

SENATE BILL 591

Unofficial Copy  
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2000 Regular Session  
0lr2112  
CF 0lr1630

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By: **Senator Stone (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Robbery Revision and Value of Property or Services in Theft and**  
3 **Related Offenses**

4 FOR the purpose of revising and restating the laws relating to robbery; increasing to  
5 a certain amount the value of property or services subject to penalties and  
6 offenses relating to destruction of property, obtaining property or services by bad  
7 check, credit card offenses, theft, robbery, and extortion; establishing the  
8 application of certain robbery offenses to the commission of first degree murder,  
9 as an element of certain definitions of "crime of violence", as an element of an  
10 aggravating circumstance for the purposes of determining certain criminal  
11 sentencing, and as relating to the jurisdiction of the certain courts in certain  
12 juvenile causes; repealing provisions of law relating to penalties for robbery and  
13 attempted robbery, robbery with a dangerous and deadly weapon, robbery of  
14 obligations, bonds, notes, and other certain documents, and certain formulas for  
15 indictments or warrants for certain robbery offenses; prohibiting a person from  
16 committing or attempting to commit a robbery; requiring proof of intent to  
17 deprive another of property for a robbery conviction; providing that robbery  
18 retains its judicially determined meaning and includes obtaining the service of  
19 another by force or threat of force; prohibiting a person from committing or  
20 attempting to commit a robbery with a dangerous or deadly weapon; prohibiting  
21 a person from committing or attempting to commit a robbery by causing or  
22 attempting to cause a serious physical injury to another; establishing certain  
23 penalties; establishing a certain formula sufficient for certain charging  
24 documents for certain offenses; requiring a certain jury instruction under  
25 certain circumstances; establishing certain circumstances under which a felony  
26 violation of theft qualifies as a lesser included offense of robbery; providing that  
27 certain Committee Notes contained in this Act are not law; providing for the  
28 application of this Act; defining certain terms; and generally relating to certain  
29 robbery offenses and the value of property or services subject to certain offenses  
30 and certain penalties under certain circumstances.

31 BY repealing and reenacting, with amendments,  
32 Article 27 - Crimes and Punishments  
33 Section 111, 143, 145, 340(n), 342(f), 372, 410, 413(d) and (g), 441(e), 562B, 562C,

1 and 643B(a)  
2 Annotated Code of Maryland  
3 (1996 Replacement Volume and 1999 Supplement)

4 BY repealing  
5 Article 27 - Crimes and Punishments  
6 Section 486, 487, 488, and 489  
7 Annotated Code of Maryland  
8 (1996 Replacement Volume and 1999 Supplement)

9 BY adding to  
10 Article 27 - Crimes and Punishments  
11 Section 486 through 489  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 1999 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article 88B - Department of State Police  
16 Section 12A(a)(8)  
17 Annotated Code of Maryland  
18 (1998 Replacement Volume and 1999 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Courts and Judicial Proceedings  
21 Section 3-804(e), 10-402(c)(2), and 10-406  
22 Annotated Code of Maryland  
23 (1998 Replacement Volume and 1999 Supplement)

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

26 **Article 27 - Crimes and Punishments**

27 111.

28 (a) Any person who shall wilfully and maliciously destroy, injure, deface or  
29 molest any real or personal property of another shall be deemed guilty of a  
30 misdemeanor.

31 (b) If the amount of damage to the property defaced, destroyed, injured, or  
32 molested has a value of less than [\$300] \$500, the person who violates this section, on  
33 conviction, is subject to a fine not exceeding \$500 or imprisonment not exceeding 60  
34 days or both.

35 (c) If the amount of damage to the property defaced, destroyed, injured, or  
36 molested has a value of [\$300] \$500 or more, the person who violates this section, on

1 conviction, is subject to a fine not exceeding \$2,500 or imprisonment not exceeding 3  
2 years or both.

3 (d) (1) Except as provided in paragraph (2) of this subsection, two or more  
4 acts committed in violation of this section pursuant to one scheme or continuing  
5 course of conduct, whether from the same or several acts upon the property of one or  
6 several property owners, may be considered as one offense and the value of damage to  
7 the various properties may be aggregated in determining the penalty.

8 (2) If separate acts resulting in damage to the properties of one or  
9 several owners are set forth by separate counts within the same or separate charging  
10 documents, the separate counts may not be merged for sentencing.

11 (e) (1) The value of damage is not a substantive element of an offense under  
12 this section and need not be set forth in the charging document.

13 (2) Notwithstanding paragraph (1) of this subsection, a determination of  
14 valuation of damage shall be made based on the evidence and applied for the purpose  
15 of imposing the penalties established in this section.

16 (3) If it cannot be determined from the evidence whether the value of the  
17 damage to the property is more or less than [\$300] \$500, its value shall be  
18 determined to be less than [\$300] \$500.

19 (f) (1) For the purposes of this section, an act of "graffiti" means a violation  
20 of this section by permanent drawing, permanent painting, or making of any  
21 permanent mark or inscription on the real or personal property of another without  
22 the permission of the owner of the real or personal property.

23 (2) In addition to the penalties provided in subsections (b) and (c) of this  
24 section, a person who violates this section by committing an act of graffiti shall be  
25 ordered to pay restitution or perform community service or both.

26 (3) Except as otherwise provided by this section, the provisions of § 807  
27 of this article apply to an order of restitution under this section.

28 143.

29 (a) A person convicted of obtaining property or services by a bad check when  
30 the property or services has a value of [\$300] \$500 or greater is guilty of a felony and  
31 shall be fined not more than \$1,000, or be imprisoned for not more than 15 years, or  
32 be both fined and imprisoned in the discretion of the court.

