

SENATE BILL 588

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2004 Regular Session  
4r2551  
CF 4r2550

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By: ~~Senator Green~~ **Senators Green, Forehand, Jacobs, and Mooney**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Motor Vehicle Theft - Penalties**

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

1 **Article - Courts and Judicial Proceedings**

2 4-301.

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

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

8 **Article - Criminal Law**

9 7-105.

10 (a) In this section, "owner" means a person who has a lawful interest in or is in  
11 lawful possession of a motor vehicle by consent or chain of consent of the title owner.

12 (b) A person may not knowingly and willfully take a motor vehicle ~~WITH A~~  
13 ~~VALUE OF \$500 OR MORE~~ out of the owner's lawful custody, control, or use without the  
14 owner's consent.

15 (c) A person who violates this section:

16 (1) is guilty of the felony of taking a motor vehicle and on conviction is  
17 subject to:

18 ~~(I) FOR A FIRST CONVICTION, imprisonment not exceeding {5} 15~~  
19 ~~years or a fine not exceeding [\$5,000] \$25,000 or both; {and}~~

20 ~~(II) FOR A SECOND CONVICTION, IMPRISONMENT FOR NOT LESS~~  
21 ~~THAN 6 MONTHS AND NOT EXCEEDING 15 YEARS AND A FINE NOT EXCEEDING~~  
22 ~~\$25,000; AND~~

23 ~~(III) FOR A THIRD OR SUBSEQUENT CONVICTION, IMPRISONMENT~~  
24 ~~FOR NOT LESS THAN 1 YEAR AND NOT EXCEEDING 15 YEARS AND A FINE NOT~~  
25 ~~EXCEEDING \$25,000; AND~~

26 (2) shall restore the motor vehicle or, if unable to restore the motor  
27 vehicle, pay to the owner the full value of the motor vehicle.

28 (d) (1) This section does not preclude prosecution for theft of a motor vehicle  
29 under § 7-104 of this part.

30 (2) If a person is convicted under § 7-104 of this part and this section for  
31 the same act or transaction, the conviction under this section shall merge for  
32 sentencing purposes into the conviction under § 7-104 of this part.

33 ~~(3) A COURT MAY NOT IMPOSE THE PENALTIES UNDER SUBSECTION~~  
34 ~~(C)(1)(II) OR (III) OF THIS SECTION UNLESS THE STATE'S ATTORNEY SERVES NOTICE~~

~~1 ON THE DEFENDANT OR THE DEFENDANT'S COUNSEL BEFORE THE ACCEPTANCE OF  
2 A PLEA OF GUILTY OR NOLO CONTENDERE OR AT LEAST 15 DAYS BEFORE TRIAL  
3 THAT:~~

~~4 (I) THE STATE WILL SEEK A PENALTY UNDER SUBSECTION  
5 (C)(1)(II) OR (III) OF THIS SECTION; AND~~

~~6 (II) LISTS THE RELEVANT OFFENSES FOR WHICH THE DEFENDANT  
7 IS ALLEGED TO HAVE BEEN PREVIOUSLY CONVICTED.~~

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
9 effect October 1, 2004.