

SENATE BILL 755

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SB 472/96 - JPR

2002 Regular Session
2r1926
CF 2r1925

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

Introduced and read first time: February 1, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Theft, Bad Check, and Credit Card Crimes - District Court Offenses**

3 FOR the purpose of establishing a separate crime for persons who commit certain
4 theft, bad check, and credit card crimes if the value involved is less than a
5 certain amount under certain circumstances; providing that it is not a defense
6 that the value involved is over a certain amount; establishing penalties;
7 requiring certain crimes to be charged in a certain manner; providing that a
8 violation of this Act is not a lesser included crime of other crimes under certain
9 circumstances; and generally relating to theft, bad check, and credit card
10 crimes.

11 BY renumbering

12 Article - Criminal Law
13 Section 7-105 through 7-110, 8-104 through 8-107, and 8-210, respectively
14 to be Section 7-106 through 7-111, 8-105 through 8-108, and 8-211,
15 respectively
16 Annotated Code of Maryland
17 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
18 2002)

19 BY repealing and reenacting, without amendments,

20 Article - Courts and Judicial Proceedings
21 Section 4-302(e)(2)(i)
22 Annotated Code of Maryland
23 (1998 Replacement Volume and 2001 Supplement)

24 BY adding to

25 Article - Criminal Law
26 Section 7-105, 8-104, and 8-210
27 Annotated Code of Maryland
28 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
29 2002)

1 BY repealing and reenacting, with amendments,
2 Article - Criminal Law
3 Section 7-109 and 8-108
4 Annotated Code of Maryland
5 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
6 2002)
7 (As enacted by Section 1 of this Act)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That Section(s) 7-105 through 7-110, 8-104 through 8-107, and 8-210,
10 respectively, of Article - Criminal Law of the Annotated Code of Maryland (as enacted
11 by Chapter ____ (H.B. 11) of the Acts of the General Assembly of 2002) be renumbered
12 to be Section(s) 7-106 through 7-111, 8-105 through 8-108, and 8-211, respectively.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
14 read as follows:

15 **Article - Courts and Judicial Proceedings**

16 4-302.

17 (e) (2) (i) Except as provided in subparagraph (ii) of this paragraph,
18 unless the penalty for the offense with which the defendant is charged permits
19 imprisonment for a period in excess of 90 days, a defendant is not entitled to a jury
20 trial in a criminal case.

21 **Article - Criminal Law**

22 7-105.

23 (A) IF THE VALUE OF THE PROPERTY OR SERVICES IS LESS THAN \$100, A
24 PERSON WHO VIOLATES § 7-104 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR
25 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A
26 FINE NOT EXCEEDING \$500 OR BOTH.

27 (B) IT IS NOT A DEFENSE THAT THE VALUE OF THE PROPERTY OR SERVICES IS
28 \$100 OR MORE.

29 (C) A PROSECUTION UNDER THIS SECTION SHALL BE INITIATED BY FILING A
30 STATEMENT OF CHARGES, CITATION, OR CRIMINAL INFORMATION IN THE DISTRICT
31 COURT.

32 (D) UNLESS A VIOLATION OF THIS SECTION IS SPECIFICALLY CHARGED, A
33 CRIME UNDER THIS SECTION MAY NOT BE TREATED AS A LESSER INCLUDED CRIME
34 OF ANY OTHER CRIME.

1 7-109.

2 (a) An indictment, information, warrant, or other charging document for theft
3 under § 7-104 OF this part, other than for taking a motor vehicle under [§ 7-105] §
4 7-106 of this part, is sufficient if it substantially states: "(name of defendant) on (date)
5 in (county) stole (property or services stolen) of (name of victim), having a value of
6 (less than \$500, or \$500 or more) in violation of § 7-104 of the Criminal Law Article,
7 against the peace, government, and dignity of the State."

