

HOUSE BILL 907

E1

9lr2108

By: **Delegate Malone**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Malicious Destruction of Property – Definition of Property of**
3 **Another**

4 FOR the purpose of defining “property of another” applicable to the crime of malicious
5 destruction of property; and generally relating to malicious destruction of property.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 6–301
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2018 Supplement)

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

13 **Article – Criminal Law**

14 6–301.

15 **(A) IN THIS SECTION, “PROPERTY OF ANOTHER” MEANS PROPERTY IN**
16 **WHICH A PERSON OTHER THAN THE DEFENDANT HAS AN INTEREST THAT THE**
17 **DEFENDANT DOES NOT HAVE THE AUTHORITY TO DEFEAT OR IMPAIR, EVEN IF THE**
18 **DEFENDANT HAS AN INTEREST IN THE PROPERTY.**

19 **[(a)] (B)** A person may not willfully and maliciously destroy, injure, or deface the
20 real or personal property of another.

21 **[(b)] (C)** A person who, in violation of this section, causes damage of at least
22 \$1,000 to the property is guilty of a misdemeanor and on conviction is subject to
23 imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **[(c)] (D)** A person who, in violation of this section, causes damage of less than
2 \$1,000 to the property is guilty of a misdemeanor and on conviction is subject to
3 imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

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

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

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

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

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

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

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

22 (3) If it cannot be determined from the evidence whether the value of the
23 damage to the property is more or less than \$1,000, the value is deemed to be less than
24 \$1,000.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2019.