

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 1048 (Senator Stone)
Judicial Proceedings

Crimes - Robbery or Theft of Property - Controlled Dangerous Substances

This bill clarifies that the crime of robbery includes robbing or attempting to rob another of a drug, a substance, or an immediate precursor listed as a controlled dangerous substance in Schedules II through V. The bill further clarifies that the crime of theft includes theft of a drug, a substance, or an immediate precursor listed as a controlled dangerous substance in Schedules II through V.

The bill also clarifies that the crime of burglary in the second degree includes breaking and entering the storehouse of another with the intent to commit theft of a drug, a substance, or an immediate precursor listed as a controlled dangerous substance in Schedules II through V.

Fiscal Summary

State Effect: The bill's clarifications are not expected to materially affect State finances.

Local Effect: The bill's clarifications are not expected to materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: Controlled dangerous substances are listed on one of five schedules (Schedules I through V) set forth in statute depending on their potential for abuse and acceptance for medical use. The definition of property as it pertains to robbery, burglary, and theft does not specifically include controlled dangerous substances listed on any of the five schedules.

Robbery – A person may not commit or attempt to commit a robbery. A violator is guilty of a felony punishable by up to 15 years imprisonment.

A person may not commit or attempt to commit a robbery with a dangerous weapon or by displaying a written instrument claiming that the person has possession of a dangerous weapon. A violator is guilty of a felony punishable by up to 20 years imprisonment.

Second Degree Burglary – A person may not break and enter a storehouse of another with the intent to commit theft, a crime of violence, or second degree arson. A violator is guilty of a felony punishable by up to 15 years imprisonment.

A person may not break and enter the storehouse of another with the intent to steal, take, or carry away a firearm. A violator is guilty of a felony punishable by up to 20 years imprisonment and/or a \$10,000 fine.

Theft – A person may not, under specified circumstances (1) willfully or knowingly obtain or exert control over property; (2) obtain control over property by willfully or knowingly using deception; (3) possess stolen property knowing that it has been stolen, or believing that it probably has been stolen; or (4) obtain control over property knowing that the property was lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature or amount of the property. A violator is required to restore the owner’s property or pay the owner the value of the property or services and is subject to the penalties listed below:

<u>Value of Property and/or Services</u>	<u>Maximum Penalty</u>
Less than \$100	Misdemeanor – 90 days imprisonment and/or a \$500 fine
Less than \$1,000	Misdemeanor – 18 months imprisonment and/or a \$500 fine
Less than \$1,000 (two or more prior convictions)	Misdemeanor – 5 years imprisonment and/or a \$5,000 fine
Between \$1,000 and \$10,000	Felony – 10 years imprisonment and/or \$10,000 fine
Between \$10,000 and \$100,000	Felony – 15 years imprisonment and/or \$15,000 fine
\$100,000 or more	Felony – 25 years imprisonment and/or \$25,000 fine

Background: According to the Maryland State Commission on Criminal Sentencing Policy, there were 592 convictions for robbery, 282 convictions for second degree burglary (breaking and entering with the intent to commit theft, violence, or arson), and 873 convictions for general theft in the State’s circuit courts during fiscal 2013.

Information is not available as to how many of these offenses involved controlled dangerous substances or how many additional convictions may occur as a result of the bill's clarifications.

State Fiscal Effect: The Department of Public Safety and Correctional Services, the Department of State Police, the Office of the Public Defender, and the Governor's Office of Crime Control and Prevention do not anticipate a fiscal impact on their respective agencies as a result of the bill's provisions. The Judiciary (Administrative Office of the Courts) advises that the bill does not have a foreseeable significant fiscal or operational impact on the courts.

Local Fiscal Effect: Carroll, Harford, Montgomery, and St. Mary's counties do not anticipate a fiscal impact as a result of the bill. The State's Attorneys' Association advises that the bill does not have an effect on prosecutors.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll, Harford, Montgomery, and St. Mary's counties; Maryland State Commission on Criminal Sentencing Policy; Governor's Office of Crime Control and Prevention; Judiciary (Administrative Office of the Courts); Department of State Police; Office of the Public Defender; Department of Public Safety and Correctional Services; State's Attorneys' Association; Department of Legislative Services

Fiscal Note History: First Reader - March 13, 2014
mc/kdm

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