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**By: Delegate Perry**

Introduced and read first time: February 14, 1997

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Unlawful Taking or Use of a Motor Vehicle - Penalties - Jurisdiction~~3 Crimes - Unauthorized Use - Penalties

4 FOR the purpose of ~~repealing provisions relating to the unauthorized taking of a motor~~  
 5 ~~vehicle; reclassifying as a felony and increasing certain penalties for the~~  
 6 ~~unauthorized use of certain vehicles or livestock; providing for the jurisdiction of~~  
 7 ~~the District Court and the circuit court in a case involving the unauthorized use of~~  
 8 ~~certain vehicles or livestock; and generally relating to the unauthorized taking of a~~  
 9 ~~motor vehicle and the unauthorized use of certain vehicles or livestock, animals, or~~  
 10 ~~property; and generally relating to the unauthorized use of certain vehicles, animals,~~  
 11 ~~or property.~~

12 BY repealing and reenacting, without amendments,

13 Article 27 - Crimes and Punishments

14 Section 342A

15 Annotated Code of Maryland

16 (1996 Replacement Volume)

17 BY repealing and reenacting, with amendments,

18 Article 27 - Crimes and Punishments

19 Section 349

20 Annotated Code of Maryland

21 (1996 Replacement Volume)

22 ~~BY repealing and reenacting, with amendments,~~23 ~~Article - Courts and Judicial Proceedings~~24 ~~Section 4-301(b) and 4-302(a) and (d)~~

2

1 ~~Annotated Code of Maryland~~  
 2 ~~(1995 Replacement Volume and 1996 Supplement)~~

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

5 **Article 27 - Crimes and Punishments**

6 ~~†342A.~~

7 (a) In this section, "owner" means any person who has a lawful interest in or is in  
 8 lawful possession of a motor vehicle by consent or chain of consent of the actual title  
 9 owner.

10 (b) A person, or the person's aiders or abettors, may not knowingly and willfully  
 11 take a motor vehicle out of the lawful custody, control, or use of the owner without the  
 12 owner's consent.

13 (c) A person who violates this section shall restore the motor vehicle so taken and  
 14 carried away, or, if unable to do so, shall pay to the owner the full value of the motor  
 15 vehicle.

16 (d) A person who violates this section is guilty of the felony of taking a motor  
 17 vehicle and on conviction is subject to a fine of not more than \$5,000 or imprisonment for  
 18 not more than 5 years or both.†

19 349.

20 Any person or persons, his or their aiders or abettors who shall enter, or being upon  
 21 the premises of any other person, body corporate or politic in the State, shall, against the  
 22 will and consent of said person or persons, body corporate or politic or their agents, take  
 23 and carry away any horse, mare, colt, gelding, mule, ass, sheep, hog, ox or cow, or any  
 24 carriage, wagon, buggy, cart, boat, craft, vessel, or any other vehicle including motor  
 25 vehicle as defined in the laws of this State relating to such, or property whatsoever, or  
 26 take and carry away out of the custody or use of any person or persons, body corporate or  
 27 politic, or his or their agents, any of the above-enumerated property at whatsoever place  
 28 the same may be found, shall upon conviction thereof in any of the courts of this State  
 29 having criminal jurisdiction be adjudged guilty of a ~~†misdemeanor†~~ **FELONY**, and shall  
 30 restore the property so taken and carried away, or, if unable so to do, shall pay to the  
 31 owner or owners the full value thereof, and be fined not [less than fifty nor more than  
 32 one hundred dollars] MORE THAN \$5,000, or be imprisoned [in the county or city jail, or  
 33 the house of correction,] for not [less than six months nor] more than [four] 5 years, or  
 34 be both fined and imprisoned as aforesaid, in the discretion of the court, although it may  
 35 appear from the evidence that such person or persons, his or their aiders and abettors,  
 36 took and carried away the property or any portion of the same enumerated in this section,  
 37 for his or their present use, and not with the intent of appropriating or converting the  
 38 same.

3

1 **Article—Courts and Judicial Proceedings**2 ~~4-301.~~

3 (b) Except as provided in § 4-302, the District Court also has exclusive original  
4 jurisdiction in a criminal case in which a person at least 18 years old or a corporation is  
5 charged with:

6 (1) Commission of a common law or statutory misdemeanor regardless of  
7 the amount of money or value of the property involved;

8 (2) Violation of §§ 342 through 344 of Article 27 of the Code, whether a  
9 felony or a misdemeanor;

10 (3) Violation of a county, municipal, or other ordinance, if the violation is  
11 not a felony;

12 (4) Criminal violation of a State, county, or municipal rule or regulation, if  
13 the violation is not a felony;

14 (5) Doing or omitting to do any act made punishable by a fine,  
15 imprisonment, or other penalty as provided by the particular law, ordinance, rule, or  
16 regulation defining the violation if the violation is not a felony;

17 (6) Violation of Article 27, § 141 of this Code, whether a felony or a  
18 misdemeanor;

19 (7) Violation of Article 27, § 145 of this Code, whether a felony or  
20 misdemeanor;

21 (8) Violation of Article 27, § 44 of the Code;

22 (9) Violation of Article 48A, § 233 of the Code, whether a felony or a  
23 misdemeanor;

24 (10) Violation of § 9-1106 of the Labor and Employment Article; [or ]

25 (11) Violation of § 14-1403 of the Commercial Law Article; OR

26 (12) VIOLATION OF ARTICLE 27, § 349 OF THE CODE.

27 ~~4-302.~~

28 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), [and (11)] (11),  
29 AND (12) of this subtitle, the District Court does not have jurisdiction to try a criminal  
30 case charging the commission of a felony.

31 (d) The jurisdiction of the District Court is concurrent with that of the circuit  
32 court in a criminal case:

33 (1) In which the penalty may be confinement for three years or more or a  
34 fine of \$2,500 or more; or

35 (2) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10),  
36 [and (11)] (11), AND (12) of this subtitle.

4

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