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

Introduced and read first time: January 29, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Burglary - Fines**

3 FOR the purpose of establishing and altering the maximum fines for certain crimes
4 relating to burglary; providing that certain notes contained in this Act are not
5 law; and generally relating to burglary.

6 BY repealing and reenacting, with amendments,
7 Article - Criminal Law
8 Section 6-202 through 6-207
9 Annotated Code of Maryland
10 (2002 Volume)

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

13 **Article - Criminal Law**

14 6-202.

15 (a) A person may not break and enter the dwelling of another with the intent
16 to commit theft or a crime of violence.

17 (b) A person who violates this section is guilty of the felony of burglary in the
18 first degree and on conviction is subject to imprisonment not exceeding 20 years OR A
19 FINE NOT EXCEEDING \$20,000 OR BOTH.

20 6-203.

21 (a) A person may not break and enter the storehouse of another with the
22 intent to commit theft, a crime of violence, or arson in the second degree.

23 (b) A person may not break and enter the storehouse of another with the
24 intent to steal, take, or carry away a firearm.

1 (c) A person who violates this section is guilty of the felony of burglary in the
2 second degree and on conviction is subject to:

3 (1) for a violation of subsection (a) of this section, imprisonment not
4 exceeding 15 years OR A FINE NOT EXCEEDING \$15,000 OR BOTH; and

5 (2) for a violation of subsection (b) of this section, imprisonment not
6 exceeding 20 years or a fine not exceeding [\$10,000] \$20,000 or both.

7 6-204.

8 (a) A person may not break and enter the dwelling of another with the intent
9 to commit a crime.

10 (b) A person who violates this section is guilty of the felony of burglary in the
11 third degree and on conviction is subject to imprisonment not exceeding 10 years OR
12 A FINE NOT EXCEEDING \$10,000 OR BOTH.

13 6-205.

14 (a) A person may not break and enter the dwelling of another.

15 (b) A person may not break and enter the storehouse of another.

16 (c) A person, with the intent to commit theft, may not be in or on:

17 (1) the dwelling or storehouse of another; or

18 (2) a yard, garden, or other area belonging to the dwelling or storehouse
19 of another.

20 (d) A person may not possess a burglar's tool with the intent to use or allow
21 the use of the burglar's tool in the commission of a violation of this subtitle.

22 (e) A person who violates this section is guilty of the misdemeanor of burglary
23 in the fourth degree and on conviction is subject to imprisonment not exceeding 3
24 years OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

25 (f) A person who is convicted of violating § 7-104 of this article may not also
26 be convicted of violating subsection (c) of this section based on the act establishing the
27 violation of § 7-104 of this article.

28 6-206.

29 (a) A person may not possess a burglar's tool with the intent to use or allow
30 the use of the burglar's tool in the commission of a crime involving the breaking and
31 entering of a motor vehicle.

32 (b) A person may not be in or on the motor vehicle of another with the intent
33 to commit theft of the motor vehicle or property that is in the motor vehicle.

1 (c) A person who violates this section is guilty of a misdemeanor, shall be
2 considered a rogue and vagabond, and on conviction is subject to imprisonment not
3 exceeding 3 years OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

4 6-207.

5 (a) A person may not open or attempt to open a vault, safe, or other secure
6 repository by the use of a destructive device, as defined in § 4-501 of this article,
7 while committing burglary in the first, second, or third degree.

8 (b) A person who violates this section is guilty of the felony of burglary with
9 destructive device and on conviction is subject to imprisonment not exceeding 20
10 years OR A FINE NOT EXCEEDING \$20,000 OR BOTH.

11 (c) A sentence imposed for a violation of this section may be separate from and
12 consecutive to or concurrent with a sentence for another crime based on the act
13 establishing the violation of this section.

14 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The specific
15 fines for the crimes in this Act were proposed under the rationale that the appropriate
16 maximum fine is calculated by multiplying by \$1,000 the maximum number of years
17 of imprisonment authorized by statute.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Note
19 contained in this Act is not law.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
21 effect October 1, 2003.