33 (b) A person convicted of obtaining property or services by more than one bad  
34 check, each of which is issued for less than [\$300] \$500, and which are issued to the  
35 same person within a 30 day period, when the property or services has a cumulative  
36 value of [\$300] \$500 or greater is guilty of a felony and shall be fined not more than  
37 \$1,000, or be imprisoned for not more than 15 years, or be both fined and imprisoned  
38 in the discretion of the court.

1 (c) A person convicted of obtaining property or services by bad check when the  
2 property or services has a value of less than [\$300] \$500 is guilty of a misdemeanor  
3 and shall be fined not more than \$100, or be imprisoned for not more than 18 months,  
4 or be both fined and imprisoned in the discretion of the court.

5 (d) In addition to the penalties provided in this section for conviction of the  
6 offense of obtaining property or services by a bad check the court may:

7 (1) Order restoration of any property which has been the object of the  
8 offense and has been recovered from the defendant or another, or which is in the  
9 defendant's possession or control, to any person or persons having a property interest  
10 therein;

11 (2) Order restitution of the value of any property or services which has  
12 been the object of the offense. The restitution may be ordered to be paid to any person  
13 having a property interest in the property or the person who provided the services.  
14 Restitution may be ordered to the extent that the property is not restored or  
15 compensation has not been provided for the services; and

16 (3) Order the defendant to pay a collection fee of up to \$25 for each bad  
17 check to the person having a property interest in the property or the person who  
18 provided the services.

19 145.

20 (a) For the purposes of this section:

21 (1) "Cardholder" means the person or organization named on the face of  
22 a credit card to whom or for whose benefit the credit card is issued by an issuer.

23 (2) "Credit card" means an instrument or device, whether known as a  
24 credit card, credit plate, or by any other name, issued by an issuer for the use of the  
25 cardholder in obtaining money, goods, services or anything else of value on credit. It  
26 includes a debit or access card or other device other than a check, draft or similar  
27 paper instrument used by the cardholder to effect a transfer of funds that is initiated  
28 through an electronic terminal, telephone, or computer, or magnetic tape ordering,  
29 instructing or authorizing a financial institution to debit or credit an account. It also  
30 includes a payment device number.

31 (3) "Issuer" means the business organization or financial institution  
32 which issues a credit card or its duly authorized agent.

33 (4) "Receives" or "receiving" means acquiring possession or control of a  
34 credit card.

35 (5) (i) "Payment device number" means any code, account number, or  
36 other means of account access, other than a check, draft, or similar paper instrument,  
37 that can be used to obtain money, goods, services, or anything of value, or to initiate  
38 a transfer of funds.

1 (ii) "Payment device number" does not include an encoded or  
2 truncated credit card number or payment device number.

3 (b) A person who makes or causes to be made, either directly or indirectly, any  
4 false statement in writing, knowing it to be false and with the intent that it be relied  
5 on, respecting his identity or that of any other person, firm or corporation, for the  
6 purpose of procuring the issuance of a credit card, violates this section and is subject  
7 to the penalties set forth in subsection (h)(1) of this section.

8 (c) (1) A person who takes a credit card from a person, or from the  
9 possession, custody or control of another without the cardholder's consent or who,  
10 with knowledge that it has been so taken, receives the credit card with intent to use  
11 it or to sell it or to transfer it to a person other than the issuer or the cardholder is  
12 guilty of credit card theft and is subject to the penalties set forth in subsection (h)(1)  
13 of this section.

14 (2) A person who receives a credit card that he knows to have been lost,  
15 mislaid, or delivered under a mistake as to the identity or address of the cardholder,  
16 and who retains possession with intent to use it or to sell it or to transfer it to a  
17 person other than the issuer or the cardholder is guilty of a credit card theft and is  
18 subject to the penalties set forth in subsection (h)(1) of this section.

19 (3) A person other than the issuer who sells a credit card or a person who  
20 buys a credit card from a person other than the issuer violates this section and is  
21 subject to the penalties set forth in subsection (h)(1) of this section.

22 (4) A person, other than the issuer who receives a credit card which he  
23 knows was taken or retained under circumstances which constitute credit card theft  
24 or a violation of subsection (b) of this section or paragraph (3) of this subsection  
25 violates this subsection and is subject to the penalties set forth in subsection (h)(1) of  
26 this section.

27 (5) A person who, with intent to defraud a purported issuer, a person or  
28 organization providing money, goods, services or anything else of value, or any other  
29 person, falsely makes or falsely embosses a purported credit card, or utters such a  
30 credit card or possesses such a credit card with knowledge that such credit card has  
31 been falsely made or falsely embossed is guilty of credit card forgery and is subject to  
32 the penalties set forth in subsection (h)(2) of this section. A person "falsely makes" a  
33 credit card when he makes or draws, in whole or in part, a device or instrument which  
34 purports to be the credit card of a named issuer but which is not such a credit card  
35 because the issuer did not authorize the making or drawing, or alters a credit card  
36 which was validly issued. A person "falsely embosses" a credit card when, without the  
37 authorization of the named issuer, he completes a credit card by adding any of the  
38 matter, other than the signature of the cardholder, which an issuer requires to appear  
39 on the credit card before it can be used by a cardholder.

40 (6) A person other than the cardholder or a person authorized by him  
41 who, with intent to defraud the issuer, or a person or organization providing money,  
42 goods, services or anything else of value, or any other person, signs a credit card is

1 guilty of credit card forgery and is subject to the penalties set forth in subsection  
2 (h)(2) of this section.

