## **SENATE BILL 158**

E16lr1014  $SB \, 404/15 - JPR$ By: Senator Cassilly Introduced and read first time: January 15, 2016 Assigned to: Judicial Proceedings A BILL ENTITLED AN ACT concerning Criminal Law - Arson, Burning, Malicious Destruction, and Theft - Property of Another - Definition FOR the purpose of defining the term "property of another" as used in certain provisions prohibiting arson, burning, and the malicious destruction of property to conform with the definition found in provisions relating to theft and related crimes; clarifying that the "property of another" includes a tenant by the entirety; and generally relating to arson, burning, the malicious destruction of property, and theft. BY repealing and reenacting, without amendments, Article – Criminal Law Section 6–101(a) and 7–101(a) Annotated Code of Maryland (2012 Replacement Volume and 2015 Supplement) BY adding to Article – Criminal Law Section 6–101(d) Annotated Code of Maryland (2012 Replacement Volume and 2015 Supplement) BY repealing and reenacting, with amendments, Article – Criminal Law Section 6–101(d) and (e), 6–301, and 7–101(j) Annotated Code of Maryland (2012 Replacement Volume and 2015 Supplement)

Article - Criminal Law

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

That the Laws of Maryland read as follows:

1

2

3

4 5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

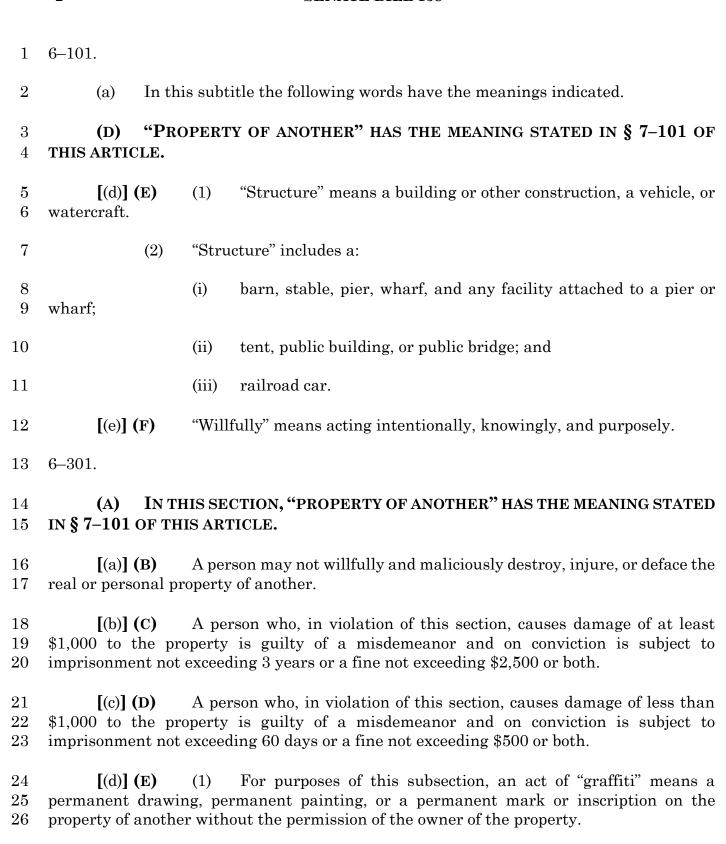
23

24

25

26





(2) In addition to the penalties set forth in [subsections (b) and (c)] **SUBSECTIONS (C) AND (D)** 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.

- 1 (3) Title 11, Subtitle 6 of the Criminal Procedure Article applies to an order 2 of restitution under this subsection.
- 3 **[(e)] (F)** (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.
- 6 (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.
- 9 **[**(f)**] (G)** (1) The value of damage is not a substantive element of a crime 10 under this section and need not be stated in the charging document.
- 11 (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.
- 13 (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.
- 16 7–101.
- 17 (a) In this part the following words have the meanings indicated.
- 18 (j) "Property of another" means property in which a person other than the offender has an interest that the offender does not have the authority to defeat or impair, 20 even though the offender also may have an interest in the property, INCLUDING AN 21 INTEREST BY A TENANT BY THE ENTIRETY.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.