
By: **Delegate Frush**
Introduced and read first time: February 18, 2004
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Theft - Penalties**

3 FOR the purpose of increasing the penalties for a person convicted of the felony of
4 taking a certain motor vehicle; clarifying the value of a motor vehicle subject to
5 this Act; adding penalties for multiple convictions under this Act; prohibiting a
6 court from imposing certain penalties unless the State's Attorney serves a
7 certain notice on the defendant or the defendant's counsel; removing a certain
8 offense from the exclusive original jurisdiction of the District Court; and
9 generally relating to the crime of motor vehicle theft.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 4-301(b)(2)
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Criminal Law
17 Section 7-105
18 Annotated Code of Maryland
19 (2002 Volume and 2003 Supplement)

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

22 **Article - Courts and Judicial Proceedings**

23 4-301.

24 (b) Except as provided in § 4-302 of this subtitle, the District Court also has
25 exclusive original jurisdiction in a criminal case in which a person at least 18 years
26 old or a corporation is charged with:

27 (2) Violation of § 7-104, [§ 7-105,] § 7-107, or § 7-108 of the Criminal
28 Law Article, whether a felony or a misdemeanor;

1 **Article - Criminal Law**

2 7-105.

3 (a) In this section, "owner" means a person who has a lawful interest in or is in
4 lawful possession of a motor vehicle by consent or chain of consent of the title owner.5 (b) A person may not knowingly and willfully take a motor vehicle WITH A
6 VALUE OF \$500 OR MORE out of the owner's lawful custody, control, or use without the
7 owner's consent.

8 (c) A person who violates this section:

9 (1) is guilty of the felony of taking a motor vehicle and on conviction is
10 subject to:11 (I) FOR A FIRST CONVICTION, imprisonment not exceeding [5] 15
12 years or a fine not exceeding [\$5,000] \$25,000 or both; [and]13 (II) FOR A SECOND CONVICTION, IMPRISONMENT FOR NOT LESS
14 THAN 6 MONTHS AND NOT EXCEEDING 15 YEARS AND A FINE NOT EXCEEDING
15 \$25,000; AND16 (III) FOR A THIRD OR SUBSEQUENT CONVICTION, IMPRISONMENT
17 FOR NOT LESS THAN 1 YEAR AND NOT EXCEEDING 15 YEARS AND A FINE NOT
18 EXCEEDING \$25,000; AND19 (2) shall restore the motor vehicle or, if unable to restore the motor
20 vehicle, pay to the owner the full value of the motor vehicle.21 (d) (1) This section does not preclude prosecution for theft of a motor vehicle
22 under § 7-104 of this part.23 (2) If a person is convicted under § 7-104 of this part and this section for
24 the same act or transaction, the conviction under this section shall merge for
25 sentencing purposes into the conviction under § 7-104 of this part.26 (3) A COURT MAY NOT IMPOSE THE PENALTIES UNDER SUBSECTION
27 (C)(1)(II) OR (III) OF THIS SECTION UNLESS THE STATE'S ATTORNEY SERVES NOTICE
28 ON THE DEFENDANT OR THE DEFENDANT'S COUNSEL BEFORE THE ACCEPTANCE OF
29 A PLEA OF GUILTY OR NOLO CONTENDERE OR AT LEAST 15 DAYS BEFORE TRIAL
30 THAT:31 (I) THE STATE WILL SEEK A PENALTY UNDER SUBSECTION
32 (C)(1)(II) OR (III) OF THIS SECTION; AND33 (II) LISTS THE RELEVANT OFFENSES FOR WHICH THE DEFENDANT
34 IS ALLEGED TO HAVE BEEN PREVIOUSLY CONVICTED.35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
36 effect October 1, 2004.

