

# HOUSE BILL 46

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2lr0547

(PRE-FILED)

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By: **Delegate Waldstreicher**

Requested: September 20, 2011

Introduced and read first time: January 11, 2012

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Flash Mob Theft Act of 2012**

3 FOR the purpose of establishing that when multiple acts of theft are committed by  
4 multiple individuals under certain circumstances, the acts may be considered as  
5 one crime and the value of the property may be aggregated in determining  
6 whether the theft is a felony or a misdemeanor; and generally relating to theft.

7 BY repealing and reenacting, with amendments,  
8 Article – Criminal Law  
9 Section 7–103  
10 Annotated Code of Maryland  
11 (2002 Volume and 2011 Supplement)

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

14 **Article – Criminal Law**

15 7–103.

16 (a) In this section, “value” means:

17 (1) the market value of the property or service at the time and place of  
18 the crime; or

19 (2) if the market value cannot satisfactorily be ascertained, the cost of  
20 the replacement of the property or service within a reasonable time after the crime.

21 (b) The value of property or service under this part shall be determined in  
22 accordance with this section.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) Except as provided in paragraph (2) of this subsection, this  
2 subsection applies to a written instrument whether or not the instrument has been  
3 issued or delivered.

4 (2) This subsection does not apply to a written instrument that has a  
5 readily ascertainable market value.

6 (3) (i) For purposes of this part, a written instrument is valued as  
7 provided by this paragraph.

8 (ii) The value of an instrument constituting evidence of debt,  
9 including a check, draft, or promissory note, is the amount due or collectible on the  
10 instrument. That value is ordinarily the face amount of the instrument, less any  
11 portion that has been satisfied.

12 (iii) The value of any other instrument that creates, releases,  
13 discharges, or otherwise affects a valuable legal right, privilege, or obligation is the  
14 amount of economic loss the owner of the instrument might reasonably suffer because  
15 of the loss of the instrument.

16 (d) The value of a trade secret lacking a readily ascertainable market value  
17 is a reasonable value that represents the damage the owner suffered by the loss of an  
18 advantage over those who do not know or use the trade secret.

19 (e) (1) For the purposes of determining whether a theft violation subject  
20 to either § 7–104(g)(1) or (2) of this subtitle has been committed, when it cannot be  
21 determined whether the value of the property or service is more or less than \$500  
22 under the standards of this section, the value is deemed to be less than \$500.

23 (2) For the purposes of determining whether a theft violation subject  
24 to either § 7–104(g)(2) or (3) of this subtitle has been committed, when it cannot be  
25 determined whether the value of the property or service is more or less than \$100  
26 under the standards of this section, the value is deemed to be less than \$100.

27 (f) When theft is committed in violation of this part under one scheme or  
28 continuing course of conduct, whether from the same or several sources:

29 (1) the conduct may be considered as one crime; and

30 (2) the value of the property or services may be aggregated in  
31 determining whether the theft is a felony or a misdemeanor.

32 **(G) WHEN MULTIPLE ACTS OF THEFT ARE COMMITTED BY MULTIPLE**  
33 **INDIVIDUALS IN VIOLATION OF THIS PART AT THE SAME TIME AND IN THE SAME**  
34 **PLACE, IN CONCERT:**

1           **(1) THE ACTS MAY BE CONSIDERED AS ONE CRIME; AND**

2           **(2) THE VALUE OF THE PROPERTY MAY BE AGGREGATED IN**  
3 **DETERMINING WHETHER THE THEFT IS A FELONY OR A MISDEMEANOR.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5           October 1, 2012.