E10 lr 2574

By: Senators Ready, Bailey, Carozza, Cassilly, Eckardt, Edwards, Hershey, Hough, Jennings, Klausmeier, Rosapepe, Salling, Serafini, Simonaire, and West

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

Criminal Law - Theft of a Handgun

AN ACT concerning

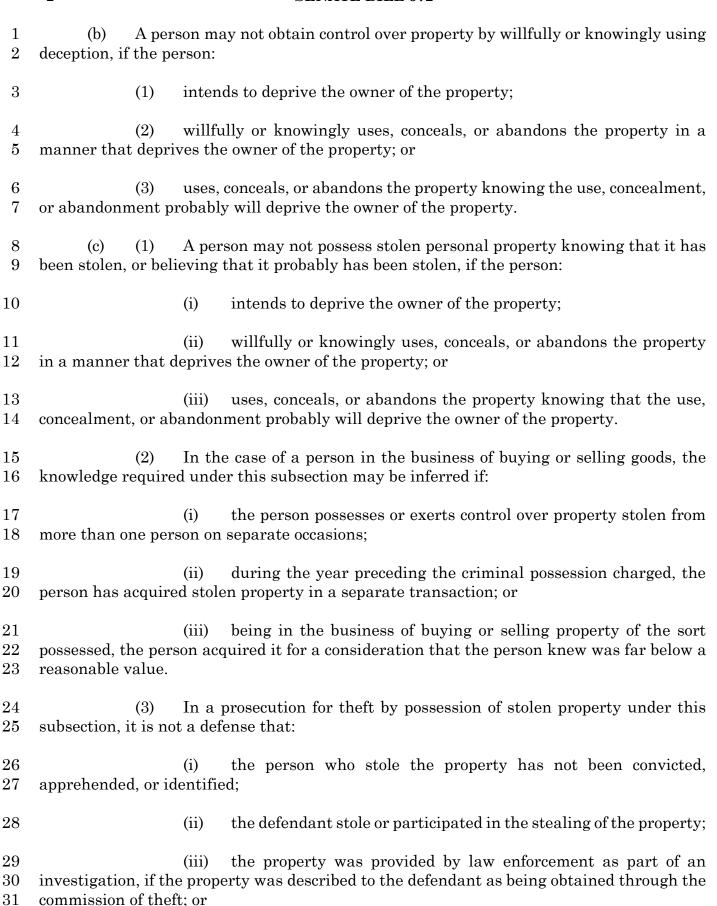
- 3 FOR the purpose of classifying the theft of a handgun as a felony; establishing certain
- 4 penalties for theft of a handgun; and generally relating to theft of a handgun.
- BY repealing and reenacting, with amendments, 5
- 6 Article – Criminal Law
- 7 Section 7–104
- 8 Annotated Code of Maryland
- 9 (2012 Replacement Volume and 2019 Supplement)
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND. 10
- That the Laws of Maryland read as follows: 11
- 12 Article - Criminal Law
- 13 7-104.

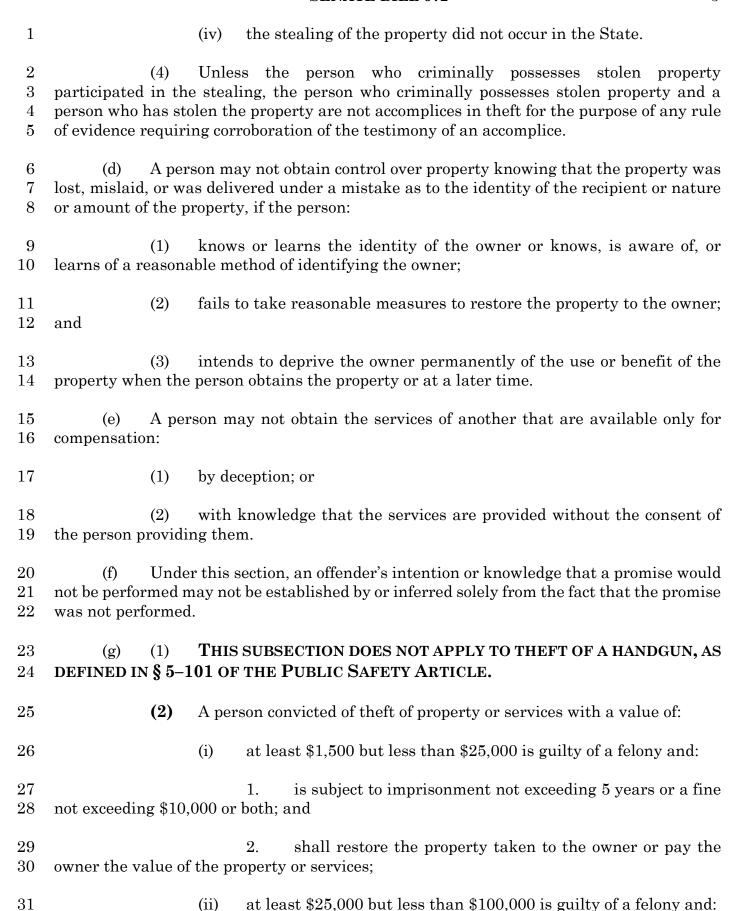
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- 14 A person may not willfully or knowingly obtain or exert unauthorized control 15 over property, if the person:
- 16 intends to deprive the owner of the property; (1)
- 17 (2)willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or 18
- 19 uses, conceals, or abandons the property knowing the use, concealment, (3)20 or abandonment probably will deprive the owner of the property.







