

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 14
Judiciary

(Delegate Conaway)

Criminal Procedure - Theft - Notification of Victims and Victims'
Representatives

This bill requires the prosecuting attorney to notify the victim (or the victim's representative) in specified *misdemeanor* theft cases of (1) each court proceeding related to the case; (2) the right of the victim to submit a victim impact statement; (3) any posttrial court proceedings related to the case; (4) any appeal related to the case; and (5) any sentence review related to the case. Notification is required *whether or not* the victim or victim's representative has filed a notification request form or followed the Maryland Electronic Courts (MDEC) system protocol.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: Potential increase in expenditures and operational impact for State's Attorneys' offices to implement the bill, as discussed below. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law:

General Theft Statute

Under the general theft statute (§ 7-104 of the Criminal Law Article), a person may not, under specified circumstances, (1) willfully or knowingly obtain or exert unauthorized

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; (4) obtain control over property knowing that the property was lost, mislaid, or delivered under a mistake as to the identity of the recipient or nature or amount of the property; or (5) obtain the services of another that are available only by compensation by deception or with knowledge that the services are provided without the provider's consent. 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 specified penalties, which vary depending on the value of property/services and whether the violator has a prior conviction.

The bill's notification requirements are only applicable in theft cases under § 7-104(g)(2) and (3). Section 7-104(g)(2) pertains to the theft of property/services with a value of at least \$100 but less than \$1,500. Violators are guilty of a misdemeanor and subject to the following maximum penalties: a \$500 fine and/or six months imprisonment for a first offense; a \$500 fine and/or one year imprisonment for a second or subsequent offense; and a \$5,000 fine and/or five years imprisonment for individuals with four or more prior theft convictions. Section 7-104(g)(3) pertains to theft of property/services with a value of less than \$100. Violators are guilty of a misdemeanor and subject to a maximum penalty of 90 days imprisonment and/or a \$500 fine.

Victims' Rights – Generally

Under Maryland law, a victim of a crime or delinquent act (or a representative in the event the victim is deceased, disabled, or a minor) has a broad range of specific rights during the criminal justice process. On first contact with a victim, a law enforcement officer, District Court commissioner, or juvenile intake officer must give an identified victim a pamphlet that advises the victim of the rights, services, and procedures available in the time before and after the filing of a charging document.

As further specified in statute, many of the rights to which a victim of crime is entitled depend on a victim completing a notification request form or requesting notice by following MDEC system protocol. The bill requires specified notifications in certain misdemeanor theft cases regardless of whether the notification has been requested by the victim/victim's representative.

Under current law, if the victim followed MDEC system protocol to originally request notification, the victim may follow MDEC system protocol to terminate notice. If the victim originally filed a notification request form, the victim may discontinue further notices by filing a written request with (1) the prosecuting attorney, if the case is still in a circuit court or juvenile court or (2) the unit to which the defendant or child respondent has been committed, if a commitment order has been issued in the case. The bill also authorizes

a victim to discontinue receipt of further notices required under the bill by filing a written request with the prosecuting attorney or the commitment unit, as applicable.

Local Expenditures: According to information provided by the Judiciary, in fiscal 2024, there were over 27,000 charges for the cases impacted by the bill's requirements. As referenced above, victims in such cases already have the right to request notification of case activity through the filing of a notification request form or by following MDEC protocol. However, the bill requires the *prosecuting attorney* to provide notification *whether or not the victim/victim's representative has filed a notification request form or followed MDEC system protocol*. Considering the large volume of cases for which the bill requires notification, local State's Attorneys' offices may experience an operational and fiscal impact. For example, Frederick County anticipates the need to hire an additional victim/witness coordinator at an annual cost of approximately \$75,000. Anne Arundel, Baltimore, Cecil, and Montgomery counties do not anticipate a material impact.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Cecil, Frederick, and Montgomery counties; Judiciary (Administrative Office of the Courts); Maryland Association of Counties; Maryland State's Attorneys' Association; Department of Legislative Services

Fiscal Note History: First Reader - January 19, 2025
rh/jkb

Analysis by: Amanda L. Douglas

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