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February 1, 2024

TO: The Honorable Will Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Tiffany Johnson Clark
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 100 – Criminal Law - Organized Retail Theft (**Support**)

The Office of the Attorney General (OAG) urges the Judicial Proceedings Committee to give **Senate Bill 100 – Criminal Law – Organized Retail Theft** sponsored by Senator Ronald Watson a favorable report. **Senate Bill 100** allows all thefts committed as part of “one scheme or continuing course of conduct” to be “joined and prosecuted in any county in which any of the thefts occurred.” Senate Bill 100 also creates a new criminal offense called “organized retail theft” which would cover “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.”

Senate Bill 100 defines organized retail theft as “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.” Organized retail theft/crime is a serious public safety issue in Maryland and is difficult to curb due to the manner in which theft is prosecuted in Maryland.

Currently, Maryland has a consolidated theft statute. Unlike other states that have separate offenses for larceny, shoplifting, possessing stolen property, etc., Maryland considers all of those

crimes simply “theft” under Criminal Law Article 7-104. The penalty for theft (both in terms of jail time exposure, as well as whether the crime is a misdemeanor or felony) is determined by the value of the items taken. Under current law, if someone commits multiple thefts in one county as part of “one scheme or continuing course of conduct,” then “the value of the property or services [taken] may be aggregated in determining whether the theft is a felony or a misdemeanor.” For example, if someone commits nine \$200 thefts in one county as part of the same scheme, what would normally be nine misdemeanors could be considered one felony theft scheme.

Senate Bill 100 would allow all thefts committed as part of “one scheme or continuing course of conduct” to be “joined and prosecuted in any county in which any of the thefts occurred.” For example, if an individual commits nine \$200 thefts as part of the same scheme (three in Montgomery County, three in Prince George’s County, and three in Charles County), then what would under current law be three misdemeanors each in three counties, under this bill could be one felony theft scheme consolidated in one county.

For the foregoing reasons, the Office of the Attorney General urges a favorable vote on **Senate Bill 100**.