3 (d) A person, who, with intent to defraud the issuer, a person or organization  
4 providing money, goods, services or anything else of value, or any other person, (i)  
5 uses for the purpose of obtaining money, goods, services or anything else of value a  
6 credit card obtained or retained in violation of subsection (c) of this section or a credit  
7 card which he knows is forged; or (ii) obtains money, goods, services or anything else  
8 of value by representing without the consent of the cardholder that he is the holder of  
9 a specified card or by representing that he is the holder of a card and such card has  
10 not in fact been issued, violates this subsection and is subject to the penalties set forth  
11 in subsection (h)(1) of this section, if the value of all money, goods, services and other  
12 things of value obtained in violation of this subsection does not exceed [\$300] \$500;  
13 and subject to the penalties set forth in subsection (h)(2) of this section if such value  
14 exceeds [\$300] \$500.

15 (e) (1) A person who is authorized by an issuer to furnish money, goods,  
16 services or anything else of value upon presentation of a credit card by the cardholder,  
17 or any agent or employee of such person, who, with intent to defraud the issuer or the  
18 cardholder, furnishes money, goods, services or anything else of value upon  
19 presentation of a credit card obtained or retained in violation of subsection (c) of this  
20 section or a credit card which he knows is forged violates this subsection and is  
21 subject to the penalties set forth in subsection (h)(1) of this section, if the value of all  
22 money, goods, services and other things of value furnished in violation of this  
23 subsection does not exceed [\$300] \$500 and is subject to the penalties set forth in  
24 subsection (h)(2) of this section if such value exceeds [\$300] \$500.

25 (2) A person who is authorized by an issuer to furnish money, goods,  
26 services or anything else of value upon presentation of a credit card by the cardholder,  
27 or any agent or employee of such person, who, with intent to defraud the issuer or  
28 cardholder, fails to furnish money, goods, services or anything else of value which he  
29 represents in writing to the issuer that he has furnished violates this subsection and  
30 is subject to the penalties set forth in subsection (h)(1) of this section, if the difference  
31 between the value of all money, goods, services and anything else of value actually  
32 furnished and the value represented to the issuer to have been furnished does not  
33 exceed [\$300] \$500, and is subject to the penalties set forth in subsection (h)(2) of this  
34 section if such difference exceeds [\$300] \$500.

35 (f) A person other than the cardholder possessing an incomplete credit card,  
36 with intent to complete it without the consent of the issuer or a person possessing,  
37 with knowledge of its character, machinery, plates or any other contrivance designed  
38 to reproduce instruments purporting to be the credit cards of an issuer who has not  
39 consented to the preparation of such credit cards, violates this subsection and is  
40 subject to the penalties set forth in subsection (h)(2) of this section. A credit card is  
41 "incomplete" if part of the matter other than the name of the cardholder, which an  
42 issuer requires to appear on the credit card, before it can be used by a cardholder, has  
43 not yet been stamped, embossed, imprinted or written on it.

1 (g) A person who receives money, goods, services or anything else of value  
2 obtained in violation of subsection (d) of this section, knowing or believing that it was  
3 so obtained violates this subsection and is subject to the penalties set forth in  
4 subsection (h)(1) of this section if the value of all money, goods, services and other  
5 things of value obtained in violation of this subsection does not exceed [~~\$300~~] \$500;  
6 and is subject to the penalties set forth in subsection (h)(2) of this section, if such  
7 value exceeds [~~\$300~~] \$500.

8 (h) (1) A person who is subject to the penalties of this subsection shall be  
9 guilty of a misdemeanor and fined a sum not to exceed \$500 or imprisoned not more  
10 than 18 months, or both.

11 (2) A person who is subject to the penalties of this subsection shall be  
12 guilty of a felony and fined a sum not to exceed \$1,000 or imprisoned not more than  
13 15 years, or both.

14 (i) If a person commits a violation of this section pursuant to one scheme or  
15 continuing course of conduct, from the same or several sources, the conduct may be  
16 considered as one offense and the value of the money, goods, services, or anything else  
17 of value may be aggregated in determining if the offense is a felony or a misdemeanor.

18 (j) This section shall not be construed to preclude the applicability of any  
19 other provision of the criminal law of this State which presently applies or may in the  
20 future apply to any transaction which violates this section, unless such provision is  
21 inconsistent with the terms of this section.

22 (k) If any provision of this section or its application to any person or  
23 circumstance is held invalid, the invalidity shall not affect other provisions or  
24 applications of the section which can be given effect without the invalid provision or  
25 application, and to this end the provisions of this section are declared to be severable.  
26 340.

27 In this subheading, the following words have the meanings indicated.

28 (n) (1) "Value" means the market value of the property or service at the time  
29 and place of the crime, or if the market value cannot be satisfactorily ascertained, the  
30 cost of the replacement of the property within a reasonable time after the crime.

31 (2) Whether or not they have been issued or delivered, certain written  
32 instruments, not including those having a readily ascertainable market value, shall  
33 be evaluated as follows:

34 (i) The value of an instrument constituting an evidence of debt,  
35 such as a check, draft, or promissory note, shall be determined as the amount due or  
36 collectible thereon or thereby, this figure ordinarily being the face amount of the  
37 indebtedness less any portion thereof which has been satisfied.

38 (ii) The value of any other instrument which creates, releases,  
39 discharges, or otherwise affects any valuable legal right, privilege, or obligation shall

1 be determined as the amount of economic loss which the owner of the instrument  
2 might reasonably suffer by virtue of the loss of the instrument.

3           (3)       The value of a trade secret which does not have a readily  
4 ascertainable market value shall be deemed any reasonable value representing the  
5 damage to the owner suffered by reason of losing an advantage over those who do not  
6 know of or use the trade secret.

7           (4)       When it cannot be determined if the value of the property or service is  
8 more or less than [~~\$300~~] \$500 by the standards set forth in this subsection, its value  
9 shall be determined to be an amount less than [~~\$300~~] \$500.

