

Chapter 30

(House Bill 115)

AN ACT concerning

Criminal Procedure – Warrantless Arrests – Theft Crimes

FOR the purpose of expanding the authority of a police officer without a warrant to arrest a person suspected of committing a certain theft crime; and generally relating to warrantless arrests.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 7–104(g) and 7–105
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–203(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–203(b)(4)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Criminal Law

7–104.

- (g) (1) A person convicted of theft of property or services with a value of:
- (i) at least \$1,000 but less than \$10,000 is guilty of a felony
- and:
1. is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; and

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

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

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

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

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

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

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

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

(i) is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both; and

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

(3) A person convicted of theft of property or services with a value of less than \$100 is guilty of a misdemeanor and:

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

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

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

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

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

(5) The court may not impose the penalties under paragraph (4) of this subsection unless the State's Attorney serves notice on the defendant or the defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial that:

(i) the State will seek the penalties under paragraph (4) of this subsection; and

(ii) lists the alleged prior convictions.

7-105.

(a) In this section, "owner" means a person who has a lawful interest in or is in lawful possession of a motor vehicle by consent or chain of consent of the title owner.

(b) A person may not knowingly and willfully take a motor vehicle out of the owner's lawful custody, control, or use without the owner's consent.

(c) A person who violates this section:

(1) is guilty of the felony of taking a motor vehicle and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both; and

(2) shall restore the motor vehicle or, if unable to restore the motor vehicle, pay to the owner the full value of the motor vehicle.

(d) (1) This section does not preclude prosecution for theft of a motor vehicle under § 7-104 of this part.

(2) If a person is convicted under § 7-104 of this part and this section for the same act or transaction, the conviction under this section shall merge for sentencing purposes into the conviction under § 7-104 of this part.

Article – Criminal Procedure

2-203.

(a) A police officer without a warrant may arrest a person if the police officer has probable cause to believe:

(1) that the person has committed a crime listed in subsection (b) of this section; and

(2) that unless the person is arrested immediately, the person:

(i) may not be apprehended;

(ii) may cause physical injury or property damage to another; or

(iii) may tamper with, dispose of, or destroy evidence.

(b) The crimes referred to in subsection (a)(1) of this section are:

(4) a theft crime where the value of the property or services stolen is less than ~~[\$500]~~ **\$1,000** under § 7-104 or § 7-105 of the Criminal Law Article or an attempt to commit the crime;

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

Approved by the Governor, April 10, 2012.