

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 347

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Criminal Law – Foreclosed Residential Property –”; strike beginning with “of” in line 2 down through “Graffiti” in line 3 and substitute “Property of Another – Definition and Foreclosure Notices”; strike beginning with “prohibiting” in line 4 down through “both;” in line 11 and substitute “defining “property of another” for purposes of the prohibition against malicious destruction of property;”; strike beginning with “provisions” in line 13 down through “fixtures” in line 16 and substitute “criminal sanctions for malicious destruction of property provided under a certain provision of law; and generally relating to malicious destruction of property”; in line 17, strike “adding to” and substitute “repealing and reenacting, with amendments;”; and in line 19, strike “6-301.1” and substitute “6-301”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 16 on page 3, inclusive, and substitute:

“6-301.

(A) IN THIS SECTION, “PROPERTY OF ANOTHER” MEANS PROPERTY IN WHICH A PERSON OTHER THAN THE OFFENDER HAS AN INTEREST THAT THE OFFENDER DOES NOT HAVE THE AUTHORITY TO DEFEAT OR IMPAIR, EVEN THOUGH THE OFFENDER ALSO MAY HAVE AN INTEREST IN THE PROPERTY.

[(a)](B) A person may not willfully and maliciously destroy, injure, or deface the real or personal property of another.

(Over)

[(b)](C) A person who, in violation of this section, causes damage of at least \$500 to the property is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

[(c)](D) A person who, in violation of this section, causes damage of less than \$500 to the property is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

[(d)](E) (1) For purposes of this subsection, an act of “graffiti” means a permanent drawing, permanent painting, or a permanent mark or inscription on the property of another without the permission of the owner of the property.

(2) In addition to the penalties set forth in subsections [(b)] (C) and [(c)] (D) of this section, the court shall order a person convicted of causing malicious destruction by an act of graffiti to pay restitution or perform community service or both.

(3) Title 11, Subtitle 6 of the Criminal Procedure Article applies to an order of restitution under this subsection.

[(e)](F) (1) Except as provided in paragraph (2) of this subsection, to determine a penalty, the court may consider as one crime the aggregate value of damage to each property resulting from one scheme or continuing course of conduct.

(2) If separate acts resulting in damage to the properties of one or more owners are set forth by separate counts in one or more charging documents, the separate counts may not be merged for sentencing.

[(f)](G) (1) The value of damage is not a substantive element of a crime under this section and need not be stated in the charging document.

(2) The value of damage shall be based on the evidence and that value shall be applied for the purpose of imposing the penalties established in this section.

(3) If it cannot be determined from the evidence whether the value of the damage to the property is more or less than \$500, the value is deemed to be less than \$500.

AMENDMENT NO. 3

On page 3, in line 21, strike “**PROVISIONS OF § 6-301.1**” and substitute “**CRIMINAL SANCTIONS FOR MALICIOUS DESTRUCTION OF PROPERTY PROVIDED UNDER § 6-301**”.