10          (5)       When theft is committed in violation of this subheading pursuant to  
11 one scheme or continuing course of conduct, whether from the same or several  
12 sources, the conduct may be considered as one offense and the value of the property or  
13 services aggregated in determining whether the theft is a felony or a misdemeanor.

14 342.

15       (f)       (1)       A person convicted of theft where the property or services that was  
16 the subject of the theft has a value of [~~\$300~~] \$500 or greater is guilty of a felony and  
17 shall restore the property taken to the owner or pay him the value of the property or  
18 services, and be fined not more than \$1,000, or be imprisoned for not more than 15  
19 years, or be both fined and imprisoned in the discretion of the court.

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

28 372.

29       "Machine gun" as used in this subtitle, means a weapon, of any description, by  
30 whatever name known, loaded or unloaded, from which more than one shot or bullet  
31 may be automatically discharged from a magazine, by a single function of the firing  
32 device.

33       "Crime of violence" applies to and includes any of the following crimes or an  
34 attempt to commit any of the same, namely, murder of any degree, manslaughter,  
35 kidnapping, rape in any degree, assault in the first degree, robbery UNDER § 486, § 487,  
36 OR § 488 OF THIS ARTICLE, burglary in any degree, escape in the first degree, and  
37 theft.

38       "Person" applies to and includes firm, partnership, association, or corporation.



1 410.

2 All murder which shall be committed in the perpetration of, or attempt to  
3 perpetrate, any rape in any degree, sexual offense in the first or second degree,  
4 sodomy, mayhem, robbery UNDER § 486, § 487, OR § 488 OF THIS ARTICLE, carjacking or  
5 armed carjacking, burglary in the first, second, or third degree, a violation of § 139C  
6 of this article concerning destructive devices, kidnapping as defined in §§ 337 and 338  
7 of this article, or in the escape in the first degree or attempt to escape in the first  
8 degree from the Patuxent Institution, any institution or facility under the jurisdiction  
9 of the Division of Correction or the Division of Pretrial Detention and Services, or  
10 from any jail or penal institution in any of the counties of this State, shall be murder  
11 in the first degree.

12 413.

13 (d) In determining the sentence, the court or jury, as the case may be, shall  
14 first consider whether, beyond a reasonable doubt, any of the following aggravating  
15 circumstances exist:

16 (1) One or more persons committed the murder of a law enforcement  
17 officer while in the performance of his duties;

18 (2) The defendant committed the murder at a time when he was confined  
19 in any correctional institution;

20 (3) The defendant committed the murder in furtherance of an escape or  
21 an attempt to escape from or evade the lawful custody, arrest, or detention of or by an  
22 officer or guard of a correctional institution or by a law enforcement officer;

23 (4) The victim was taken or attempted to be taken in the course of a  
24 kidnapping or abduction or an attempt to kidnap or abduct;

25 (5) The victim was a child abducted in violation of § 2 of this article;

26 (6) The defendant committed the murder pursuant to an agreement or  
27 contract for remuneration or the promise of remuneration to commit the murder;

28 (7) The defendant engaged or employed another person to commit the  
29 murder and the murder was committed pursuant to an agreement or contract for  
30 remuneration or the promise of remuneration;

31 (8) At the time of the murder, the defendant was under sentence of death  
32 or imprisonment for life;

33 (9) The defendant committed more than one offense of murder in the  
34 first degree arising out of the same incident; or

35 (10) The defendant committed the murder while committing or  
36 attempting to commit a carjacking, armed carjacking, robbery UNDER § 486, § 487, OR

1 § 488 OF THIS ARTICLE, arson in the first degree, rape or sexual offense in the first  
2 degree.

3 (g) If the court or jury finds, beyond a reasonable doubt, that one or more of  
4 these aggravating circumstances exist, it shall then consider whether, based upon a  
5 preponderance of the evidence, any of the following mitigating circumstances exist:

6 (1) The defendant has not previously (i) been found guilty of a crime of  
7 violence; (ii) entered a plea of guilty or nolo contendere to a charge of a crime of  
8 violence; or (iii) had a judgment of probation on stay of entry of judgment entered on  
9 a charge of a crime of violence. As used in this paragraph, "crime of violence" means  
10 abduction, arson in the first degree, escape in the first degree, kidnapping,  
11 manslaughter, except involuntary manslaughter, mayhem, murder, robbery UNDER §  
12 486, § 487, OR § 488 OF THIS ARTICLE, carjacking or armed carjacking, or rape or sexual  
13 offense in the first or second degree, or an attempt to commit any of these offenses, or  
14 the use of a handgun in the commission of a felony or another crime of violence.

15 (2) The victim was a participant in the defendant's conduct or consented  
16 to the act which caused the victim's death.

17 (3) The defendant acted under substantial duress, domination or  
18 provocation of another person, but not so substantial as to constitute a complete  
19 defense to the prosecution.

20 (4) The murder was committed while the capacity of the defendant to  
21 appreciate the criminality of his conduct or to conform his conduct to the  
22 requirements of law was substantially impaired as a result of mental incapacity,  
23 mental disorder or emotional disturbance.

24 (5) The youthful age of the defendant at the time of the crime.

25 (6) The act of the defendant was not the sole proximate cause of the  
26 victim's death.

27 (7) It is unlikely that the defendant will engage in further criminal  
28 activity that would constitute a continuing threat to society.

29 (8) Any other facts which the jury or the court specifically sets forth in  
30 writing that it finds as mitigating circumstances in the case.

31 441.

