

CANDACE McLAREN LANHAM
Chief Deputy Attorney General

CAROLYN A. QUATTROCKI
Deputy Attorney General

LEONARD HOWIE
Deputy Attorney General



ANTHONY G. BROWN
Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

PETER V. BERNS
General Counsel

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO
(410) 576-6588

February 20, 2024

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: HB948 - Organized Retail Theft – Venue for Prosecution, Warrantless
Arrest Authority, and Court Finding - **Support**

The Office of the Attorney General requests a favorable report of House Bill 948. Maryland has a consolidated theft statute. Unlike other states, who have separate offenses for larceny, shoplifting, possessing stolen property, etc., Maryland considers all of those as simply “theft” under Criminal Law Article 7-104. The penalty for theft (both in terms of jail time exposure, as well as whether the crime is a misdemeanor or felony) is determined by the value of the items taken.

Currently, under Criminal Law Article Section 7-103(f), if someone commits multiple thefts in one county as part of “one scheme or continuing course of conduct,” then “the value of the property or services [taken] may be aggregated in determining whether the theft is a felony or a misdemeanor.” While useful in certain circumstances, this aggregation is not helpful when someone commits crimes in multiple jurisdictions, as is often the case.

This bill would allow all thefts committed as part of “one scheme or continuing course of conduct” to be “joined and prosecuted in any county in which any of the thefts occurred.” This

change will significantly aid in the efforts to combat multi-jurisdictional organized retail theft. House Bill 948 additionally creates a reporting requirement where the clerk must mark a file as “Organized Retail Theft-related,” which will help with data tracking.

The Office of the Attorney General further supports House Bill 948 because it contains the useful venue change without also having the unnecessary creation of a new “organized retail theft” law to criminalize what is already criminalized as theft or theft scheme.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on House Bill 948.

cc: committee Members