19 (a) A person may not willfully and maliciously destroy, injure, or deface the
20 real or personal property of another.

21 (b) A person who, in violation of this section, causes damage of at least \$500
22 to the property is guilty of a misdemeanor and on conviction is subject to
23 imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) A person who, in violation of this section, causes damage of less than
2 \$500 to the property is guilty of a misdemeanor and on conviction is subject to
3 imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

4 (d) (1) For purposes of this subsection, an act of "graffiti" means a
5 permanent drawing, permanent painting, or a permanent mark or inscription on the
6 property of another without the permission of the owner of the property.

7 (2) In addition to the penalties set forth in subsections (b) and (c) of
8 this section, the court shall order a person convicted of causing malicious destruction
9 by an act of graffiti to pay restitution or perform community service or both.

10 (3) Title 11, Subtitle 6 of the Criminal Procedure Article applies to an
11 order of restitution under this subsection.

12 (e) (1) Except as provided in paragraph (2) of this subsection, to
13 determine a penalty, the court may consider as one crime the aggregate value of
14 damage to each property resulting from one scheme or continuing course of conduct.

15 (2) If separate acts resulting in damage to the properties of one or
16 more owners are set forth by separate counts in one or more charging documents, the
17 separate counts may not be merged for sentencing.

18 (f) (1) The value of damage is not a substantive element of a crime under
19 this section and need not be stated in the charging document.

20 (2) The value of damage shall be based on the evidence and that value
21 shall be applied for the purpose of imposing the penalties established in this section.

22 (3) If it cannot be determined from the evidence whether the value of
23 the damage to the property is more or less than \$500, the value is deemed to be less
24 than \$500.

25 **(G) (1) IN THIS SUBSECTION, "TRANSIT VEHICLE" HAS THE MEANING**
26 **STATED IN § 7-101 OF THE TRANSPORTATION ARTICLE.**

27 **(2) A PERSON WHO IS CONVICTED UNDER THIS SECTION FOR**
28 **DAMAGE DONE TO A TRANSIT VEHICLE SHALL BE:**

29 **(I) SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 30**
30 **DAYS; AND**

31 **(II) ORDERED TO PAY RESTITUTION IN ACCORDANCE WITH**
32 **SUBSECTION (D) OF THIS SECTION.**

1 **(3) THE COURT MAY NOT SUSPEND ANY PART OF THE**
2 **MANDATORY MINIMUM SENTENCE PROVIDED IN THIS SUBSECTION.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2008.