



# **RACIAL EQUITY IMPACT NOTE**

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session  
HB0760

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## **Criminal Law - Misdemeanor Theft - Statute of Limitations**

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### **Bill Summary**

This bill extends the statute of limitations for theft of property or services with a value of at least \$100 but less than \$1,500 from two years to three years.

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### **Racial Equity Impact Statement**

Extending the statute of limitations may increase the number of theft cases eligible for prosecution, particularly where there is a delay in reporting these offenses; however, the extent to which this results in increased charges, arrests, or convictions is unknown. Given longstanding racial and ethnic disparities in the State's criminal justice system, the bill has the potential to exacerbate existing inequities impacting Black Marylanders, who are overrepresented in charges, arrests, and convictions for misdemeanor theft of property or services with a value of at least \$100 but less than \$1,500. Available State data shows that Black individuals are nearly twice as likely to be arrested and almost four times more likely to be sentenced in the circuit court for this offense relative to their white peers. Specific impacts depend on the increase in the number of eligible cases under the bill as well as charging practices.

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### **Analysis**

Theft (at least \$100 but less than \$1,500) is punishable by imprisonment for up to six months (first conviction) or imprisonment for up to one year (second or subsequent conviction). Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility.

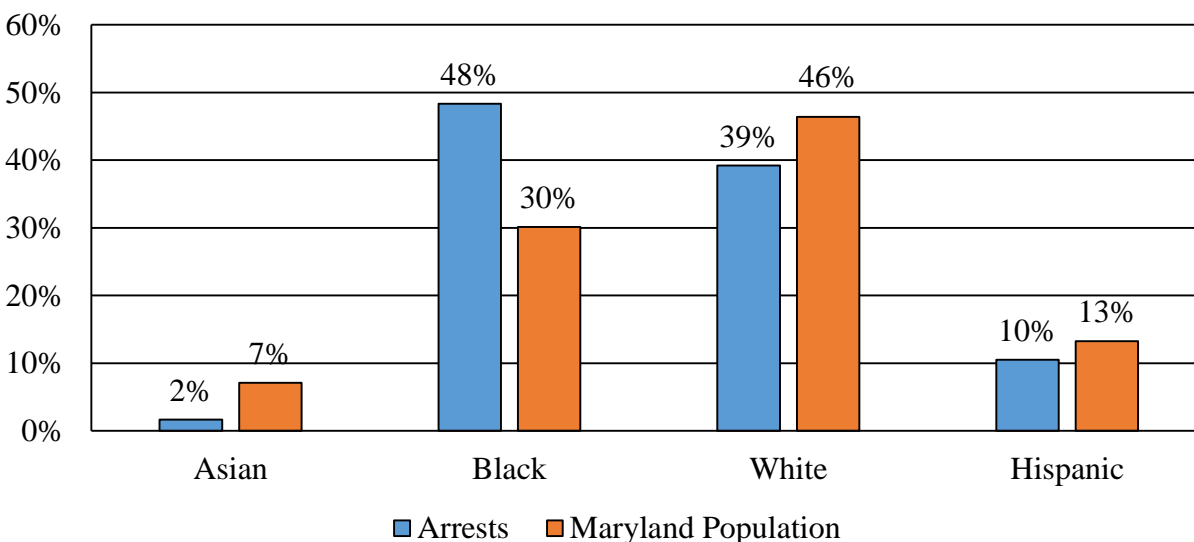
While most misdemeanors are subject to a one-year statute of limitations, theft of property or services with the value of at least \$100 but less than \$1,500 is subject to a two-year statute of limitations.

### *Impacts of the Bill*

Arrest and conviction data indicate that Black individuals make up a significant portion of those charged, arrested, and convicted under the statute. The Department of State Police (DSP) uses the Federal Bureau of Investigation's National Incident Based Reporting System (NIBRS) to collect and report detailed information about crime incidents, victims, offenders, and arrestees. The DSP arrest data collected for these larceny violations by NIBRS reporting agencies for 2024 demonstrate that Black individuals are significantly overrepresented in those arrests, comprising 48% of the total. **Exhibit 1** shows the demographic breakdown in relation to each group's share of the State's overall population.

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**Exhibit 1**  
**Arrests for Theft of Property or Services Valued at \$100 to Under \$1,500**  
**2024**



Source: Department of State Police; U.S. Census Bureau; Department of Legislative Services

