

HOUSE BILL 691
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SB 266/01 - JPR

2002 Regular Session
2lr1093
CF 2lr1114

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2002

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Misdemeanor Theft - ~~Third or Subsequent Conviction~~ Subsequent**
3 **Offenders - Penalty**

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

10 BY repealing and reenacting, with amendments,
11 Article - Criminal Law
12 Section 7-104(g)
13 Annotated Code of Maryland
14 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
15 2002)

16 BY repealing and reenacting, without amendments,
17 Article - Criminal Law
18 Section 7-104(h)
19 Annotated Code of Maryland
20 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
21 2002)

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

1 **Article - Criminal Law**

2 7-104.

3 (g) (1) A person convicted of theft of property or services with a value of
4 \$500 or more is guilty of a felony and:5 (i) is subject to imprisonment not exceeding 15 years or a fine not
6 exceeding \$1,000 or both; and7 (ii) shall restore the property taken to the owner or pay the owner
8 the value of the property or services.9 (2) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
10 A person convicted of theft of property or services with a value of less than \$500 is
11 guilty of a misdemeanor and:12 (i) is subject to imprisonment not exceeding 18 months or a fine
13 not exceeding \$500 or both; and14 (ii) shall restore the property taken to the owner or pay the owner
15 the value of the property or services.16 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PERSON WHO
17 HAS TWO OR MORE PRIOR CONVICTIONS UNDER THIS SUBTITLE AND WHO IS
18 CONVICTED OF A ~~THIRD OR SUBSEQUENT CRIME OF~~ THEFT OF PROPERTY OR
19 SERVICES WITH A VALUE OF LESS THAN \$500 IS GUILTY OF A MISDEMEANOR AND:20 (I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
21 FINE NOT EXCEEDING \$5,000 OR BOTH; AND22 (II) SHALL RESTORE THE PROPERTY TAKEN TO THE OWNER OR PAY
23 THE OWNER THE VALUE OF THE PROPERTY OR SERVICES.24 (4) THE COURT MAY NOT IMPOSE THE PENALTIES UNDER PARAGRAPH
25 (3) OF THIS SUBSECTION UNLESS THE STATE'S ATTORNEY SERVES NOTICE ON THE
26 DEFENDANT OR THE DEFENDANT'S COUNSEL BEFORE THE ACCEPTANCE OF A PLEA
27 OF GUILTY OR NOLO CONTENDERE OR AT LEAST 15 DAYS BEFORE TRIAL THAT:28 (I) THE STATE WILL SEEK THE PENALTIES UNDER PARAGRAPH (3)
29 OF THIS SUBSECTION; AND

30 (II) LISTS THE ALLEGED PRIOR CONVICTIONS.

31 (h) An action or prosecution for theft of property or services with a value of
32 less than \$500 shall be commenced within 2 years after the commission of the crime.33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
34 effect October 1, 2002.

