

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1137

(Delegate Dumais)

Judiciary

Judicial Proceedings

---

**Crimes - Robbery or Theft of Property - Controlled Dangerous Substances**

---

This bill clarifies that the crime of robbery includes robbing or attempting to rob another of a drug, a substance, or an immediate precursor listed as a controlled dangerous substance in Schedules II through V. The bill further clarifies that the crime of theft includes theft of a drug, a substance, or an immediate precursor listed as a controlled dangerous substance in Schedules II through V.

---

**Fiscal Summary**

**State Effect:** No effect on expenditures as enforcement can be handled with existing resources. Revenues are not materially affected.

**Local Effect:** No effect on expenditures as enforcement can be handled with existing resources. Revenues are not materially affected.

**Small Business Effect:** None.

---

**Analysis**

**Current Law:** Controlled dangerous substances are listed on one of five schedules (Schedules I through V) set forth in statute depending on their potential for abuse and acceptance for medical use. The definition of property as it pertains to robbery and theft does not include controlled dangerous substances listed on any of the five schedules.

*Robbery* – A person may not commit or attempt to commit a robbery. A violator is guilty of a felony punishable by up to 15 years imprisonment.

A person may not commit or attempt to commit a robbery with a dangerous weapon or by displaying a written instrument claiming that the person has possession of a dangerous weapon. A violator is guilty of a felony punishable by up to 20 years imprisonment.

*Theft* – A person may not, under specified circumstances (1) willfully or knowingly obtain or exert control over property; (2) obtain control over property by willfully or knowingly using deception; (3) possess stolen property knowing that it has been stolen, or believing that it probably has been stolen; or (4) obtain control over property knowing that the property was lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature or amount of the property. A violator is required to restore the owner’s property or pay the owner the value of the property or services and is subject to the penalties listed below:

<b><u>Value of Property and/or Services</u></b>	<b><u>Maximum Penalty</u></b>
Less than \$100	Misdemeanor – 90 days imprisonment and/or a \$500 fine
Less than \$1,000	Misdemeanor – 18 months imprisonment and/or a \$500 fine
Less than \$1,000 (two or more prior convictions)	Misdemeanor – 5 years imprisonment and/or a \$5,000 fine
Between \$1,000 and \$10,000	Felony – 10 years imprisonment and/or \$10,000 fine
Between \$10,000 and \$100,000	Felony – 15 years imprisonment and/or \$15,000 fine
\$100,000 or more	Felony – 25 years imprisonment and/or \$25,000 fine

**State Revenues:** No material effect on general fund revenues from fines imposed in District Court cases, since the bill clarifies that controlled dangerous substances in Schedules II through V are property as it pertains to misdemeanor theft.

**Local Revenues:** No material effect on local revenues from fines imposed in circuit court cases, since the bill clarifies that controlled dangerous substances in Schedules II through V are property as it pertains to robbery and felony theft.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy, Governor's Office of Crime Control and Prevention, Judiciary (Administrative Office of the Courts), Department of State Police, Office of the Public Defender, Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2014  
mam/kdm Revised - House Third Reader - March 18, 2014

---

Analysis by: Matthew B. Jackson

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