

HOUSE BILL 66

E1

9lr1255

By: **Delegates Anderson, Carter, Conaway, Rosenberg, Simmons, Sophocleus, and Waldstreicher**

Introduced and read first time: January 16, 2009

Assigned to: Judiciary

A BILL ENTITLED

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; and generally relating to theft of
5 property or services.

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

11 BY repealing and reenacting, without amendments,
12 Article – Criminal Law
13 Section 7–104(g)(2), (3), and (4)
14 Annotated Code of Maryland
15 (2002 Volume and 2008 Supplement)

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

18 **Article – Criminal Law**

19 7–104.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 **(II) \$10,000 OR MORE IS GUILTY OF A FELONY AND:**

6 **1. IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**
7 **25 YEARS OR A FINE NOT EXCEEDING \$100,000 OR BOTH; AND**

8 **2. SHALL RESTORE THE PROPERTY TAKEN TO THE**
9 **OWNER OR PAY THE OWNER THE VALUE OF THE PROPERTY OR SERVICES.**

10 (2) Except as provided in paragraphs (3) and (4) of this subsection, a
11 person convicted of theft of property or services with a value of less than \$500, is
12 guilty of a misdemeanor and:

13 (i) is subject to imprisonment not exceeding 18 months or a fine
14 not exceeding \$500 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 (3) A person convicted of theft of property or services with a value of
18 less than \$100 is guilty of a misdemeanor and:

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

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

23 (4) Subject to paragraph (5) of this subsection, a person who has two
24 or more prior convictions under this subtitle and who is convicted of theft of property
25 or services with a value of less than \$500 under paragraph (2) of this subsection is
26 guilty of a misdemeanor and:

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

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

31 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
32 **October 1, 2009.**