
By: **Delegates Petzold, Barkley, Boschert, Dembrow, Doory, Giannetti, K.
Kelly, and Montague**

Introduced and read first time: February 2, 2001

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 27, 2001

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Electronic Security Systems - Retail Establishments**

3 FOR the purpose of including in the definition of electronic security system certain
4 devices used in retail establishments designed to prevent theft; prohibiting the
5 possession of certain items intended to shield merchandise or deactivate or
6 remove electronic security systems or parts of electronic security systems under
7 certain circumstances; and generally relating to electronic security systems.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 40B
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 2000 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 40B.

17 (a) In this section the following words have the meanings indicated.

18 (1) "Code grabbing device" means a device that is capable of receiving
19 and recording the coded signal sent by the transmitter of an electronic security
20 system and playing back the signal to disarm the electronic security system.

1 (2) "Electronic security system" includes:

2 (i) An electronic home security system;

3 (ii) A motor vehicle security alarm system;

4 (iii) An automatic garage door opener; [and]

5 (iv) A home detention monitoring device; AND

6 (V) AN ELECTRONIC OR MAGNETIC THEFT DETECTION DEVICE
7 USED IN A RETAIL ESTABLISHMENT DESIGNED TO PREVENT THEFT.

8 (b) A person may not manufacture, sell, use, or possess a code grabbing device
9 with the intent for the code grabbing device to be used in the commission of a crime.

10 (C) A PERSON MAY NOT KNOWINGLY POSSESS WITH INTENT TO COMMIT
11 THEFT ANY LAMINATED OR COATED BAG, CLOTHING, OR DEVICE INTENDED TO
12 SHIELD MERCHANDISE FROM DETECTION BY AN ELECTRONIC SECURITY SYSTEM.

13 (D) A PERSON MAY NOT KNOWINGLY POSSESS A TOOL OR DEVICE DESIGNED
14 TO ALLOW OR CAPABLE OF ALLOWING THE DEACTIVATION OR REMOVAL FROM ANY
15 MERCHANDISE ANY ELECTRONIC SECURITY SYSTEM OR DEVICE USED AS PART OF
16 AN ELECTRONIC SECURITY SYSTEM WITH THE INTENT TO:

17 (1) USE THE TOOL OR DEVICE TO DEACTIVATE ANY ELECTRONIC
18 SECURITY SYSTEM; OR

19 (2) REMOVE ANY ELECTRONIC SECURITY SYSTEM OR DEVICE USED AS
20 PART OF AN ELECTRONIC SECURITY SYSTEM FROM ANY MERCHANDISE WITHOUT
21 THE PERMISSION OF THE MERCHANT OR PERSON OWNING OR LAWFULLY HOLDING
22 THE MERCHANDISE.

23 [(c)] (E) A person who violates this section is guilty of a misdemeanor and on
24 conviction is subject to a fine not exceeding \$1,000 or a term of imprisonment not
25 exceeding 1 year or both.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2001.