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exceeding \$5,000 or both; and

- 1 is subject to imprisonment not exceeding 10 years or a fine 2 not exceeding \$15,000 or both; and 3 2. shall restore the property taken to the owner or pay the 4 owner the value of the property or services; or 5 \$100,000 or more is guilty of a felony and: 6 is subject to imprisonment not exceeding 20 years or a fine 7 not exceeding \$25,000 or both; and shall restore the property taken to the owner or pay the 8 2.9 owner the value of the property or services. 10 Except as provided in paragraph [(3)] (4) of this subsection, a [(2)] **(3)** person convicted of theft of property or services with a value of at least \$100 but less than 11 \$1,500, is guilty of a misdemeanor and: 12 13 (i) is subject to: 14 for a first conviction, imprisonment not exceeding 6 months or a fine not exceeding \$500 or both; and 15 16 2. for a second or subsequent conviction, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both; and 17 18 (ii) shall restore the property taken to the owner or pay the owner 19 the value of the property or services. A person convicted of theft of property or services with a value of 20 [(3)] **(4)** less than \$100 is guilty of a misdemeanor and: 2122 is subject to imprisonment not exceeding 90 days or a fine not 23exceeding \$500 or both; and 24shall restore the property taken to the owner or pay the owner (ii) 25the value of the property or services. 26 [(4)] (5) Subject to paragraph [(5)] (6) of this subsection, a person who 27 has four or more prior convictions under this subtitle and who is convicted of theft of 28property or services with a value of less than \$1,500 under paragraph [(2)] (3) of this 29 subsection is guilty of a misdemeanor and: 30 is subject to imprisonment not exceeding 5 years or a fine not
 - (ii) shall restore the property taken to the owner or pay the owner

- 1 the value of the property or services. 2 [(5)] **(6)** The court may not impose the penalties under paragraph [(4)] 3 (5) of this subsection unless the State's Attorney serves notice on the defendant or the 4 defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial that: 5 6 the State will seek the penalties under paragraph [(4)] (5) of this (i) 7 subsection; and 8 (ii) lists the alleged prior convictions. 9 **(1)** A PERSON CONVICTED OF THEFT OF A HANDGUN, AS DEFINED IN 10 § 5–101 OF THE PUBLIC SAFETY ARTICLE, IS GUILTY OF A FELONY AND IS SUBJECT 11 TO: 12 (I)FOR A FIRST CONVICTION, IMPRISONMENT FOR NOT LESS 13 THAN 2 YEARS AND NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$1,000 OR 14 **BOTH; AND** 15 (II) **FOR** SECOND OR **SUBSEQUENT** CONVICTION, Α 16 IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND NOT EXCEEDING 10 YEARS OR A 17 FINE NOT EXCEEDING \$2,500 OR BOTH. 18 **(2)** NOTWITHSTANDING § 14–102 OF THIS ARTICLE, THE COURT MAY 19 NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF: 20 **(I)** FOR A FIRST CONVICTION, 2 YEARS; AND 21(II)FOR A SECOND OR SUBSEQUENT CONVICTION, 5 YEARS. 22 **(3)** THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY 23 MINIMUM SENTENCE OF: 24 **(I)** FOR A FIRST CONVICTION, 2 YEARS; AND 25(II) FOR A SECOND OR SUBSEQUENT CONVICTION, 5 YEARS. 26 **(4)** A SENTENCE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SEPARATE FROM AND CONSECUTIVE TO A SENTENCE FOR 27 28 ANY OTHER OFFENSE.
- [(h)] (I) (1) If a person is convicted of a violation under this section for failure to pay for motor fuel after the motor fuel was dispensed into a vehicle, the court shall:

1		(i)	notify	the	person	that	the	person's	driver's	license	may	be
2	suspended under § 16–206.1 of the Transportation Article; and											

- 3 (ii) notify the Motor Vehicle Administration of the violation.
- 4 (2) The Chief Judge of the District Court and the Administrative Office of 5 the Courts, in conjunction with the Motor Vehicle Administration, shall establish uniform 6 procedures for reporting a violation under this subsection.
- 7 [(i)] (J) An action or prosecution for a violation of subsection [(g)(2) or (3)] 8 (G)(3) OR (4) of this section shall be commenced within 2 years after the commission of the crime.
- [(j)] (K) A person who violates this section by use of an interactive computer service may be prosecuted, indicted, tried, and convicted in any county in which the victim resides or the electronic communication originated or terminated.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.