

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 156  
Judiciary

(Delegate Reznik, *et al.*)

Judicial Proceedings

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Criminal Law - Theft of Wheeled Cart - Repeal

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This bill repeals the crime of theft of a wheeled cart.

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Fiscal Summary

**State Effect:** Minimal increase in general fund revenues and expenditures from monetary and incarceration penalties imposed on individuals who, as a result of the bill, are convicted of misdemeanor theft instead of theft of a wheeled cart.

**Local Effect:** Minimal increase in local incarceration expenditures for individuals convicted of misdemeanor theft as a result of the bill. Revenues are not affected.

**Small Business Effect:** Potential meaningful effect on small businesses if the bill deters the removal of shopping carts from stores.

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Analysis

**Current Law:** State law prohibits a person from (1) removing a wheeled cart or other similar device provided for the purpose of assembling or carrying purchased materials from a grocery store, store, or market, including its parking facilities, without the permission of the owner or agent of the owner; (2) damaging any such cart or device; or (3) abandoning such a cart or device on the streets or alleys of the State. Violators are guilty of a misdemeanor, punishable by a fine of up to \$25 for each violation.

State law does permit a person to abandon a wheeled cart or other similar device on the parking facilities of the store or market from which the cart was obtained.

**Background:** The Judiciary advises that there were 11 cases for wheeled cart violations in the District Court during fiscal 2011. There were no cases in fiscal 2012.

**State Fiscal Effect:** General fund revenues and expenditures increase minimally to the extent that individuals who would have been convicted of theft of a wheeled cart are convicted of misdemeanor theft as a result of the bill.

Under the theft statutes, a person convicted of theft of property or services valued at less than \$100 is guilty of a misdemeanor and is subject to maximum penalties of imprisonment of 90 days and/or a \$500 fine. A person convicted of theft of property with a value of less than \$1,000 is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 18 months and/or a fine of \$500.

**State Revenues:** General fund revenues increase minimally from monetary penalties imposed in District Court misdemeanor theft cases.

**State Expenditures:** General fund expenditures increase minimally for incarcerations for misdemeanor theft in Baltimore City.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

**Local Expenditures:** Local incarceration expenditures increase minimally for misdemeanor theft convictions imposed as a result of the bill.

Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 191 (Senator King, *et al.*) - Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - January 22, 2013  
ncs/kdm Revised - House Third Reader - March 23, 2013

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