8 (B) A STATEMENT OF CHARGES, CITATION, OR CRIMINAL INFORMATION FOR
9 THEFT UNDER § 7-105 OF THIS PART, OTHER THAN FOR TAKING A MOTOR VEHICLE
10 UNDER § 7-106 OF THIS PART, IS SUFFICIENT IF IT SUBSTANTIALLY STATES: "(NAME
11 OF DEFENDANT) ON (DATE) IN (COUNTY) STOLE (PROPERTY OR SERVICES STOLEN) OF
12 (NAME OF VICTIM), WITH A VALUE OF LESS THAN \$100 IN VIOLATION OF § 7-105 OF
13 THE CRIMINAL LAW ARTICLE, AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF
14 THE STATE."

15 [(b)] (C) An indictment, information, warrant, or other charging document for
16 theft under this part for taking a motor vehicle under [§ 7-105] § 7-106 of this part is
17 sufficient if it substantially states: "(name of defendant) on (date) in (county)
18 knowingly and willfully took a motor vehicle out of (name of victim)'s lawful custody,
19 control, or use, without the consent of (name of victim), in violation of [§ 7-105] §
20 7-106 of the Criminal Law Article, against the peace, government, and dignity of the
21 State."

22 [(c)] (D) In a case in the circuit court in which the general form of indictment
23 or information is used to charge a defendant with a crime under this part, the
24 defendant, on timely demand, is entitled to a bill of particulars.

25 8-104.

26 (A) A PERSON WHO OBTAINS PROPERTY OR SERVICES WITH A VALUE OF LESS
27 THAN \$100 BY ISSUING OR PASSING A CHECK IN VIOLATION OF § 8-103 OF THIS
28 SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
29 IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

30 (B) IT IS NOT A DEFENSE THAT THE VALUE OF THE PROPERTY OR SERVICES IS
31 \$100 OR MORE.

32 (C) A PROSECUTION UNDER THIS SECTION SHALL BE INITIATED BY FILING A
33 STATEMENT OF CHARGES, CITATION, OR CRIMINAL INFORMATION IN THE DISTRICT
34 COURT.

35 (D) UNLESS A VIOLATION OF THIS SECTION IS SPECIFICALLY CHARGED, A
36 CRIME UNDER THIS SECTION MAY NOT BE TREATED AS A LESSER INCLUDED CRIME
37 OF ANY OTHER CRIME.

38 (E) A PERSON WHO IS CONVICTED UNDER THIS SECTION IS SUBJECT TO THE
39 PROVISIONS OF § 8-108 OF THIS SUBTITLE.

1 8-108.

2 In addition to the penalties provided in [§ 8-106] § 8-107 of this subtitle, if a
3 person obtains property or services by issuing or passing a check in violation of §
4 8-103 OR § 8-104 of this subtitle, on conviction, the court:

5 (1) if the property has been recovered or is in the defendant's possession
6 or control, may order restoration of the property to any person with a property
7 interest in it;

8 (2) to the extent that the property is not restored or compensation has
9 not been provided for the services, may order restitution of the value of the property
10 or services obtained to be paid to:

11 (i) any person having a property interest in the property; or

12 (ii) the person who provided the services; and

13 (3) may order the defendant to pay a collection fee of up to \$35, for each
14 check, to:

15 (i) any person with a property interest in the property; or

16 (ii) the person who provided the services.

17 8-210.

18 (A) IF THE VALUE OF THE MONEY, GOOD, SERVICE, OR OTHER THING OF
19 VALUE IS LESS THAN \$100, A PERSON WHO COMMITS A CREDIT CARD CRIME UNDER §
20 8-203, § 8-204, § 8-206, § 8-207, OR § 8-209 OF THIS SUBTITLE IS GUILTY OF A
21 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
22 EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

23 (B) IT IS NOT A DEFENSE THAT THE VALUE OF THE MONEY, GOOD, SERVICE,
24 OR OTHER THING OF VALUE IS \$100 OR MORE.

25 (C) A PROSECUTION UNDER THIS SECTION SHALL BE INITIATED BY FILING A
26 STATEMENT OF CHARGES, CITATION, OR CRIMINAL INFORMATION IN THE DISTRICT
27 COURT.

28 (D) UNLESS A VIOLATION OF THIS SECTION IS SPECIFICALLY CHARGED, A
29 CRIME UNDER THIS SECTION MAY NOT BE TREATED AS A LESSER INCLUDED CRIME
30 OF ANY OTHER CRIME.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2002.