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(PRE-FILED)

By: Delegate Arnick

Requested: July 24, 1996

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Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 4, 1997

CHAPTER ____

1 AN ACT concerning

2 **Theft Offenses - Penalties**

3 FOR the purpose of increasing the maximum fine that may be imposed on a person
4 convicted of theft where the property or services that was the subject of the theft
5 has a value of \$300 or greater; and generally relating to the penalty for theft.

6 BY repealing and reenacting, with amendments,
7 Article 27 - Crimes and Punishments
8 Section 342
9 Annotated Code of Maryland
10 (1996 Replacement Volume)

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

13 **Article 27 - Crimes and Punishments**

14 342.

15 (a) A person commits the offense of theft when he willfully or knowingly obtains
16 control which is unauthorized or exerts control which is unauthorized over property of the
17 owner, and:

18 (1) Has the purpose of depriving the owner of the property; or

19 (2) Willfully or knowingly uses, conceals, or abandons the property in such
20 manner as to deprive the owner of the property; or

2

1 (3) Uses, conceals, or abandons the property knowing the use, concealment,
2 or abandonment probably will deprive the owner of the property.

3 (b) A person commits the offense of theft when he willfully or knowingly uses
4 deception to obtain and does obtain control over property of the owner, and;

5 (1) Has the purpose of depriving the owner of the property; or

6 (2) Willfully or knowingly uses, conceals, or abandons the property in such
7 manner as to deprive the owner of the property; or

8 (3) Uses, conceals, or abandons the property knowing such use,
9 concealment, or abandonment probably will deprive the owner of the property.

10 (c) (1) A person commits the offense of theft if he possesses stolen personal
11 property knowing that it has been stolen, or believing that it has probably been stolen,
12 and:

13 (i) Has the purpose of depriving the owner of the property; or

14 (ii) Willfully or knowingly uses, conceals, or abandons the property in
15 such manner as to deprive the owner of the property; or

16 (iii) Uses, conceals, or abandons the property knowing such use,
17 concealment, or abandonment probably will deprive the owner of the property.

18 (2) The requisite knowledge may be inferred in the case of a person in the
19 business of buying or selling goods who:

20 (i) Is found in possession or control of property stolen from two or
21 more persons on separate occasions; or

22 (ii) During the year preceding the criminal possession charged, has
23 acquired stolen property in a separate transaction; or

24 (iii) Being a person in the business of buying or selling property of the
25 sort possessed, acquired it for a consideration which he knew was far below its reasonable
26 value.

27 (3) In any prosecution for theft by possession of stolen property under this
28 section, it is not a defense that:

29 (i) The person who stole the property has not been convicted,
30 apprehended, or identified; or

31 (ii) The defendant stole or participated in the stealing of the property;
32 or

33 (iii) The stealing of the property did not occur in this State.

34 (4) A person who criminally possesses stolen property and a person who has
35 stolen the property are not accomplices in theft for the purpose of any rule of evidence
36 requiring corroboration of the testimony of an accomplice, unless the person who
37 criminally possesses the property had participated in the stealing.

3

1 (d) A person commits the offense of theft when he obtains control over property
2 of another which he knows to have been lost or mislaid, or to have been delivered under
3 a mistake as to the identity of the recipient or nature or amount of the property if he:

4 (1) Knows or learns the identity of the owner or knows, or is aware of, or
5 learns of a reasonable method of identifying the owner; and

6 (2) Fails to take reasonable measures to restore the property to the owner;
7 and

8 (3) Has the purpose of depriving the owner permanently of the use or
9 benefit of the property either when he obtains the property, or at any later time.

10 (e) A person commits the offense of theft when he obtains the services of another
11 which are available only for compensation by:

12 (1) Deception; or

13 (2) Knowing that the services are provided without the consent of the
14 person providing them.

15 (f) (1) A person convicted of theft where the property or services that was the
16 subject of the theft has a value of \$300 or greater is guilty of a felony and shall restore the
17 property taken to the owner or pay him the value of the property or services, and be fined
18 not more than [\$1,000,] \$10,000 or be imprisoned for not more than 15 years[,] or be
19 both fined and imprisoned in the discretion of the court.

20 (2) A person convicted of theft where the property or services that was the
21 subject of the theft has a value of less than \$300 is guilty of a misdemeanor and shall
22 restore the property taken to the owner or pay him the value of the property or services,
23 and be fined not more than \$500, or be imprisoned for not more than 18 months, or be
24 both fined and imprisoned in the discretion of the court; however, all actions or
25 prosecutions for theft where the property or services that was the subject of the theft has
26 a value of less than \$300 shall be commenced within 2 years after the commission of the
27 offense.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1997.