32 (e) "Crime of violence" means:

33 (1) Abduction;

34 (2) Arson in the first degree;

35 (3) Assault in the first or second degree;

36 (4) Burglary in the first, second, or third degree;

- 1 (5) Carjacking and armed carjacking;
- 2 (6) Escape in the first degree;
- 3 (7) Kidnapping;
- 4 (8) Voluntary manslaughter;
- 5 (9) Maiming;
- 6 (10) Mayhem as previously proscribed under former § 384 of this article;
- 7 (11) Murder in the first or second degree;
- 8 (12) Rape in the first or second degree;
- 9 (13) Robbery UNDER § 486, § 487, OR § 488 OF THIS ARTICLE;
- 10 [(14) Robbery with a dangerous or deadly weapon;]
- 11 [(15)] (14) Sexual offense in the first, second, or third degree;
- 12 [(16)] (15) An attempt to commit any of the aforesaid offenses; or
- 13 [(17)] (16) Assault with intent to commit any of the aforesaid offenses or
- 14 any offense punishable by imprisonment for more than 1 year.

15 [486.

16 Every person convicted of the crime of robbery or attempt to rob, or as accessory  
17 thereto before the fact, is guilty of a felony, shall restore the thing robbed or taken to  
18 the owner, or shall pay to him the full value thereof, and be sentenced to  
19 imprisonment for not more than 15 years.]

20 [486A.

21 Robbery of any obligation or bond, bill obligatory or bill of exchange, bank note  
22 or notes, promissory notes for the payment of money, check or order drawn on any  
23 bank of this State, or any other state, paper bill of credit, certificate granted by or  
24 under the authority of this State, or of the United States, or any of them, or any last  
25 will and testament or codicil, shall be punished in the same manner as robbery of  
26 goods and chattels.]

27 [487.

28 In any indictment or warrant for robbery, it shall be sufficient to use a formula  
29 substantially to the following effect: "That A-B on the ..... day of ....., 19 ....., in the  
30 County (City) aforesaid feloniously did rob C-D (or did attempt to rob C-D, as the  
31 case may be) and violently did steal (or attempt to steal, as the case may be) from him  
32 ..... dollars (here list the property stolen); contrary to the form of the Act of Assembly

1 in such cases made and provided and against the peace, government and dignity of  
2 the State."]

3 [488.

4 Every person convicted of the crime of robbery or attempt to rob with a  
5 dangerous or deadly weapon or accessory thereto is guilty of a felony, shall restore to  
6 the owner thereof the thing robbed or taken, or shall pay him the full value thereof,  
7 and be sentenced to imprisonment for not more than 20 years.]

8 [489.

9 In any indictment or warrant for robbery with a dangerous or deadly weapon  
10 and attempt to rob with a dangerous or deadly weapon, it shall be sufficient to use a  
11 formula substantially to the following effect: "That A-B on the ..... day of ....., 19 .....,  
12 in the County (City) aforesaid feloniously with a dangerous and deadly weapon did  
13 rob C-D (or did attempt with a dangerous and deadly weapon to rob C-D, as the case  
14 may be) and violently did steal (or attempt to steal, as the case may be) from him .....  
15 dollars (here list property stolen); contrary to the form of the Act of Assembly in such  
16 cases made and provided and against the peace, government and dignity of the  
17 State."]

18 486.

19 (A) (1) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE  
20 MEANINGS INDICATED.

21 (2) "DEPRIVE" MEANS TO WITHHOLD PROPERTY OF ANOTHER:

22 (I) PERMANENTLY;

23 (II) FOR SUCH A PERIOD AS TO APPROPRIATE A PORTION OF ITS  
24 VALUE;

25 (III) WITH THE PURPOSE TO RESTORE IT ONLY UPON PAYMENT OF  
26 REWARD OR OTHER COMPENSATION; OR

27 (IV) TO DISPOSE OF THE PROPERTY AND USE OR DEAL WITH THE  
28 PROPERTY SO AS TO MAKE IT UNLIKELY THAT THE OWNER WILL RECOVER IT.

29 (3) "OBTAIN" MEANS:

30 (I) IN RELATION TO PROPERTY, TO BRING ABOUT A TRANSFER OF  
31 INTEREST OR POSSESSION, WHETHER TO THE OFFENDER OR TO ANOTHER; AND

32 (II) IN RELATION TO SERVICES, TO SECURE THE PERFORMANCE  
33 THEREOF.

34 (4) "PROPERTY" MEANS ANYTHING OF VALUE, INCLUDING:

35 (I) REAL ESTATE;