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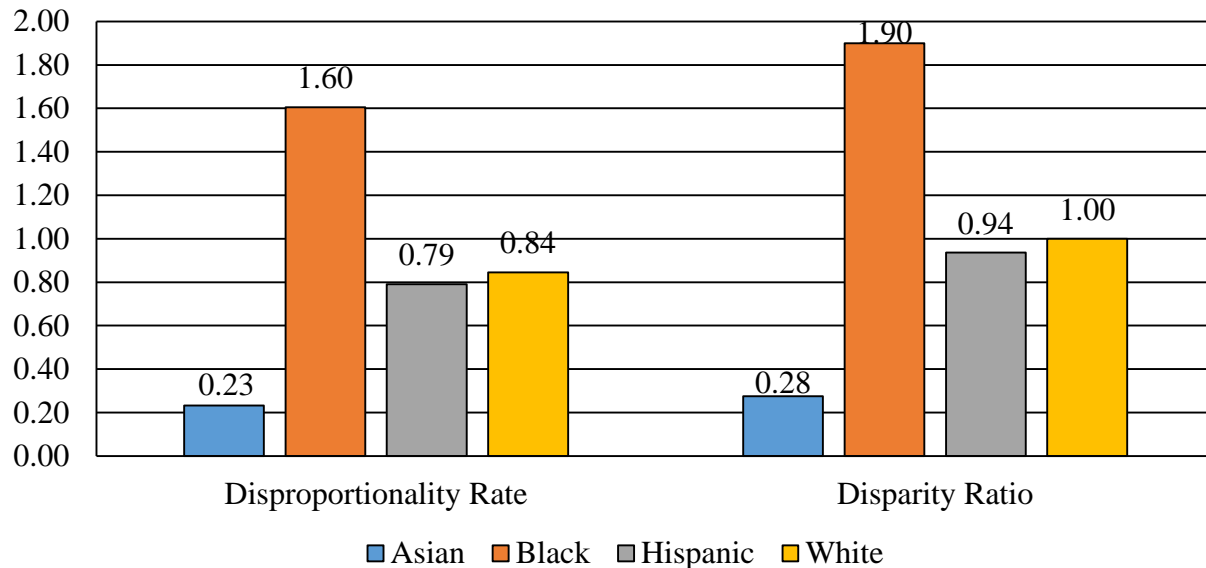
### *Racial Disproportionality and Disparity in Arrests for Larceny-Theft Violations*

**Exhibit 2** shows the disproportionality rates and disparity ratios by race and ethnicity from the DSP data. The disproportionality rate for the Black population is 1.60. This means that Black individuals are significantly more likely to be arrested for theft of property or services with a value of at least \$100 but less than \$1,500 in Maryland given their share of the adult population in the State. The disproportionality rates for the other racial and ethnic groups are less than 1.00, which

means these individuals are less likely to be arrested under the statute as compared to their share of the overall adult population.

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**Exhibit 2**  
**Disproportionality Rate and Disparity Ratio**  
**Arrests for Theft of Property or Services Valued at \$100 to \$1,500**  
**2024**



Source: Department of State Police; U.S. Census Bureau; Department of Legislative Services

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The disparity ratio illustrates inequities in outcomes when comparing one or more racial or ethnic groups within a dataset to the white population within that same dataset. In this instance, the disparity ratio for Black arrested individuals is 1.90. This means that Black individuals are nearly twice as likely to be arrested for theft of property or services with a value of at least \$100 but less than \$1,500 relative to their white peers. The disparity ratios for the other racial and ethnic groups are less than 1.00, which means these individuals are less likely to be arrested for this offense relative to their white peers.

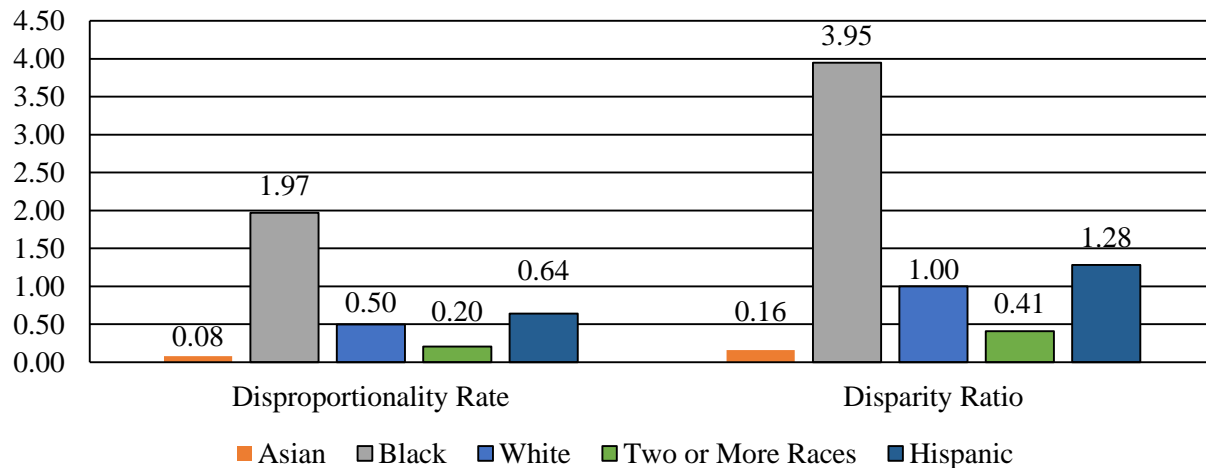
*Racial Disproportionality and Disparity in Sentencing Guidelines-eligible Circuit Court Sentencing*

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) reports information on defendants sentenced in the State’s circuit courts. When compared to their share of the overall State population, Black defendants are significantly overrepresented in sentencing guidelines-eligible circuit court sentencing for Criminal Law Article § 7-104(g)(2) violations. **Exhibit 3** shows the disproportionality rates and disparity ratios by race and ethnicity from the MSCCSP data. The disproportionality rate for the Black population is 1.97. This means that Black individuals are approximately twice as likely to be sentenced by the circuit court for misdemeanor theft, given their share of the adult population in the State. The disproportionality rates for the other racial and ethnic groups are significantly less than 1.00, which means these individuals are

considerably less likely to be sentenced under the statute as compared to their share of the overall adult population.

