

CHAPTER 655

(House Bill 66)

AN ACT concerning

Criminal Law – Theft – Penalties

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

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

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

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

Article – Criminal Law

7–104.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 19, 2009.