

HOUSE BILL 967

E1, E2

4lr2672

By: **Delegate Niemann**

Introduced and read first time: February 6, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Malicious Destruction of Property – Defenses**

3 FOR the purpose of providing that, in a prosecution for malicious destruction of
4 property, it is not a defense that the defendant was a joint owner of the
5 damaged property if the defendant's intent was to deprive another joint owner
6 of the value of the property; and generally relating to malicious destruction of
7 property.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 6–301
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2013 Supplement)

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

15 **Article – Criminal Law**

16 6–301.

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

19 (b) A person who, in violation of this section, causes damage of at least
20 \$1,000 to the property is guilty of a misdemeanor and on conviction is subject to
21 imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

22 (c) A person who, in violation of this section, causes damage of less than
23 \$1,000 to the property is guilty of a misdemeanor and on conviction is subject to
24 imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) (1) For purposes of this subsection, an act of “graffiti” means a
2 permanent drawing, permanent painting, or a permanent mark or inscription on the
3 property of another without the permission of the owner of the property.

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

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

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

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

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

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

19 (3) If it cannot be determined from the evidence whether the value of
20 the damage to the property is more or less than \$1,000, the value is deemed to be less
21 than \$1,000.

22 **(G) IN A PROSECUTION UNDER THIS SECTION, IT IS NOT A DEFENSE**
23 **THAT THE DEFENDANT WAS A JOINT OWNER OF THE DAMAGED PROPERTY IF**
24 **THE DEFENDANT’S INTENT WAS TO DEPRIVE ANOTHER JOINT OWNER OF THE**
25 **VALUE OF THE PROPERTY.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2014.