

# HOUSE BILL 66

E1

(9lr1255)

## *ENROLLED BILL*

—*Judiciary/Judicial Proceedings*—

Introduced by **Delegates Anderson, Carter, Conaway, Rosenberg, Simmons, Sophocleus, and Waldstreicher**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Criminal Law – Theft – Penalties**

3 FOR the purpose of altering certain penalties for a conviction of theft of property or  
4 services with a value at or over a certain value; making conforming changes;  
5 and generally relating to theft of property or services.

6 BY repealing and reenacting, with amendments,  
7 Article – Criminal Law  
8 Section 7–104(g)(1), (2), and (4) and 7–108(a)  
9 Annotated Code of Maryland  
10 (2002 Volume and 2008 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article – Criminal Law

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber / conference committee amendments.



1 Section 7-104(g)~~(2), (3), and (4)~~  
 2 Annotated Code of Maryland  
 3 (2002 Volume and 2008 Supplement)

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

6 **Article – Criminal Law**

7 7-104.

8 (g) (1) A person convicted of theft of property or services with a value of:

9 (I) ~~AT LEAST \$500~~ **\$1,000** [or more] **BUT LESS THAN \$10,000**  
 10 is guilty of a felony and:

11 [(i)] **1.** is subject to imprisonment not exceeding [15] **10**  
 12 years or a fine not exceeding [\$25,000] **\$10,000** or both; and

13 [(ii)] **2.** shall restore the property taken to the owner or pay  
 14 the owner the value of the property or services; ~~OR~~

15 (II) ~~AT LEAST \$10,000 OR MORE~~ **AT LEAST \$10,000 BUT LESS THAN \$100,000 IS**  
 16 **GUILTY OF A FELONY AND:**

17 **1. IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**  
 18 ~~25~~ **15 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH; AND**

19 **2. SHALL RESTORE THE PROPERTY TAKEN TO THE**  
 20 **OWNER OR PAY THE OWNER THE VALUE OF THE PROPERTY OR SERVICES; OR**

21 **(III) \$100,000 OR MORE IS GUILTY OF A FELONY AND:**

22 **1. IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**  
 23 **25 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH; AND**

24 **2. SHALL RESTORE THE PROPERTY TAKEN TO THE**  
 25 **OWNER OR PAY THE OWNER THE VALUE OF THE PROPERTY OR SERVICES.**

26 (2) Except as provided in paragraphs (3) and (4) of this subsection, a  
 27 person convicted of theft of property or services with a value of less than ~~\$500~~ **\$1,000**,  
 28 is guilty of a misdemeanor and:

29 (i) is subject to imprisonment not exceeding 18 months or a fine  
 30 not exceeding \$500 or both; and

1 (ii) shall restore the property taken to the owner or pay the  
2 owner the value of the property or services.

3 (3) A person convicted of theft of property or services with a value of  
4 less than \$100 is guilty of a misdemeanor and:

5 (i) is subject to imprisonment not exceeding 90 days or a fine  
6 not exceeding \$500 or both; and

7 (ii) shall restore the property taken to the owner or pay the  
8 owner the value of the property or services.

9 (4) Subject to paragraph (5) of this subsection, a person who has two  
10 or more prior convictions under this subtitle and who is convicted of theft of property  
11 or services with a value of less than ~~\$500~~ **\$1,000** under paragraph (2) of this  
12 subsection is guilty of a misdemeanor and:

13 (i) is subject to imprisonment not exceeding 5 years or a fine  
14 not exceeding \$5,000 or both; and

15 (ii) shall restore the property taken to the owner or pay the  
16 owner the value of the property or services.

17 7-108.

18 (a) An indictment, information, warrant, or other charging document for  
19 theft under this part, other than for taking a motor vehicle under § 7-105 of this part,  
20 is sufficient if it substantially states:

21 “(name of defendant) on (date) in (county) stole (property or services stolen) of  
22 (name of victim), having a value of ([less than \$500, or \$500 or more] ~~LESS THAN~~  
23 ~~\$100, LESS THAN \$1,000, AT LEAST \$1,000 BUT LESS THAN \$10,000, AT LEAST~~  
24 ~~\$10,000 BUT LESS THAN \$100,000, OR \$100,000 OR MORE)~~ in violation of § 7-104  
25 of the Criminal Law Article, against the peace, government, and dignity of the State.”.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2009.