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

Introduced and read first time: January 26, 2006

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 22, 2006

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CHAPTER \_\_\_\_\_

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; and generally relating to burglary.

5 BY repealing and reenacting, with amendments,  
6 Article - Criminal Law  
7 Section 6-202 through 6-207  
8 Annotated Code of Maryland  
9 (2002 Volume and 2005 Supplement)

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

12 **Article - Criminal Law**

13 6-202.

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

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

1 6-203.

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

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

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

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

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

12 6-204.

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

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

18 6-205.

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

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

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

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

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

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

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

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

1 6-206.

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

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

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

10 6-207.

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2006.