

**HB0948/403020/1**

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 948  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Toles**” and substitute “**Delegates Toles, Pasteur, Schmidt, Phillips, Tomlinson, Arikan, Taylor, Valentine, Kaufman, and Cardin**”; strike in their entirety lines 2 and 3 and substitute “**Criminal Law – Organized Retail Theft**”; in line 6, strike “aggregated” and substitute “joined”; strike beginning with “altering” in line 6 down through “authority” in line 8 and substitute “prohibiting one or more persons from committing a series of thefts from retail merchants over a certain period with an aggregate value exceeding a certain amount; providing that a conviction under this Act merges with a certain other conviction for sentencing purposes”; after line 11, insert:

“BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 7–103(a)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)”;

in line 14, strike “7–103(f)” and substitute “7–103(b) and (f)”; strike in their entirety lines 17 through 21, inclusive; in line 23, strike “Procedure” and substitute “Law”; in line 24, strike “6–237” and substitute “7–104.1”; and strike line 26 in its entirety and substitute “(2021 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 3, insert:

“(a) In this section, “value” means:

(1) the market value of the property or service at the time and place of the crime; or

(2) if the market value cannot satisfactorily be ascertained, the cost of the replacement of the property or service within a reasonable time after the crime.

(b) [The] EXCEPT AS PROVIDED IN § 7-104.1 OF THIS SUBTITLE, THE value of property or service under this part shall be determined in accordance with this section.”;

in line 11, strike “AGGREGATED” and substitute “JOINED”; and after line 12, insert:

“7-104.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ORGANIZED RETAIL THEFT” MEANS THE COMMISSION, EITHER ALONE OR IN CONCERT WITH ONE OR MORE OTHER PERSONS, OF A SERIES OF THEFTS OF RETAIL MERCHANDISE FROM ONE OR MORE RETAIL MERCHANTS OVER A 90-DAY PERIOD WITH THE INTENT TO:

(I) PERMANENTLY DEPRIVE THE MERCHANT OF THE MERCHANDISE;

(II) RETURN THE MERCHANDISE TO THE MERCHANT FOR MONETARY OR OTHER GAIN; OR

(III) RESELL, TRADE, OR BARTER THE MERCHANDISE FOR MONETARY OR OTHER GAIN.

**(3) (I) "VALUE" HAS THE MEANING STATED IN § 7-103 OF THIS SUBTITLE.**

**(II) "VALUE" INCLUDES THE MARKET VALUE OF ANY PROPERTY DAMAGED IN FURTHERANCE OF THE CRIME AND ANY COSTS TO REPAIR, REPLACE, OR RESTOCK ANY DAMAGED OR STOLEN PROPERTY.**

**(B) A PERSON MAY NOT COMMIT ORGANIZED RETAIL THEFT OF PROPERTY WITH AN AGGREGATE VALUE EXCEEDING \$1,500.**

**(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION WITH A VALUE OF:**

**(1) AT LEAST \$1,500 BUT LESS THAN \$25,000 IS GUILTY OF A FELONY AND:**

**(I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH; AND**

**(II) SHALL RESTORE THE PROPERTY TAKEN TO THE OWNER OR PAY THE OWNER THE VALUE OF THE PROPERTY OR SERVICES;**

**(2) AT LEAST \$25,000 BUT LESS THAN \$100,000 IS GUILTY OF A FELONY AND:**

**(I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH; AND**

(Over)

(II) SHALL RESTORE THE PROPERTY TAKEN TO THE OWNER OR PAY THE OWNER THE VALUE OF THE PROPERTY OR SERVICES; OR

(3) \$100,000 OR MORE IS GUILTY OF A FELONY AND:

(I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH; AND

(II) SHALL RESTORE THE PROPERTY TAKEN TO THE OWNER OR PAY THE OWNER THE VALUE OF THE PROPERTY OR SERVICES.

(D) (1) THIS SECTION DOES NOT PRECLUDE PROSECUTION FOR THEFT UNDER § 7-104 OF THIS SUBTITLE.

(2) IF A PERSON IS CONVICTED UNDER § 7-104 OF THIS SUBTITLE AND THIS SECTION FOR THE SAME ACTS OR TRANSACTIONS, THE CONVICTION UNDER THIS SECTION SHALL MERGE FOR SENTENCING PURPOSES INTO THE CONVICTION UNDER § 7-104 OF THIS SUBTITLE.”.

On pages 2 and 3, strike in their entirety the lines beginning with line 13 on page 2 through line 24 on page 3, inclusive.

On page 3, in line 25, strike “(B)” and substitute “(E)”; in the same line, before “IF” insert “(I)”; strike beginning with “THE” in line 26 down through “ARTICLE” in line 27 and substitute “THIS SUBTITLE”; strike beginning with “THE” in line 27 down through the first “ARTICLE” in line 28 and substitute “THIS ARTICLE”; and in lines 28 and 30, in each instance, strike “THE CRIMINAL LAW ARTICLE” and substitute “THIS ARTICLE”.

On page 4, in line 1, strike “**(2)**” and substitute “**(II)**”; in line 3, strike “**(C)**” and substitute “**(2)**”; in line 4, strike “**SUBSECTION (B) OF THIS SECTION**” and substitute “**PARAGRAPH (1) OF THIS SUBSECTION**”; and in line 6, strike “**THIS ARTICLE**” and substitute “**THE CRIMINAL PROCEDURE ARTICLE**”.