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**Exhibit 3**  
**Disproportionality Rate and Disparity Ratio**  
**Sentencing Guidelines-eligible Circuit Court Sentencing for**  
**Criminal Law Article § 7-104(g)(2) Convictions**



Source: Maryland State Commission on Criminal Sentencing Policy; U.S. Census Bureau; Department of Legislative Services

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In this instance, the disparity ratio for Black defendants is 3.95. This means that Black defendants are almost four times more likely to be sentenced in the circuit court for violating the statute relative to their white peers. In addition, the disparity ratio for Hispanic defendants of 1.28 means they are more likely to be sentenced in the circuit court for violating the statute relative to their white peers.

#### *Incarceration for Violations*

According to 2025 data from the Department of Public Safety and Correctional Services (DPSCS), there are 23 incarcerated people under DPSCS’s custody for violating § 7-104(g)(2) of the Criminal Law Article. Additionally, the data demonstrate that Black individuals are significantly overrepresented in these incarcerations relative to other racial and ethnic groups, as they comprise 61% of the 23 incarcerated people.

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### **Conclusion**

In Maryland and nationwide, racial and ethnic disparities exist throughout the criminal justice system. Data from the State’s criminal justice agencies show that Black Marylanders are

disproportionally overrepresented in arrests, convictions, and incarcerations for theft of property or services with a value of at least \$100 but less than \$1,500.

Increasing the time period within which an individual may be charged with theft under the bill could increase the number of individuals charged with the offense, as it would allow more time to discover that a theft occurred and additional time for a prosecutor to charge a defendant. Black offenders would be most impacted by any increase in charging activity since they comprise a large portion of the individuals charged, arrested and convicted for this offense.

There is no way to determine the number of cases annually that were ineligible for prosecution under the existing statute of limitations, due to delayed discovery, or other delay. The equity impacts cannot be fully estimated as no detailed demographic data is available on charging decisions, plea outcomes, pre-sentence detention, or parole and probation for the theft offense under the bill.

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**Information Sources:** Maryland State Commission on Criminal Sentencing Policy; Department of State Police; Governor’s Office of Crime Prevention and Policy; U.S. Census Bureau; Department of Legislative Services

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**Published:** 04/10/2026

# Appendix – Maryland Demographics

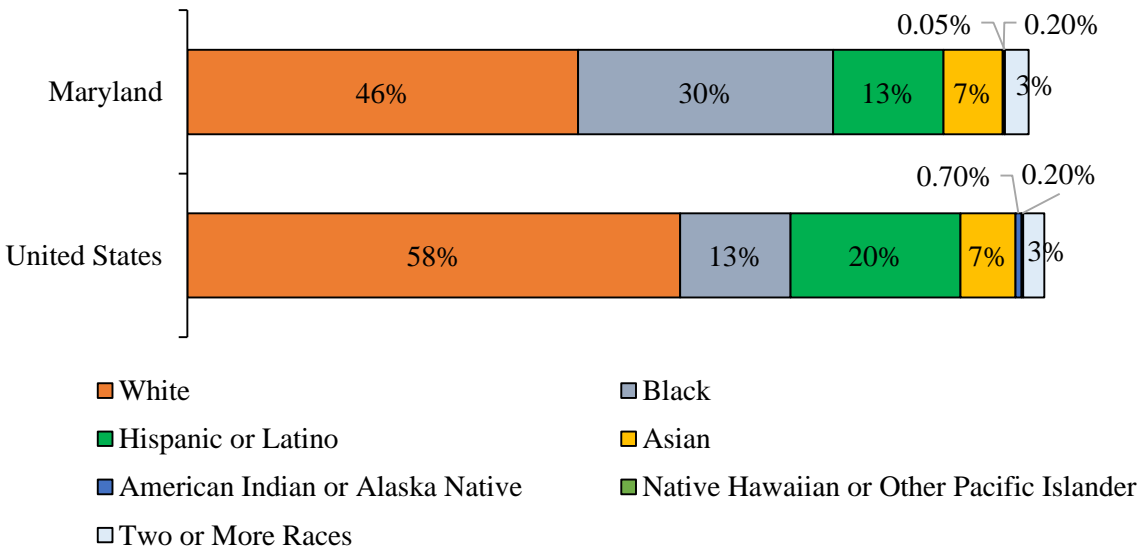
## *Race and Ethnicity of the Maryland Population*

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

## *Methodology Update*

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

**U.S. and Maryland Population by Race and Ethnicity  
2024 Population Estimates**



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau