

HOUSE BILL 691

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SB 266/01 - JPR

2002 Regular Session
2r1093
CF 2r1114

By: **Delegates Cole, Amedori, Barkley, Boschert, Getty, Giannetti, Hutchins,
Kelly, Montague, Murphy, O'Donnell, and Petzold**

Introduced and read first time: February 6, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Misdemeanor Theft - Third or Subsequent Conviction - Penalty**

3 FOR the purpose of establishing certain penalties for a third or subsequent conviction
4 of theft of property or services with a certain value; requiring the State's
5 Attorney to notify the defendant or the defendant's counsel of certain
6 information within a certain period; and generally relating to misdemeanor
7 theft.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Law
10 Section 7-104(g)
11 Annotated Code of Maryland
12 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
13 2002)

14 BY repealing and reenacting, without amendments,
15 Article - Criminal Law
16 Section 7-104(h)
17 Annotated Code of Maryland
18 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
19 2002)

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

22 **Article - Criminal Law**

23 7-104.

24 (g) (1) A person convicted of theft of property or services with a value of
25 \$500 or more is guilty of a felony and:

26 (i) is subject to imprisonment not exceeding 15 years or a fine not
27 exceeding \$1,000 or both; and

1 (ii) shall restore the property taken to the owner or pay the owner
2 the value of the property or services.

3 (2) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
4 A person convicted of theft of property or services with a value of less than \$500 is
5 guilty of a misdemeanor and:

6 (i) is subject to imprisonment not exceeding 18 months or a fine
7 not exceeding \$500 or both; and

8 (ii) shall restore the property taken to the owner or pay the owner
9 the value of the property or services.

10 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PERSON
11 CONVICTED OF A THIRD OR SUBSEQUENT CRIME OF THEFT OF PROPERTY OR
12 SERVICES WITH A VALUE OF LESS THAN \$500 IS GUILTY OF A MISDEMEANOR AND:

13 (I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
14 FINE NOT EXCEEDING \$5,000 OR BOTH; AND

15 (II) SHALL RESTORE THE PROPERTY TAKEN TO THE OWNER OR PAY
16 THE OWNER THE VALUE OF THE PROPERTY OR SERVICES.

17 (4) THE COURT MAY NOT IMPOSE THE PENALTIES UNDER PARAGRAPH
18 (3) OF THIS SUBSECTION UNLESS THE STATE'S ATTORNEY SERVES NOTICE ON THE
19 DEFENDANT OR THE DEFENDANT'S COUNSEL BEFORE THE ACCEPTANCE OF A PLEA
20 OF GUILTY OR NOLO CONTENDERE OR AT LEAST 15 DAYS BEFORE TRIAL THAT:

21 (I) THE STATE WILL SEEK THE PENALTIES UNDER PARAGRAPH (3)
22 OF THIS SUBSECTION; AND

23 (II) LISTS THE ALLEGED PRIOR CONVICTIONS.

24 (h) An action or prosecution for theft of property or services with a value of
25 less than \$500 shall be commenced within 2 years after the commission of the crime.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect October 1, 2002.