

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 739
Judiciary

(Delegate Olszewski)

Criminal Law - Malicious Destruction of Property - Affirmative Defense

This bill establishes that it is an affirmative defense to a charge of malicious destruction of property that the defendant was attempting to repair, clean, remove, or cover a previous act of graffiti.

Fiscal Summary

State Effect: None. The bill is procedural in nature and is not expected to materially affect State finances.

Local Effect: None. The bill is procedural in nature and is not expected to materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: A person may not willfully and maliciously destroy, injure, or deface the real or personal property of another. A violator who causes at least \$500 of damage to the property is guilty of a misdemeanor and is subject to maximum penalties of three years imprisonment and/or a \$2,500 fine. If the damage is valued at less than \$500, a violator is guilty of a misdemeanor and is subject to maximum penalties of 60 days imprisonment and/or a \$500 fine. If it cannot be determined from the evidence whether the value of the property damage is more or less than \$500, the value is deemed to be less than \$500.

In addition to the penalties listed above, a court must order a person convicted of causing malicious destruction by an act of graffiti to pay restitution and/or perform community service. State law defines “graffiti” as a permanent drawing, permanent painting, or a permanent mark or inscription on the property of another without the permission of the property owner.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), State’s Attorneys’ Association, Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2010
mam/kdm

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510