

# HOUSE BILL 728

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By: **Delegate Kramer**

Introduced and read first time: February 5, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Felony Theft – Threshold Value**

3 FOR the purpose of altering the minimum value of property or services the theft of  
4 which renders the crime a felony; applying certain penalties; making  
5 conforming changes; 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 2009 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article – Criminal Law  
13 Section 7–104(g)(3)  
14 Annotated Code of Maryland  
15 (2002 Volume and 2009 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 [~~\$1,000~~] **\$500** but less than \$10,000 is guilty of a  
22 felony and:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                                   1.     is subject to imprisonment not exceeding 10 years or a  
2 fine not exceeding \$10,000 or both; and

3                                   2.     shall restore the property taken to the owner or pay  
4 the owner the value of the property or services;

5                                   (ii)   at least \$10,000 but less than \$100,000 is guilty of a felony  
6 and:

7                                   1.     is subject to imprisonment not exceeding 15 years or a  
8 fine not exceeding \$15,000 or both; and

9                                   2.     shall restore the property taken to the owner or pay  
10 the owner the value of the property or services; or

11                                  (iii)   \$100,000 or more is guilty of a felony and:

12                                  1.     is subject to imprisonment not exceeding 25 years or a  
13 fine not exceeding \$25,000 or both; and

14                                  2.     shall restore the property taken to the owner or pay  
15 the owner the value of the property or services.

16                                  (2)   Except as provided in paragraphs (3) and (4) of this subsection, a  
17 person convicted of theft of property or services with a value of less than **[\$1,000,]**  
18 **\$500** is guilty of a misdemeanor and:

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

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

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

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

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

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

5 7–108.

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

9 “(name of defendant) on (date) in (county) stole (property or services stolen) of  
10 (name of victim), having a value of (less than [~~\$1,000~~] **\$500**, at least [~~\$1,000~~] **\$500**  
11 but less than \$10,000, at least \$10,000 but less than \$100,000, or \$100,000 or more) in  
12 violation of § 7–104 of the Criminal Law Article, against the peace, government, and  
13 dignity of the State.”.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2010.