

Department of Legislative Services  
Maryland General Assembly  
2025 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1319  
Judiciary

(Delegate Rose, *et al.*)

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Criminal Law - Theft - Redeemable Credit Points

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This bill prohibits a person from knowingly or willfully obtaining or exerting unauthorized control over “points” with the intent to deprive a lawful owner of the points. Violators are guilty of a felony and subject to imprisonment of up to five years and/or a \$10,000 maximum fine. A violator must also pay the “owner” the value of the points taken.

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Fiscal Summary

**State Effect:** Potential minimal decrease in general fund revenues due to cases shifting from the District Court to the circuit courts, as discussed below. Potential minimal increase in general fund expenditures due to the bill’s incarceration penalty.

**Local Effect:** Potential minimal increase in revenues due to the bill’s monetary penalty. Potential decrease in expenditures due to the bill’s incarceration penalty.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** “Points” means a type of currency earned by a customer of a business by completing requirements set by the business that the customer may redeem for benefits, goods, or services. This includes retail credit, credit card points, travel points, and frequent flyer miles. “Owner” means a person who has a lawful interest in or is in lawful possession of the points.

**Current Law:** State statute defines “property” as anything of value and includes, among other things, real estate; money; commercial instrument; and a written instrument

representing or embodying rights concerning anything of value, or services, or anything otherwise of value to the owner.

Under the general theft statute, 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 the penalties in **Exhibit 1**.

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**Exhibit 1**  
**Penalties for General Theft**

<u>Value of Property and/or Services</u>	<u>Maximum Penalty</u>
Less than \$100*	Misdemeanor – 90 days imprisonment and/or \$500 fine
At least \$100 but less than \$1,500*	Misdemeanor – 6 months imprisonment and/or \$500 fine (first conviction) or 1 year imprisonment and/or \$500 fine (second or subsequent conviction)
Less than \$1,500 (four or more prior theft convictions)**	Misdemeanor – 5 years imprisonment and/or \$5,000 fine
At least \$1,500 but less than \$25,000	Felony – 5 years imprisonment and/or \$10,000 fine
At least \$25,000 but less than \$100,000	Felony – 10 years imprisonment and/or \$15,000 fine
\$100,000 or more	Felony – 20 years imprisonment and/or \$25,000 fine

\* Subject to two-year statute of limitations.

\*\* Subject to specified notice requirements.

Source: Department of Legislative Services

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**State Fiscal Effect:** A person in violation of the bill's provisions regarding the theft of redeemable points is guilty of a felony, *regardless of the value of any points stolen*. Accordingly, some cases that may have otherwise been tried under current law as a misdemeanor (based on the value of the points stolen) are instead tried as a felony. In general, changing crimes from misdemeanors to felonies means that (1) such cases are likely to be filed in the circuit courts rather than the District Court and (2) some persons may eventually serve longer incarcerations due to more stringent penalty provisions, applicable to some offenses for prior felony convictions. Accordingly, it is assumed that this bill may shift an unknown number of cases from the District Court to the circuit courts.

Accordingly, general fund revenues may decrease minimally from fines imposed in District Court cases that shift to the circuit courts under the bill. General fund expenditures may increase minimally as a result of the bill's incarceration penalty due to people being committed to State correctional facilities rather than local facilities as a result of the bill's increased penalty provision.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per incarcerated individual, including overhead, is estimated at \$5,339 per month. Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or a State correctional facility. The State provides assistance to the counties for locally sentenced incarcerated individuals and for (1) incarcerated individuals who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced incarcerated individuals confined in a local detention center between 12 and 18 months; and (3) incarcerated individuals who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility.

The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in State correctional facilities. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

**Local Revenues:** Revenues may increase minimally as a result of the bill's monetary penalty provision and cases shifting from the District Court to circuit courts.

**Local Expenditures:** Local expenditures may decrease minimally due to individuals shifting from local detention facilities to State correctional facilities.

Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$140 to \$350 per incarcerated individual in recent years.

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### **Additional Information**

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

**Designated Cross File:** None.

**Information Source(s):** Carroll, Harford, and Queen Anne's counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Board of Public Works; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2025  
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