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

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 8, 2001

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CHAPTER \_\_\_\_\_

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.

1 (2) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,  
2 A person convicted of theft where the property or services that [was] WERE the  
3 subject of the theft has a value of less than \$500 is guilty of a misdemeanor and shall  
4 restore the property taken to the owner or pay him the value of the property or  
5 services, and be fined not more than \$500, or be imprisoned for not more than 18  
6 months, or be both fined and imprisoned in the discretion of the court; however, all  
7 actions or prosecutions for theft where the property or services that was the subject of  
8 the theft has a value of less than \$500 shall be commenced within 2 years after the  
9 commission of the offense.

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

13 ~~1.~~ (I) RESTORE THE PROPERTY TAKEN TO THE OWNER OR  
14 PAY THE OWNER THE VALUE OF THE PROPERTY OR SERVICES;

15 ~~2.~~ (II) BE SUBJECT TO A FINE NOT EXCEEDING \$5,000; AND

16 ~~3.~~ (III) BE SENTENCED TO IMPRISONMENT NOT EXCEEDING  
17 5 YEARS FOR NOT LESS THAN 18 MONTHS OR MORE THAN 5 YEARS, NO PART OF  
18 ~~WHICH MAY BE SUSPENDED.~~

19 ~~(II) A PERSON SENTENCED TO IMPRISONMENT UNDER~~  
20 ~~SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE ELIGIBLE FOR PAROLE EXCEPT~~  
21 ~~IN ACCORDANCE WITH THE PROVISIONS OF § 4-305 OF THE CORRECTIONAL~~  
22 ~~SERVICES ARTICLE.~~

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