
By: **Senators Jimeno and DeGrange**
Introduced and read first time: January 26, 2001
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Theft - Third or Subsequent Conviction - Penalties**

3 FOR the purpose of establishing certain minimum mandatory penalties for a third or
4 subsequent conviction of theft where the property or services that were the
5 subject of each theft has a value of less than \$500; establishing a certain fine for
6 a third or subsequent conviction of certain thefts; prohibiting the suspension of
7 a certain sentence; prohibiting eligibility for parole for certain persons under
8 certain circumstances; and generally relating to penalties for theft.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 342(f)
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2000 Supplement)

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

16 **Article 27 - Crimes and Punishments**

17 342.

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

23 (2) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
24 A person convicted of theft where the property or services that [was] WERE the
25 subject of the theft has a value of less than \$500 is guilty of a misdemeanor and shall
26 restore the property taken to the owner or pay him the value of the property or
27 services, and be fined not more than \$500, or be imprisoned for not more than 18
28 months, or be both fined and imprisoned in the discretion of the court; however, all
29 actions or prosecutions for theft where the property or services that was the subject of

1 the theft has a value of less than \$500 shall be commenced within 2 years after the
2 commission of the offense.

3 (3) (I) UPON A THIRD OR SUBSEQUENT CONVICTION FOR THEFT
4 WHERE THE PROPERTY OR SERVICES THAT WERE THE SUBJECT OF EACH THEFT
5 HAVE A VALUE OF LESS THAN \$500, THE PERSON CONVICTED SHALL:

6 1. RESTORE THE PROPERTY TAKEN TO THE OWNER OR PAY
7 THE OWNER THE VALUE OF THE PROPERTY OR SERVICES;

8 2. BE SUBJECT TO A FINE NOT EXCEEDING \$5,000; AND

9 3. BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN
10 18 MONTHS OR MORE THAN 5 YEARS, NO PART OF WHICH MAY BE SUSPENDED.

11 (II) A PERSON SENTENCED TO IMPRISONMENT UNDER
12 SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE ELIGIBLE FOR PAROLE EXCEPT
13 IN ACCORDANCE WITH THE PROVISIONS OF § 4-305 OF THE CORRECTIONAL
14 SERVICES ARTICLE.

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