

Chapter 191

(Senate Bill 11)

AN ACT concerning

Organized Retail Theft Act of 2025

FOR the purpose of providing that multiple thefts committed by the same person in multiple counties under one scheme or continuing course of conduct may be joined and prosecuted in a certain county; 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; requiring a court to make a finding as to whether a certain crime is organized retail theft under certain circumstances for a certain purpose; and generally relating to organized retail theft.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 7–103(a)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 7–103(b) and (f)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY adding to
Article – Criminal Law
Section 7–104.1
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

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

Article – Criminal Law

7–103.

(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.

(f) **(1)** When theft is committed in violation of this part under one scheme or continuing course of conduct, whether from the same or several sources:

[(1)] (I) the conduct may be considered as one crime; and

[(2)] (II) the value of the property or services may be aggregated in determining whether the theft is a felony or a misdemeanor.

(2) MULTIPLE THEFTS COMMITTED BY THE SAME PERSON IN MULTIPLE COUNTIES UNDER ONE SCHEME OR CONTINUING COURSE OF CONDUCT MAY BE JOINED AND PROSECUTED IN ANY COUNTY IN WHICH ANY ONE OF THE THEFTS OCCURRED.

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

(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.

(E) (1) (I) IF A DEFENDANT IS CONVICTED OF OR RECEIVES A PROBATION BEFORE JUDGMENT DISPOSITION FOR THEFT UNDER § 7-104 OF THIS SUBTITLE, BURGLARY UNDER § 6-203 OR § 6-205 OF THIS ARTICLE, ROBBERY

UNDER § 3-402 OR § 3-403 OF THIS ARTICLE, OR USE OF A FIREARM IN THE COMMISSION OF A CRIME OF VIOLENCE OR A FELONY UNDER § 4-204 OF THIS ARTICLE, ON REQUEST OF THE STATE’S ATTORNEY THE COURT SHALL MAKE A FINDING OF FACT BASED ON EVIDENCE PRODUCED AT TRIAL AS TO WHETHER THE CRIME IS ORGANIZED RETAIL THEFT.

(II) THE STATE HAS THE BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT THE CRIME IS ORGANIZED RETAIL THEFT.

(2) IF THE COURT FINDS THAT THE CRIME IS ORGANIZED RETAIL THEFT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THAT FINDING SHALL BECOME PART OF THE COURT RECORD FOR PURPOSES OF REPORTING TO THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY UNDER § 10-215 OF THE CRIMINAL PROCEDURE ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved by the Governor, April 22, 2025.