

HOUSE BILL 948

E1
HB 446/21 – JUD

4lr2801

By: **Delegate Toles**

Introduced and read first time: February 2, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Organized Retail Theft – Venue for Prosecution, Warrantless Arrest Authority,**
3 **and Court Finding**

4 FOR the purpose of providing that multiple thefts committed by the same person in
5 multiple counties under one scheme or continuing course of conduct may be
6 aggregated and prosecuted in a certain county; altering a certain reference to the
7 maximum value of certain property or services applicable to misdemeanor theft;
8 clarifying the applicability of a certain warrantless arrest authority; requiring a
9 court to make a finding as to whether a certain crime is organized retail theft under
10 certain circumstances for a certain purpose; and generally relating to organized
11 retail theft.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section 7–103(f)
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Procedure
19 Section 2–203
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2023 Supplement)

22 BY adding to
23 Article – Criminal Procedure
24 Section 6–237
25 Annotated Code of Maryland
26 (2018 Replacement Volume and 2023 Supplement)

27 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.



1 That the Laws of Maryland read as follows:

2 **Article – Criminal Law**

3 7–103.

4 (f) (1) When theft is committed in violation of this part under one scheme or
5 continuing course of conduct, whether from the same or several sources:

6 [(1)] (I) the conduct may be considered as one crime; and

7 [(2)] (II) the value of the property or services may be aggregated in
8 determining whether the theft is a felony or a misdemeanor.

9 (2) **MULTIPLE THEFTS COMMITTED BY THE SAME PERSON IN**
10 **MULTIPLE COUNTIES UNDER ONE SCHEME OR CONTINUING COURSE OF CONDUCT**
11 **MAY BE AGGREGATED AND PROSECUTED IN ANY COUNTY IN WHICH ANY ONE OF THE**
12 **THEFTS OCCURRED.**

13 **Article – Criminal Procedure**

14 2–203.

15 (a) A police officer without a warrant may arrest a person if the police officer has
16 probable cause to believe:

17 (1) that the person has committed a crime listed in subsection (b) of this
18 section; and

19 (2) that unless the person is arrested immediately, the person:

20 (i) may not be apprehended;

21 (ii) may cause physical injury or property damage to another; or

22 (iii) may tamper with, dispose of, or destroy evidence.

23 (b) The crimes referred to in subsection (a)(1) of this section are:

24 (1) manslaughter by vehicle or vessel under § 2–209 of the Criminal Law
25 Article;

26 (2) malicious burning under § 6–104 or § 6–105 of the Criminal Law Article
27 or an attempt to commit the crime;

28 (3) malicious mischief under § 6–301 of the Criminal Law Article or an

1 attempt to commit the crime;

2 (4) a theft crime where the value of the property or services stolen is less
3 than ~~[\$1,000]~~ **\$1,500** under § 7-104 [or § 7-105] of the Criminal Law Article, **INCLUDING**
4 **§ 7-104(G)(4) OF THE CRIMINAL LAW ARTICLE**, or an attempt to commit the crime;

5 (5) the crime of giving or causing to be given a false alarm of fire under §
6 9-604 of the Criminal Law Article;

7 (6) indecent exposure under § 11-107 of the Criminal Law Article;

8 (7) a crime that relates to controlled dangerous substances under Title 5 of
9 the Criminal Law Article or an attempt to commit the crime;

10 (8) the wearing, carrying, or transporting of a handgun under § 4-203 or §
11 4-204 of the Criminal Law Article;

12 (9) carrying or wearing a concealed weapon under § 4-101 of the Criminal
13 Law Article;

14 (10) prostitution and related crimes under Title 11, Subtitle 3 of the
15 Criminal Law Article; and

16 (11) violation of a condition of pretrial or posttrial release under § 5-213.1
17 of this article.

18 **6-237.**

19 (A) IN THIS SECTION, "ORGANIZED RETAIL THEFT" MEANS THE
20 COMMISSION, EITHER ALONE OR WITH ONE OR MORE OTHER PERSONS, OF A SERIES
21 OF THEFTS OF RETAIL MERCHANDISE FROM ONE OR MORE RETAIL MERCHANTS
22 WITH THE INTENT TO:

23 (1) RETURN THE MERCHANDISE TO THE MERCHANT FOR VALUE; OR

24 (2) RESELL, TRADE, OR BARTER THE MERCHANDISE FOR VALUE.

25 (B) (1) IF A DEFENDANT IS CONVICTED OF OR RECEIVES A PROBATION
26 BEFORE JUDGMENT DISPOSITION FOR THEFT UNDER § 7-104 OF THE CRIMINAL
27 LAW ARTICLE, BURGLARY UNDER § 6-203 OR § 6-205 OF THE CRIMINAL LAW
28 ARTICLE, ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL LAW ARTICLE, OR
29 USE OF A FIREARM IN THE COMMISSION OF A CRIME OF VIOLENCE OR A FELONY
30 UNDER § 4-204 OF THE CRIMINAL LAW ARTICLE, ON REQUEST OF THE STATE'S
31 ATTORNEY THE COURT SHALL MAKE A FINDING OF FACT BASED ON EVIDENCE
32 PRODUCED AT TRIAL AS TO WHETHER THE CRIME IS ORGANIZED RETAIL THEFT.

1 **(2) THE STATE HAS THE BURDEN OF PROVING BY A PREPONDERANCE**
2 **OF THE EVIDENCE THAT THE CRIME IS ORGANIZED RETAIL THEFT.**

3 **(C) IF THE COURT FINDS THAT THE CRIME IS ORGANIZED RETAIL THEFT**
4 **UNDER SUBSECTION (B) OF THIS SECTION, THAT FINDING SHALL BECOME PART OF**
5 **THE COURT RECORD FOR PURPOSES OF REPORTING TO THE CRIMINAL JUSTICE**
6 **INFORMATION SYSTEM CENTRAL REPOSITORY UNDER § 10-215 OF THIS ARTICLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2024.