

SENATE BILL 436

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2002 Regular Session
2r1114
CF 2r1093

By: **Senators Jimeno and Baker**

Introduced and read first time: January 31, 2002

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 penalties for a third or subsequent conviction
4 of theft of property or services with a certain value; prohibiting a court from
5 imposing certain penalties unless a State's Attorney provides a certain notice to
6 the defendant; and generally relating to penalties for theft.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Law
9 Section 7-104(g)
10 Annotated Code of Maryland
11 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
12 2002)

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

15 **Article - Criminal Law**

16 7-104.

17 (g) (1) A person convicted of theft of property or services with a value of
18 \$500 or more is guilty of a felony and:

19 (i) is subject to imprisonment not exceeding 15 years or a fine not
20 exceeding \$1,000 or both; and

21 (ii) shall restore the property taken to the owner or pay the owner
22 the value of the property or services.

23 (2) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
24 A person convicted of theft of property or services with a value of less than \$500, is
25 guilty of a misdemeanor and:

26 (i) is subject to imprisonment not exceeding 18 months or a fine
27 not exceeding \$500 or both; and

1 (ii) shall restore the property taken to the owner or pay the owner
2 the value of the property or services.

3 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PERSON
4 CONVICTED OF A THIRD OR SUBSEQUENT CRIME OF THEFT OF PROPERTY OR
5 SERVICES WITH A VALUE OF LESS THAN \$500 IS GUILTY OF A MISDEMEANOR AND:

6 (I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
7 FINE NOT EXCEEDING \$5,000 OR BOTH; AND

8 (II) SHALL RESTORE THE PROPERTY TAKEN TO THE OWNER OR PAY
9 THE OWNER THE VALUE OF THE PROPERTY OR SERVICES.

10 (4) THE COURT MAY NOT IMPOSE PENALTIES UNDER PARAGRAPH (3) OF
11 THIS SUBSECTION UNLESS THE STATE'S ATTORNEY SERVES NOTICE ON THE
12 DEFENDANT OR THE DEFENDANT'S COUNSEL BEFORE THE ACCEPTANCE OF A PLEA
13 OF GUILTY OR NOLO CONTENDERE OR AT LEAST 15 DAYS BEFORE TRIAL THAT:

14 (I) STATES THAT THE STATE WILL SEEK PENALTIES UNDER
15 PARAGRAPH (3) OF THIS SUBSECTION; AND

16 (II) LISTS THE ALLEGED PRIOR CONVICTIONS OF THE DEFENDANT.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect October 1, 2002.