

HOUSE BILL 897

E1, E2

4lr1442

By: **Delegates Olszewski, DeBoy, Haynes, Kach, Luedtke, McComas, McMillan, B. Robinson, Simmons, Sophocleus, Stocksdale, Valderrama, and Weir**
Introduced and read first time: February 5, 2014
Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Crimes – Malicious Destruction of Property – Repeat Offenders

FOR the purpose of altering the penalties for a person convicted of a second or subsequent offense of causing malicious destruction of property; and generally relating to malicious destruction of property.

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

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

Article – Criminal Law

6–301.

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

(b) A person who, in violation of this section, causes damage of at least \$1,000 to the property is guilty of a misdemeanor and on conviction is subject to:

(1) FOR A FIRST OFFENSE, imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both; **AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 6 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(c) A person who, in violation of this section, causes damage of less than \$1,000 to the property is guilty of a misdemeanor and on conviction is subject to:

(1) FOR A FIRST OFFENSE, imprisonment not exceeding 60 days or a fine not exceeding \$500 or both; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 180 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

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

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

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

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

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

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

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

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

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