- 1 (II) MONEY;
- 2 (III) COMMERCIAL INSTRUMENTS;
- 3 (IV) ADMISSION OR TRANSPORTATION TICKETS;
- 4 (V) WRITTEN INSTRUMENTS REPRESENTING OR EMBODYING  
5 RIGHTS CONCERNING ANYTHING OF VALUE, OR SERVICES, OR ANYTHING  
6 OTHERWISE OF VALUE TO THE OWNER;
- 7 (VI) THINGS GROWING ON OR AFFIXED TO, OR FOUND ON LAND, OR  
8 PART OF OR AFFIXED TO ANY BUILDING;
- 9 (VII) ELECTRICITY, GAS, AND WATER;
- 10 (VIII) BIRDS, ANIMALS, AND FISH WHICH ORDINARILY ARE KEPT IN A  
11 STATE OF CONFINEMENT;
- 12 (IX) FOOD AND DRINK;
- 13 (X) SAMPLES, CULTURES, MICROORGANISMS, SPECIMENS;
- 14 (XI) RECORDS, RECORDINGS, DOCUMENTS, BLUEPRINTS,  
15 DRAWINGS, MAPS, AND WHOLE OR PARTIAL COPIES, DESCRIPTIONS, PHOTOGRAPHS,  
16 PROTOTYPES OR MODELS THEREOF; OR ANY OTHER ARTICLES, MATERIALS, DEVICES,  
17 SUBSTANCES, AND WHOLE OR PARTIAL COPIES, DESCRIPTIONS, PHOTOGRAPHS,  
18 PROTOTYPES, OR MODELS THEREOF WHICH REPRESENT EVIDENCE, REFLECT OR  
19 RECORD SECRET SCIENTIFIC, TECHNICAL, MERCHANDISING PRODUCTIONS OR  
20 MANAGEMENT INFORMATION, DESIGNED PROCESS, PROCEDURE, FORMULA,  
21 INVENTION, TRADE SECRET, OR IMPROVEMENT; AND
- 22 (XII) FINANCIAL INSTRUMENTS, INFORMATION, ELECTRONICALLY  
23 PRODUCED DATA, COMPUTER SOFTWARE AND PROGRAMS IN EITHER MACHINE OR  
24 HUMAN READABLE FORM, AND OTHER TANGIBLE OR INTANGIBLE ITEMS OF VALUE.
- 25 (5) "SERIOUS PHYSICAL INJURY" MEANS PHYSICAL INJURY WHICH:
- 26 (I) CREATES A SUBSTANTIAL RISK OF DEATH;
- 27 (II) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED  
28 DISFIGUREMENT;
- 29 (III) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED LOSS  
30 OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN; OR
- 31 (IV) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED  
32 IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN.
- 33 (6) "SERVICE" INCLUDES:
- 34 (I) LABOR OR PROFESSIONAL SERVICE;

1 (II) TELECOMMUNICATION, PUBLIC UTILITY, TOLL FACILITIES, OR  
2 TRANSPORTATION SERVICE;

3 (III) LODGING, ENTERTAINMENT, OR RESTAURANT SERVICE; OR

4 (IV) THE USE OF EQUIPMENT, INCLUDING BUT NOT LIMITED TO  
5 COMPUTERS AND OTHER DATA PROCESSING EQUIPMENT.

6 (B) (1) ROBBERY RETAINS ITS JUDICIALLY DETERMINED MEANING, EXCEPT  
7 THAT A ROBBERY CONVICTION REQUIRES PROOF OF INTENT TO DEPRIVE ANOTHER  
8 OF PROPERTY; OR

9 (2) ROBBERY INCLUDES OBTAINING THE SERVICE OF ANOTHER BY  
10 FORCE OR THREAT OF FORCE.

11 (C) A PERSON MAY NOT COMMIT OR ATTEMPT TO COMMIT A ROBBERY.

12 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON  
13 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS.

14 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): This section  
15 retains the judicially determined meaning of robbery, but includes a proof of intent to  
16 deprive another of property, which is also a required element of the crime of theft  
17 under Article 27, § 342 of the Code. Also included in the offense of robbery is  
18 "obtaining the service of another", which is an element of theft under § 342. The  
19 definitions in subsection (a) of this section are based on the terms contained in the  
20 theft definitions of Article 27, § 340.

21 Former Article 27, § 486A is repealed as unnecessary in light of the defined term  
22 "property" in this section, which includes those documents and items described in  
23 former Article 27, § 486A.

24 This revision retains the judicially determined meaning of robbery, generally  
25 described as the felonious taking and carrying away of the personal property of  
26 another, from his person or in his presence, by violence, or by putting him in fear (See  
27 *Darby v. State*, 3 Md. App. 407, cert. denied, 251 Md. 748 (1968) and *State v. Gover*,  
28 267 Md. 602 (1973)); and larceny from the person, accompanied by violence or putting  
29 in fear (See *Tyler v. State*, 5 Md. App. 158 (1968), cert. denied, 252 Md. 733 (1969)).  
30 Under common law, robbery is a specific intent crime that requires intent to  
31 permanently deprive the owner of property (See *State v. Gover*, 267 Md. 602 (1973)  
32 and *Hadder v. State*, 238 Md. 341 (1965)).

33 This revision is not intended to affect the separate crimes of carjacking or armed  
34 carjacking under Article 27, § 348A.

35 487.

36 (A) A PERSON MAY NOT COMMIT OR ATTEMPT TO COMMIT A ROBBERY UNDER  
37 § 486 OF THIS SUBHEADING WITH A DANGEROUS OR DEADLY WEAPON.

1 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON  
2 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS.

3 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): This section  
4 establishes an enhanced penalty for robbery with a dangerous or deadly weapon  
5 consistent with the penalty established under former Article 27, § 488.

6 This revision is intended to preserve the judicially determined meaning of  
7 "dangerous or deadly weapon" (See *Brooks v. State*, 314 Md. 585 (1989); *Bennett v.*  
8 *State*, 237 Md. 212 (1964); *Whack v. State*, 288 Md. 137 (1980) and others).

9 488.

10 (A) A PERSON MAY NOT COMMIT OR ATTEMPT TO COMMIT A ROBBERY UNDER  
11 § 486 OF THIS SUBHEADING BY CAUSING OR ATTEMPTING TO CAUSE A SERIOUS  
12 PHYSICAL INJURY TO ANOTHER.

13 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON  
14 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS.

15 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): This section is  
16 new language that establishes an enhanced penalty for robbery during which the  
17 offender causes or attempts to cause a serious physical injury, based on the definition  
18 of "serious physical injury" in the first degree assault provisions of Article 27, § 12.

19 This section establishes a new prohibition and penalty against the commission  
20 or attempted commission of a robbery by causing or attempting to cause a serious  
21 physical injury to another.

22 489.

