

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2009

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
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.

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.



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

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

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

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

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

10 **1. IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**
11 ~~**25**~~ **15** YEARS OR A FINE NOT EXCEEDING ~~**\$100,000**~~ **\$15,000** OR BOTH; AND

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

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

15 **1. IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**
16 **25 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH; AND**

17 **2. SHALL RESTORE THE PROPERTY TAKEN TO THE**
18 **OWNER OR PAY THE OWNER THE VALUE OF THE PROPERTY OR SERVICES.**

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

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

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

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

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

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

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

5 (i) is subject to imprisonment not exceeding 5 years or a fine
6 not exceeding \$5,000 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 7-108.

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

13 “(name of defendant) on (date) in (county) stole (property or services stolen) of
14 (name of victim), having a value of ([less than \$500, or \$500 or more] **LESS THAN**
15 **\$100, LESS THAN \$1,000, AT LEAST \$1,000 BUT LESS THAN \$10,000, AT LEAST**
16 **\$10,000 BUT LESS THAN \$100,000, OR \$100,000 OR MORE)** in violation of § 7-104
17 of the Criminal Law Article, against the peace, government, and dignity of the State.”.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.