

HOUSE BILL 545

E1

2lr1516
CF SB 418

By: **Delegate Anderson (By Request – Baltimore City Administration) and
Delegate Oaks**

Introduced and read first time: February 3, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Theft from a Motor Vehicle – Penalties**

3 FOR the purpose of prohibiting a person from knowingly and willfully obtaining or
4 exerting unauthorized control over personal property located in or on a motor
5 vehicle if the person intends to deprive the owner of the property, uses,
6 conceals, or abandons the property in a manner that deprives the owner of the
7 property, or uses, conceals, or abandons the property knowing that the use,
8 concealment, or abandonment will deprive the owner of the property;
9 establishing penalties for a violation of this Act; providing that a court may not
10 impose certain penalties for a second or subsequent violation of this Act unless
11 the State’s Attorney serves a certain notice on the defendant or defendant’s
12 counsel within a certain period; providing that this Act does not preclude a
13 certain prosecution for theft; establishing that a conviction under this Act does
14 not merge for sentencing purposes into a certain other conviction; defining a
15 certain term; and generally relating to thefts from motor vehicles.

16 BY adding to
17 Article – Criminal Law
18 Section 7–105.2
19 Annotated Code of Maryland
20 (2002 Volume and 2011 Supplement)

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

23 **Article – Criminal Law**

24 **7–105.2.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SECTION, "OWNER" MEANS A PERSON WHO HAS A LAWFUL**
2 **INTEREST IN OR IS IN LAWFUL POSSESSION OF PERSONAL PROPERTY LOCATED**
3 **IN OR ON A MOTOR VEHICLE.**

4 **(B) A PERSON MAY NOT KNOWINGLY AND WILLFULLY OBTAIN OR EXERT**
5 **UNAUTHORIZED CONTROL OVER PERSONAL PROPERTY LOCATED IN OR ON A**
6 **MOTOR VEHICLE IF THE PERSON:**

7 **(1) INTENDS TO DEPRIVE THE OWNER OF THE PROPERTY;**

8 **(2) USES, CONCEALS, OR ABANDONS THE PROPERTY IN A MANNER**
9 **THAT DEPRIVES THE OWNER OF THE PROPERTY; OR**

10 **(3) USES, CONCEALS, OR ABANDONS THE PROPERTY KNOWING**
11 **THAT THE USE, CONCEALMENT, OR ABANDONMENT WILL DEPRIVE THE OWNER**
12 **OF THE PROPERTY.**

13 **(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A**
14 **PERSON WHO VIOLATES THIS SECTION:**

15 **(1) IS GUILTY OF THE MISDEMEANOR OF TAKING PERSONAL**
16 **PROPERTY LOCATED IN OR ON A MOTOR VEHICLE AND ON CONVICTION IS**
17 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT**
18 **EXCEEDING \$2,500 OR BOTH; AND**

19 **(2) (I) SHALL RESTORE THE PERSONAL PROPERTY TAKEN; OR**

20 **(II) IF UNABLE TO RESTORE THE PROPERTY, PAY TO THE**
21 **OWNER THE FULL VALUE OF THE PROPERTY.**

22 **(D) (1) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT**
23 **VIOLATION OF THIS SECTION:**

24 **(I) IS GUILTY OF THE MISDEMEANOR OF TAKING PERSONAL**
25 **PROPERTY LOCATED IN OR ON A MOTOR VEHICLE AND ON CONVICTION IS**
26 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT**
27 **EXCEEDING \$5,000 OR BOTH; AND**

28 **(II) 1. SHALL RESTORE THE PERSONAL PROPERTY**
29 **TAKEN; OR**

30 **2. IF UNABLE TO RESTORE THE PROPERTY, PAY TO**
31 **THE OWNER THE FULL VALUE OF THE PROPERTY.**

1 **(2) THE COURT MAY NOT IMPOSE THE PENALTIES UNDER THIS**
2 **SUBSECTION UNLESS THE STATE'S ATTORNEY SERVES NOTICE ON THE**
3 **DEFENDANT OR DEFENDANT'S COUNSEL, BEFORE THE ACCEPTANCE OF A PLEA**
4 **OF GUILTY OR NOLO CONTENDERE OR AT LEAST 15 DAYS BEFORE THE DAY OF**
5 **TRIAL:**

6 **(I) LISTING THE ALLEGED PRIOR CONVICTIONS; AND**

7 **(II) ADVISING THAT THE STATE SHALL SEEK THE**
8 **PENALTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

9 **(E) (1) THIS SECTION DOES NOT PRECLUDE PROSECUTION FOR**
10 **THEFT UNDER § 7-104 OF THIS PART.**

11 **(2) IF A PERSON IS CONVICTED UNDER § 7-104 OF THIS PART FOR**
12 **THE SAME ACT OR TRANSACTION, THE CONVICTION UNDER THIS SECTION MAY**
13 **NOT MERGE FOR SENTENCING PURPOSES INTO THE CONVICTION UNDER § 7-104**
14 **OF THIS PART.**

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