

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 855

(Chair, Judiciary Committee)

(By Request – Maryland Judicial Conference)

Judiciary

Judicial Proceedings

Crimes - Theft Under \$100

This bill specifically authorizes a police officer to issue a citation to a person for theft under \$100.

Fiscal Summary

State Effect: None. The change would not materially affect judicial operations or expenditures.

Local Effect: None. For some jurisdictions, the bill codifies existing practice.

Small Business Effect: None.

Analysis

Current Law: Current law differentiates theft of property or services with a value of less than \$100, less than \$500, and a value of more than \$500. Theft of property or services with a value of less than \$100 is a misdemeanor, with a maximum penalty of 90 days imprisonment and/or a \$500 fine. Theft of property or services with a value of less than \$500 is a misdemeanor, with a maximum penalty of 18 months imprisonment and/or a \$500 fine. Theft of property or services with a value of \$500 or more is a felony, with a maximum penalty of 15 years imprisonment and/or a \$25,000 fine.

Misdemeanors are generally heard in the District Court and felonies are heard in the circuit courts. However, if the charge is one for which the defendant is entitled to and demands a jury trial, the case goes to circuit court.

A citation is a written charging document that a police officer issues to a defendant, alleging that the defendant has committed a crime.

A police officer may issue a citation to a defendant for the following crimes if the officer is satisfied with the defendant's identity and reasonably believes that the defendant will comply with the citation:

- sale of an alcoholic beverage to an underage drinker or intoxicated person;
- malicious destruction of property, if the amount of the property damage is less than \$500;
- disturbing the peace or disorderly conduct; and
- theft under \$500.

Chapter 130 of 2004 created the crime of theft under \$100. Arguably, theft under \$500 encompasses theft under \$100; however, current law does not specify that officers may issue citations for theft under \$100.

Additional Information

Prior Introductions: None.

Cross File: SB 350 (Chairman, Judicial Proceedings Committee) (By Request – Maryland Judicial Conference) – Judicial Proceedings.

Information Source(s): City of Westminster, Town of Bel Air, City of Salisbury, Somerset County, Montgomery County, Prince George's County, Charles County, Judiciary (Administrative Office of the Courts), Department of State Police, Town of Riverdale Park, Town of Leonardtown, Baltimore County, Maryland Department of Transportation, Frederick County, Baltimore City, Department of Legislative Services

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