

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 338
Judiciary

(Delegate Clippinger, *et al.*)

Judicial Proceedings

Criminal Law - Robbery - Charging Document

This bill increases the minimum value of property or service specified in a charging document for robbery from \$500 to \$1,000 and makes conforming changes to the robbery charging document statute.

Fiscal Summary

State Effect: The bill is procedural/technical and does not materially affect State finances.

Local Effect: The bill is procedural/technical and does not materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: A person is prohibited from committing or attempting to commit a robbery. Violators are guilty of a felony and are subject to imprisonment for up to 15 years. Under the common law, a robbery is the felonious taking and carrying away of the personal property of another from his/her person by the use of violence or by putting him/her in fear.

A person who commits or attempts to commit a robbery with a dangerous weapon or by displaying a written instrument claiming that the person has possession of a dangerous weapon is guilty of a felony and is subject to imprisonment for up to 20 years.

An indictment, information, warrant, or other charging document for robbery is sufficient if it substantially states:

(name of defendant) on (date) in (county) did feloniously rob (name of victim) of (property/service) (having a value of \$500 or more) (with a dangerous weapon) in violation of (section violated) against the peace, government, and dignity of the State.

If a charging document alleges that the value of the property or service taken is \$500 or more, the court must instruct the jury to determine whether the value of the property or service is less than \$500, or \$500 or more.

Unless a charging document for robbery alleges that the value of the property or service taken is \$500 or more, a felony violation of the general theft statute is not a lesser included crime of robbery.

Background: Chapter 655 of 2009 (HB 66) increased the minimum property value for felony theft from \$500 to \$1,000 and created three tiers of felony theft based on the value of the stolen property or services.

The bill's changes to the minimum value of property or service specified in a charging document for robbery makes the minimum property value listed in the charging document for felony robbery consistent with the minimum property value for felony theft.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Garrett and Montgomery counties, City of Hagerstown, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Public Safety and Correctional Services, State's Attorneys' Association, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2013
mc/kdm

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