

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 588

(Senator Green, *et al.*)

Judicial Proceedings

Judiciary

Motor Vehicle Theft - Penalties

This bill increases, from \$5,000 to \$25,000, the maximum monetary penalty for the felony of taking a motor vehicle without consent.

It also removes this offense from the original exclusive jurisdiction of the District Court.

Fiscal Summary

State Effect: Minimal increase and/or decrease in general fund revenues due to the bill's increased monetary penalty and change to court jurisdiction.

Local Effect: Minimal increase in revenues due to the bill's increased monetary penalty provision.

Small Business Effect: None.

Analysis

Current Law: Under the State's prohibition against motor vehicle theft, a person may not knowingly and willingly take a motor vehicle out of the owner's lawful custody, control, or use without the owner's consent. A violator is guilty of the felony of taking a motor vehicle and subject to maximum penalties of imprisonment for five years and/or a fine of \$5,000. The convicted person must restore the motor vehicle or, if unable to, pay the owner its full value. These provisions do not preclude prosecution for general theft. If a person is convicted of motor vehicle theft and general theft for the same act or transaction, the motor vehicle theft conviction must merge for sentencing purposes with the conviction for theft.

A person convicted of theft of property or services with a value of \$500 or more is guilty of a felony and subject to maximum penalties of imprisonment for 15 years and/or a fine of \$25,000. A person convicted of theft of property or services with a value of less than \$500, is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 18 months and/or a fine of \$500. Regardless of value, the convicted person must restore the owner's property or pay the owner for the value of the property or services.

Under the State's prohibition against the unauthorized removal of property, without the permission of the owner, a person may not enter or be on the premises of another, and take and carry away from the premises or out of the custody or use of the other, or the other's agent, or a governmental unit any property, including: (1) a vehicle; (2) a motor vehicle; (3) a vessel; or (4) livestock. A violator is guilty of a misdemeanor and subject to penalties of imprisonment for at least six months and not more than four years and/or a fine of at least \$50 and not more than \$100. The convicted person must restore the property taken and carried away or, if unable to, must pay the owner its full value. It is not a defense that the person intends to hold or keep the property for the person's present use and not with the intent of appropriating or converting the property.

State Revenues: General fund revenues could increase minimally as a result of the increased monetary penalty from cases heard in the District Court, and decrease minimally as a result of the change in court jurisdiction.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Additional Information

Prior Introductions: None.

Cross File: HB 1344 (Delegate Frush) – Judiciary.

Information Source(s): Maryland Department of Transportation (Motor Vehicle Administration), Department of Public Safety and Correctional Services (Division of Correction, Division of Parole and Probation), Department of Legislative Services

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