23 (A) IN ANY INDICTMENT, INFORMATION, WARRANT, OR OTHER CHARGING  
24 DOCUMENT FOR ROBBERY IN §§ 486 THROUGH 488 OF THIS SUBHEADING, IT IS  
25 SUFFICIENT TO USE A FORMULA SUBSTANTIALLY TO THE FOLLOWING EFFECT:  
26 "THAT A-B ON THE DAY OF ....., ....., IN THE COUNTY (CITY) AFORESAID,  
27 FELONIOUSLY DID ROB C-D OF ..... (PROPERTY/SERVICE) (HAVING A VALUE OF  
28 \$500 OR MORE) IN VIOLATION OF ARTICLE 27, SECTION (SECTION VIOLATED) (WITH A  
29 DANGEROUS OR DEADLY WEAPON OR WHILE CAUSING OR ATTEMPTING TO CAUSE A  
30 SERIOUS PHYSICAL INJURY, AS THE CASE MAY BE); CONTRARY TO THE FORM OF THE  
31 ACT OF ASSEMBLY IN SUCH CASE MADE AND PROVIDED AND AGAINST THE PEACE,  
32 GOVERNMENT, AND DIGNITY OF THE STATE."

33 (B) IF A CHARGING DOCUMENT ALLEGES THAT THE VALUE OF THE PROPERTY  
34 OR SERVICE SUBJECT TO THIS SUBTITLE IS \$500 OR MORE, THE JURY SHALL BE  
35 INSTRUCTED BY THE COURT TO DETERMINE IF THE VALUE OF THE PROPERTY OR  
36 SERVICE IS:

37 (1) LESS THAN \$500; OR

38 (2) \$500 OR MORE.

1 (C) UNLESS A CHARGING DOCUMENT ALLEGES THAT THE VALUE OF THE  
2 PROPERTY OR SERVICE SUBJECT TO THIS SUBTITLE IS \$500 OR MORE, A FELONY  
3 VIOLATION OF § 342 OF THIS ARTICLE IS NOT A LESSER INCLUDED OFFENSE OF  
4 ROBBERY.

5 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): Subsection (a)  
6 of this section revises and merges former Article 27, § 487 and § 489 of the Code into  
7 one formula for an indictment, information, warrant, or charging document, and  
8 includes the ability to list the value of the property or service that is the subject of the  
9 robbery, for the purposes of charging felony theft under Article 27, § 342 of the Code.

10 Subsection (b) of this section requires a jury instruction for determining the  
11 value of the property or service at less than \$500, or \$500 or more, for the purposes of  
12 establishing misdemeanor or felony theft under Article 27, § 342 as a lesser included  
13 offense for robbery in any degree.

14 562B.

15 Every person who obtains or attempts to obtain by extortion a sum of money,  
16 real or personal property, or any thing of value of [~~\$300~~] \$500 or more from any  
17 person is guilty of a felony, and upon being convicted thereof, shall be sentenced to  
18 imprisonment for not more than ten years or fined not more than \$5,000, or both. If  
19 the sum of money, property, or thing of value is under [~~\$300~~] \$500, the person is guilty  
20 of a misdemeanor and, upon being convicted thereof, shall be sentenced to not more  
21 than 18 months and be fined not more than \$500, or both. For the purposes of this  
22 section, "extortion" means obtaining property from another, with his consent, induced  
23 by wrongful use of actual or threatened force, or violence or by wrongful threat of  
24 economic injury. This section does not apply to legitimate efforts by employees or their  
25 representatives to obtain certain wages, hours or working conditions. A prosecution  
26 for the felony offense under this section shall be instituted within 5 years after the  
27 offense was committed.

28 562C.

29 Every officer or employee of the State of Maryland, a county, Baltimore City, a  
30 municipality, or bicounty or multicounty agency, who obtains or attempts to obtain, by  
31 extortion, from any person a sum of money, real or personal property, or any thing of  
32 value that exceeds [~~\$300~~] \$500, is guilty of a felony and shall be fined not more than  
33 \$5,000 or imprisoned not more than ten years or both and, notwithstanding any  
34 pardon, shall be permanently barred from employment by the State of Maryland, any  
35 county, municipality, or bicounty or multicounty agency. If the property extorted does  
36 not exceed [~~\$300~~] \$500, it is a misdemeanor and the punishment shall be limited to a  
37 fine of not more than \$500 or imprisonment for six months or both. For the purpose of  
38 this section, "extortion" means the wrongful obtaining of the property from another  
39 with his consent, which consent was obtained under color or pretense of office or  
40 under color of official right, or by wrongful use of actual or threatened force, or  
41 violence. A prosecution for the felony offense under this section shall be instituted  
42 within 5 years after the offense was committed.



1 643B.

2 (a) As used in this section, the term "crime of violence" means abduction;  
 3 arson in the first degree; kidnapping; manslaughter, except involuntary  
 4 manslaughter; mayhem and maiming, as previously proscribed under §§ 384, 385,  
 5 and 386 of this article; murder; rape; robbery UNDER § 486, § 487, OR § 488 OF THIS  
 6 ARTICLE; [robbery with a deadly weapon;] carjacking or armed carjacking; sexual  
 7 offense in the first degree; sexual offense in the second degree; use of a handgun in  
 8 the commission of a felony or other crime of violence; an attempt to commit any of the  
 9 aforesaid offenses; assault in the first degree; and assault with intent to murder,  
 10 assault with intent to rape, assault with intent to rob, assault with intent to commit  
 11 a sexual offense in the first degree, and assault with intent to commit a sexual offense  
 12 in the second degree, as these crimes were previously proscribed under former § 12 of  
 13 this article.

14 The term "correctional institution" includes Patuxent Institution and a local or  
 15 regional jail or detention center.

16 **Article 88B - Department of State Police**

17 12A.

