

HOUSE BILL 92

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HB 23/97 - JUD

1998 Regular Session
8lr0246

(PRE-FILED)

By: **Delegate Arnick**
Requested: August 15, 1997
Introduced and read first time: January 14, 1998
Assigned to: Judiciary

A BILL ENTITLED

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 and 1997 Supplement)

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
16 obtains control which is unauthorized or exerts control which is unauthorized over
17 property of the 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
20 such manner as to deprive the owner of the property; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (ii) The defendant stole or participated in the stealing of the
27 property; or

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

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

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

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

3 (2) Fails to take reasonable measures to restore the property to the
4 owner; and

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

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

9 (1) Deception; or

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1998.