- 18 (a) (8) "Qualifying crime of violence" means:
- 19 (i) A violation of Article 27, § 35C of the Code that involves sexual  
 20 abuse;
- 21 (ii) Rape in any degree;
- 22 (iii) A sexual offense in the first, second, or third degree;
- 23 (iv) Murder;
- 24 (v) Robbery [or robbery with a deadly weapon] UNDER ARTICLE 27,  
 25 § 486, § 487, OR § 488 OF THE CODE;
- 26 (vi) First degree assault; or
- 27 (vii) Attempts to commit these offenses.

28 **Article - Courts and Judicial Proceedings**

29 3-804.

30 (e) The court does not have jurisdiction over:

- 31 (1) A child at least 14 years old alleged to have done an act which, if  
 32 committed by an adult, would be a crime punishable by death or life imprisonment, as  
 33 well as all other charges against the child arising out of the same incident, unless an

1 order removing the proceeding to the court has been filed under Article 27, § 594A of  
2 the Code;

3 (2) A child at least 16 years old alleged to have done an act in violation of  
4 any provision of the Transportation Article or other traffic law or ordinance, except an  
5 act that prescribes a penalty of incarceration;

6 (3) A child at least 16 years old alleged to have done an act in violation of  
7 any provision of law, rule, or regulation governing the use or operation of a boat,  
8 except an act that prescribes a penalty of incarceration;

9 (4) A child at least 16 years old alleged to have committed any of the  
10 following crimes, as well as all other charges against the child arising out of the same  
11 incident, unless an order removing the proceeding to the court has been filed under  
12 Article 27, § 594A of the Code:

13 (i) Abduction;

14 (ii) Kidnapping;

15 (iii) Second degree murder;

16 (iv) Manslaughter, except involuntary manslaughter;

17 (v) Second degree rape;

18 (vi) Robbery [with a dangerous or deadly weapon] UNDER ARTICLE  
19 27, § 487 OR § 488 OF THE CODE;

20 (vii) Second degree sexual offense in violation of Article 27, §  
21 464A(a)(1) of the Code;

22 (viii) Third degree sexual offense in violation of Article 27, §  
23 464B(a)(1) of the Code;

24 (ix) A crime in violation of Article 27, § 36B, § 373, § 374, § 445, §  
25 446, or § 481C of the Code;

26 (x) Using, wearing, carrying, or transporting of firearm during and  
27 in relation to a drug trafficking crime in violation of Article 27, § 281A of the Code;

28 (xi) Use of a firearm in violation of Article 27, § 291A of the Code;

29 (xii) Carjacking or armed carjacking in violation of Article 27, § 348A  
30 of the Code;

31 (xiii) Assault in the first degree in violation of Article 27, § 12A-1 of  
32 the Code;

33 (xiv) Attempted murder in the second degree in violation of Article  
34 27, § 411A of the Code;

1 (xv) Attempted rape or attempted sexual offense in the second  
2 degree under Article 27, § 464F of the Code; or

3 (xvi) Attempted robbery [with a dangerous or deadly weapon under  
4 Article 27, § 488 of the Code] UNDER ARTICLE 27, § 487 OR § 488 OF THE CODE; or

5 (5) A child who previously has been convicted as an adult of a felony and  
6 is subsequently alleged to have committed an act that would be a felony if committed  
7 by an adult, unless an order removing the proceeding to the court has been filed  
8 under Article 27, § 594A of the Code.

9 10-402.

10 (c) (2) It is lawful under this subtitle for an investigative or law enforcement  
11 officer acting in a criminal investigation or any other person acting at the prior  
12 direction and under the supervision of an investigative or law enforcement officer to  
13 intercept a wire, oral, or electronic communication in order to provide evidence of the  
14 commission of the offenses of murder, kidnapping, rape, a sexual offense in the first or  
15 second degree, child abuse, child pornography, as defined under Article 27, §§ 419A  
16 and 419B of the Code, gambling, robbery UNDER ARTICLE 27, § 486, § 487, OR § 488 OF  
17 THE CODE, any felony punishable under the "Arson and Burning" subheading of  
18 Article 27, bribery, extortion, or dealing in controlled dangerous substances, including  
19 violations of Article 27, § 286B or § 287A, fraudulent insurance acts, as defined in  
20 Title 27, Subtitle 4 of the Insurance Article, offenses relating to destructive devices  
21 under Article 27, § 139C of the Code, or any conspiracy or solicitation to commit any  
22 of these offenses, or where any person has created a barricade situation and probable  
23 cause exists for the investigative or law enforcement officer to believe a hostage or  
24 hostages may be involved, where the person is a party to the communication or one of  
25 the parties to the communication has given prior consent to the interception.

26 10-406.

27 The Attorney General, State Prosecutor, or any State's Attorney may apply to a  
28 judge of competent jurisdiction, and the judge, in accordance with the provisions of §  
29 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral,  
30 or electronic communications by investigative or law enforcement officers when the  
31 interception may provide or has provided evidence of the commission of the offense of  
32 murder, kidnapping, child pornography, as defined in Article 27, §§ 419A and 419B of  
33 the Code, gambling, robbery UNDER ARTICLE 27, § 486, § 487, OR § 488 OF THE CODE,  
34 any felony punishable under the "Arson and Burning" subheading of Article 27 of this  
35 Code, bribery, extortion, or dealing in controlled dangerous substances, offenses  
36 relating to destructive devices under Article 27, § 139C of the Code, or any conspiracy  
37 or solicitation to commit any of the foregoing offenses. No application or order shall be  
38 required if the interception is lawful under the provisions of § 10-402(c) of this  
39 subtitle.

40 SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Notes  
41 contained in this Act are not law.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall only apply  
2 to offenses committed on or after the effective date of this Act and may not be  
3 construed to apply in any way to offenses committed before the effective date of this  
4 Act.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2000.